VOLUME 52, NUMBER 9 LEGISLATIVE RESEARCH COMMISSION MARCH 1, 2026

ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, February 13, 2026

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on March 9, 2026 at 1:00 p.m. in room 149 Capitol Annex.
ARRS Tentative Agenda - 1497 Online agenda updated as needed.

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

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

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for informational review of regulations, removed to either complete the public comment process, or are deferred or withdrawn by promulgating agencies.

Last updated: February 18, 2026 at 8:00 a.m.

Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Monday, March 9, 2026 at 1:00 p.m.
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)

Pet Food

012 KAR 003:012. Label format and labeling. (Amended After Comments) (Deferred from February)
012 KAR 003:022. Expression of guarantees. (Amended After Comments) (Deferred from February)
012 KAR 003:027. Ingredients. (Amended After Comments) (Deferred from February)
012 KAR 003:028. Descriptive terms. (Amended After Comments) (Deferred from February)
012 KAR 003:032. Feeding directions. (Amended After Comments) (Deferred from February)
012 KAR 003:037. Drugs and pet food additives. (Amended After Comments) (Deferred from February)
012 KAR 003:039. Nutritional adequacy. (Amended After Comments) (Deferred from February)
012 KAR 003:042. Statements of calorie content. (Amended After Comments) (Deferred from February)

OFFICE OF THE ATTORNEY GENERAL (OAG)

Office of Regulatory Relief

040 KAR 012:410. Business opportunity sellers.
040 KAR 012:430. Buying Clubs and Vacation Clubs.

AUDITOR OF PUBLIC ACCOUNTS

Audits

045 KAR 001:090. Employee Access to Federal Tax Information (FTI).

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) (Deferred from January)

BOARDS AND COMMISSIONS

Board of Pharmacy

201 KAR 002:010. Schools approved by the board.
201 KAR 002:050. Licenses and permits; fees.
201 KAR 002:090. Reference material and prescription equipment.
201 KAR 002:116. Substitution of drugs, biologics and biosimilar products.
201 KAR 002:160. Licensees; inactive status.
201 KAR 002:180. Pharmacy sanitation.
201 KAR 002:185. Noncontrolled substance prescription drug refills.
201 KAR 002:190. Return of prescription drugs.
201 KAR 002:205. Pharmacist-in-charge.
201 KAR 002:250. Pharmacist Recovery Network Committee.
201 KAR 002:260. Automated Pharmacy System in residential hospice facilities.
201 KAR 002:280. Prescription dispensing for formulary Compliance.
201 KAR 002:300. Common database.
201 KAR 002:330. Emergency pharmacy powers.

Board of Licensure for Long-term Care Administrators

201 KAR 006:030. Temporary permits. (Deferred from September)
201 KAR 006:061. Fees. (Deferred from February)
201 KAR 006:071. Continuing education requirements. (Deferred from September)

Board of Medical Licensure
201 KAR 009:360. Continuing education requirements for physician assistants.

Board of Veterinary Examiners
201 KAR 016:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers. (Amended After Comments) (Deferred from December)

Board of Licensure for Professional Engineers and Land Surveyors
201 KAR 018:072. Experience. (Deferred from November)

Board of Licensure for Occupational Therapy
201 KAR 028:240. Occupational Therapy Licensure Compact. (Filed with Emergency) (“E” expires 09-04-2026)

Board of Licensed Professional Counselors
201 KAR 036:100E. Counseling compact. (Filed with Ordinary) ("E" expires 09-04-2026) (Deferred from February)
201 KAR 036:100. Counseling compact. (Filed with Emergency) (“E” expires 09-04-2026)

Board of Licensed Diabetes Educators
201 KAR 045:110. Supervision and work experience. (Deferred from February)
201 KAR 045:120. Renewal, reinstatement, and inactive status. (Deferred from February)
201 KAR 045:130. Continuing education. (Amended After Comments)
201 KAR 045:150. Complaint procedures. (Deferred from February)
201 KAR 045:170. Application procedures. (Deferred from February)
201 KAR 045:180. Diabetes Education Courses. (Deferred from February)
201 KAR 045:190. Telehealth diabetes education. (Deferred from February)

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources (KDFWR)
Game
301 KAR 002:176. Wildlife Causing Damage and Landowner Designee Process.

Wildlife
301 KAR 004:112. Holding and Preservation of Seized Wildlife.

Water Patrol
301 KAR 006:030. Waterway safety requirements.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
Office of the Secretary
501 KAR 006:420. Corrections policies and procedures: inmate rules and discipline. (Filed with Emergency) (“E” expires 08-16-2026)
501 KAR 006:460. Corrections policies and procedures: inmate work programs. (Filed with Emergency) (“E” expires 08-16-2026)
501 KAR 006:470. Corrections policies and procedures: inmate education and training. (Filed with Emergency) (“E” expires 08-16-2026)
501 KAR 006:510. Corrections policies and procedures: release preparation and temporary release. (Filed with Emergency) (“E” expires 08-16-2026)
501 KAR 006:530. Corrections policies and procedures: programs and sentence credits. (Filed with Emergency) (“E” expires 08-16-2026)

TRANSPORTATION CABINET
Department of Vehicle Regulation
Motor Carriers
601 KAR 001:114. Peer-to-peer services.

Motor Vehicle Tax
601 KAR 009:120E. Accessible online insurance verification system. (Filed with Ordinary) ("E" expires 09-07-2026) (Deferred from February)
601 KAR 009:120. Accessible online insurance verification system. (Filed with Emergency) (“E” expires 09-07-2026)

Driver License
601 KAR 012:130. Third-party issuance of identity documents.

EDUCATION AND LABOR CABINET
Department of Education (KDE)
Office of District Support Services
702 KAR 003:130. Internal accounting.

Office of Learning Programs Development
704 KAR 003:370. Kentucky Framework for Personnel Evaluation.
704 KAR 003:410. Preschool education program for four (4) year old children. (Amended After Comments)

Department for Workforce Development
Office of Vocational Rehabilitation
781 KAR 001:001E. Definitions. (Filed with Ordinary) ("E" expires 09-27-2026)
781 KAR 001:010E. Office of Vocational Rehabilitation appeal procedures. (Filed with Ordinary) ("E" expires 09-27-2026)
781 KAR 001:020E. General provisions for operation of the Office of Vocational Rehabilitation. (Filed with Ordinary) ("E" expires 09-27-2026)
781 KAR 001:030E. Order of selection. (Filed with Ordinary) ("E" expires 09-27-2026)
781 KAR 001:040E. Provision of Vocational Rehabilitation Services. (Filed with Ordinary) ("E" expires 09-27-2026)

Office of Unemployment Insurance

787 KAR 001:370. Professional Employer Organization Contribution and Reporting Requirements. (Filed with Emergency) (“E” expires 09-11-2026)

PUBLIC PROTECTION CABINET

Department of Alcoholic Beverage Control (ABC)

Tobacco Enforcement

804 KAR 013:025E. Provisional license. ("E" expires 09-25-2026)

Department of Insurance (DOI)

806 KAR 017:595. Dental Benefits Assignment.

CABINET FOR HEALTH AND FAMILY SERVICES (CHFS)

Department for Public Health (DPH)

Health Services and Facilities

902 KAR 020:150. Freestanding Birthing Centers. (Comments Received; SOC ext., due 03-13-2026)

Department for Community Based Services (DCBS)

Child Welfare

922 KAR 001:565. Service array for a relative or fictive kin caregiver. (Amended After Comments)

3. REGULATIONS REMOVED FROM FULL REVIEW

BOARDS AND COMMISSIONS

~~**Board of Optometric Examiners**~~

~~201 KAR 005:020E. Review of Licensure Requirements. ("E" expires 09-27-2026)~~ (Withdrawn by Agency, 2-5-2026)

EDUCATION AND LABOR CABINET

Department of Education (KDE)

Pupil Transportation

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

~~**Office of Special Instructional Services**~~

~~707 KAR 001:002. Definitions~~. (Withdrawn by Agency, 02-13-2026)

~~707 KAR 001:350. Placement decisions.~~ (Withdrawn by Agency, 02-13-2026)

PUBLIC PROTECTION CABINET

Department of Alcoholic Beverage Control (ABC)

Tobacco Enforcement

804 KAR 013:010. Tobacco enforcement and administration. (Filed with Emergency) ("E" expires 08-25-2026) (Comments Received; SOC ext. due 03-13-2026)

804 KAR 013:020. Tobacco, nicotine, or vapor product license application form. (Filed with Emergency) ("E" expires 08-25-2026) (Comments Received; SOC ext. due 03-13-2026)

804 KAR 013:030. Causes for denial of tobacco, nicotine, or vapor product license. (Filed with Emergency) ("E" expires 08-25-2026) (Comments Received; SOC ext. due 03-13-2026)

804 KAR 013:040. Notice of intention to apply for tobacco, nicotine, or vapor product transitional license. (Filed with Emergency) ("E" expires 08-25-2026) (Comments Received; SOC ext. due 03-13-2026)

HORSE RACING AND GAMING CORPORATION (KHRG)

Licensing

810 KAR 003:020. Licensing of racing participants. (Comments Received, SOC due 03-15-2026)

~~**Office of Charitable Corporation**~~

~~820 KAR 001:032. Pulltabs.~~ (Withdrawn by Agency, 12-18-2025)

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 5:021E.

Pursuant to KRS 13A.190(1)(a)1., this emergency administrative regulation is being promulgated to meet an imminent threat to public health, safety, and welfare. This emergency administrative regulation is necessary to implement the directive contained within the October 1, 2025 Opinion of the Attorney General (OAG 25-13) in a manner that will best protect against any imminent threat to public health, safety, and welfare. The Board of Optometric Examiners (KBOE) implemented licensing examination waivers or accepted alternative testing measures for individuals who graduated from optometry schools between 2020-2023. In its opinion, the Office of the Attorney General found that the actions taken by the KBOE improperly modified the licensing requirements via internal order and not via the administrative regulation process. This regulation must be effective on an emergency basis in order to communicate a comprehensive list of all examination requirements to affected persons, to instruct such persons to immediately register and complete those requirements in enough time to meet the upcoming license renewal deadline, and to halt the performance of certain procedures by affected persons until all requirements have been completed, reviewed and accepted by the KBOE.

This emergency administrative regulation will be replaced by an ordinary administrative regulation because the requirements within the regulation will need to stay in effect until the next renewal deadline in 2027. The ordinary administrative regulation is not identical to this emergency regulation. The only difference between the two regulations is that the ordinary regulation will contain dates when certain examination options will no longer be available.

This emergency administrative regulation has the same subject matter as an emergency administrative regulation that was previously filed and withdrawn within the past 270 days but contains material and important differences. First, the exams required in the previously filed emergency administrative regulation have changed. This emergency administrative regulation provides the American Board of Optometry board certification exam as an option which replaces the option of the Kentucky Clinical Competency test in the previously filed and withdrawn emergency administrative regulation. Second, this emergency administrative regulation prohibits any affected licensees from performing the following procedures until all required credentials are submitted and accepted by the KBOE: (1) Argon Laser Trabeculoplasty (ALT); (2) Selective Laser Trabeculoplasty (SLT); (3) Laser Peripheral Iridotomy (LPI); or (4) Yttrium Aluminum Garnet (YAG) capsulotomy.

ANDY BESHEAR, Governor
MARY BETH MORRIS, OD, Board President

BOARD OF OPTOMETRIC EXAMINERS
(New Emergency Administrative Regulation)

201 KAR 5:021E. Licensure Compliance Review.

EFFECTIVE: February 5, 2026
RELATES TO: KRS 320.220, 320.250, 320.280.
STATUTORY AUTHORITY: KRS 320.240
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.240(4) requires the Board of Optometric Examiners to promulgate administrative regulations for the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists. This emergency administrative regulation is necessary to address the directive for the Board of Optometric Examiners to investigate and review certain licensures per the Opinion of the Attorney General, OAG 25-13 in a way best to protect public health and welfare.

Section 1. For all initial licenses approved by the Board for individuals who graduated optometry school between 2020-2023, the following examinations shall be taken and a passing score must be submitted and in the possession of the Board prior to license renewal for 2027:
(1) National Board of Examiners in Optometry (NBEO) Part 1 results or Optometry Examining Board of Canada (OEBC) Part 1 results;
(2) NBEO Part 2 and TMOD results; and
(3) NBEO Part 3 results or results of the American Board of Optometry (ABO) board certification exam.

Section 2. The ABO board certification exam shall be utilized for this limited purpose and for the specific review of licenses.

Section 3. Any licensee who has not met the requirements of Section 1 of this emergency administrative regulation shall not perform the following procedures until all required results are submitted, reviewed and accepted by the Board:
(1) Argon Laser Trabeculoplasty (ALT);
(2) Selective Laser Trabeculoplasty (SLT);
(3) Laser Peripheral Iridotomy (LPI); or
(4) Yttrium Aluminum Garnet (YAG) capsulotomy.

Section 4. The Board shall provide written notice to the Office of the Attorney General when the investigation and review is complete.

MARY BETH MORRIS, OD, President
APPROVED BY AGENCY: February 5, 2026
FILED WITH LRC: February 5, 2026 at 3:45 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 25, 2026, at 1:00 p.m. EST, at 100 Consumer 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 March 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: Christi LeMay, Executive Director, 100 Consumer Lane, Frankfort, Kentucky 40601, (502) 234-2114, christi.lemay@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christi LeMay
Subject Headings: Occupations and Professions, Optometry, Licensing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation prescribes the procedures to be followed in making application to the Board for a license to practice optometry.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for licensure, licensure by endorsement, and reinstatement of a license.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific authority provided in KRS 218A.205(3)(g), 320.240(7), 320.270(4).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation set forth the requirements for licensure so applicants, licensees, and the public are aware of the 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 the examinations that are required for licensure. The amendment also requires the board to notify licensees of any proposed change in licensure.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish the examinations required for licensure effective January 1, 2027.
(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes provide the board with authority to establish the licensing requirements, and require that the board establish these requirements in regulation.
(d) How the amendment will assist in the effective administration of the statutes: This amendment provides the examinations required for licensure effective January 1, 2027.
(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 affects all individuals seeking licensure starting January 1, 2027.
(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: All applicants are required to provide passing scores of the licensing examinations established in this amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants must continue to pay the licensing examinations for each required examination.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this amendment is necessary to be licensed to practice optometry. (6) Provide an estimate of how much it will cost the administrative body to implement this amendment:
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: $350
(b) On a continuing basis: $0
(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 fees or funding 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 establishes fees for licensure. This amendment does not change any of these fees.
(10) TIERING: Is tiering applied? No, each group of applicants has the same requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280
(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: Kentucky Board of Optometric Examiners.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $350 expenditure increase with this amendment.
For subsequent years: $0 expenditure increase with this amendment.
2. Revenues:
For the first year: $0 revenue increase with this amendment.
For subsequent years: $0 revenue increase with this amendment.
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: N/A
(b) Methodology and resources used to reach this conclusion: N/A
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.
(b) The methodology and resources used to reach this conclusion: This amendment does not change any applicant fees paid to the Kentucky Board of Optometric Examiners.

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.

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Emergency As Amended at ARRS, February 9, 2026)

804 KAR 13:020E. Tobacco, nicotine, or vapor product license application forms.

EFFECTIVE: February 9, 2026
Prior Versions:
New Emergency Administrative Regulation: 52 Ky.R. 928
Emergency Amended After Comments: 52 Ky.R. 1299

RELATES TO: KRS 438.3063, 438.3065, 438.3067, 438.310
STATUTORY AUTHORITY: KRS 438.3055, 438.3063, 438.340
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.340 authorizes the department to promulgate administrative regulations as necessary to implement and carry out the provisions of KRS 438.305 to 438.350. KRS 438.3055 authorizes the Division of Tobacco, Nicotine, and Vapor Product Licensing to promulgate administrative regulations that govern the sale and distribution of alternative nicotine products, tobacco products, and vapor products. KRS 438.3063 mandates that the department prescribe a form to apply for a tobacco, nicotine, or vapor product license. This administrative regulation prescribes the form of the tobacco, nicotine, or vapor product license application forms utilized by the department.

Section 1. Definitions. "Licensee" shall mean the holder of a tobacco, nicotine, or vapor product license.

Section 2. Initial Tobacco, Nicotine, or Vapor Product License Application Requirements.
(1) An initial applicant for a tobacco, nicotine, or vapor product license shall:
(a) Complete and submit the Initial Tobacco, Nicotine, or Vapor Product License Application form, and the associated documents required by that form, to the commissioner via the department's online licensing portal at https://abcportal.ky.gov/BELLEExternal;
(b) Pay the nonrefundable application fee established by KRS 438.3063(1); and
(c) Pay the license fee established in KRS 438.3063(4)(a).
(2) If the applicant has purchased a tobacco, nicotine, or vapor product licensed business and wishes to continue selling tobacco, nicotine, or vapor products at this business premises, the applicant shall, in addition to the requirements of subsection (1):
(a) Indicate on the Initial Tobacco, Nicotine, or Vapor Product License Application form that it has purchased the business from a licensee;
(b) Submit documentation of the published advertisement in accordance with KRS 438.3065(1)(b) to the commissioner via the department's online licensing portal at https://abcportal.ky.gov/BELLEExternal;
(c) Submit written verification of the seller's consent to the sale via the department's online licensing portal at https://abcportal.ky.gov/BELLEExternal in the format required by the Initial Tobacco, Nicotine, or Vapor Product License Application; and
(d) Pay the nonrefundable transitional license fee established by KRS 438.3065(2).

Section 3. Renewal Schedule.
(1) Tobacco, nicotine, or vapor product licenses shall expire one year from the date the license is issued unless renewed.
(2) Notwithstanding subsection (1) of this section, and pursuant to KRS 438.3063(3), initial applicants for a tobacco, nicotine, or vapor product license may elect to schedule the first renewal of their tobacco, nicotine, or vapor product license, if issued, to occur in the calendar year after which an initial license was obtained, in accordance with either:
(a) The renewal schedule for alcoholic beverage licenses outlined in 804 KAR 4:390, Section 2, in the county in which their premises is located; or
(b) If the applicant will be batch renewing their licenses, in accordance with the renewal schedule for batch renewals outlined in 804 KAR 4:390, Section 3.
(3) Notwithstanding subsection (1) of this section, if an applicant elects for their renewal schedule to occur in accordance with 804 KAR 4:390 pursuant to KRS 438.3063(3) and subsection (2) of this section:
(a) The applicant shall pay a prorated tobacco, nicotine, or vapor product license fee equal to one-twelfth (1/12) the annual fee for a tobacco, nicotine, or vapor product license, multiplied by the number of months between the issuance of their initial tobacco, nicotine, or vapor product license and either:
1. The month alcoholic beverage licenses expire in the county in which their licensed premises is located, in the calendar year after which an initial license was obtained, in accordance with 804 KAR 4:390 Section 2; or
2. If batch renewing their license, the month alcoholic beverage licenses expire for batch renewals in the calendar year after which an initial licensed was obtained, in accordance with 804 KAR 4:390 Section 3. In either case, the number of months to be considered in calculating the amount of the fee shall include the month the tobacco, nicotine, or vapor product license is issued and the month that alcoholic beverage licenses expire under the relevant renewal schedule.
(b) The applicant's initial tobacco, nicotine, or vapor product license, if issued, shall be deemed surrendered on the date alcoholic beverage licenses expire in accordance with the renewal schedule the applicant elected to follow pursuant to subsection (2) of this section, if such an election was made, and if not renewed in accordance with Section 4 of this regulation.
(4) If a tobacco, nicotine, or vapor product license is issued and the licensee wishes to renew it, the licensee shall file a Tobacco, Nicotine, or Vapor Product License Renewal Application in accordance with Section 4 of this regulation.

Section 4. Tobacco, Nicotine, or Vapor Product License Renewal Application. A licensee wishing to renew their license shall:
(1) Pay all fines incurred under KRS 438.305 to 438.350 prior to renewing their license;
(2) Pay the nonrefundable application fee established by KRS 438.3063(1);
(3) Pay the license fee established in KRS 438.3063(4)(a); and
(4) Complete and submit the Tobacco, Nicotine, or Vapor Product License Renewal Application form to renew their license no more than forty-five (45) days prior to its:
(a) Expiration; or
(b) Surrender date, if renewing in accordance with an election made pursuant to Section 3(2) of this regulation.

Section 5. Renewal Grace Period. If a licensee fails to renew its license by the expiration date, the department **shall**[~~may~~] grant one (1) extension that shall not exceed thirty (30) days from the original expiration date. The licensee shall not conduct any activity related

to the sale of tobacco, nicotine, or vapor products during the extension period. A license not renewed during the thirty (30) day extension period shall not be renewed thereafter for any reason, and the licensee shall be required to apply for a new license, should they wish to engage in the sale of tobacco, nicotine, or vapor products.

Section 6. Applications for Tobacco, Nicotine, or Vapor Product Licenses Submitted Online. All tobacco, nicotine, and vapor product license application forms shall be submitted through the department's online licensing management portal located at https://abcportal.ky.gov/BELLEExternal.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Initial Tobacco, Nicotine, or Vapor Product License Application," **January 2026**[~~October 2025~~];

(b) "Tobacco, Nicotine, or Vapor Product License Renewal Application," October 2025.

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

Section 8. This administrative regulation was found deficient by the Administrative Regulation Review Subcommittee on February 9, 2026.

FILED WITH LRC: February 9, 2026

CONTACT PERSON: Joshua Newton, General Counsel, Alcoholic Beverage Control, 500 Mero Street, Frankfort, Kentucky 40601; Joshua.Newton@ky.gov.

aCOMPILER'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 Alcoholic Beverage Control
(Emergency As Amended at ARRS, February 9, 2026)

804 KAR 13:030E. Causes for denial of tobacco, nicotine, or vapor product license.

EFFECTIVE: February 9, 2026
Prior Versions:
New Emergency Administrative Regulation: 52 Ky.R. 930
Emergency Amended After Comments: 52 Ky.R. 1302

RELATES TO: KRS 438.3063, 438.3067
STATUTORY AUTHORITY: KRS 438.340, 438.3055
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.340 authorizes the department to promulgate administrative regulations as necessary to implement and carry out the provisions of KRS 438.305 to 438.350. KRS 438.3067 requires the commissioner to approve or deny every application for a tobacco, nicotine, or vapor product license and to notify the applicant of the reasons for the denial. This administrative regulation provides the reasons for which the commissioner shall or may deny an application for a tobacco, nicotine, or vapor product license.

Section 1. An application for a tobacco, nicotine, or vapor product license shall be denied if:

(1) The applicant or the premises for which the tobacco, nicotine, or vapor product license is sought does not comply fully with all applicable statutes under KRS 438.305 **to**[~~and~~] 438.350, and with the administrative regulations promulgated under 804 KAR Chapter 13;

(2) [~~The applicant has engaged in any activity for which revocation of a tobacco, nicotine, or vapor product license would be authorized;~~]

[~~(3)~~] The applicant has ***knowingly*** made any false material statement in its application; or

(3)[~~**(4)**~~] The applicant fails to pay the tobacco, nicotine, or vapor product license fee established in KRS 438.3063(4).

Section 2. An application for a tobacco, nicotine, or vapor product license may be denied for any reason that the commissioner, in the exercise of the commissioner's sound discretion, deems sufficient. Among those factors that the commissioner shall consider in the exercise of this discretion are:

(1) Public sentiment in the area;
(2) Number of licensed outlets in the area;
(3) Potential for future growth;
(4) Type of area involved; and
(5) Financial potential of the area.

Section 3. This administrative regulation was found deficient by the Administrative Regulation Review Subcommittee on February 9, 2026.

FILED WITH LRC: February 9, 2026

CONTACT PERSON: Joshua Newton, General Counsel, Alcoholic Beverage Control, 500 Mero Street, Frankfort, Kentucky 40601; Joshua.Newton@ky.gov.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

OFFICE OF ATTORNEY GENERAL
Office of Regulatory Relief
(As Amended at ARRS, February 9, 2026)

40 KAR 12:440. Health spas.

RELATES TO: KRS 367.900, 367.905, 367.906
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.905, 367.906
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 367.905 requires health spas to file registration statement applications and renewal statement applications with the Attorney General. KRS 367.906 requires the Attorney General to establish a surety bond form for use by health spas. This administrative regulation establishes the registration and renewal statement applications and surety bond form to be used by health spas.

Section 1. Health Spa Registration Statement Application.
(1) The Attorney General ***shall***[~~***must***~~] approve a health spa's registration application before a health spa may offer health spa services or facilities at a specific location in the Commonwealth of Kentucky.
(2) A health spa shall complete and submit a Health Spa Registration [~~***Statement***~~]Application, form HS-1, to the Attorney General's office, and submit:
(a) Payment of the $100 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; and
(c) Unless exempted by KRS 367.906(4), a completed Health Spa Surety Bond, form HS-3.
(3)
(a) ***Each applicant***[~~***(2) Applicants***~~] shall complete or submit additional information or documents for ***an***[~~***their***~~] application within thirty (30) days of ***a***[~~***any***~~] request by the Attorney General.
(b) The Attorney General may deny ***an***[~~***any***~~] application if an applicant fails to timely complete the application by not paying the application fee or not providing requested missing information or required documents.

Section 2. Health Spa Renewal Application.
(1) ***An approved*** health spa ***registration or renewal shall be***[~~***Registrations are***~~] valid for a one (1) year period from July 1 to June 30th of the following year.
(2) On or before June 1st of a current registration year, a registered health spa may renew its registration***. Registration renewal shall be accomplished*** by completing and submitting a Health Spa Registration Renewal Application, form HS-2, to the Attorney General's office on or before June 1st of a current registration year, and submitting:
(a) Payment of the fifty (50) dollar registration renewal fee; and
(b) Unless exempted by KRS 367.906(4), a completed Health Spa Surety Bond, form HS-3, when a prior filed bond is not current or the bond amount is insufficient.
(3)
(a) ***Each applicant***[~~***Applicants***~~] shall complete or submit additional information or documents for ***a*** [~~***their***~~] renewal application within thirty (30) days of ***a***[~~***any***~~] request by the Attorney General.
(b) The Attorney General may deny ***a***[~~***any***~~] renewal application if an applicant fails to timely complete the application by not paying the renewal application fee or ***not providing***[~~***provide***~~] requested missing information or required documents.

Section 3. Written Notification of Material Changes. A registered health spa shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, ***a***[~~***any***~~] renewal application, or application attachments.

Section 4. Record Requests. A health spa shall make ***business records and***[~~***requested records,***~~] documents and information ***related to an investigation or inquiry*** readily available to the Attorney General for inspection and copying upon request.

Section 5. Incorporation by Reference.
(1) The following materials are incorporated by reference:
(a) "Health Spa Registration Application", Form HS-1, Nov. 2025;
(b) "Health Spa Registration Renewal Application", Form HS-2, Nov. 2025; ***and***
(c) "Health Spa Surety Bond", Form HS-3, Nov. 2025;
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

FILED WITH LRC: February 9, 2026

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.

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(As Amended at ARRS, February 9, 2026)

105 KAR 1:020. Reciprocal program between CERS, KERS, SPRS, TRS, JRP and LRP.

RELATES TO: KRS 6.500-6.577, 16.505 – 16.652[~~16.505-16.645~~], 21.345-21.570, 61.510-61.705, 78.510-78.990, 161.600(3), ***161.661,*** 161.675
STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.645(9)(e), 61.680, 78.552
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of KRS 13A.105(2) because it does not have a major economic impact.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) and 61.645(9)(e) authorize[~~authorizes~~] the Board of Trustees of the Kentucky Public Pensions Authority[~~Kentucky Retirement Systems~~] to promulgate all administrative regulations necessary or proper in order to carry out the provisions of KRS 16.505 to 16.652, 61.505[~~61.515~~] to 61.705,[~~16.510 to 16.652,~~] and 78.520 to 78.852. KRS 61.680 and 78.5542 provide[~~provides~~] for the combining of retirement accounts for public employees having a retirement account in more than one (1) of the following state administered retirement systems: County Employees Retirement System, Kentucky Employees Retirement System, Judicial Retirement Plan, Legislators Retirement Plan, State Police Retirement System and Teachers' Retirement System. This

administrative regulation establishes requirements to implement KRS 61.680 and 78.5542.

Section 1. Definitions. "Death benefit" or "survivor benefit" means a payment to a beneficiary of a deceased member who met the eligibility requirements of KRS 16.578(1), 61.640(1), or 78.5532(1) on the date of ***his or her***[~~***their***~~] death.

Section 2. General Provisions.

(1) To determine benefits upon the[~~Upon~~] death, disability**,** or service retirement of a member having an account in more than one (1) state-administered retirement system, the Kentucky Public Pensions Authority shall[~~the following procedure shall be applicable in order to determine benefits for a member having an account in more than one (1) retirement system~~]:

(a)[~~(1)~~] Combine the member's service in all systems;[~~.~~]

(b)[~~(2)~~] Determine eligibility in each system based on combined service;[~~.~~]

(c)[~~(3)~~] If eligible in any system, determine benefits; and[~~.~~]

(d)[~~(4)~~] Check for specific exceptions such as prior service, request for separate account**,** or special death or disability exception.

(2) The earliest membership date among the systems in which the member has service shall be used to calculate the benefits in each system.

[~~(5)~~] [~~Each system shall pay the applicable percentage of total benefit unless a specific exception exists.~~]

Section 3.[~~Section 2.~~] Service Retirement.

(1) A member eligible to retire who elects service retirement from one (1) system, shall be paid from all systems in which the member[~~he~~] has an account unless ***he or she requests that his or her***[~~***they request that their***~~][~~he requests that his~~] accounts be separated.

(2) The "final compensation" shall be calculated by:

(a) For a member with a membership date prior to September 1, 2008, using the five (5) highest, or three (3) highest, if eligible, fiscal years creditable compensation regardless of the system under which the service was earned, except as provided in KRS 61.680(7)***; or***[~~.~~]

(b) For a member with a membership date on or after September 1, 2008 but prior to January 1, 2014 who is employed in a:

1. Nonhazardous position, using the five (5) complete fiscal years immediately preceding retirement regardless of the system under which the service was earned, except as provided in KRS 61.680(7). Fiscal years added to the final compensation calculation to reach sixty (60) months shall be added regardless of the system under which the service was earned; ***or***[~~***and***~~]

2. Hazardous position, by using the highest complete fiscal years regardless of the system under which the service was earned, except as provided in KRS 61.680(7). Fiscal years added to the final compensation calculation to reach thirty-six (36) months shall be added regardless of the system under which the service was earned.

(3) Each system shall determine benefit payments on the basis of the final compensation but using only the service earned in that system. Payments shall be made by each system in accordance with its usual procedures. If a member is not eligible for an unreduced benefit, benefits shall be actuarially reduced based on factors adopted by the respective retirement boards.

(4) The retiring member or beneficiary shall be required to elect the same payment option in each system administered by the Kentucky Public Pensions Authority[~~Retirement Systems~~] except that a member of the State Police Retirement System[~~state policeman~~] or a member with hazardous service may select the "Ten (10) Year Certain" option established[~~set forth~~] in KRS 16.576(4) irrespective of the option chosen for nonhazardous service in another retirement system administered by the Kentucky Public Pensions Authority..

(5)

[~~***(a)***~~] A[~~retiring~~] member may elect to have each system treat ***his or her***[~~***their***~~][~~his~~] service credit in that system without regard to any other service credit, by***:***

(a) Requesting that ***his or her***[~~***their***~~][~~his~~] accounts be separated by filing a Form 2022, Separation of Accounts; or

(b) Failing to retire from the other state-administered retirement system within one (1) calendar month of ***his or her***[~~***their***~~] effective retirement date with the retirement systems administered by Kentucky Public Pensions Authority. A member ***shall***[~~***will***~~] not be considered to have failed to retire from the other state-administered retirement system on the basis of the other state-administered retirement system's determination, notwithstanding the provisions of KRS 61.680, that the member is only eligible for a refund of contributions from the other state-administered retirement system [~~, with the Form 6000, Notification of Retirement~~].

(6) If so requested, "final compensation" shall be based on the creditable compensation earned under each system separately.

Section 4.[~~Section 3.~~] Disability Retirement.

(1)

(a) If a contributing member of one (1) of the six (6) state-administered retirement systems qualifies for disability benefits, all systems under which the combined service meets service requirements shall participate in benefit payments unless accounts are separated by provisions of KRS 61.680(2)(b).

(b) Each system shall calculate benefits using the formula in effect in that system.

(c) Service added to County Employees Retirement System, Kentucky Employees Retirement System and State Police Retirement System accounts in accordance with the appropriate disability formula established in 105 KAR 1:210, Section 11[~~9~~], shall be prorated between system accounts based on a percentage of actual earned service in each system unless such proration conflicts with maximum added service permitted by law governing each system.

(d) Service added to Teachers Retirement System accounts pursuant to KRS 161.661(4) shall be actual earned service and upon such an award of service the Kentucky Public Pensions Authority shall recalculate the service to be added to the County Employees Retirement System, Kentucky Employees Retirement System, and State Police Retirement System accounts using the appropriate disability formula as established in 105 KAR 1:210, Section 11.

(2) If the combined service of a member meets service requirements in only one (1) system**,** then that system shall pay benefits under the disability formula and the other system shall pay[~~as follows~~]:

(a) Benefits based on separate accounts if the member elects to maintain separate accounts;

(b) An actuarial accrued benefit based on the member's age, service and final compensation; or

(c) A refund, if requested by the member.

(3) The medical requirements for disability benefits shall be those of the system to which the member last contributed if combined service meets service requirements of that system. If service requirements are met in only one (1) system, the medical requirements of that system shall prevail.

(4) The process established in this section shall also be followed if the member qualifies for duty-related injury or death benefits pursuant to KRS 61.621.

Section 5.[~~Section 4.~~] Survivor Benefit. A member contributing to any of the six (6) state-administered retirement systems who has combined service sufficient to qualify ***his or her***[~~***their***~~]beneficiaries for a survivor[~~death~~] benefit shall have ***his or her***[~~***their***~~][~~his~~] County Employees Retirement System, Kentucky Employees Retirement System**,** or State Police Retirement System benefits computed under the regular survivor[~~death~~] formula based on ***his or her***[~~***their***~~][~~his~~] service in each of the three (3) systems.

Section 6.[~~Section 5.~~] Service Purchases. A member having valid service credit in more than one (1) of the retirement systems administered by Kentucky Public Pensions Authority[~~Retirement Systems~~] who is eligible to purchase service credit may elect to purchase service credit in one (1) system, or[~~he~~] may divide the service credit between the systems permitting purchase. If service is to be divided[~~, the following additional requirements shall be met~~]:

(1) The same years of service shall not be used in more than one (1) system; and[~~.~~]

(2) Each system shall calculate the costs of the retirement credit pursuant to[~~in keeping with~~] the statutes and administrative regulations of that system.

Section 7.[~~Section 6.~~] Medical Insurance.

(1) A retiring member with service in more than one state-administered retirement system[~~the Kentucky Teachers' Retirement System and one (1) or more of the three (3) systems administered by Kentucky Retirement Systems~~] shall have ***his or her***[***their***][~~his~~] total service in all[~~four (4)~~] systems combined to determine ***his or her***[***their***][~~his~~] eligibility for medical insurance benefits. The systems shall share the cost of the member's premium under this section based on the member's[~~his~~] combined service.

(2) If the member meets the minimum eligibility requirements, the member may elect to participate in the insurance program established in[~~under~~] KRS 6.577, 16.645, 21.427, 61.702, 78.5536, or 161.675. The premium paid from the insurance funds shall not be more than 100 percent of the single premium amount adopted by the respective boards of trustees or more than the maximum percentage payable under the program established under KRS 6.577, 16.645, 21.427, 61.702, 78.5536, or 161.675.

(3)

(a) If the member elects to participate in the program under KRS 61.702 or 78.5536, the member's service in the state-administered retirement systems shall be combined to determine the applicable percentage that shall be paid toward ***his or her***[***their***][~~his~~] individual coverage under KRS 61.702(3) and 78.5536(3).

(b) The state-administered retirement systems shall pay a pro rata share of the member's premium based on the service in each system expressed as a percentage of total service credit earned in all systems not to exceed the amount of the single monthly contribution rate[~~premium cost~~] adopted by the Board of Trustees of Kentucky Retirement Systems or the Board of Trustees of County Employees Retirement System.

1. The amount paid by the Kentucky Teachers' Retirement System shall not exceed the amount of the single monthly contribution rate[~~premium cost~~] adopted by the Board of Trustees of the Kentucky Teachers' Retirement System.

2. The Kentucky Teachers' Retirement System shall not pay a percentage of the premium for a[~~the~~] spouse or[~~and~~] dependents.

(4)

(a) If the member elects to participate in the program under KRS 161.675, the member's service in the state-administered retirement systems shall be combined to determine the applicable percentage that shall be paid under KRS 161.675(4)[~~161.675(3)~~].

(b) The state-administered retirement systems shall pay a pro rata share of the member's premium based on the service in each system expressed as a percentage of total service credit earned in all systems,[~~including service in the Legislators' Retirement Plan and Judicial Retirement Plan,~~] not to exceed the amount paid toward the monthly contribution[~~premium cost~~] adopted by the Board of Trustees of Kentucky Teachers' Retirement System.

1. The amount paid by the Kentucky Employees Retirement System, County Employees Retirement System**,** and State Police Retirement System shall not exceed the amount of the single monthly contribution[~~premium cost~~] adopted by the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of County Employees Retirement System.

2. The Kentucky Employees Retirement System, County Employees Retirement System and State Police Retirement System shall not pay a percentage of the premium for a[~~the~~] spouse or dependents.

(c) Premiums payable pursuant to KRS 161.675 shall be paid by the Kentucky Teachers' Retirement System. The County Employees Retirement System, Kentucky Employees Retirement System, and State Police Retirement System shall reimburse the Teachers' Retirement System for the portion of the premium attributable to service in those systems.

(5)

(a) If the member elects to participate in the program under KRS 6.577 or 21.427, the member's service in the systems shall be combined to determine the applicable percentage that shall be paid under KRS 21.427(2)(a).

(b) The state-administered systems shall each pay a pro rata share of the member's premium based on the service in each system expressed as a percentage of total service credit earned in all state-administered retirement systems, not to exceed the amount paid toward the monthly contribution adopted by the Board of Trustees of the Judicial Form Retirement System.

1. The amount paid by the County Employees Retirement System, Kentucky Employees Retirement System, and State Police Retirement System shall not exceed the amount of the single monthly contribution adopted by the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement Systems.

2. The County Employees Retirement System, Kentucky Employees Retirement System, and State Police Retirement System shall not pay a percentage of the monthly contribution for a spouse or dependents.

(c) Premiums payable pursuant to KRS 6.577 or 21.427 shall be paid by the Judicial Form Retirement System. The County Employees Retirement System, Kentucky Employees Retirement System, and State Police Retirement System shall reimburse Judicial Form Retirement System for the portion of the premium attributable to service in those systems.

(6)

(a) Premiums payable pursuant to[~~under~~] KRS 61.702 and 78.5536 shall be paid by the Kentucky Employees Retirement System, County Employees Retirement System, and State Police Retirement System. The Kentucky Teachers' Retirement System or Judicial Form Retirement System shall reimburse the systems for the portion of the premium attributable to service in that system.

(b) Premiums payable pursuant to[~~under~~] KRS 161.675 shall be paid by the Kentucky Teachers' Retirement System. The Kentucky Employees Retirement System, County Employees Retirement System, and State Police Retirement System shall reimburse the system for the portion of the premium attributable to service in those systems.

Section 8.[~~Section 7.~~] Incorporation by Reference.

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

[~~(a)~~] [**"**]Form 2022, **"**Separation of Accounts,**"**11/25[**"**],[***Kentucky Public Pensions Authority***] is incorporated by reference[~~August 2002", Kentucky Retirement Systems; and~~]

[~~(b)~~] [~~"Form 6000, Notification of Retirement, July 2004", Kentucky Retirement Systems~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority[~~Retirement Systems, Perimeter Park West~~], 1260 Louisville Road, Frankfort, Kentucky 40601-6124, Monday through Friday, 8 a.m. to 4:30 p.m. and on the agency's website at kyret.ky.gov.

FILED WITH LRC: February 9, 2026

CONTACT PERSON: Carole J. Catalfo, Policy Specialist, Kentucky Public Pensions Authority. 1260 Louisville Road, Frankfort, Kentucky 40601. Phone (502) 696-8679, Fax (502) 696-8615, Email: Legal.Non-Advocacy@kyret.ky.gov

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(As Amended at ARRS, February 9, 2026)

105 KAR 1:150. Installment purchase procedures.

RELATES TO: KRS 16.560, 16.645(19), 61.552(9)[~~61.373, 61.377, 61.552(14), 61.552(24)~~], 61.575, 78.545(7), 78.640[~~78.545(34)~~], 26 U.S.C. 414(h), 415[~~, 29 U.S.C. 28~~], 38 U.S.C. 43

STATUTORY AUTHORITY: KRS 16.645, 61.505(1)(g), 61.552(9), 78.545[~~61.552(14), (24), 61.645(9)(e)~~]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with KRS 13A.150(2) because it does not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g)[~~61.645(9)U(e)~~] authorizes the Kentucky Public

Pensions Authority on behalf[~~Board of Trustees~~] of Kentucky Retirement Systems and County Employees Retirement System to promulgate[~~all~~] administrative regulations that are consistent with and necessary or proper[~~in order~~] to carry out the provisions of KRS 16.505 to 16.652, 61.505[~~61.515~~] to 61.705, and 78.510[~~16.510 to 16.652, and 78.520~~] to 78.852. KRS 16.645, 61.552(9), and 78.545 permit[~~61.552(14) and 61.552(24) permits~~] an employee participating in the Kentucky Retirement Systems or the County Employees Retirement System to purchase service credit by payroll deducted installments. This administrative regulation establishes the process and forms related to this option, and provides for the preservation of installment purchases for military personnel called into service.

Section 1. Definitions.

(1) "Amortization schedule[]" means a table of installment payments for the entirety of the repayment period that includes each month's interest, principal, and remaining balance.

(2) "Omitted service" is defined by KRS 61.552.

(3) "Recontribution of a refund" is defined by KRS 61.552.

(4) "Remit" means to make payment to the agency through the normal State Treasurer Office process.

(5) "Termination date" means the date on which the member has ceased or will cease ***his or her***[~~***their***~~] employment with ***the***[~~***their***~~] participating employer.

Section 2. Eligibility for installment payment plan.

(1) An employee may purchase or regain service credit by making installment payments in lieu of a lump-sum pursuant to KRS 16.645, 61.552(9)(a)2., and 78.545.

(2) Installment payment plans shall be allowed for participating[~~the~~] employees of a participating employer if:

(a) The employee has complied with all requirements to purchase service credit pursuant to 105 KAR 1:130 and 1:260;

(b) One (1) year of installment payments shall be made for each $1,000 or any part thereof of the total cost, except that the total period allowed for installments shall not be less than one (1) year and shall not exceed five (5) years;

(c) The agency has provided notification to the employee that ***he or she is***[~~***they are***~~] eligible to purchase or regain service by installment payments; and

(d) The employer certifies[~~an agency that has certified~~] its agreement to deduct and remit installment payments on all participating employees by submitting to the agency a completed[~~participating in the Kentucky Retirement Systems. The certification shall be made on the~~][~~"~~]Form 7280, ***"***Employer Certification for Installment Purchase of Service," incorporated by reference in 105 KAR 1:120[~~provided by the retirement system~~].

(3) The agency may refuse to allow new installment purchase agreements for employees of an employer that has previously failed to deduct and remit installment payments for other employees pursuant to administration regulations established in KAR Title 105.

(4)

(a) Multiple service purchases may be combined under a single installment purchase, except that an employee shall not make more than one (1) installment purchase at the same time; and

(b) Once multiple service purchases have been combined in an installment purchase, the employee shall not separate the purchases or pay a portion of one (1) of the purchases even if the installment payment plan ceases.

Section 3.[~~Section 2.~~] Calculation and Selection.

(1) The agency[~~retirement system~~] shall:

(a) Calculate[~~calculate~~] the monthly installment payment necessary to pay the cost of the service being purchased pursuant to KRS 16.645, 61.552(9)(c)1., and 78.545; and

(b) Provide the calculations and monthly payment options to the employee on a:

1. After Tax Installment Purchase of Service Agreement pursuant to KRS 61.645, 61.552(9)(a)2.b., and 78.545, and shall not exceed the limitations for annual additional contributions ***established*** in 26 U.S.C. 415; and

2. Before Tax Installment Purchase of Service Agreement pursuant to KRS 16.645, 61.552 (9)(a)2.a, and 78.545.

(2) The employee shall choose, complete, and file ***his or her***[~~***their***~~] selected payment option on the applicable installment agreement.

(3) Installment payments shall be established in accordance with KRS 16.645**,**[~~ ***and***~~] 61.552(9)(c)5, and 78.545

[~~(2)~~] [~~The employee may select a payment period of not less than one (1) year and not more than five (5) years in accordance with KRS 61.552(14)(c).~~]

[~~(3)~~] [~~The retirement system shall provide to the employee a "Form 5708, After Tax Installment Service Agreement" and a "Form 5709, Before Tax Installment Purchase of Service Agreement." The employee shall complete and return to the retirement systems only one (1), but not both, of either the Form 5708, After Tax Installment Purchase of Service Agreement or the Form 5709, Before Tax Installment Purchase of Service Agreement. An employee shall not enter into more than one (1) installment purchase of service agreement at any given time.~~]

[~~(4)~~] [~~The agreement shall contain a space for selecting the payment option and an authorization for withholding the installment payments.~~]

[~~(5)~~] [~~The agreement shall provide a space for the employee to indicate the amount of any down payment to be made by the employee, whether by personal check or rollover or transfer of funds from a qualified retirement plan or deferred compensation arrangement.~~]

[~~(6)~~] [~~The monthly payment options offered to the employee on the Form 5708 After Tax Installment Purchase of Service Agreement shall not exceed the limitations for annual additional contributions in 26 U.S.C. 415~~].

Section 4.[~~Section 3.~~] Administration of the Installment Purchase of Service Agreement.

(1) Upon receipt of a valid[~~the completed and signed Form 5708,~~] After Tax Installment Purchase of Service Agreement or[~~the Form 5709,~~] Before Tax Installment Purchase of Service Agreement, the agency[~~retirement system~~] shall provide the employee with an amortization schedule[~~notify the employee and employer of the amount of the installment payment, the date the payments shall begin, the date the payments shall end, and the total payments~~].

(2) After receipt of any[~~If the employee is making a~~] down payment by transfer or rollover from a qualified retirement plan or deferred compensation arrangement pursuant to Section 7 of this administrative regulation, if applicable, the agency[~~retirement system~~] shall notify the employee and employer of the:

(a) Amount[~~amount~~] of the monthly installment payments;

(b) Total installment payments; and

(c) Dates the installment payments shall begin and shall end[~~following receipt of the transferred or rolled over funds.~~]

[~~(3)~~] [~~An amortization schedule shall be sent to the employee~~].

(3)[~~(4)~~] The agency shall reject an[~~Form 5708, After Tax~~] Installment Purchase of Service Agreement[~~or the Form 5709, Before Tax Installment Purchase of Service Agreement shall be rejected~~] and shall calculate a new[~~calculation of the~~] cost of the purchase[~~shall be performed~~] if the employee:

(a) Does not file a valid[~~The Form 5708, After Tax~~] Installment Purchase of Service Agreement[~~or the Form 5709, Before Tax Installment Purchase of Service Agreement is not filed at the retirement systems~~] by the deadline for purchase of the service credit;

(b) Fails[~~The employee fails~~] to fully and properly complete and sign the[~~Form 5708, After Tax~~] Installment Purchase of Service Agreement[~~or the Form 5709, Before Tax Installment Purchase of Service Agreement~~];

(c) Indicates[~~The employee indicates~~] that a down payment is to be made, but the employee does not pay the down payment pursuant to Section 7 of this administrative regulation[~~include the check or proof of eligibility to rollover or transfer funds from a qualified retirement plan or deferred compensation arrangement with the Form 5708, After Tax Installment Purchase of Service Agreement or Form 5709, Before Tax Installment Purchase of Service Agreement by the deadline for purchase of the service credit~~]; or

(d) Fails[~~The employee fails~~] to file a corrected valid Installment Purchase of Service Agreement by the end of the thirtieth (30th) calendar day from[~~Installment Purchase of Service Agreement within thirty (30) days of~~] a recalculation of the cost to purchase.

(4)[~~(5)~~] If the agency rejects an[~~Form 5708, After Tax~~] Installment Purchase of Service Agreement[~~or Form 5709~~]pursuant to[~~, Before Tax Installment Purchase of Service is rejected under~~] subsection ***(3)***[~~***(4)***~~] of this section, any down payment shall be refunded to the member or, if rollover or transfer, returned to the qualified retirement plan or deferred compensation arrangement.

Section 5.[~~Section 4.~~] After Tax Installment Purchase of Service Agreement.

(1) The employer shall[~~remit the installments to the retirement system as required by the agreement, but shall~~] be solely responsible for withholding sufficient amounts through payroll reduction from the employee to allow the payment of After Tax Installment Purchase of Service Agreement[~~the~~] installments.

(2) [~~The installments shall be remitted to the retirement systems only with the employer's contribution report.~~] If the employee is not employed twelve (12) months each fiscal year, the employer[~~agency~~] shall withhold sufficient funds from the employee's wages to allow the employer[~~agency~~] to remit the required reductions[~~deductions~~] with the employer's contribution reports during any months in which the employee is not paid.

(3)

(a) The [~~retirement system shall not accept personal checks from the employee as payment for these deductions.~~]

[~~Section 5.~~]

[~~(1)~~] [~~The amount required to purchase one (1) month of service credit shall be calculated by dividing the total of the installment payments due under the agreement by the number of months of service credit being purchased.~~]

[~~(2)~~] [~~Upon receipt of installment payments equal to this amount, the retirement system shall credit one (1) month of service credit to the member's account.~~]

[~~Section 6.~~]

[~~(1)~~] [~~The~~]employee shall notify the agency[~~retirement system~~] in writing if ***he or she desires***[~~***they desire***~~][~~he desires~~] to terminate the agreement[~~Form 5708, After Tax Installment Purchase of Service Agreement~~].

(b) Upon receipt of the notice from the employee, the agency[~~retirement system~~] shall notify the employee and[~~his~~] employer of the date to stop reductions[~~deductions~~].

(c) Payments made prior to cancellation ***shall***[~~***will***~~] be credited in accordance with Section 8(2) of this administrative regulation. Any payment amount remaining that does not purchase a full month of service credit shall be refunded.

(4)[~~(2)~~] The employee may request a payoff amount for the[~~Form 5708,~~] After Tax Installment Purchase of Service Agreement and[~~. The employee~~] shall have until the end of the sixtieth (60th) calendar day[~~sixty (60) days~~] from the payoff date, requested by the employee and agreed to by the agency[~~retirement system~~], to pay the installment agreement in full by lump sum payment, but the payoff shall be made prior to the effective date of retirement[~~. At the end of the due date of the contract, the contract shall be terminated and any payment received shall be credited for service, and any payment amount remaining that will not purchase the next month of service shall be refunded.~~] to add one or more service purchases if they are otherwise qualified to do so.

(5) The employee may have the installment agreement recalculated to add one ***(1)*** or more service purchases if ***he or she is***[~~***they are***~~] otherwise qualified to do so.

(6) The employee shall not receive a return of the payroll reductions pursuant to this administrative regulation except pursuant to the normal disbursement procedures for a member's accumulated contributions or accumulated account balance under KRS 61.575 and 78.640.

(7) The After Tax Installment Purchase of Service Agreement shall be void if the employer fails to remit installment payments in accordance with Section 8(1) of this administrative regulation for sixty (60) calendar days. The employee may request a:

(a) Payoff pursuant to subsection (4) of this section; or

(b) New installment agreement for the balance if they are otherwise qualified to do so.

Section 6. Before Tax Installment Purchase of Service Agreement.

(1)

(a) A valid

[~~(3)~~] [~~The Form 5709,~~] Before Tax Installment Purchase of Service Agreement including all specified payroll reduction authorizations, amounts, and deductions, shall be an irrevocable, binding agreement if properly and fully completed and signed by the employee, authorized by the employer, and accepted by the agency[~~retirement systems~~].

(b) Once the employee enters into the irrevocable agreement:

1. Prepayments shall not be accepted for the purchase of service credit that is subject to the installment purchase agreement; and

2. The employee shall not receive the payroll reduction or installment payment directly instead of having it contributed to the systems.

(c) For the purposes of this section, after-tax contributions shall only be received to the extent allowed by 26 U.S.C. 415.

(d) Payroll reductions shall cease only after the installment purchase agreement has expired by its terms or upon:

1.

a. The employee's death if the employee's beneficiary pays the remaining amount owed by lump sum payment using after-tax dollars by the end of the sixtieth (60th) calendar day from the employee's date of death.

b. If the balance is not paid, the beneficiary shall receive credit for each one (1) month period of service credit purchased. The beneficiary shall receive any installment payment ***that***[~~***which***~~] had already been made when the employee's death occurred, and ***that was***[~~***which were***~~] not used to purchase a one (1) month period of service credit pursuant to the normal disbursement procedures for a member's accumulated contributions or accumulate account balance pursuant to KRS 61.575 and 78.640***; or***[~~,~~]

2.

a. Termination of the member's employment if the member pays the remaining amount owed by lump sum payment by the end of the sixtieth (60th) calendar day from the member's termination date but prior to the member's effective retirement date.

b. If the balance is not paid, the member shall only be entitled to receive credit for each one (1) month period of service credit actually purchased. The member shall receive any contributions ***that*** [~~***which***~~] were not used to purchase one (1) month period of service credit pursuant to the normal disbursement procedures for the member's accumulated contributions or accumulated account balance pursuant to KRS 61.575 and 78.640.

(2)

(a) If a valid Before Tax Installment Purchase of Service Agreement is on file, the monthly reductions for installment payments shall be:

1. Through employer pick-up contributions established in 26 U.S.C. 414(h)(2); and

2. Remitted to the agency from the same funding source used to pay earnings to employees.

(b)

1. The employer shall pick up these contributions by a corresponding reduction in the cash salary of the employees;

2. Although designated as employee contributions, the contributions shall be paid by the employer in lieu of contributions by the employee; and

3. The pick-up shall:

a. Not commence earlier than the month after the authorization is signed; and

b. Only be applicable to contributions to the extent that the compensation ***that***[~~***which***~~] is reduced for the contributions is limited to compensation earned for services after the effective date of the pick-up.

(3) Employee contributions picked up pursuant to this section shall:

(a) Be treated as tax-deferred employer pick-up contributions pursuant to 26 U.S.C. 414(h);

(b) Not be included in the gross income of the employee until they are distributed or made available pursuant to 26 U.S.C. 414(h);

(c) Not have federal income taxes withheld;

(d) Be remitted to the agency in accordance with Section 8 of this administrative regulation; and

(e) Be credited to the employee's account and treated, for all other purposes, as if the amount were part of the employee's annual compensation.

Section 7. Down Payment.

(1) A down payment shall be made by:

(a) Completing and filing a valid Form 4170, ***"***Direct Transfer/Rollover Authorization ***Form"***, incorporated by reference in 105 KAR 1:330, for the amount of the down payment; or

(b) Personal check if the service purchase is for:

1. Recontribution of ***a*** refund as defined by Section 1 of this administrative regulation;

2. Omitted service as defined by Section 1 of this administrative regulation; or

3. Grandfathered service as defined by 105 KAR 1:001.

(2) The down payment shall be made no later than the end of due date indicated on the Installment Purchase of Service Agreement[~~The retirement system may refuse to allow new installment agreements for employees of an agency which fails to deduct and remit the installment payments in accordance with Sections 1 through 10 of this administrative regulation~~].

Section 8. Remission of Installment Payments and Service Credit.

(1) The employer shall remit installment payments to the agency:

(a) As required by the Installment Purchase of Service Agreement; and

(b) In conjunction with the employer's contribution report as established in 105 KAR 1:140.

(2) The amount required to purchase one (1) month of service credit shall be calculated by dividing the total of the installment payments due under the agreement by the number of months of service credit being purchased. Upon receipt of installment payments equal to this amount, the agency shall credit one (1) month of service credit to the member's account.

(3) On the end date of the Installment Purchase of Service Agreement:

(a) The agreement shall be terminated;

(b) Any payments received shall be credited for service; and

(c) Any payment amount remaining that does not purchase a full month of service credit shall be refunded.

Section 9. Suspension of Installment Purchase of Service Agreement Due to Military Service.

(1) The[~~If an employee leaves a position to perform military duty as provided in KRS 61.377, the~~] employer shall advise the agency[~~retirement system~~] in writing or by appropriate personnel action that the employee is on active military duty, and the employee's installment purchase agreement shall be suspended during the period of military duty for which the employee does not receive creditable compensation from the employer.

(2) When an employee who did not receive creditable compensation during military leave returns to employment[~~Upon return to employment as provided in KRS 61.373~~], the employee's installment purchase agreement shall not be recalculated and the employer shall resume remitting the remaining reductions[~~deductions~~] unless the employee terminates or pays the balance of ***his or her***[~~***their***~~] After Tax Installment Purchase of Service Agreement pursuant to Section 5[~~the installment agreement as provided in Section 6~~] of this administrative regulation.

Section 10.[~~Section 9.~~] Suspension of Installment Purchase Service Agreement Due To Sick Leave Without Pay.

(1) The employer shall notify the agency[~~advise the retirement system~~] in writing or by appropriate personnel action that the employee is on sick leave without pay, and the installment purchase agreement[~~of an employee placed on sick leave without pay~~] shall be suspended during the period of sick leave without pay.

(2) Upon return to the employer from the period of sick leave without pay, the employee's installment purchase agreement shall not be recalculated. The employer shall resume remitting the remaining reductions[~~deductions~~] unless the employee terminates or pays the balance of ***his or her***[~~***their***~~] After Tax Installment Purchase Service Agreement pursuant to Section 5[~~the installment agreement as provided in Section 6~~] of this administrative regulation.

[~~Section 10.~~]

[~~(1)~~] [~~KRS 61.552(14) allows a member to purchase and reinstate credit under any of the provisions of KRS 16.510 to 16.652 and 61.515 to 61.705 and 78.520 to 78.852 in the retirement systems administered by the Kentucky Retirement Systems by making installment payments in lieu of a lump-sum payment by establishing an irrevocable employer pick-up of member contributions as described by 26 U.S.C. 414(h)(2).~~]

[~~(2)~~] [~~The cost of the service shall be computed in the same manner as for a lump-sum payment which shall be the principal; and interest compounded annually at the actuarial rate in effect when the member elects to make the purchase shall be added for the period that the installments are to be made. One (1) year of installment payments shall be made for each $1,000 or any part thereof of the total cost, except that the total period allowed for installments shall not be less than one (1) year and shall not exceed five (5) years. Multiple service purchases shall be combined under a single installment purchase; however, an employee shall not make more than one (1) installment purchase at the same time. Once multiple service purchases have been combined in an installment purchase, the employee shall not separate the purchases or pay a portion of one (1) of the purchases.~~]

[~~(3)~~] [~~The employer shall pay the installments by payroll reduction. Upon notification by the retirement systems, the employer shall report the installment payments either monthly or semimonthly continuously over each twelve (12) month period at the same time as, but separate from, regular employer contributions as provided in 105 KAR 1:140, Section 1(1). The employer shall pay the monthly reductions the employee elects to have applied to purchase service credit through pick-up contributions. The payroll reductions shall be paid to the Kentucky Retirement Systems through the normal State Treasurer Office remittance process, from the same source of funds that is used in paying earnings to the employees. The employer shall pick-up these contributions by a corresponding reduction in the cash salary of the employees. These contributions, although designated as employee contributions, shall be paid by the employer in lieu of contributions by the employee.~~]

[~~(4)~~] [~~An employee may elect to pay all or part of any contribution to purchase or reinstate service credit. An employee's election to purchase or reinstate service credit through pick-up contributions shall be pursuant to an irrevocable, binding written authorization on a Form 5709, Before Tax Installment Purchase of Service Agreement, which specifies the amount of the monthly payroll reductions and the period over which the payroll reductions shall be made. The pick-up shall not commence earlier than the month after the authorization is signed. The pick-up shall only be applicable to contributions to the extent the compensation which is reduced for the contributions is limited to compensation earned for services after the effective date of the pick-up. Once the employee enters into the irrevocable agreement, prepayments shall not be accepted for the purchase of the service that is subject to the irrevocable authorization, and the employee shall not receive the contributions directly instead of having the contributions contributed to the retirement system. However, an employee shall not be prevented from paying any amounts not covered by the authorization with after-tax dollars, subject to any applicable statutes and rules. An employee shall not have at any given time more than one (1) irrevocable reduction authorization.~~]

[~~(5)~~] [~~Contributions picked up as provided by subsection (4) of this section shall be treated as tax-deferred employer pick-up contributions pursuant to 26 U.S.C. 414(h). Based upon the Internal Revenue Service ruling that pursuant to 26 U.S.C. 414(h) these picked up contributions are not includable in the gross income of the employee until such time as they are distributed or made available,~~]

~~each employer shall not withhold federal income taxes on these picked up contributions.~~]

[~~(6)~~] [~~Employee contributions picked-up as provided by subsection (4) of this section shall be transmitted to the retirement systems and shall be credited to the employee's account and treated, for all other purposes, as if the amount were a part of the employee's annual compensation.~~]

[~~(7)~~] [~~All payroll reduction authorizations, including the amounts and duration specified, shall be binding and irrevocable upon the employee's execution of a Form 5709, Before Tax Installment Purchase of Service Agreement. These reductions shall cease only after the authorization has expired by its terms or upon any of the following events:~~]

[~~(a)~~] [~~The employee's death. If the death of an employee occurs, the employee's beneficiary shall have the option of paying the remaining amount owed by lump sum payment, using after-tax dollars, within sixty (60) days of the employee's death. If the balance is not paid, the beneficiary shall be entitled to receive credit for each one (1) month period of service purchased. The beneficiary shall receive any contributions of the employee which had already been made when the employee's death occurred and which were not used to purchase a one (1) month period of service credit only pursuant to the normal disbursement procedures for a member's accumulated contributions under KRS 61.575.~~]

[~~(b)~~] [~~The termination of the member's employment. If the member's employment is terminated, the member shall have the right to pay the remaining amount owed by lump sum payment on or within sixty (60) days of the member's termination of employment, but prior to the effective retirement date of the member. If the balance is not paid, the member shall be entitled to receive credit only for each one (1) month period of service actually purchased. The member shall receive any contributions which were not used to purchase one (1) month period of service credit pursuant to the normal disbursement procedures for a member's accumulated contributions under KRS 61.575.~~]

[~~(c)~~] [~~For purposes of subsection (7)(a) and (b) of this section, after-tax contributions shall only be received to the extent allowed by 26 U.S.C. 415.~~]

[~~(8)~~] [~~If the employee is on military leave or sick leave without pay, the installment purchase shall cease and shall be suspended during the period of leave and shall resume without recalculation upon the employee's return from leave.~~]

[~~(9)~~] [~~The employee shall not receive a return of the payroll reductions made under Sections 1 through 10 of this administrative regulation, except pursuant to the normal disbursement procedures for a member's accumulated contributions under KRS 61.575.~~]

[~~(10)~~] [~~Payroll reductions under this section shall not last longer than five (5) years.~~]

[~~(11)~~] [~~The retirement systems shall begin accepting before tax payroll reduction agreements from employees in February 2003. The earliest effective date for receipt of before tax contributions from employers shall be those payroll reports due in March 2003. An employee who has a current post-tax installment purchase of service agreement in place as of January 31, 2003 may terminate this purchase and make an election under this section to convert the installment purchase of service agreement to an irrevocable pretax employer pick-up of contributions before December 31, 2003.~~]

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

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

[~~(a)~~] [~~"Form 7280, Employer Certification for Installment Purchase of Service, November 2002," Kentucky Retirement Systems;~~]

[~~(b)~~] [~~"Form 5708, After Tax Installment Purchase of Service Agreement, June 2003," Kentucky Retirement Systems; and~~]

[~~(c)~~] [~~"Form 5709, Before Tax Installment Purchase of Service Agreement, January 2003," Kentucky Retirement Systems.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Retirement Systems, Perimeter Park West, 1260 Louisville Road, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

FILED WITH LRC: February 9, 2026

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FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(As Amended at ARRS, February 9, 2026)

105 KAR 1:350. Collection of account under $1,000 by next of kin[~~without formal administration of estate~~].

RELATES TO: KRS ***16.505-16.652, 61.505-61.705, 78.510-78.852, 391.030***[***~~61.703~~***][***~~, 78.545~~***]

STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.645(9)(e), 61.703(2)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with KRS 13A.150(2) because it does not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.703 provides upon the death of a member, retiree, or recipient who has an existing account or other benefit that totals no more than $1,000, a surviving spouse, child, parent, or brother or sister may without formal administration of the estate collect the account by filing an appropriate affidavit, that conforms to the requirements of the administrative regulation promulgated by the board, with the Kentucky Public Pensions Authority[~~Retirement Systems~~]. KRS 61.505(1)(g) and 61.645(9)(e) authorize the Kentucky Public Pensions Authority on behalf of Kentucky Retirement Systems and County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary or proper to carry out the provisions of KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. This administrative regulation establishes the process to file[~~for filing~~] for collection of the account.

Section 1. The survivor who makes demand for the deceased member, retiree, or recipient account shall file with the agency[~~retirement office~~] a Form 6826, ***"***Affidavit for Collection of Account ***Under $1000 by Next of Kin"***[***~~Without Formal Administration of Estate~~***] or other notarized affidavit, and shall confirm or state:

(1) The affidavit is for the collection of deceased member, retiree, or recipient account and is made in accordance with the provisions of KRS 61.703 allowing for the collection of the account without formal administration of the estate;

(2) The date of death of the member, retiree, or recipient, and confirm that ninety (90) days have elapsed since the date of death;

(3) No application or petition for the appointment of a personal representative of the estate of the member, retiree, or recipient is pending or has been granted in any jurisdiction;

(4) The value of the gross estate, wherever located and less liens and encumbrances, of the deceased member, retiree, or recipient does not exceed the exemption amount established in KRS 391.030 or the amount exempt from formal distribution in the state in which the member was domiciled at the time of ***his or her***[***~~their~~***] death[~~$7,500~~];

(5) That the affiant[~~he or she~~] is the surviving spouse; or if none, a surviving child; or if none, a surviving parent; or if none, a surviving brother or sister;

(6) That the affiant[~~he or she~~] is entitled to payment of the account; and

(7) That the Kentucky Public Pensions Authority[~~Retirement Systems~~] shall be discharged and held harmless to the same extent as if conducting business with a personal representative; and in the event any person or entity establishes a superior right to the account, the affiant[~~survivor~~] shall acknowledge that ***he or she***[***~~they~~***][~~he or she~~], and not the Kentucky Public Pensions Authority[~~Retirement Systems~~], shall be answerable and accountable for the member, retiree, or recipient account to any creditor or appointed personal representative of the estate.

Section 2. The affidavit shall be accompanied by the death certificate, or if no death certificate is available, other acceptable evidence of death of the member, retiree, or recipient.

Section 3. The Kentucky Public Pensions Authority[~~Retirement Systems~~], upon receipt of a properly executed[~~properly-executed~~] affidavit for collection of account without formal administration of estate accompanied by death certificate, shall make payable to the surviving spouse, child, parent, or brother or sister the assets[~~account~~] of the deceased member, retiree, or recipient if the assets due to the estate are less than $1,000.

Section 4. Incorporation by Reference.

(1) [~~"~~]Form 6826, ***"***Affidavit for Collection of Account ***Under $1000 by Next of Kin***[***Without Formal Administration of Estate***],***"***11/2025[~~August 2002~~][~~"~~], Kentucky Public Pensions Authority[~~Retirement Systems~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority[~~Retirement Systems, Perimeter Park West~~], 1260 Louisville Road, Frankfort, Kentucky 40601-6124, Monday through Friday, 8 a.m. to 4:30 p.m. and on the agency's website at kyret.ky.gov.

FILED WITH LRC: February 9, 2026

CONTACT PERSON: Carole J. Catalfo, Policy Specialist, Kentucky Public Pensions Authority. 1260 Louisville Road, Frankfort, Kentucky 40601. Phone (502) 696-8679, Fax (502) 696-8615, Email: Legal.Non-Advocacy@kyret.ky.gov

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(As Amended at ARRS, February 9, 2026)

105 KAR 1:445. Trustee elections.

RELATES TO: KRS 11A.020, 11A.040, 61.080, 61.505, 61.645, 78.782

STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.645(4)(j),78.782(4)(j)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of KRS 13A.105(2) because it does not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. KRS 61.645(4)(j) and 78.782(4)(j) authorize the systems to promulgate an administrative regulation to implement the use of electronic and telephonic ballots in the trustee election process and requires paper ballots to be mailed upon request of any eligible voter. This administrative regulation establishes the procedures and requirements for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the ballots for trustee elections.

Section 1. Definitions.

(1) "Ballot" means an electronic or paper document that meets[~~includes~~] the requirements of[~~provisions required by~~] KRS 61.645(4)(c) and 78.782(4)(c), and for each candidate includes[~~the candidate's~~]:

(a) A recent[~~Recent~~] photograph;

(b) City and county of residence;

(c) Employer and position title, or the employer from which the candidate last worked or retired, and the position title of the last position held;

(d) Education, including schools and universities attended and degrees earned;

(e) Any professional licenses or certifications[~~held by the candidate~~];

(f) Any organization of which the candidate is a member that is listed on the candidate's application; and

(g) The website[~~Web site~~] address where each candidate's materials are[~~filed Application for Trustee and resume is~~] available for viewing.

(2) "Board" means the Board of Trustees of the Kentucky Retirement Systems or the Board of Trustees of the County Employees Retirement System.

(3) "Candidate" means a participant of the system for which the election is being held who is nominated by:

(a) The[~~Is nominated by the~~] relevant board; or

(b) Petition[~~Is nominated by petition~~] of the members of the relevant system.

(4) "Election year" means the year of the:

(a) Expiration of a trustee's term of office; and[~~the year of the~~]

(b) Trustee election.

(5) "Eligible voter" means any person who:

(a) Is a participant of the system for which the vote is being taken on or before December 31 of the year preceding the election year; and

(b) Has on file:

1. A valid email address; or

2. If a paper ballot is requested pursuant to KRS 61.645(4)(j), a valid physical mailing address.

(6) "Plurality of votes" means a majority of valid votes cast in an election.

(7) "Resume" means a document that at a minimum includes the participant's:

(a) First and last name;

(b) Address;

(c) Phone number;

(d) E-mail address;

(e) Educational background; and

(f) Professional employment history that includes dates of employment, job title, employer name and address, and type of business.

(8) "Term of Office" means the period of membership on the relevant Board, which begins on April 1 of the year elected or appointed and ends on March 31 four (4) years thereafter.

(9) "Valid email address" means an email address the agency has on file for a participant that is operational and able to receive messages, or has not otherwise been deemed an invalid email address by the agency.

(10) "Valid physical mailing address" means the mailing address on file at which[~~for~~] a participant[~~where he or she~~] is able to receive U.S. mail, including a:

(a) Current[~~A current~~] street address;

(b) [~~A~~] Post Office box registered with the United States Postal Service; or

(c) Private[~~A private~~] mailbox registered with a commercial mail receiving agency established pursuant to the United States Postal Service regulation.

(11) "Valid vote" means a timely cast vote by an eligible voter that clearly designates[~~has clearly designated~~] the voter's choice of an eligible candidate or candidates.

(12) "Write-in" means casting a valid vote for an eligible candidate[~~a person~~] not listed on the ballot as a candidate by:

(a) Inserting ***his or her***[~~***their***~~][~~his or her~~] name in the designated place when casting the vote by mail or electronically; or

(b) Providing ***his or her***[~~***their***~~][~~his or her~~] name when casting the vote by telephone.

(13) "Write-in candidate" means a person who is not listed on the ballot as a candidate and has been inserted or provided as a write-in.

Section 2. Use of Third-party Vendors. Subject to KRS 61.505(3)(d), the agency may contract with third-party vendors to provide services for the trustee election process as provided by KRS 61.645(4) and 78.782(4).

Section 3. Election and ballot requirements.

(1) At the expiration of an elected trustee's term of office, an election shall occur for the:

(a) [~~The~~] Kentucky Retirement Systems Board of Trustees pursuant to KRS 61.645; and

(b) [~~The~~] County Employees Retirement System Board of Trustees pursuant to KRS 78.782.

(2) Ballots shall include:

(a) Candidates nominated by the Board in accordance with Section 4 of this administrative regulation;

(b) Candidates nominated by Petition in accordance with Section 5 of this administrative regulation; or

(c) A write-in option.

(3)

(a) On or before June 30[~~May 31~~] of the year immediately preceding an election year, the agency shall provide notice to current participants detailing the steps ***he or she***[~~***they***~~][~~he or she~~] shall take to become a potential candidate.

(b) A participant shall only be a potential candidate if ***he or she***[~~***they***~~][~~he or she~~]:

1. ***Is***[~~***Are***~~][~~Is~~] a member or retired member of the system in which ***he or she is***[~~***they are***~~][~~he or she is~~] seeking placement on the ballot;[~~:~~][~~, or is a retired member with the majority of his or her service in that system;~~]

2. ***Is***[~~***Are***~~] a member or a retired member of County Employees Retirement System if ***he or she is***[~~***they are***~~] seeking placement on the ballot for the County Employees Retirement System, and the agency verifies the majority of ***his or her***[~~***their***~~][~~his or her~~] service was earned in that system in a:

a. Nonhazardous position if ***he or she is***[~~***they are***~~] seeking placement on the ballot for a trustee position under KRS 78.782(1)(a)(1)***; or***

b. Hazardous position if ***he or she is***[~~***they are***~~] seeking placement on the ballot for a trustee position under KRS 78.782(1)(a)(2);

3.[~~2.~~] ***Is***[~~***Are***~~][~~Is~~] not statutorily prohibited by virtue of term limits as established in KRS 61.645(3) and 78.782(3);

4.[~~3.~~] ***Completes***[~~***Complete***~~][~~Completes~~] the requirements of paragraph (c) of this subsection;

5.[~~4.~~] ***Passes***[~~***Pass***~~][~~Passes~~] the background check in accordance with subsection (4)(b) of this section;

6.[~~5.~~] ***Is***[~~***Are***~~][~~Is~~] determined constitutionally compatible in accordance with subsection (4)(c) of this section;

7.[~~6.~~] ***Is***[~~***Are***~~][~~Is~~] not a current or former employee of the agency, Kentucky Retirement Systems, or County Employees Retirement System, or ***is***[~~***are***~~] not otherwise prohibited from being placed[~~or the Board in which he or she is seeking placement~~] on the ballot,[~~;~~] pursuant to KRS 61.545(6)(c) or 78.782(6)(c); and

8.[~~7.~~] ***Is***[~~***Are***~~][~~Is~~] not in violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction or any other statute.

(c) Each participant seeking to be a potential candidate shall file in accordance with[~~ the notice indicated in~~] paragraph (a) of this subsection:

1. A valid Application for Trustee;

2. A resume with cover letter;

3. A recent color photograph; and

4. An authorization for the agency to complete a background check.

(4)

(a) The agency shall review the filed documentation to ensure a potential candidate meets the requirements established in subsection (3)(b) of this section, and completed the requirements established in subsection (3)(c) of this section and KRS 61.645 and 78.782.

(b) A background check shall be completed for each potential candidate.

(c) If currently employed, the Kentucky Attorney General's Office shall review the potential candidate's employment to determine if it is constitutionally compatible with the trustee position in accordance with KRS 61.080, 61.645, 78.782, and the Kentucky Constitution Section 165. If the Kentucky Attorney General's Office indicates that the potential candidate's employment is not constitutionally compatible with the trustee position, the potential candidate shall be:

1. Excluded[~~Be excluded~~] from placement on the ballot; or

2. Included[~~Be included~~] for possible placement on the ballot if ***he or she provides***[~~***they provide***~~] a written statement confirming ***his or her***[~~***their***~~] agreement[~~he or she agrees~~] to resign from ***his or her***[~~***their***~~][~~his or her~~] current position if elected[~~, and provides a written statement as such~~].

Section 4. Nomination by the Board.

(1) The agency shall provide the respective Board of each system[~~system's Board~~] with a list of potential candidates who meet the requirements of Section 3(3) and (4) of this administrative regulation, and each of ***his or her***[~~***their***~~][~~his or her~~] completed corresponding Applications for Trustee.

(2) The name of each candidate nominated by the respective Board within six (6) months prior to the end of a term of office shall be placed on the ballot.

Section 5. Petitions.

(1) To be included on the ballot by petition, the potential candidate shall file a valid petition no later than October 31 of the year preceding the election year[~~four (4) months from the end of the term of office set to expire~~].

(2) A valid petition is a petition that ***meets the requirements of***:

(a) [~~***Meets the requirements of***~~]Section 3(3) and (4) of this administrative regulation; and

(b) KRS 61.645(4)(b) or 78.782(4)(b).

(3) Each petition shall be reviewed by the agency to verify that each signature belongs to a participant of the respective system.

(4) The name of each candidate who meets the requirements of this section shall be placed on the ballot.

Section 6. Default to electronic ballots.

(1) The agency shall notify each eligible voter that an electronic ballot shall be provided unless ***he or she requests***[~~***they request***~~][~~he or she requests~~] a modification to the ballot type received in accordance with subsection (2) of this section.

(2)

(a) A request to modify the ballot type shall be received on or before November 30 of the year preceding the election year in order to be effective for the upcoming election. Modifications of the ballot type include changing from:

1. An[~~From an~~] electronic ballot to a paper ballot; and

2. A[~~From a~~] paper ballot to an electronic ballot.

(b) An eligible voter shall request a change in[~~changein~~] the type of ballot:

1. Through the Self-Service Web site;

2. Via phone by calling the agency and providing ***his or her***[~~***their***~~] agency-issued[~~his or her agency issued~~] personal identification number (PIN); or

3. By filing a signed written request.

(3) Once an eligible voter modifies the ballot type ***he or she receives***[~~***they receive***~~][~~he or she receives~~], the eligible voter shall receive the specified ballot type until ***he or she requests***[~~***they request***~~][~~he or she requests~~] a change in the ballot type in accordance with subsection (2) of this section.

Section 7. Ballot Preparation and Delivery.

(1) The agency or its third-party vendor shall prepare the official ballot within four (4) months of the nominations of the respective Board[~~no later than three (3) months prior to the expiration of the term of office~~]. The ballot shall:

(a) Provide a unique voter identification number;

(b) Provide details on how to vote[~~ by telephone~~];

(c) Contain instructions defining what constitutes a valid vote; and

(d) Indicate that any invalid vote shall not be counted.

(2) Ballots shall be provided to eligible voters[~~the eligible voter~~] on or before January 28[~~20~~] of the election year.

(a) The agency or its third-party vendor shall email electronic ballots to[~~For an electronic ballot,~~] the email address on file unless the eligible voter:

1. Has requested a paper ballot, which shall be sent to ***his or her***[~~***their***~~] last valid physical mailing address on file; or

2. Only has a valid physical mailing address on file to which a paper ballot shall be sent.[~~on or before December 31 of the year~~

~~preceding the election year shall be used. If the eligible voter does not have a valid email address on file, the electronic ballot shall not be sent. If the agency discovered the invalid email address on or before one (1) week prior to the deadline to cast a valid vote, a paper ballot shall be mailed in accordance with paragraph (b) of this subsection.~~]

[~~(b)~~)] [~~For a paper ballot, the valid physicalmailing address on file on or before December 31 of the year preceding the election year shall be used. If a returned paper ballot is received:~~]

[~~1.~~] [~~With notification of a new mailing address from the United States Postal Service, the ballot will be mailed to the new address if the notification is received on or before one (1) week prior to the date the vote shall be cast; or~~]

[~~2.~~] [~~With no notification of a new mailing address from the United States Postal Service on or before one (1) week prior to deadline to cast a valid vote, if the participant has a valid email address on file, an electronic ballot shall be sent in accordance with paragraph (a) of this subsection.~~]

(b)[~~(c)~~)] The ballot shall not be provided if there is no valid physical mailing address and no valid email address on file.

(3) The agency and its third-party vendor shall be held harmless for any incorrect email address or mailing address submitted by the participant or inadvertently entered by the agency or its third-party vendor.

Section 8. Casting of Votes.

(1) In order to be accepted and counted as a valid vote pursuant to KRS 61.645:

(a) Electronic votes and votes by telephone shall be cast on or before March 1 of the election year; and[~~For an electronic vote or vote by telephone to be accepted and counted as a valid vote, it shall be cast on or before the end of day on March 1 of the election year, except as provided in paragraph (b) of this subsection.~~]

(b) Paper votes[~~For paper voting, the vote~~] shall be on a ballot postmarked to the required address by[~~the end of day on~~] March 1 of the election year.

(2)

(a) For an electronic or paper ballot, the eligible voter shall:

1. Indicate the candidate or candidates of ***his or her***[~~***their***~~][~~his or her~~] choice pursuant to KRS 61.645(4)(f) and 78.782(4)(f); or

2. Indicate a write-in option and add the name of an eligible participant as specified by the Board for which the vote is being cast.

(b) To cast a vote by electronic ballot, the eligible voter shall electronically sign the completed ballot on the Web site provided[~~to him or her~~] and follow any other prompts.

(c) To cast a vote by paper ballot, the eligible voter shall sign the completed ballot and mail it to the address indicated on the paper ballot.

(3) To cast a vote by telephone, the eligible voter shall:

(a) Call the number provided on the paper or electronic ballot;

(b) Provide ***his or her***[~~***their***~~][~~his or her~~] unique voter identification number;

(c) Indicate the candidate or write-in candidate of ***his or her***[~~***their***~~][~~his or her~~] choice verbally; and

(d) Follow any other prompts.

(4) Each eligible voter shall cast only one (1) vote per open position in each applicable system and any subsequent vote received or submitted shall be invalid and not accepted.

Section 9. Review of Cast Votes.

(1) The third-party vendor shall review each cast vote to determine[~~ascertain~~] whether it is a valid vote.

(2)

(a) Invalid votes shall include ballots:

1. Returned to the agency or third-party vendor for faulty or invalid physical mailing addresses or email addresses;

2. Incorrectly returned or mailed to the street address of the agency or third-party vendor; or

3. That do not comply with Section 8 of this administrative regulation.

(b) Invalid votes shall not be considered or counted. Once the final results are announced, the ballots from these invalid votes shall be shredded or otherwise electronically destroyed by the third-party vendor and a certificate shall be provided to the agency confirming the shredding or destruction of these ballots.

Section 10. Tabulation of Votes.

(1) After totaling the valid votes, the third-party vendor shall certify the results of the election in writing to the Chair of the respective Board in care of the Chief Executive Officer. The certified results shall be provided to the agency on or before March 15 of the election year.

(2) Once all valid votes have been counted and the results are final, the third-party vendor shall destroy all ballots, including ballots or data generated and stored from electronic or telephone votes, and provide a certificate confirming the destruction of the ballots or data to the agency.

(3) The candidate or write-in candidate with the plurality of votes is[~~votesis~~] elected to the vacant trustee position and shall begin ***his or her***[~~***their***~~][~~his or her~~] term of office on April 1 of the election year.

(4) The agency shall notify each balloted candidate[~~and write-in candidate~~] of the outcome of the election.

Section 11. Board Vacancies.

(1) The agency shall notify participants of the vacancy of an elected trustee during an unexpired term within thirty (30) days of the vacancy occurring. The notice shall detail the steps members or retired members shall take to become a potential candidate.

(2) In order to be an eligible candidate for the trustee vacancy, a participant shall:

(a) Meet the requirements established in Section 3(3)(b) of this administrative regulation; and

(b) File the materials established in Section 3(3)(c) of this administrative regulation with the agency no later than sixty (60) days after the vacancy occurs.

(3) The agency shall provide a list of eligible candidates to the applicable board for consideration and appointment by majority vote of the remaining elected trustees pursuant to KRS 61.645(5) or 78.782(5)(a).

Section 12. Incorporation by reference.

(1) "Application for Trustee", March 2022, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency's ***website***[~~***Web site***~~] at https://kyret.ky.gov.

FILED WITH LRC: February 9, 2026

CONTACT PERSON: Carole J. Catalfo, Policy Specialist, Kentucky Public Pensions Authority. 1260 Louisville Road, Frankfort, Kentucky 40601. Phone (502) 696-8679, Fax (502) 696-8615, Email: Legal.Non-Advocacy@kyret.ky.gov

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(As Amended at ARRS, February 9, 2026)

201 KAR 16:730. Approved allied animal health professional (AAHP) programs; education requirements.

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, 321.253

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 education requirements for allied animal health professional(AAHP) providers.***~~][]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 successfully complete[~~have received~~] training from an approved allied animal health professional program in order to qualify for a license[~~permit~~] from the board. This administrative regulation establishes [~~an allied animal health professional's allowable scope of work on animals and~~]the allied animal health professional educational programs approved by the board.

Section 1. Definitions.

(1) "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).

(2) "Approved allied animal health professional program" is defined by KRS 321.181(10)[~~KRS 321.181(9)~~].

Section 2. Education Requirements.

(1) To be considered for approval by the board, as one (1) component of the Application ***for an Allied Animal Health Professional (AAHP) Provider License Form, as incorporated by reference in 201 KAR 16:732,***an applicant for an AAHP license[~~permit~~] shall meet and show proof of ***the requirements as established in subsections (2) and (3) of this section.***

(2) [~~:~~][***(a)***][~~(1)~~] For an AAHP animal chiropractic provider (ACP) license:

(a) [~~permit,~~] Holding current licensure in good standing from the Kentucky Board of Chiropractic Examiners; and

(b)[~~(2)~~] Maintaining a current certificate in good standing with an approved allied animal health professional program designated in Section 3 of this administrative regulation.

(3)[~~***(2)***~~] For an AAHP equine dental provider (EDP) license:

(a) Certification from an ***International Association of Equine Dentistry (***IAED***)*** EPD educational program that held full or limited approval by the IAED on the date when the applicant completed the educational program***; and***[~~.~~]

(b) A current certificate of good standing, and not solely membership, with an approved allied animal health professional program designated in Section 3 of this administrative regulation.

Section 3. Approved allied animal health professional programs.

(1) For ACP programs, the[~~The~~] board approves the allied animal health professional programs [~~for animal chiropractic practice~~]on animals from the:

(a)[~~(1)~~] American Veterinary Chiropractic Association (AVCA);

(b)[~~(2)~~] International Veterinary Chiropractic Association (IVCA); or

(c)[~~(3)~~] An approved program of the AVCA or IVCA.

(2) For EDP programs, the board approves the allied animal health professional programs on animals from the:

(a) [***International Association of Equine Dentistry (***]IAED[~~,~~]] approved academic institutions as listed on the association's publicly available website ***available athttps://www.iaedonline.com/education/***; or

(b) A similar professional organization with standards meeting or exceeding those of other board-approved organizations, as determined by the board ***through the completion of a Request for Continuing Education Course Approval form as incorporated by reference in 201 KAR 16:516, Section 7, and with subsequent approval by the board***.

Section 4. Continuing education required. As one ***(1)*** part of the requirements for an allied animal health professional license[~~permit~~] to be granted and renewed, the AAHP provider shall provide proof that the degree or certificate obtained from the approved allied animal health professional program is in an active or current status with:

(1)

(a) The professional licensing board as required in Section 2***(2)(a)***[~~***(1)***~~] of this administrative regulation, if applicable to the credential holder and required by the board; and

(b) The approved allied animal health professional program certifying entity identified in Section 3 of this administrative regulation.

(2) At the time of application, the AAHP licensee[~~permittee~~] shall show proof satisfactory to the board that all continuing education requirements for these credentials have been met and are current in accordance with 201 KAR 16:735, Section 2.

FILED WITH LRC: February 9, 2026

CONTACT PERSON: Michelle M. Shane, KBVE Executive Director, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-573-1458, email Michelle.Shane@ky.gov.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(As Amended at ARRS, February 9, 2026)

201 KAR 16:735. Renewal requirements for AAHP licenses[~~permits~~] -- renewal notice -- expiration.

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)1., 321.251(4), 321.253

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 requirements for the renewal of AAHP licensure.***][]KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321. KRS 321.235(1)(a)-(c) requires the board to promulgate administrative regulations to evaluate the qualifications of applicants for an allied animal health professional (AAHP) license[~~permit~~]. KRS 321.235(2)(b)1. authorizes the board to require an AAHP licensee[~~permittee~~] to obtain appropriate continuing education to ensure continued competency. This administrative regulation establishes renewal requirements, renewal notification procedures for AAHP licensees[~~permittees~~] of the board, and required continuing education for AAHP licensees[~~permittees~~].

Section 1. Renewal Notices and Timeliness of Renewal Applications.

(1) The board shall, not later than August 31 of each year, email or mail to each licensed[~~permitted~~] allied animal health professional a renewal notice.

(2) The Renewal Application for AAHP Licenses[~~Permits~~] shall be completed by the licensee[~~permittee~~] and returned to the board, including all required attachments, fees ***as required by 201 KAR 16:513***, and, if required by the board, proof of course completion for the required continuing education.

(3) Timely receipt of renewal application.

(a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of September 30 or earlier shall be considered received on time.

(b) Renewals bearing a postmark, or, if an online renewal, a timestamp, between October 1 and November 30 shall be considered late and therefore incur a late fee pursuant to 201 KAR 16:513.

(4) The renewal fee***, as established in 201 KAR 16:513,*** shall be attached to the completed Renewal Application for AAHP Licenses[~~Permits~~] form when it is returned to the board or paid online.

Section 2. Continuing Education (CE) Required.

(1) Each AAHP licensee[~~permittee~~] shall list their continuing education hours received on the Renewal Application for AAHP Licenses[~~Permits~~] form or online equivalent form, including all required attachments, and if required, proof of attendance or completion of training to the board.

(a) For AAHP animal chiropractic providers (ACPs), licensees[permittees] shall show proof of CE for a minimum of six (6) clinical hours annually from:

1. An[an] approved program of the:

a. American Veterinary Chiropractic Association (AVCA); or

b. International Veterinary Chiropractic Association (IVCA); or

2. Animal chiropractic focused CE from one (1) or more of the following organizations:

a. American Veterinary Medical Association (AVMA) or its affiliate organizations as listed on the AVMA website ***available athttps://www.avma.org/about/state-and-allied-groups***;

b. American Association of Veterinary State Boards (AAVSB) Registry of Approved Continuing Education (RACE); or

c. A board-approved CE program.

(b) For AAHP Equine Dental Providers (EDPs), licensees shall show proof of CE for a minimum of six (6) clinical hours annually from:

1. The International Association of Equine Dentistry (IAED) annual conference; or

2. Equine dental focused CE from one (1) or more of the following organizations:

a. [***American Veterinary Medical Association (***]AVMA[***)***] or its affiliate organizations as listed on the AVMA website ***available athttps://www.avma.org/about/state-and-allied-groups***;

b. Veterinary Dental Forum;

c. American Association of Equine Providers (AAEP);

d. [***American Association of Veterinary State Boards (***]AAVSB[***) Registry of Approved Continuing Education (***]RACE[***)***]; or

3. A board-approved CE program.

[(b)] [For legacy pathway AAHP-ACPs, permittees shall show proof of CE for a minimum of six (6) clinical hours annually from an approved program of the AVCA, IVCA, or a board-approved CE program.]

(2) AAHP CE hours shall be clinical in a topic specifically related to the area of practice for which they hold a license. Additional CE hours in practice management, wellness, or other topics may be earned**,** but shall not count toward the CE requirement for renewal or reinstatement of the AAHP license.

(3) CE Format. An AAHP ***licensee***[***licensees***] shall earn:

(a) A minimum of three (3) of the required six (6) hours CE for AAHP providers ***that is***[***shall be***] earned in person***; and***[**.**]

(b) No more than three (3) of the required six (6) CE hours in an online format that is pre-recorded or non-interactive.

(4) All CE earned shall be new continuing education. An AAHP licensee shall not apply CE earned in a prior renewal period**,** or earned and applied for licensure reinstatement toward renewal of their license in the current renewal cycle.[Continuing education hours applied toward a reinstatement application shall not be eligible for credit on the renewal application.]

(5)[(3)] Continuing education shall be earned from October 1 of each renewal period until September 30 at the end of the period, or until November 30 at the end of the grace period with the addition of a late fee in accordance with 201 KAR 16:513.

(6) Continuing education hours earned during the grace period of a renewal cycle shall not be eligible for credit on [the]subsequent renewal applications[application].

(7)[(4)] The board shall not renew the license[permit] of any person who fails to appropriately document the required hours of continuing education.

(8) Continuing education requirements shall be waived for a new licensee completing their initial term of licensure who ***has*** also achieved board-approved certification within twelve (12) months of initial licensure.

Section 3. The board shall not be held responsible or liable for lost renewal notices, or renewal notices not received, or not received on time.

(1) Regardless of cause, the board shall not be required to refund money to a licensee[permit holder] who fails to renew in a timely manner pursuant to Section 1***(3)***[***(4)***] of this administrative regulation.

(2) Failure to renew by the grace period deadline and in compliance with all requirements of the board shall cause the license[permit] to move to expired status. The licensee[permit holder] shall no longer be eligible to practice as an allied animal health professional in Kentucky.

(3) The former licensee[permit holder] may apply for reinstatement of the license[permit] within five (5) years from the date of expiration in accordance with 201 KAR 16:732. A Reinstatement Application ***for Registered AAHP Facilities, as incorporated by reference in 201 KAR 16:775,*** shall be required during this period; an Application for ***AAHP Facility Registration, as incorporated by reference in 201 KAR 16:772, for*** a new license shall not be accepted until five (5) years after the last date of expiration.

Section 4. Duty to Report. Each AAHP licensee[permit holder] shall maintain on file with the board their:

(1) Legal[File their legal] name[with the board];

(2) Legal[File their legal] residential address[with the board];

(3) Legitimate[File their legitimate] mailing address[with the board]. The mailing address shall be subject to public disclosure;

(4) Current[File their current] employer[with the board];

(5) Current[File a current] email address and phone number[with the board]; and

(6) Within thirty (30) days, notify the board of any changes to their name or addresses or email address by submitting a completed Request for Name or Address Change form, incorporated by reference in 201 KAR 16:570 or online equivalent form.

Section 5. Incorporation by Reference.

(1) "Renewal Application for AAHP Licenses[Permits]", ***11***[***8***]/2025[2/2025], 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, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

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BOARDS AND COMMISSIONS
Kentucky Board of Veterinary Examiners
(As Amended at ARRS, February 9, 2026)

201 KAR 16:772. Application requirements for AAHP facility registration; AAHP managers; Registered responsible parties.

RELATES TO: KRS 321.175, 321.181[***(1)-(4)***], 321.189, 321.203, 321.205, 321.235, 321.253, 321.255

STATUTORY AUTHORITY: KRS [***321.175(2)(c)***][***, (4)***][***, (5),***]321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., 321.236

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, the registration and regulation of AAHP facilities and mobile facilities where and from which AAHP services are provided.***] 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 establish conditions for applications and licensing[permitting] of allied animal health professional (AAHP) facilities. This administrative regulation establishes application requirements for AAHP facilities, registered responsible parties at AAHP facilities, and AAHP managers**,** and ***includes the*** minimum requirements for operation as a registered AAHP facility.

Section 1. Definitions.

(1) [~~"~~][***Dedicated AAHP Services Space" or "DASS" is defined as a clearly distinct, purpose-built area that is physically and operationally separate from non-AAHP provider spaces and retail shopping areas, and that is designed to support the safe, private, and professional delivery of AAHP services while maintaining compliance with applicable regulations and ensuring client and patient comfort and preventing harm to the public.***]

[~~(2)~~] [~~(1)~~]"Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).

(2)[***(3)***] [~~(2)~~] "Allied animal health professional facility" or "AAHP facility" is defined by KRS 321.181(2).

(3) "Dedicated AAHP Services Space" or "DASS" means a clearly distinct, purpose-built area that is physically and operationally separate from non-AAHP provider spaces and retail shopping areas, and that is designed to support the safe, private, and professional delivery of AAHP services while maintaining compliance with applicable administrative regulations, ensuring client and patient comfort, and preventing harm to the public.

(4)[~~(3)~~] "Fixed facility" is defined by KRS 321.181(40)[~~KRS 321.181(38)~~].

(5)[~~(4)~~] "Mobile facility" or "mobile unit" is defined by KRS 321.181(48)[~~KRS 321.181(46)~~].

(6)[~~(5)~~] "Registered responsible party" is defined by KRS 321.181(59)[~~KRS 321.181(57)~~].

Section 2. General Requirements. Each AAHP facility located in Kentucky at which an AAHP licensee[~~permittee~~] practices on animal patients shall possess an AAHP facility registration issued by the Kentucky Board of Veterinary Examiners, unless the AAHP licensee[~~permittee~~] is practicing at a registered veterinary facility.

(1) An AAHP facility registration shall not be issued without a physical facility, either a fixed facility or mobile facility.

(2) An AAHP facility shall contain a dedicated space equipped for***,*** staffed ***for***, and primarily devoted to the provision[~~practice~~] of the allied animal health professional services[~~profession~~] on animal patients.

(3) Premises primarily devoted to activities other than AAHP services***, and which also***[~~, that still~~] offer AAHP services to the public at a fixed facility shall be registered as an AAHP facility ***and shall comply with paragraphs (a) through (e) of this subsection.***[~~, subject to the following requirements:~~]

(a) The Dedicated AAHP Services Space (DASS) shall be physically and operationally distinct from areas of other use.[***;***]

(b) The DASS shall be confined and enclosed with walls***,*** floor to ceiling so that, at a minimum, patients are fully contained and separated from persons who are not AAHP personnel or an owner or owner's agent.[***;***]

(c) The DASS shall exclude individuals who are not AAHP personnel or an owner or owner's agent.[***;***]

(d) To ensure public and patient safety, the provision of AAHP services in a DASS shall be physically separate from other retail activity and public services offered.[***; and***]

(e) AAHP facilities registered under this subsection ***may be inspected***[~~***shall be subject to inspection***~~] by the board to verify compliance with the provisions of this subsection to ensure both public and patient safety.

(4)[~~(3)~~] A mobile facility shall be registered as an affiliate unit on a fixed facility registration, or independently under a unique AAHP facility registration with a designated physical location for parking and storage.

(5)[~~(4)~~] A registered facility shall have no more than two (2) mobile units under its registration without incurring additional registration and renewal fees as established in 201 KAR 16:517.

(6)[~~(5)~~] Registration Documentation.

(a) A fixed registered AAHP facility shall prominently display the current registration certificate in a public area of the registered facility.[~~***The registration certificate shall:***~~]

(b) A mobile unit registered AAHP facility shall retain within the mobile unit the current registration certificate which ***shall be presented***[~~***may be produced***~~] upon demand.

(c) The registration certificate shall:

1.[~~(a)~~] Be legible; and

2.[~~(b)~~] Show the current dates of registration.

Section 3. Exemptions from Requirements for AAHP Facility Registration. The following premises shall be exempt from the requirements of this administrative regulation:

(1) Premises identified in KRS 321.181(2)(c);

(2) An expert who provides consulting services only to [~~other~~]veterinarians or other AAHP licensees[~~permittees~~], who does not engage in practice on a patient directly, and who does not have a regular physical facility where the expert[~~consultant~~] practices on animal patients; and

(3) Rental vehicles or vehicles used on a temporary basis while a registered mobile unit is not operational.[~~An AAHP Permittee who utilizes their personal vehicle for transport provided the equipment for AAHP services being transported is limited to an aide for height. Transportation of any other equipment for services or pharmaceuticals shall trigger the requirement for registration of the vehicle as an AAHP facility or mobile unit.~~]

Section 4. Registered Responsible Party.

(1) Each Application for [***an*** ~~***a***~~]AAHP Facility Registration shall name the facility and identify each registered responsible party.

(2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable for ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including the timely designation of an allied animal health professional manager for the facility, in accordance with 201 KAR 16:737.

(3) If it is determined that a registered responsible party has violated any provisions of ***KRS Chapter 321***[~~***the Kentucky Veterinary Medicine Practice Act***~~] or 201 KAR Chapter 16, the board may take disciplinary action equal to that for a licensed veterinarian as provided by ***KRS Chapter 321***[~~***the Kentucky Veterinary Medicine Practice Act***~~].

Section 5. AAHP Manager.

(1) Each Application for [***an*** ~~***a***~~]AAHP Facility Registration shall name the facility and designate an AAHP manager. The application shall include the AAHP manager's original signature, or, if completed online, an equivalent digital signature.

(2) An AAHP manager shall be primarily responsible for meeting the requirements of KRS Chapter 321 and 201 KAR Chapter 16, including ensuring that minimum standards are met and maintained.

Section 6. New Application Requirements. A new application to the board for registration as ***an***[~~***a***~~] AAHP facility shall include the following components:

(1) A completed application on an Application for AAHP Facility Registration form or online equivalent form, including all required attachments and fees pursuant to 201 KAR 16:517;

(2) A complete list of persons or entities who shall be the registered responsible party;

(3) Identification of the AAHP manager;

(4) Identification of the legal business name and the doing-business-as (D.B.A.) name of the facility;

(5) Identification of the phone, address, and email address of the registered facility;

(6)[~~(4)~~] A copy of the business registration from the Kentucky Secretary of State, county registration, or similar business registration, if one ***(1)*** exists;

(7)[~~(5)~~] Identification of the type of AAHP facility from one (1) or more in a list provided by the board;

(8)[~~(6)~~] Identification of the species served from one (1) or more in a list provided by the board;

(9)[~~(7)~~] Identification of the patient services offered at the AAHP facility from one (1) or more in a list provided by the board;

(10)[~~(8)~~] A complete list of AAHP licensees[~~permittees~~] working at the facility;

(11)[~~(9)~~] A complete list of all mobile units being registered under the[~~affiliated with the~~] AAHP facility;

(12)[~~(10)~~] Disclosure of afterhours care arrangements;

(13)[~~(11)~~] For fixed facilities, county of location and counties served;

(14)[(12)] For mobile units, a list of the counties served by the mobile unit;

(15)[(13)] Hours of facility operation; and

(16)[(14)] A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application.

Section 7. Background Checks. Pursuant to KRS 321.189, the board may:

(1) Conduct a national or jurisdictional level background check on each AAHP license[permit] applicant. The check shall be processed by a ***board-approved***[***board-approved***] background check provider and may include a copy of the applicant's fingerprints captured at a board-approved location;

(2) Reject background checks that do not have an official seal or watermark[,] or that are more than ninety (90) days old;

(3) Impose additional requirements as a condition of registration or deny the application following the board's review of findings from a background check; and

(4) Waive the background check requirement for an AAHP manager who is already licensed[permitted] in Kentucky and if a background check was previously conducted as a condition of licensure[permitting].

Section 8. Renewal and Reinstatement of AAHP Facility Registrations. Pursuant to 201 KAR 16:775, a registered responsible party or AAHP manager shall:

(1) Ensure the timely renewal of the AAHP facility registration; and

(2) If applicable, ensure an appropriate reinstatement application is made to the board.

Section 9. Incorporation by Reference.

(1) "Application for AAHP Facility Registration", ***11/2025***[***8/2025***][2/2025], 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.

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CONTACT PERSON: Michelle M. Shane, KBVE Executive Director, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Phone 502-564-5433, Fax 502-573-1458, Michelle.Shane@ky.gov.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(As Amended at ARRS, February 9, 2026)

201 KAR 16:775. AAHP facilities -- Renewal notice -- Requirements for renewal and reinstatement.

RELATES TO: KRS 321.175, 321.181[***(1)-(4)***], 321.189, 321.203, 321.205, 321.235, 321.253, 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

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(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 establish conditions for applications and licensure[permitting] of allied animal health professional (AAHP) facilities. This administrative regulation establishes requirements for AAHP facility registration renewal and reinstatement applications.

Section 1. Renewal Notices and Timeliness of Renewal Applications.

(1) The board shall, not later than August 31 of each odd-numbered year, email or mail to each registered AAHP facility a biennial renewal notice.

(2) The renewal application shall be completed by the AAHP manager or registered responsible party and returned to the board, including all required attachments and, if required by the board, proof of course completion for the required continuing education.

(3) Timely receipt of renewal application.

(a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of not later than September 30 of every odd-numbered year beginning in 2027 and each odd-numbered year thereafter shall be considered received on time.

(b) Renewals bearing a postmark, or, if an online renewal, a timestamp, on or after October 1 of every odd-numbered year shall be considered late and shall cause the registration status to be changed to expired. There shall be no grace period for registered facility renewal.

(4) Renewal fee.

(a) The renewal fee shall be paid pursuant to 201 KAR 16:517; and

(b) The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online with the completion of the online renewal form.

Section 2. Renewal Application.

(1) The renewal application shall be completed by the registered responsible party or AAHP manager and returned to the board, including all required attachments.

(2) A renewal application to the board for an AAHP facility registration shall include the following components:

(a) A completed application on the Renewal Application for Registered AAHP Facilities form or online equivalent form, including all required attachments and fees pursuant to 201 KAR 16:517;

(b) Identification of any changes to the registered responsible party;

(c) Identification of the AAHP manager;

(d) Identification of the legal business name and the doing-business-as (D.B.A.) name of the facility;

(e) Identification of the phone, address, and email address of the registered facility;

(f)[(d)] A copy of the business registration from the Kentucky Secretary of State, county registration, or similar business registration, if one ***(1)*** exists;

(g)[(e)] Identification of the type of AAHP facility from one (1) or more in a list provided by the board;

(h)[(f)] Identification of the species served by the facility from one (1) or more in a list provided by the board;

(i)[(g)] Identification of the patient services offered at the AAHP facility from one (1) or more in a list provided by the board;

(j)[(h)] A complete list of AAHP licensees[permittees] working at the facility;

(k)[(i)] A complete list of all mobile units registered under the[affiliated with the] AAHP facility;

(l)[(j)] Disclosure of afterhours care arrangements;

(m)[(k)] For fixed facilities, county of location and counties served;

(n)[(l)] For mobile units, a list of the counties served by the mobile unit;

(o)[(m)] Hours of facility operation; and

(p)[(n)] A copy of any court documents, final orders, settlement agreements, or other information requested by the board in support of the application.

(3) A change in fifty (50) percent or more of ownership or of the registered responsible parties shall be cause for the board to deny an AAHP facility renewal and require a new AAHP facility application.

Section 3. Failure to Renew.

(1) Applicants for renewal that miss the AAHP facility registration renewal deadline shall immediately cease operations offering AAHP services.

(2) If the registered responsible party desires to continue offering AAHP services on the premises or from a mobile unit, they

shall submit a complete reinstatement application in accordance with Section 4 of this administrative regulation.

Section 4. Reinstatement. A registered responsible party or AAHP manager may apply for reinstatement of an expired AAHP facility registration if not more than five (5) years have elapsed since the last date of registration expiration pursuant to KRS 321.203. Applications to the board for reinstatement of a AAHP facility registration shall include the following components:

(1) A completed application on a Reinstatement Application for Registered AAHP Facilities form or online equivalent form, including the following components and all required attachments and fees pursuant to 201 KAR 16:517;

(2) Identification of any changes to the registered responsible party;

(3) Identification of the AAHP manager;

(4) Identification of the legal business name and the doing-business-as (D.B.A.) name of the facility;

(5) Identification of the phone, address, and email address of the registered facility;

(6)[~~(4)~~] A copy of the business registration from the Kentucky Secretary of State, county registration, or similar business registration, if one ***(1)*** exists;

(7)[~~(5)~~] Identification of the type of AAHP facility from one (1) or more in a list provided by the board;

(8)[~~(6)~~] Identification of the type of AAHP facility from one (1) or more in a list provided by the board;

(9)[~~(7)~~] Identification of the species served by the facility from one (1) or more in a list provided by the board;

(10)[~~(8)~~] Identification of the patient services offered at the AAHP facility from one (1) or more in a list provided by the board;

(11)[~~(9)~~] A complete list of AAHP licensees[~~permittees~~] working at the facility;

(12)[~~(10)~~] A complete list of all mobile units registered under the[~~affiliated with the~~] AAHP facility;

(13)[~~(11)~~] Disclosure of afterhours care arrangements;

(14)[~~(12)~~] For fixed facilities, county of location and counties served;

(15)[~~(13)~~] For mobile units, a list of the counties served by the mobile unit;

(16)[~~(14)~~] Hours of facility operation; and

(17)[~~(15)~~] A copy of any court documents, final orders, settlement agreements, or other information requested by the board in support of the application.

Section 5. Background Checks. Pursuant to KRS 321.189, the board may:

(1) Conduct a national or jurisdictional level background check on each AAHP manager applicant for AAHP facility registration. The check shall be processed by a ***board-approved***[~~***board approved***~~] background check provider and may include a copy of the applicant's fingerprints captured at a board-approved location;

(2) Reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old; and

(3) Impose additional requirements as a condition of registration or deny the AAHP facility application or the designated AAHP manager following the board's review of findings from a background check.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Renewal Application for Registered AAHP Facilities", ***11/2025***[~~***8/2025***~~][~~3/2025~~]; and

(b) "Reinstatement Application for Registered AAHP Facilities", ***11/2025***[~~***8/2025***~~][~~3/2025~~].

(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, 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.

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BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(As Amended at ARRS, February 9, 2026)

201 KAR 16:777. Registered AAHP facilities – Duties of registered responsible parties and AAHP managers.

RELATES TO: KRS ***321.175,*** 321.181, 321.203, 321.205, 321.235, 321.236, 321.251, 321.255

STATUTORY AUTHORITY: KRS [~~***321.175(2)(c), (4), (5),***~~]321.181(1)-(4), 321.203, 321.205, 321.235(1)(b), 321.236(1)(b), ***(5)***[~~***321.236***~~]

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all allied animal health professional (AAHP) facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered AAHP facility to identify both an AAHP manager and each registered responsible party who shall be responsible for the operation and management of the AAHP facility. This administrative regulation establishes the responsibilities for registered responsible parties and AAHP managers.

Section 1. Definitions.

(1) "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).

(2) "Allied animal health professional facility" or "AAHP facility" is defined by KRS 321.181(2).

(3) [~~***"Fixed facility" is defined by KRS 321.181(38).***~~]

[~~***(4)***~~] "Mobile facility" or "mobile unit" is defined by KRS 321.181***(48)***[~~***(46)***~~].

(4)[~~***(5)***~~] "Registered responsible party" is defined by KRS 321.181***(59)***[~~***(57)***~~].

Section 2. Duties of Registered Responsible Parties. A registered responsible party shall:

(1) Be responsible for maintaining minimum standards as promulgated by the board in 201 KAR Chapter 16;

(2) Designate an AAHP manager for the registered AAHP facility;

(3) Ensure the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met in addition to all local, state, and federal laws governing operations at the AAHP[~~veterinary~~] facility; and

(4) Comply with all duties to report, in accordance with Section 4 of this administrative regulation, including the timely designation of an AAHP manager for the facility.

Section 3. Duties of AAHP Managers.

(1) An AAHP manager shall:

(a) Be responsible for maintaining minimum standards as ***established***[~~***promulgated***~~] by the board in 201 KAR Chapter 16;

(b) Maintain a Kentucky Board of Veterinary Examiners AAHP license[~~permit~~] in good standing;

(c) Comply with all provisions of the ***KRS Chapter 321***[~~***Kentucky Veterinary Medicine Practice Act***~~] and 201 KAR Chapter 16, in addition to all local, state, and federal laws governing operations at the AAHP facility; and

(d) Ensure the current ***board-approved***[~~***board approved***~~] AAHP facility registration is posted in the registered facility and viewable by the public.

(2) The AAHP manager shall be:

(a) The individual who oversees AAHP services at the AAHP facility;

(b) Knowledgeable about the AAHP facility ***and***[~~,~~] its:

1. Daily operations;

2. Standard protocols;
3. Drug supplies;
4. Patient areas;
5. Storage structures;
6. Other organizational spaces; and
7. Parts and spaces, both indoors and outdoors;

(c) Physically present[~~Present~~] at the AAHP facility with enough frequency during each month to have sufficient knowledge of and control over the facility's methods for complying with minimum standards as established in KRS Chapter 321 and 201 KAR Chapter 16 and the degree to which the minimum standards are being met;[***~~and~~***]

(d) [***~~An AAHP manager shall be~~***]Limited to the management of no more than five (5) registered AAHP facilities. Multiple mobile units registered under a single facility registration shall count as one (1) registered facility***; and***[~~.~~]

(e) Available and responsive to the board, its staff, inspectors, or other board designees, if a facility inspection or any inquiry or investigation by the board occurs.

Section 4. Duty to Report. Either the registered responsible party or AAHP managers shall report to the board:

(1) Within thirty (30) days, any change of name, address, phone, or email to the registered AAHP facility by completing and submitting to the board the Request for Facility Information Change form incorporated by reference in 201 KAR 16:767, or online equivalent form, including all required attachments, provided by the board;

(2) Within ten (10) days, a change in the AAHP manager for the registered facility by completing and submitting to the board a Request for a New AAHP Manager form or online equivalent form, including all required attachments, provided by the board; and

(3) A written response to a grievance or inquiry from the board pursuant to 201 KAR 16:610.

Section 5. Registration and Inspection of Allied Animal Health Professional Facilities.

(1) Each AAHP licensee[~~permittee~~] and AAHP facility or mobile facility shall be subject to KRS Chapter 321 and 201 KAR Chapter 16.

(2) During a facility inspection or investigation, the board or its designee shall be provided unrestricted access to animal use areas.

(3) Inspections of an AAHP facility shall be limited to the animal treatment areas unless the board or its designee is accompanied by at least one (1) representative from the professional licensing board or certifying body in the human area of specialty.

Section 6. Separate Human and Animal Treatment Areas Required. An AAHP licensee[~~permittee~~] who treats both animal and human patients in the same registered facility shall:

(1) Post a conspicuous sign in the reception area of that facility informing customers that nonhuman patients are treated on the premises;

(2) Maintain a separate, non-carpeted room for the purpose of practicing on animal patients;

(3) Utilize separate furniture and equipment for use with animal patients which shall not be used for human patients;

(4) Apply appropriate biosecurity measures to prevent contamination and the spread of zoonotic disease; and

(5) If an animal bite occurs, report to the local health department within twelve (12) hours and comply with state law regarding required actions and, if necessary, quarantine the animal.

Section 7. Incorporation by Reference.

(1) "Request for a New AAHP Manager", ***11/2025***[~~***8/2025***~~][~~3/2025~~], 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.

FILED WITH LRC: February 9, 2026

CONTACT PERSON: Michelle M. Shane, KBVE Executive Director, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-573-1458, email Michelle.Shane@ky.gov.

BOARDS AND COMMISSIONS
Board of Medical Imaging and Radiation Therapy
(As Amended at ARRS, February 9, 2026)

201 KAR 46:045. Temporary license application for medical imaging technologists, advanced imaging professionals, radiographers, nuclear medicine technologists, [~~and~~]radiation therapists, and student radiographers.

RELATES TO: KRS 311B.050, 311B.100(2), 311B.120, 311B.180, 311B.190

STATUTORY AUTHORITY: KRS 311B.010, 311B.050, 311B.100(2)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050 requires the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to administer and enforce KRS Chapter 311B and to regulate the licensure of medical imaging technologists, advanced imaging professionals, radiographers, nuclear medicine technologists, and radiation therapists other than a licensed practitioner of the healing arts. KRS 311B.100(2) requires the board to establish licensure qualifications. This administrative regulation establishes procedures for the temporary licensure of medical imaging technologists, advanced imaging professionals, ***radiographers, nuclear medicine technologists,*** and radiation therapists who are eligible to apply for the appropriate national board exam***, procedures for the temporary licensure of***[]~~***and***~~] student radiographers, and [~~***clarifies***~~]limitations on temporary licensure***, including clarifications***.

Section 1. Eligibility.

(1) A person shall [~~***not***~~]be eligible for a Temporary License ***if***[~~***unless***~~] the person***:***

(a) Has satisfactorily completed an accredited educational program***;*** and

(b) Is eligible to sit for the ***certification exam of the:***

1. American Registry of Radiologic Technologists (ARRT)***;*** or

2. [~~***The***~~]Nuclear Medicine Technology Certification Board (NMTCB)[~~ ***certification exam***~~].

(2) A person shall [~~***not***~~]be eligible for a Temporary Student Radiography License ***if***[~~***unless***~~] the person***:***

(a) Is actively enrolled and in good academic standing in an accredited radiography program***;***[~~.~~]

(b) Has completed at least fifty ***(50)*** percent of the program with clinical experience in varied imaging procedures as endorsed by the program director***;***[~~.~~] and

(c) Has established appropriate supervisory personnel at each health care facility in which the person intends to practice.

Section 2.[~~Section 1.~~] Application Requirements.[~~for Temporary License. An applicant shall submit:~~]

(1) An applicant for a Temporary License shall submit:

(a) ***A*** Completed and signed Temporary License Application-Medical Imaging and Radiation Therapy, Form KBMIRT 3;

(b)[~~(2)~~] ***The*** non-refundable temporary application and license fee as established by 201 KAR 46:020, Section 3;

(c)[~~(3)~~] Results of ***a*** criminal background check completed***:***

1. Within the past six (6) months in ***the*** state of residence and employment***;*** and

2. For any other state of residence and employment within the past five (5) years;

(d)[~~(4)~~] ***A*** copy of a government issued photo ID; and

(e)[~~(5)~~] Verification of successful completion of an accredited educational program.

(2) An applicant for a Temporary Student Radiography License shall submit:

(a) ***A*** completed and signed Temporary [~~***Student Radiography***~~]License Application ***– Student Radiography***, Form KBMIRT 15;

(b) ***The*** non-refundable student radiography application and license fee as established by 201 KAR 46:020, Section 13;

(c) Results of ***a*** criminal background check completed***:***

1. Within the past six (6) months in ***the*** state of residence and employment***;*** and

2. ***For*** any other state of residence and employment within the past five (5) years;

(d) ***A*** Copy of a government issued photo ID; and

(e) Endorsements from program director and employer.

Section 3.[~~Section 2.~~] Conversion of License.

(1)

(a) The Temporary License may be converted to a permanent license upon submission of documentation of[~~Upon~~] certification by the [~~American Registry of Radiologic Technologists (~~]ARRT[~~)~~] or the [~~Nuclear Medicine Technology Certification Board (~~]NMTCB[~~), a temporary license shall be converted to a regular license upon submission of documentation of the ARRT or the NMTCB certification~~].

(b) If a temporary license is converted to a permanent license less than six (6) months before the individual's birth month, ***then*** the permanent license issued to the individual shall not expire on that date, but instead it shall expire at the last day of the individual's birth month in the following calendar year.

(c) [~~Section 3.~~] If a temporary licensee has not submitted documentation of the ARRT or the NMTCB certification during the twelve (12) month period***:***

1. [~~,~~] the license shall not be renewed; and

2. The individual shall***:***

a. Follow the procedure for initial license application pursuant to 201 KAR 46:040***;*** and

b. Pay the initial application and license fee mandated in 201 KAR 46:020.

(2) The Temporary Student Radiography License may be converted to a Temporary License upon completion of the accredited educational program and submission of application as ***established***[~~***noted***~~] in Section 2(1) of this administrative regulation.

Section 4. Limitations on License.

(1) An individual ***who***[~~***that***~~] holds an active Temporary License ***may***[~~***is authorized to***~~] perform within the practice standards for the discipline in which ***he or she is***[~~***they are***~~] licensed and under the supervision requirements set forth by 201 KAR 46:035.

(2)

(a) An individual ***who***[~~***that***~~] holds an active Temporary Student Radiography License ***may***[~~***is authorized to***~~] perform static x-rays under the supervision of a licensed Radiographer that is immediately available and physically present within the department.

(b) The Temporary Student Radiography Licensee shall not:

1.[~~***(a)***~~] Perform bedside radiography or fluoroscopy procedures; and

2.[~~***(b)***~~] Submit x-ray images for interpretation unless approved by a licensed Radiographer.

Section 5. Conditions on the Temporary Student Radiography License. An individual ***who***[~~***that***~~] holds a Temporary Student Radiography License shall remain actively enrolled and in good standing with the educational program throughout the duration of ***his or her***[~~***their***~~] licensure. If a licensee fails to maintain continuous enrollment, is suspended, dismissed, or withdraws from the educational program, the licensee shall notify the board immediately.

Section 6. Incorporation by Reference.

(1) ***The following material is incorporated by reference:***

(a) "Temporary License Application-Medical Imaging and Radiation Therapy", Form KBMIRT 3, October 2023***; and***

(b) [~~***, is incorporated by reference.***~~] [~~***(2)***~~] "Temporary License Application- Student Radiography", Form KBMIRT 15, September 2025[~~***, is incorporated by reference***~~].

(2) This material may be inspected, copied***,*** or obtained, subject to applicable copyright law, at the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky 40504, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board's ***website***[~~***Web site***~~] at https://kbmirt.ky.gov.

FILED WITH LRC: February 9, 2026

CONTACT PERSON: Elizabeth Morgan, Executive Director, 2365 Harrodsburg Rd, Suite A220, Lexington Kentucky 40504, 502-782-5687, fax 502-782-6495, elizabeth.morgan@ky.gov.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, February 9, 2026)

301 KAR 6:001. Definitions for 301 KAR Chapter 6.

RELATES TO: KRS Chapter 235, 33 C.F.R. 175.15

STATUTORY AUTHORITY: KRS 235.280

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 235.280 requires the Department of Fish and Wildlife Resources to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of Kentucky and to carry out the purposes of KRS Chapter 235. This administrative regulation establishes definitions for terms used in 301 KAR Chapter 6. 46 U.S.C. Chapter 131 requires the state to comply specific elements of applicable federal laws and regulations which specify requirements for States RBS Program. 33 C.F.R. 175.13 defines wearable and throwable PFDs.

Section 1. Definitions.

(1) "Adequate ventilation" means ventilation that meets Boating Industry Association and U.S. Coast Guard requirements at the time the vessel was manufactured.

(2) "Airborne device" means a kite, parachute, or similar device that holds a person aloft while towed behind a moving vessel.

(3) "Boat dealer" means a person who is in the business of selling motorboats in Kentucky, other than a personal boat.

(4) "Boat manufacturer" means a person who is in the business of manufacturing boats in Kentucky.

(5) "Class A" means vessels less than sixteen (16) feet in length or a personal watercraft as defined in KRS 235.010(4).

(6)[~~(4)~~] "Class 1" means vessels sixteen (16) feet or more, but[~~over and~~] less than twenty-six (26) feet in length.

(7)[~~(5)~~] "Class 2" means vessels twenty-six (26) feet or more, but[~~over and~~] less than forty (40) feet in length.

(8)[~~(6)~~] "Class 3" means vessels forty (40) feet or more in length.

(9)[~~(7)~~] "Crossing" means a situation in which a vessel approaches another from an angle of 112.5 degrees or less from either side of the bow.

(10) "Dealer or manufacturer certificate" means the certificate issued to a boat manufacturer or boat dealer that bears an identification number assigned by the department signifying registration as a boat manufacturer or a boat dealer.

(11)[(8)] "Documented by the federal government" means a vessel that has been registered with, and issued official registration documents by, the United States Coast Guard.

(12) "Electric trolling motor" means an electric motor equal to or less than three (3) horsepower, one and three-tenths (1.3) kilowatts input power, or 120 pounds of thrust.

(13) "Engine cut-off switch" means an operable emergency cut-off engine stop switch installed on a motorboat and that attaches to the motorboat operator by an engine cut-off switch link.

(14) "Engine cut-off switch link" means the lanyard or wireless cut-off device used to attach the motorboat operator to the engine cut-off switch installed on the motorboat.

(15) "Hydrofoil" means a vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing and a rear stabilizer.

(16)[(9)] "Idle speed" means the slowest possible speed at which maneuverability can be maintained.

(17)[(10)] "International diving flag" means a red flag with a white stripe running diagonally from an upper corner to the opposite lower corner.

(18) "Law enforcement vessel" means any vessel used by a law enforcement agency for law enforcement purposes.

(19) "Length" means the longest dimension of a boat measured along the centerline from the bow to the stern but does not include outboard motors, swim platforms, or similar attachments.

[(11)] ["Length":]

[(a)] [Means the longest dimension of a boat measured along the centerline from the bow to the stern; and]

[(b)] [Does not mean the length including outboard motors, swim platforms, or similar attachments.]

(20)[(12)] "Manually propelled racing vessel" means a racing shell, rowing scull, racing canoe, or racing kayak recognized by national or international racing associations for use in competitive racing, and not carrying or having been designed to carry equipment, except that which is solely for competitive racing.

(21) "Mechanically propelled personal hydrofoil" also known as an e-foil, means a vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing, rear stabilizer, and electric or internal combustion engine.

(22) "Mechanically propelled surfboard" also known as a jet board, means a vessel that consists of a board using a surfboard-type design fitted with propulsion machinery (either electric or internal combustion).

(23) " Navigable waters" means a navigable waterway as defined by 33 C.F.R. Part 329.

(24) " Non-navigable waters" means all waters not defined by 33 C.F.R. Part 329.

(25)[(13)] "Overtaking" means a situation in which a faster vessel approaches a slower vessel from an angle of more than 112.5 degrees from either side of the bow of the slower vessel.

(26)[(14)] "Passing" means a situation in which vessels approach and pass each other from head on or nearly so.

(27)[(15)] "Personal flotation device[Flotation Device] or PFD" means any lifesaving device classified and approved by the regulations of the commandant of the U.S. Coast Guard.

(28) "Plate" means a moveable identification tag bearing a number assigned by the department signifying registration as a boat manufacturer or a boat dealer.

(29) "Public safety vessel" means any vessel used for emergency purposes by organizations listed in KRS 189.910(1),(2).

(30) "Recreational vessel" means a vessel that is not documented as commercial by the U.S. Coast Guard.

(31)[(16)] "Throwable personal flotation device" means a PFD designed to be thrown to someone in the water[**"**].

(32) "Vessel" means every description of watercraft, other than a seaplane on the water.

(33) "Wakeboat" means a motorboat that has one ***(1)*** or more ballast tanks, ballast bags, other devices, design features, or utilizes other methods specifically to increase the size of the motorboat's wake.

(34) "Wakesports" means a recreational boating activity utilizing a wakeboat with ballast tanks, ballast bags, other devices, design features, or other methods engaged to increase the size of the boat's wake.

(35)[(17)] "Water skis" means rigid or inflatable skis, kneeboards, tubes, wakeboards, or similar devices.

(36)[(18)] "Water skiing" means:

(a) The act of riding in or upon water skis while being towed behind a moving vessel or propelled by a boat's wake or while riding on or in a boat's wake directly behind a vessel that is underway; or

(b) Barefoot skiing.

(37)[(19)] "Wearable personal flotation device" means a PFD designed to be worn or otherwise attached to the body.

(38) "Wireless cut-off system" means an operable wireless emergency cut-off engine stop switch installed on a motorboat.

FILED WITH LRC: February 9, 2026

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, February 9, 2026)

301 KAR 6:015. Boat and motor restrictions.

RELATES TO: KRS 150.090, 150.625, 150.990, 235.010(4), 235.990

STATUTORY AUTHORITY: KRS 150.620, 235.280

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 and KRS Chapter 235 as established in KRS 150.025, KRS 235.280 and KRS 235.290 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1) and KRS 235.030, promulgated by the Commissioner with approval of the Commission in accordance with KRS 235.280 and KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.620 authorizes the department to promulgate administrative regulations governing lands and waters the department has acquired. KRS 235.280 requires the department, with approval of the Department of Fish and Wildlife Resources Commission, to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of this state. This administrative regulation establishes size limits of boats and motors on small lakes for safety reasons and to minimize interference with other users.

Section 1. [Definition. "Idle speed" means the slowest possible speed at which maneuverability can be maintained.]

[Section 2.]

(1) On a lake established in subsection (2) of this section, a person shall not operate a:

(a) House boat;

(b) Monohull boat with a center-line length exceeding twenty-two (22) feet; or

(c) Pontoon boat with a float or decking exceeding twenty-two (22) feet, except on:

1. Guist Creek Lake, where a pontoon boat with a float or decking up to twenty-four (24) feet or a monohull boat with a center-line length up to twenty-four (24) feet and seating for at least eight (8) passengers may be operated; or

2. A lake established in clauses a. through c. of this subparagraph, where a pontoon boat with a float or decking up to thirty (30) feet or a monohull boat with a center-line length up to twenty-four (24) feet and seating for at least eight (8) passengers may be operated:

a. Cedar Creek Lake;

b. Lake Beshear; or

c. Lake Malone.

(2) List of lakes:
(a) Ballard WMA lakes, Ballard County;
(b) Beaver Creek Lake, Anderson County;
(c) Bert Combs Lake, Clay County;
(d) Boatwright WMA lakes, Ballard County;
(e) Boltz Lake, Grant County;
(f) Briggs Lake, Logan County;
(g) Bullock Pen Lake, Grant County;
(h) Carnico Lake, Nicholas County;
(i) Carpenter Lake, Daviess County;
(j) Carter Caves Lake, Carter County;
(k) Cedar Creek Lake, Lincoln County;
(l) Corinth Lake, Grant County;
(m) Dennie Gooch Lake, Pulaski County;
(n) Elmer Davis Lake, Owen County;
(o) Fishpond Lake, Letcher County;
(p) Goose Lake, Muhlenberg County;
(q) Greenbo Lake, Greenup County;
(r) Guist Creek Lake, Shelby County;
(s) Island Lake, Ohio County;
(t) Kentucky River WMA, Boone Tract lakes, Henry County;
(u) Kincaid Lake, Pendleton County;
(v) Kingdom Come Lake, Harlan County;
(w) Kingfisher lakes, Daviess County;
(x) Lake Beshear, Caldwell County;
(y) Lake Chumley, Lincoln County;
(z) Lake Malone, Muhlenberg County;
(aa) Lake Mauzy, Union County;
(bb) Lake Reba, Madison County;
(cc) Lake Washburn, Ohio County;
(dd) Lebanon City Lake, Marion County;
(ee) Lincoln Homestead Lake, Washington County;
(ff) Marion County Lake, Marion County;
(gg) Martin County Lake, Martin County;
(hh) McNeely Lake, Jefferson County;
(ii) Metcalfe County Lake, Metcalfe County;
(jj) Pan Bowl Lake, Breathitt County;
(kk) Pikeville City Lake, Pike County;
(ll) Shanty Hollow Lake, Warren County;
(mm) South Lake, Ohio County;
(nn) Spurlington Lake, Taylor County; or
(oo) Wilgreen Lake, Madison County.
(3) Length restrictions in this section shall not apply to a canoe.
(4) A person shall not operate a personal watercraft***, as defined by KRS 235.010(4),*** on Cedar Creek Lake[***, as established in KRS 235.010(4)***].

Section 2.[~~Section 3.~~]
(1) A person shall not operate a boat:
(a) Motor without an underwater exhaust; or
(b) Faster than idle speed while passing a boat with an occupant actively engaged in fishing, except in a designated skiing zone.
(2) The requirements established in subsection (1) of this section shall apply on:
(a) Beaver Lake, Anderson County;
(b) Boltz Lake, Grant County;
(c) Bullock Pen Lake, Grant County;
(d) Carnico Lake, Nicholas County;
(e) Cedar Creek Lake; Lincoln County;
(f) Corinth Lake, Grant County;
(g) Elmer Davis Lake, Owen County;
(h) Greenbo Lake, Owen County;
(i) Guist Creek Lake, Shelby County;
(j) Kincaid Lake, Pendleton County;
(k) Lake Beshear, Caldwell County;
(l) Lake Malone, Muhlenberg County;
(m) Pan Bowl Lake, Breathitt County;
(n) Shanty Hollow Lake, Warren County;
(o) Swan Lake, Ballard County; and
(p) Wilgreen Lake, Madison County.

Section 3.[~~Section 4.~~] A person shall not operate an electric or an internal combustion boat motor on:
(1) Dennie Gooch Lake, Pulaski County;
(2) Kingdom Come Lake, Harlan County; or
(3) Lake Chumley, Lincoln County.

Section 4.[~~Section 5.~~] A person shall not operate an internal combustion boat motor and shall only be allowed to use an electric trolling motor on:
(1) Bert Combs Lake, Clay County;
(2) Briggs Lake, Logan County;
(3) Carpenter Lake, Daviess County;
(4) Carter Caves Lake, Carter County;
(5) Fishpond Lake, Letcher County;
(6) Kentucky River WMA, Boone Tract lakes, excluding Benjy Kinman Lake, Henry County;
(7) Kingfisher Lake, Daviess County;
(8) Lake Mauzy, Union County;
(9) Lake Reba, Madison County;
(10) Lake Washburn, Ohio County;
(11) Lebanon City Lake, Marion County;
(12) Lincoln Homestead Lake, Washington County;
(13) Marion County Lake, Marion County;
(14) Martin County Lake, Martin County;
(15) McNeely Lake, Jefferson County;
(16) Metcalfe County Lake, Metcalfe County;
(17) Mill Creek Lake, Wolfe County;
(18) Pikeville City Lake, Pike County; or
(19) Spurlington Lake, Taylor County.

Section 5.[~~Section 6.~~] A person shall not operate a motorboat faster than idle speed on:
(1) Ballard WMA lakes, Ballard County;
(2) Benjy Kinman Lake at Kentucky River WMA, Henry County;
(3) Beulah Lake, Jackson County;
(4) Boatwright WMA lakes, Ballard County;
(5) Carnico Lake, Nicholas County;
(6) Goose Lake, Muhlenberg County;
(7) Greenbo Lake, Greenup County;
(8) Island Lake, Ohio County;
(9) South Lake, Ohio County;
(10) Pan Bowl Lake, Breathitt County; or
(11) Wilgreen Lake, Madison County.

Section 6.[~~Section 7.~~] A person operating an internal combustion[~~a boat~~] motor greater than ten (10) horsepower, or an electric motor exceeding ten (10) horsepower and six (6) kilowatts input power, shall not exceed idle speed on:
(1) Beaver Lake, Anderson County;
(2) Boltz Lake, Grant County;
(3) Bullock Pen Lake, Grant County:
(4) Corinth Lake, Grant County;
(5) Elmer Davis Lake, Owen County;
(6) Herb Smith-Cranks Creek Lake, Harlan County;
(7) Kincaid Lake, Pendleton County;
(8) Martins Fork Lake, Harlan County; or
(9) Shanty Hollow Lake, Warren County.

FILED WITH LRC: February 9, 2026

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.

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 ECONOMIC DEVELOPMENT
(As Amended at ARRS, February 9, 2026)

307 KAR 1:006. Applications and Fee Structure for Kentucky Incentive Programs under the Kentucky Economic Development Finance Authority.

RELATES TO: KRS 154.12-100, 154.20-010, 154.20-020, 154.20-033, 154.20-190, 154.20-234, 154.20-236, 154.20-255, 154.20-256, 154.26-080, 154.30-030, 154.30-040, 154.30-050, 154.30-060, 154.31-020, 154.31-030, 154.32-020, 154.32-030, 154.34-070, 154.60-020

STATUTORY AUTHORITY: KRS 154.12-100(3), 154.20-010(9), 154.20-020(2), 154.20-033(1), 154.20-230(8), 154.20-236(3), 154.20-256(11), 154.26-080(1), 154.30-030(2)(b), 154.31-030(2), 154.32-030(2)(a), 154.34-070(2), 154.60-020(2), 154.60-030

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 154.12-100(2), 154.20-010(9), 154.20-020(2), 154.20-033(1), 154.20-236(3), 154.20-256(11), 154.26-080(1), 154.30-030(2)(b), 154.31-030(2), 154.32-030(2)(a), 154.34-070(2), and 154.60-030 authorize the Kentucky Economic Development Finance Authority to establish additional procedures and standards for the application process for the Kentucky Cabinet for Economic Development's various incentive programs. KRS 154.20-033 authorizes the Kentucky Economic Development Finance Authority to impose fees in conjunction with the application process. This administrative regulation incorporates by reference the applications for economic development incentives and establishes their fee structure.

Section 1. Application Process for the Kentucky Economic Development Fund Program. In addition to the requirements set forth in KRS 154.12-100, the applicant shall provide:

(1) All information required by the Application for: Economic Development Fund (EDF);

(2) A $1,000 application fee;

(3) Prior to approval, an administrative fee equal to one (1) percent of the final, authorized incentive amount, up to a maximum of $20,000; and

(4) Any legal expenses that are due for the preparation of the Kentucky Economic Development Fund Agreement and pursuant to the Application required by subsection (1) of this section.

Section 2. Application for the Kentucky Rural Hospital Loan Program. In addition to the requirements of KRS 154.20-190, the applicant shall provide:

(1) All information required by the Application for: Kentucky Rural Hospital Loan Program;

(2) A $1,000 application fee;

(3) If loan is eligible, additional legal fees for loan document preparation; and

(4) If loan is approved, a commitment or closing fee of either one (1) percent of the total loan or $1,000, whichever is greater, which shall be remitted on or before the closing date.

Section 3. Application Process for the Kentucky Enterprise Initiative Act Program. In addition to the requirements set forth in KRS 154.20-202, the applicant shall provide:

(1) All information required by the Application for: Kentucky Enterprise Initiative Act (KEIA); and

(2) A $500 application fee, which the Kentucky Cabinet for Economic Development ***shall***[~~***will***~~] waive if a project applies for another tax incentive program in conjunction with the Kentucky Enterprise Initiative Act Program.

Section 4. Application Process for the Kentucky Angel Investment Tax Credit Program. In addition to the requirements set forth in KRS 154.20-234, the applicant shall provide:

(1) For qualified small businesses:

(a) All information required by the Application for the Application for: Kentucky Angel Investment Act Qualified Small Business Certification; and

(b) A $100 application fee;

(2) For qualified investors:

(a) All information required by the Kentucky Angel Investment Act Qualified Investment/Investor Application; and

(b) A $100 application fee; or

(3) For applicants seeking a qualified investment:

(a) All information required by the Kentucky Angel Investment Act Qualified Investment/Investor Application; and

(b) An application fee of:

1. $500 for applications requesting $50,000 or less in angel investor tax credits; or

2. $1,500 for applications requesting angel investor tax credits greater than $50,000.

(4) Application fees for the Kentucky Angel Investment Tax Credit Program referenced in this section are refundable only if tax credits are unavailable.

Section 5. Application Process for the Kentucky Investment Fund Act Tax Credit Program. In addition to the requirements set forth in KRS 154.20-255, the applicant shall provide:

(1) All information required by the Kentucky Investment Fund Act (KIFA) Application;

(2) A $2,000 application fee;

(3) A one (1) time administrative fee equal to one-tenth (1/10) of one (1) percent of the total approved tax credits at the time of execution of the Kentucky Investment Fund Act Agreement and prior to its effective date;

(4) An annual fee of one-tenth (1/10) of one (1) percent of the fund's allocated tax credits for the fiscal year; and

(5) Any fees for legal, administrative, audit and accounting costs of both the Kentucky Economic Development Finance Authority and the Revenue Cabinet.

Section 6. Application Process for the Tax Increment Financing Program.

(1) For applicants where a project does not have a residential use that comprises at least fifty ***(50)*** percent [~~***(50%)***~~] of the total finished square footage of the proposed project, in addition to the requirements set forth in KRS 154.30-030, the applicant shall provide:

(a) All information required by the Application for: Kentucky Tax Increment Financing (TIF) Program;

(b) A $5,000 application fee;

(c) Prior to final approval, an administrative fee equal to one-fourth (1/4) of one (1) percent of the final, authorized incentive amount, up to a maximum of $75,000; and

(d) Any expert consultant, legal fees and administrative costs that are due pursuant to the Application required by subsection (1)(a) of this section.

(2) For applicants where a project has a residential use that comprises at least fifty ***(50)*** percent [~~***(50%)***~~] of the total finished square footage of the proposed project, under KRS 154.30-50(3)(b)4. or KRS 154.30-060(4)(h), in addition to the requirements set forth in KRS 154.30-030, the applicant shall provide:

(a) All information required by the Application for: Kentucky Tax Increment Financing (TIF) Program;

(b) A $30,000 application fee;

(c) Prior to final approval, an administrative fee equal to one-fourth (1/4) of one (1) percent of the final, authorized incentive amount, up to a maximum of $50,000; and

(d) Any legal fees and administrative costs that are due pursuant to the Application required by subsection (2)(a) of this section.

Section 7. Application Process for the Kentucky Business Investment Program. In addition to the requirements set forth in KRS 154.32-030, the applicant shall provide:

(1) All information required by:

(a) The Application for: Kentucky Business Investment (KBI) Program, if the applicant is applying only for the Kentucky Business Investment Program; or

(b) The Application for: Kentucky Business Investment (KBI) Program Kentucky Enterprise Initiative Act (KEIA), if the applicant is applying for the Kentucky Business Investment Program in conjunction with the Kentucky Enterprise Initiative Act Program;

(2) A $1,000 application fee; and

(3) An administrative fee equal to one-half (1/2) of one (1) percent of the incentive amount authorized in the tax incentive agreement up to a maximum of $50,000.

Section 8. Application Process for the Kentucky Reinvestment Act Program. In addition to the requirements set forth in KRS 154.34-070, the applicant shall provide:

(1) All information required by the Application for: Kentucky Reinvestment Act (KRA);

(2) A $1,000 application fee;

(3) Prior to final approval, an administrative fee equal to one-fourth (1/4) of one (1) percent of the final Kentucky Reinvestment Act amount authorized in the Kentucky Reinvestment Act Agreement up to a maximum of $50,000; and

(4) Any legal fees that are due for the preparation of the Kentucky Reinvestment Act Agreement and pursuant to the Application required by subsection (1) of this section.

Section 9. Application for the Kentucky Small Business Tax Credit Program. In addition to the requirements set forth in KRS 154.60-020, the applicant shall provide:

(1) All information required by the Application for: Kentucky Small Business Tax Credit (KSBTC); and

(2) A $250 application fee.

Section 10. Application for the Kentucky Selling Farmer Tax Credit Program. In addition to the requirements of KRS 154.60-040, the applicant shall provide:

(1) If applying to the Kentucky Selling Farmer Tax Credit Program as a Seller under KRS 154.60-040:

(a) All information required by the Application for: Kentucky Selling Farmer Tax Credit Program Seller Certification; and

(b) A $500 application fee;

(2) If applying to the Kentucky Selling Farmer Tax Credit Program as a Beginning Farmer, all information required by the Application for: Kentucky Selling Farmer Tax Credit Program Buyer Farmer Certification; or

(3) If applying to the Kentucky Selling Farmer Tax Credit Program as an Actively Engaged Farmer, all information required by the Application for: Kentucky Selling Farmer Tax Credit Program Buyer Farmer Certification.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for: Economic Development Fund (EDF)," 11/2025;

(b) "Application for: Kentucky Angel Investment Act Qualified Small Business Certification," 11/2025;

(c) "Application for: Kentucky Business Investment (KBI) Program," 11/2025;

(d) "Application for: Kentucky Business Investment (KBI) Program Kentucky Enterprise Initiative Act (KEIA)," 11/2025;

(e) "Application for: Kentucky Enterprise Initiative Act (KEIA)," 09/2025;

(f) "Application for: Kentucky Reinvestment Act (KRA)," 7/2025;

(g) "Application for: Kentucky Rural Hospital Loan Program," 11/2025;

(h) "Application for: Kentucky Small Business Tax Credit (KSBTC)," 11/2025;

(i) "Application for: Kentucky Selling Farmer Tax Credit Program Buyer Farmer Certification," 11/2025;

(j) "Application for: Kentucky Selling Farmer Tax Credit Program Seller Certification," 11/2025;

(k) "Application for: Kentucky Tax Increment Financing (TIF) Program," 11/2025;

(l) "Kentucky Angel Investment Act Qualified Investment/Investor Application," 11/2025; and

(m) "Kentucky Investment Fund Act (KIFA)" Application, 11/2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Economic Development, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m., or online at https://newkentuckyhome.ky.gov/applications.

FILED WITH LRC: February 9, 2026

CONTACT PERSON: Matthew Wingate, General Counsel, Cabinet for Economic Development, Mayo Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, phone: (502) 782-1948, fax (502) 564-3256, email: matthew.wingate@ky.gov.

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
(As Amended at ARRS, February 9, 2026)

505 KAR 1:140. Department of Juvenile Justice Policies and Procedures Manual: detention services.

RELATES TO: KRS 15A.065, 15A.067, 15A.200-***15A.***240[~~***15A.245***~~], 15A.305, 200.080-200.120, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305, 200.115, 605.150, 635.095, 635.100(7), 640.120, 645.250

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305(5), 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 incorporates by reference policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

Section 1. Incorporation by Reference.

(1) The "Department of Juvenile Justice Policy and Procedures Manual: Detention Services", June 13, 2023, is incorporated by reference and includes the following:

700	Definitions (Amended 06/13/23)
700.1	Detention Services Delivery System (Amended 06/13/23)
701	Criteria for Admissions (Amended 03/30/18)
702	Intake, Reception and Orientation (Amended 07/10/18)
703	Detention Risk Assessment (Amended 03/30/18)
704	Alternatives to Secure Detention (Amended 01/13/23)
704.1	Supervision of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
704.2	Revocation of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
704.3	Juvenile Justice and Delinquency Prevention Act (Added 03/30/18)
705	Individual Client Records (Amended 03/30/18)
705.2	Progress Notes (Amended 03/30/18)

706	Grievance Procedure (Amended 03/30/18)
707	Bed Capacities and Staffing of Juvenile Detention Centers (Amended 01/13/23)
708	Classification of Juveniles for Housing and Program Assignment (Amended 01/13/23)
709	Security and Control (Amended 03/30/18)
710	Shift and Log Reports (Amended 03/30/18)
712	Escape/AWOL (Amended 06/13/23)
714	Searches (Amended 03/30/18)
715	Incident Reports (Amended 03/30/18)
716	Behavior Management (Amended 03/30/18)
[~~717~~]	[~~Discipline and Special Behavior Management (Amended 06/13/23)~~]
718	Disciplinary Review (Amended 07/10/18)
720	Programs and Services (Amended 03/30/18)
720.1	Library Services (Amended 01/13/23)
720.2	Recreation and Structured Activities (Amended 01/13/23)
720.3	Religious Programs (Amended 03/30/18)
720.4	Juveniles Work Details (Amended 03/30/18)
720.5	Social Services (Amended 07/10/18)
720.6	Family and Community Contact (Amended 07/10/18)
725	Educational Programming and Assessment (Amended 07/10/18)
725.1	Instructional Staffing (Amended 03/30/18)
725.2	Education Records (Amended 07/10/18)
726	Leaves (Amended 03/30/18)
729	Release From Detention (Amended 03/30/18)
730	Inspections of Secure Juvenile Detention Facilities (Amended 01/13/23)
731	Complaint Investigations of Secure Juvenile Detention Centers and Juvenile Holding Facilities (Amended 03/30/18)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Juvenile Justice Web site at https://djj.ky.gov[***/About%20DJJ/Pages/lrcfilings.aspx***].

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CONTACT PERSON: Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegsContact@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 Juvenile Justice
(As Amended at ARRS, February 9, 2026)

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

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[~~Isolation~~] **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. A mattress and bed linen shall be returned to the juvenile during normal sleeping hours unless the juvenile uses the mattress or linen to obstruct the view into the room or to obstruct the view of the in-room camera, attempts to destroy the mattress or linen, is on suicide watch pursuant to 505 KAR 1:120, or otherwise uses the mattress or linen in a manner that creates a safety risk to the juvenile, other juveniles, or facility.**

(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 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 *shall be*** [***~~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 *shall*** [***~~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**[**~~to~~**] 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 ***or***[**/**]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 ***(1)*** 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 **direct and clear threat**[~~**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. ***If***[~~***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 ***or***[~~/~~]administrative reviews.

(3) An incident report shall include:

(a) ***That*** 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. ***Regaining*** [~~***Regain***~~]control of their behavior;

[~~2.~~] [~~**Willingness to participate in required activities;**~~]

2.[~~3.~~] ***The ability*** [~~***Able***~~] to interact in a calm manner; and

3.[~~4.~~] [~~***Is***~~] No longer ***being*** 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 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.

Section 7. Restrictive Housing for juveniles under 18 U.S.C. § 5043.

(1) If a juvenile is in DJJ custody while being proceeded against in federal district court under 18 U.S.C. § 5043, then a QMHP shall evaluate that juvenile if the juvenile is placed in a restrictive housing placement for three (3) hours.

(2) If the QMHP's evaluation indicates that continued placement in restrictive housing is necessary, then staff shall refer the juvenile to a hospital for admission and treatment.

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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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
(As Amended at ARRS, February 9, 2026)

907 KAR 3:320. Beneficiary Advisory Council and modifications to the Advisory Council for Medical Assistance to establish the Kentucky Medicaid Advisory Committee.

RELATES TO: KRS 61.800-884, 205.540, 42 C.F.R. 431.12

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)***, 42 C.F.R. 4331.12***

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, is required to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds. ***KRS 205.540 created the Advisory Council for Medical Assistance in 1960 to meet a federal requirement for an advisory council to assist the***

state Medicaid program. KRS 205.540 now conflicts with changes to federal regulations that take effect July 9, 2025. Therefore, it is the department's intention that the Advisory Council for Medical Assistance established in KRS 205.540 shall be modified in this administrative regulation to meet the requirements of 42 CFR 431.12 and function as Kentucky's Medicaid Advisory Committee. This administrative regulation establishes the Beneficiary Advisory Council and implements additional requirements for the Advisory Council for Medical Assistance, referred to federally as the Medicaid Advisory Committee, following changes to federal law.

Section 1. Beneficiary Advisory Council Membership.

(1) The Department for Medicaid Services shall establish a Beneficiary Advisory Council consistent with 42 C.F.R. 431.12.

(2) Members of the Beneficiary Advisory Council shall be appointed by the commissioner of the Department for Medicaid Services.

(3)

(a) The Beneficiary Advisory Council shall consist of fifteen (15) members as follows:

1.[~~*(a)*~~] Ten (10) current or former Medicaid beneficiaries; and

2.[~~*(b)*~~] Five (5) individuals who are parents, guardians, or paid or unpaid caregivers of a Medicaid beneficiary.

(b) To the extent possible,[~~*(c)*~~] the three (3) medical assistance recipients serving as of July 8, 2025 on the Advisory Council for Medical Assistance pursuant to KRS 205.540, shall be appointed for a term that aligns the remainder of their term to a new term in subsection ***(4)***[***4***] of this section[~~*, to the extent possible*~~].

(c)[~~*(d)*~~] Appointments shall ensure representation of member experience with Medicaid managed care, the foster care system, 1915(c) home and community based waivers, or maternal, child, or behavioral health services.

(4) Members of the Beneficiary Advisory Council shall hold office for a term of four (4) years, except that the terms for members appointed upon council creation shall be as follows:

(a) One-third (1/3) of the members shall be appointed for two (2) years;

(b) One-third (1/3) of the members shall be appointed for three (3) years;

(c) One-third (1/3) of the members shall be appointed for four (4) years; and

(d) The respective terms of the members first appointed shall be designated by the commissioner of the Department for Medicaid Services at the time of their appointments.

(5) The following requirements shall apply to the terms of members of the Beneficiary Advisory Council:

(a) A member shall not serve a consecutive term but may be reappointed after a period of at least four (4) years following the end of their term;

(b) A vacancy shall be filled for an unexpired term in the same manner as the original appointment; and

(c) Members whose term has expired may serve until their successor is appointed.

(6) The Beneficiary Advisory Council shall elect a chair, vice-chair, and secretary from among its members at its first regular meeting[~~,~~] and annually thereafter.

(7)

(a) Upon appointment to the Beneficiary Advisory Council ***and to comply with 42 C.F.R. 431.12***, members shall indicate to the commissioner their interest in appointment to the Medicaid Advisory Committee pursuant to Section ***4(3)(c) of this administrative regulation***[~~*4(3)(b) and to comply with 42 CFR 431.12*~~].

(b) The current chair of the Beneficiary Advisory Council shall serve as one (1) of the appointments to the Medicaid Advisory Committee.

(c) The three (3) medical assistance recipients serving as of July 8, 2025 on the Advisory Council for Medical Assistance pursuant to KRS 205.540 shall be appointed pursuant to subsection (3)***(b) of this section***[~~*(c)*~~].

(8) [~~*To permit meaningful participation,*~~]Members of the Beneficiary Advisory Council, including members who also serve on the Medicaid Advisory Committee, may receive, if requested:

(a) Compensation for time and ***council or committee-related***[~~*appropriate*~~] expenses in an amount consistent with similar services reimbursed by Medicaid or as reimbursed by other boards and commissions; and

(b) Reasonable accommodations including language services, personal assistance, communication supports, and any other supports or resources based on the individual member's needs.

Section 2. Confidentiality and Privacy Applicable to Members of the Beneficiary Advisory Council.

(1) To the extent that a conflict exists between 42 C.F.R. 431.12 and the Kentucky Open Meetings and Kentucky Open Records statutes, KRS 61.800-884, members of the Beneficiary Advisory Council may participate in the work of the Beneficiary Advisory Council ***if***[~~*as*~~] consistent with this section.

(2) A member of the Beneficiary Advisory Council shall have the option to exclude their name from documents published or posted by the Department for Medicaid Services that include a list of members of the Beneficiary Advisory Council, the Medicaid Advisory Committee, or the actions of members recorded in publicly published or posted meeting minutes.

(3) Meetings of the Beneficiary Advisory Council are not required to be open to the public unless a majority of the members decide otherwise.

(4) A member of the Beneficiary Advisory Council may opt-in to participate and vote by telephone.

Section 3. Beneficiary Advisory Council Duties and Authority.

(1) The Beneficiary Advisory Council shall advise the Department for Medicaid Services on:

(a) Their experiences with the program;

(b) Matters related to policy development and effective administration of the program; and

(c) Other issues that impact the provision or outcomes of health and medical care services in the program.

(2) The Beneficiary Advisory Council shall:

(a) Be separate from the Medicaid Advisory Committee pursuant to 42 CFR 431.12;

(b) Meet separately from the Medicaid Advisory Committee;

(c) Meet at least once per quarter; and

(d) Meet in advance of each Medicaid Advisory Committee meeting to prepare Beneficiary Advisory Council members.

(3) The Beneficiary Advisory Council shall adhere to bylaws developed and published by the department for governance.

Section 4. Advisory Council for Medical Assistance. Medicaid Advisory Committee.[~~*KRS 205.540 created the Advisory Council for Medical Assistance in 1960 to meet a federal requirement for an advisory council to assist the state Medicaid program. KRS 205.540 now conflicts with changes to federal regulations that take effect July 9, 2025. Therefore, it is the department's intention that the Advisory Council for Medical Assistance established in KRS 205.540 shall be modified in this Section to meet the requirements of 42 CFR 431.12 and function as Kentucky's Medicaid Advisory Committee.*~~]

(1) On or after July 9, 2025, the Medicaid Advisory Committee shall consist of members appointed by the commissioner of the Department for Medicaid Services.

(2) The membership appointed to the Advisory Council for Medical Assistance pursuant to KRS 205.540 as of July 8, 2025 shall be appointed by the commissioner for the Department for Medicaid Services to the new Medicaid Advisory Committee pursuant to 42 CFR 431.12 as follows:

(a) For a member with an unexpired term, for a term that aligns the remainder of the member's term with a new term in subsection (4)(b) of this section, to the extent possible;

(b) For a member serving as a medical assistance recipient, to both the Medicaid Advisory Committee and the Beneficiary Advisory Council for the same term that aligns the remainder of their term with a new term in subsection (4)(b) of this section, to the extent possible;

(c) For a member serving in an expired term, that member's term shall end on July 8, 2025, and appointment shall follow the nomination process of KRS 205.540; and

(d) For a vacancy, appointment shall follow the nomination process of KRS 205.540.

(3) The Medicaid Advisory Committee shall consist of the following members:

(a) Members appointed by the commissioner of the Department for Medicaid Services according to the membership established in KRS 205.540**;**[~~.~~]

(b) Ex-officio, non-voting members as follows:

1. The commissioner of the Department for Medicaid Services, or his or her designee;

2. The commissioner of the Department for Community Based Services, or his or her designee;

3. The commissioner of the Department for Public Health, or his or her designee; ***and***

4. The commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, or his or her designee;

(c) The appointment by the commissioner of the Department for Medicaid Services of a sufficient number of members of the Beneficiary Advisory Council so that at least twenty-five ***(25) percent***[~~***percent (25%)***~~] of the Medicaid Advisory Committee consists of members serving on the Beneficiary Advisory Council; and

(d) A member appointed by the commissioner for the Department for Medicaid Services from a list of three (3) nominees submitted by the Kentucky Association of Health Plans, or its successor organization, to represent a current contracted Medicaid Managed Care Organization, if beneficiaries are enrolled in managed care.

(4) A member shall have a non-consecutive term of four (4) years except that:

(a) The member appointed pursuant to subsection (3)(d) of this section shall serve a term of one (1) year**;**[~~.~~]

(b) The other members first appointed according to subsections (1), (2), and (3) of this section shall serve as follows:

1. One-third (1/3) of the members shall be appointed for a term of two (2) years;

2. One-third (1/3) of the members shall be appointed for a term of three (3) years; and

3. One-third (1/3) of the members shall be appointed for a term of four (4) years**;**[~~.~~]

(c) A member may be reappointed after a period of at least four (4) years following the end of their term**;**[~~.~~]

(d) A vacancy shall be filled for an unexpired term in the same manner as the original appointment***; and***[~~.~~]

(e) At the first meeting after July 9, 2025, the new Medicaid Advisory Committee shall elect a chair, vice-chair and secretary from among its members[~~,~~] and annually thereafter.

(5) The Medicaid Advisory Committee shall adhere to bylaws developed and published by the department for governance.

(6) On or after July 9, 2027, the Medicaid Advisory Committee shall submit an annual report to be published on the Medicaid Advisory Committee's website, with support from the Department for Medicaid Services, as follows:

(a) Describes the activities, topics discussed, and recommendations of the Medicaid Advisory Committee and the Beneficiary Advisory Council;

(b) Includes the department's review and responses to recommended actions; and

(c) Is published to the department's website ***not later than*** thirty (30) days after it is final.

Section 5. Duties of the Department for Medicaid Services. The department shall comply with the requirements in 42 CFR 431.12 as follows:

(1) Provide staff who attend and facilitate meetings and member engagement for the Medicaid Advisory Committee and Beneficiary Advisory Council;

(2) Develop and publish on the department's website a process for Medicaid Advisory Committee and Beneficiary Advisory Council member recruitment and selection;

(3) Develop and publish on the department's website bylaws for the governance of the Medicaid Advisory Committee and Beneficiary Advisory Council;

(4) Develop and publish on the department's website a meeting schedule that maximizes member attendance and an agenda with a ***thirty (30) calendar***[~~***30-calendar***~~] day notice of a meeting date, location, and time of each public meeting of the Medicaid Advisory Committee [~~and~~] Beneficiary Advisory Council;

(5) Publish on the department's website past meeting minutes and list of meeting attendees within ***thirty (30)***[~~***30***~~] calendar days following a meeting of the Medicaid Advisory Committee and Beneficiary Advisory Council, except that members of the Beneficiary Advisory Council shall have the option to exclude their names;

(6) Offer a variety of meeting options including in-person, virtual, and hybrid (in-person and virtual), and at a minimum a telephone dial-in option for members and the public, if the meeting is open to the public;

(7) Ensure meetings are accessible to people with disabilities and provide financial support and reasonable accommodations to members of the Beneficiary Advisory Council to support participation; and

(8) Support the Medicaid Advisory Committee with the development of an annual report, and publish it on the department's website.

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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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Health Care Policy
(As Amended at ARRS, February 9, 2026)

907 KAR 23:010. Outpatient Pharmacy Program.

RELATES TO: KRS Chapter 13B, 205.510, [~~205.560, 205.561,~~]205.5631-205.5639, 205.564, 205.6316, 205.8451, 205.8453, 217.015, 217.822, 369.101 to 369.120, 42 C.F.R. 430.10, 431.54, 440.120, 447.512-447.518, 42 U.S.C. 1396a, 1396b, 1396c, 1396d, 1396r-8

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.560, 205.561, 205.5632, 205.5634, 205.5639(2), 205.564(10), (13)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has the responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. KRS 205.560 provides that the scope of medical care for which Medicaid shall pay is determined by administrative regulations promulgated by the cabinet. This administrative regulation establishes the provisions for coverage of outpatient drugs through the Medicaid outpatient pharmacy program for fee-for-service recipients and managed care enrollees.

Section 1. Covered Drugs. A covered drug shall be:

(1) Medically necessary;

(2) Approved by the FDA;

(3) Prescribed for an indication that has been approved by the FDA or for which there is documentation in official compendia or peer-reviewed medical literature supporting its medical use;

(4) A rebateable drug; and

(5) A covered outpatient drug.

Section 2. Diabetic Supplies. Except if Medicare is the primary payer, the department shall cover the diabetic supplies listed in this section ***through***[~~***via***~~] the department's pharmacy program and not ***through***[~~***via***~~] the department's medical supplies, equipment, and appliances[~~durable medical equipment~~] program established in 907 KAR 1:479:

(1) A syringe with needle (sterile, 1cc or less);
(2) Urine test or reagent strips or tablets;
(3) Blood ketone test or reagent strip;
(4) Blood glucose test or reagent strips;
(5) Calibrating solutions;
(6) Lancet device;
(7) Lancets; or
(8) Home blood glucose monitor.

Section 3. Tamper-Resistant Prescription Pads.

(1) Each covered drug or diabetic supply shall be prescribed on a tamper-resistant prescription pad, except if the prescription is:

(a) An electronic prescription;
(b) A faxed prescription; or
(c) A prescription telephoned by a prescriber or authorized agent.

(2) To qualify as a tamper-resistant prescription, the prescription pad shall contain one (1) or more of each industry-recognized feature designed to prevent:

(a) Unauthorized copying of a completed or blank prescription form;
(b) The erasure or modification of information written by the prescriber on the prescription; and
(c) The use of counterfeit prescription forms.

Section 4. Kentucky Medicaid Fee-for-Service Outpatient Drug List.

(1) The department shall maintain each Outpatient Drug List to include drug coverage and availability information in the following formats:

(a) Kentucky Medicaid Provider Drug Portal Lookup, which shall be an online searchable drug database that functionally affords users the ability to perform a search of the Kentucky specific fee-for-service drug formulary for the purpose of ascertaining formulary status, drug coverage, and other plan limitations (prior authorization, quantity limits, step therapy, and diagnosis) associated with a drug;

(b) Kentucky Preferred Drug Listing (PDL), which shall be a listing of selected drugs available to fee-for-service recipients that have been included based on proven clinical and cost effectiveness and that prescribers are encouraged to prescribe if medically appropriate;

(c) Physician Administered Drug List (PAD), which was formerly known as the Physician Injectable Drug List (PIDL), and which shall indicate the list of physician administered drugs that can be billed to the fee-for-service medical benefit using appropriate Healthcare Common Procedure Coding System codes, National Drug Codes, and appropriate units;

(d) Over-the-Counter (OTC) Drug List, which shall be a list of OTCs that, if prescribed, are eligible for fee-for-service coverage and reimbursement through the pharmacy benefit;

(e) Covered Prescription Cold, Cough, and Vitamin Product List, which shall indicate the legend drugs that, if prescribed and FDA indicated for the intended use, are eligible for fee-for-service coverage and reimbursement through the pharmacy benefit;

(f) Long Term Care Per Diem List, which shall indicate OTC drugs that, if provided to a Medicaid nursing facility service recipient, are included in the nursing facility's standard price or daily per diem rate, and are not otherwise reimbursed by the department;

(g) Maximum Quantity Limits List, which shall indicate covered drugs that have a quantity limit consistent with the maximum dosage that the FDA has approved to be both safe and effective; and

(h) Kentucky Medicaid Diagnosis Drug List, which shall indicate covered drugs that require a diagnosis code or a prerequisite to therapy, or both.

(2) Each Outpatient Drug List shall be updated by the department at least quarterly or otherwise as needed.

(3) Each Outpatient Drug List shall be accessible through the department's pharmacy webpage.

Section 5. Exclusions to Coverage. The following drugs shall be excluded from coverage and shall not be reimbursed:

(1) A drug that the FDA considers, by way of a final determination, to be:

(a) A less-than-effective drug; or
(b) Identical, related, or similar to a less-than-effective drug;

(2) A drug or its medical use in one (1) of the following categories unless the drug or its medical use is designated as covered by an Outpatient Drug List:

(a) [~~A drug if used for anorexia, weight loss, or weight gain;~~]
[~~(b)~~] A drug if used to promote fertility;
(b)[~~(c)~~] A drug if used for cosmetic purposes or hair growth;
(c)[~~(d)~~] A drug if used for the symptomatic relief of cough and colds;
(d)[~~(e)~~] A vitamin or mineral product other than prenatal vitamins and fluoride preparations;
(e)[~~(f)~~] An OTC drug provided to a Medicaid nursing facility service recipient and included in the nursing facility's standard price or daily per diem rate;
(f)[~~(g)~~] A drug that the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee; or
(g)[~~(h)~~] A drug utilized for erectile dysfunction therapy unless the drug is used to treat a condition, other than sexual or erectile dysfunction, for which the drug has been approved by the FDA;

(3) A drug that is not rebateable, unless there has been a review and determination by the department that it is in the best interest of a recipient for the department to make payment for the drug and federal financial participation is available for the drug;

(4) A drug dispensed as part of, or incident to and in the same setting as, an inpatient hospital service, an outpatient hospital service, or an ambulatory surgical center service;

(5) A drug for which the department requires prior authorization if prior authorization has not been approved;

(6) A drug that shall no longer be dispensed by a pharmacy provider because it has reached the manufacturer's termination date or is 365 days past the manufacturer's obsolete date; and

(7) Investigational drugs or drugs being used for investigational uses or uses not otherwise supported by documentation found in official compendia or peer-reviewed medical literature.

Section 6. Limitations to Coverage.

(1) All dispensing and administration of covered drugs shall comply with applicable federal and state law.

(2) Refills.

(a) A controlled substance in Schedule II shall not be refilled.
(b) If authorized by a prescriber, a prescription for a:

1. Controlled substance in Schedule III, IV, or V may be refilled up to five (5) times within a six (6) month period from the date the prescription was written or ordered, at which time a new prescription shall be required; or

2. Noncontrolled substance, except as provided in subsection (3)(a) of this section, may be refilled up to eleven (11) times within a twelve (12) month period from the date the prescription was written or ordered, at which time a new prescription shall be required.

(3) Days Supply. For each initial fill or refill of a prescription, a pharmacist shall dispense the drug in the quantity prescribed not to exceed a thirty-two (32) day supply unless:

(a) The drug is indicated as a noncontrolled maintenance drug per the department's nationally recognized comprehensive drug data file as a drug exempt from the thirty-two (32) day dispensing limit, in which case the pharmacist shall dispense the quantity prescribed not to exceed a three (3) month supply or 100 units, whichever is greater;

(b) A prior authorization request has been submitted on a Kentucky Medicaid prior authorization request form and approved by the department because the recipient needs additional medication while traveling or for a valid medical reason, in which case the pharmacist shall dispense the quantity prescribed not to exceed a three (3) month supply or 100 units, whichever is greater; or

(c) The drug is prepackaged by the manufacturer and is intended to be dispensed as an intact unit, and it is not feasible for the pharmacist to dispense only a month's supply because one (1)

or more units of the prepackaged drug will provide more than a thirty-two (32) day supply.

(4) A refill of a prescription shall not be covered unless at least ninety (90) percent of the prescription time period has elapsed.

(5) Compounded Drugs. The department may require prior authorization for a compounded drug that requires preparation by mixing two (2) or more individual drugs.

(6) Emergency Fills. In an emergency situation, a pharmacy provider may dispense an emergency supply of a prescribed drug to a recipient in accordance with this subsection.

(a) An emergency situation shall exist if, based on the clinical judgment of the dispensing pharmacist, it would reasonably be expected that a delay in providing the drug to the recipient would place the recipient's health in serious jeopardy or the recipient would experience substantial pain and suffering.

(b) At the time of dispensing the emergency supply, the pharmacist shall:

1. Submit a prior authorization request form to the department using the urgent fax number or the department's pharmacy webpage; or

2. Notify the prescriber as soon as possible that an emergency supply was dispensed and that the prescriber is required to obtain prior authorization for the requested drug from the department.

(c) An emergency supply shall not be provided for:

1. An OTC drug;

2. A controlled substance; or

3. A drug excluded from coverage by this administrative regulation.

(d) The quantity of an emergency supply shall be:

1. The lesser of a seventy-two (72) hour supply of the drug or the amount prescribed; or

2. The amount prescribed if the drug is prepackaged by the manufacturer and is intended to be dispensed as an intact unit and it is not feasible for the pharmacist to dispense in a smaller quantity.

Section 7. Confirming Receipt of Prescription.

(1) A recipient, or a designee of the recipient, shall sign his or her name in a format that allows the signature to be reproduced or preserved by the pharmacy provider confirming that the recipient received the prescription.

(2) A pharmacy provider shall maintain, or be able to produce a copy of, the recipient's signature referenced in subsection (1) of this section for six (6) years.

Section 8. Exemptions to Kentucky Enrolled Prescriber Requirements. The department shall reimburse for a full prescription or an emergency supply of a prescription, prescribed by a provider who is not enrolled in the Kentucky Medicaid Program, if the department determines it is in the best interest of the recipient to receive the prescription.

Section 9. Utilization Management. Utilization management techniques shall be applied by the department to support medically appropriate and cost effective access to covered drugs and shall include prior authorization, step therapy, quantity limitations, generic substitution, therapeutic substitution protocols, and clinical edits.

(1) Step therapy.

(a) The department may implement step therapy drug treatment protocols by requiring the use of a medically-appropriate drug that is available without prior authorization before the use of a drug that requires prior authorization.

(b) The department may approve a request from the prescriber or a pharmacist for exemption of a specific recipient from step therapy based on documentation that a drug available without prior authorization:

1. Was used and was not an effective medical treatment or lost its effectiveness;

2. Is reasonably expected to not be an effective medical treatment;

3. Resulted in, or is reasonably expected to result in, a clinically-significant adverse reaction or drug interaction; or

4. Is medically contraindicated.

(2) Prior authorization.

(a)

1. If prior authorization is required for a drug, the applicable prior authorization request form shall be completed and submitted to the department by fax, mail service, telephone, or the department's pharmacy web portal.

2. The applicable prior authorization request form shall be the:

a. Kentucky Medicaid Substance Use Treatment Pharmacy Prior Authorization Form for Buprenorphine Products if prior authorization is being requested for buprenorphine products for substance use treatment; or

b. Kentucky Medicaid Pharmacy Prior Authorization Form if the prior authorization is being requested for a drug that is not a buprenorphine product for substance use treatment.

(b) If a recipient presents a prescription to a pharmacy provider for a drug that requires prior authorization, the pharmacist shall:

1. Complete and submit a prior authorization request form in accordance with this subsection; or

2. Notify the prescriber or the prescriber's authorized representative that the drug requires prior authorization.

a. If the prescriber indicates that an alternative available without prior authorization is acceptable and provides a new prescription, the pharmacist shall dispense the alternative.

b. If the prescriber indicates that an alternative available without prior authorization has been tried and failed or is clinically inappropriate or if the prescriber is unwilling to consider an alternative, the pharmacist shall request that the prescriber obtain prior authorization from the department.

(c) The department's notification of a decision on a request for prior authorization shall be made in accordance with this paragraph.

1. If the department approves a prior authorization request, notification of the approval shall be provided by telephone, fax, or the department's pharmacy web portal to the party requesting the prior authorization and, if known, to the pharmacist.

2. If the department denies a prior authorization request, the department shall provide a denial notice:

a. By mail to the recipient and in accordance with 907 KAR 1:563; and

b. By fax, telephone, or, if notification cannot be made by fax or telephone, by mail to the party who requested the prior authorization.

(d) Prior authorization time limits.

1. The department may grant approval of a prior authorization request for a drug for a specific recipient for a period of time not to exceed 365 calendar days.

2. Approval of a new prior authorization request shall be required for continuation of therapy subsequent to the expiration of a time-limited prior authorization request.

Section 10. Drug Review Process. The drug review process to determine if a drug requires prior authorization or other utilization management, or is otherwise restricted or excluded by the department, shall be in accordance with this section.

(1) Drug review considerations. Drug review shall be based upon available and relevant clinical information to assess appropriate use of medications and include:

(a) A review of clinically-significant adverse side effects, drug interactions and contraindications, and an assessment of the likelihood of significant abuse of the drug; and

(b) An assessment of the cost of the drug compared to other drugs used for the same therapeutic indication and if the drug offers a substantial clinically-meaningful advantage in terms of safety, effectiveness, or clinical outcome over other available drugs used for the same therapeutic indication. Cost shall be based on the net cost of the drug after federal rebate and supplemental rebates have been subtracted.

(2) New drugs. Except as provided by subsections (3) and (4) of this section, upon initial coverage by the Kentucky Medicaid Program, a drug that is newly approved for marketing by the FDA under a product licensing application, new drug application, or a supplement to a new drug application and that is a new chemical or molecular entity and not otherwise excluded shall be subject to prior authorization in accordance with KRS 205.5632.

(3) Product line. If a drug, which has been determined to require prior authorization, becomes available on the market in a new strength, package size, or other form that does not meet the

definition of a new drug, the new strength, package size, or other form shall require prior authorization.

(4) Generic equivalency for prescribed brands. A brand name drug for which there is a generic form that contains identical amounts of the same active drug ingredients in the same dosage form and that meets compendia or other applicable standards of strength, quality, purity, and identity in comparison with the brand name drug shall require prior authorization, unless there has been a review and determination by the department that it is in the best interest of a recipient for the department to cover the drug without prior authorization.

(5) Advisory recommendation. Drugs subject to review by the Pharmacy and Therapeutics Advisory Committee (P&T Committee) shall be reviewed in accordance with KRS 205.564 and this administrative regulation. Upon review, the P&T Committee shall make a recommendation to the department regarding utilization management of the drug including prior authorization and the recommendation shall be advisory to the commissioner in making the final determination.

(6) The department may exclude from coverage or require prior authorization for a drug that is subject to coverage limitations in accordance with 42 U.S.C. 1396r-8(d).

Section 11. Pharmacy and Therapeutics Advisory Committee (P&T Committee) Meeting Procedures. P&T Committee meetings, processes, and procedures shall be in accordance with KRS 205.564 and this administrative regulation.

(1) Drug review considerations. The P&T Committee shall consider the drug review information specified in Section 10(1) of this administrative regulation when developing recommendations.

(2) Meeting processes and procedures.

(a) Public presentations. A public presentation at a P&T Committee meeting shall comply with this paragraph.

1. A presentation shall be limited to an agenda item.

2. A verbal presentation by pharmaceutical industry representatives shall not exceed three (3) minutes in aggregate per drug per drug manufacturer with two (2) additional minutes allowed for questions from the P&T Committee. Pharmaceutical industry representatives shall be limited to presenting:

a. Information on a new product; or

b. New information on a previously reviewed current agenda topic (package insert changes, new indications, or peer-reviewed journal articles).

3. A verbal presentation by an individual other than a pharmaceutical industry representative shall not exceed five (5) minutes.

4. A request to make a verbal presentation shall be submitted in writing ***by***[~~*via*~~] fax or e-mail to the department no later than five (5) business days in advance of the P&T Committee meeting date.

(b) Nonverbal comments, documents, or electronic media material (limited to package insert changes, new indications, or peer reviewed journal articles) shall be e-mailed to the department in a Microsoft compatible format or mailed to the department as a package including twenty-five (25) printed copies. All materials shall be received by the department no later than seven (7) business days prior to the P&T Committee meeting date.

(3) Postings. P&T Committee meeting documents shall be published in accordance with KRS 205.564(6), and shall include the:

(a) Meeting agenda;

(b) Options, including any department recommendations, for drug review and drug review placements,

(c) P&T Committee recommendations; and

(d) Commissioner's final determination.

Section 12. Exceptions to P&T Committee Recommendations.

(1)

(a) An interested party who is adversely affected by a recommendation of the P&T Committee may submit a written exception to the commissioner.

(b) The written exception shall be received by the commissioner within seven (7) calendar days of the date of the P&T Committee meeting at which the recommendation was made.

(c) Only information that was not available to be presented at the time of the P&T Committee meeting shall be included in the written exception.

(2) After the time for filing written exceptions has expired, the commissioner shall consider each recommendation of the P&T Committee and all exceptions that were filed in a timely manner prior to making a final determination.

Section 13. Final Determination. The commissioner shall issue and post a final determination in accordance with KRS 205.564(9) and (11).

(1) A decision of the commissioner to remand any recommendation to the P&T Committee shall not constitute a final decision or final determination for purposes of an appeal pursuant to KRS Chapter 13B.

(2) If any recommendation of the P&T Committee is not accepted, the commissioner or commissioner's designee shall inform the P&T Committee of the basis for the final determination in accordance with KRS 205.564(9).

Section 14. Appeals. An appeal request shall:

(1) Be in writing;

(2) Be sent by mail, messenger, carrier service, or express-delivery service to the commissioner in a manner that safeguards the information;

(3) State the specific reasons the final determination of the commissioner is alleged to be erroneous or not based on the facts and law available to the P&T Committee and the commissioner at the time of the decision;

(4) Be received by the commissioner within the deadline established by KRS 205.564(12); and

(5) Be forwarded by the commissioner to the Office of Administrative Hearings within the Department of Law[~~Division of Administrative Hearings of the Cabinet for Health and Family Services~~] for processing in accordance with the provisions of KRS Chapter 13B.

Section 15. Drug Management Review Advisory Board (DMRAB) Meeting Procedures and Appeals.

(1) A person may address the DMRAB if:

(a) The presentation is directly related to an agenda item; and

(b) The person gives notice to the department by fax or email at least five (5) business days prior to the meeting.

(2) A verbal presentation:

(a) In aggregate per drug per drug manufacturer shall not exceed three (3) minutes with two (2) additional minutes allowed for questions from the DMRAB, if required; or

(b) By an individual on a subject shall not exceed three (3) minutes with two (2) additional minutes allowed for questions from the DMRAB, if required.

(3) The proposed agenda shall be posted on the department's pharmacy webpage, located at: https://www.chfs.ky.gov/agencies/dms/dpo/ppb/Pages/p-tac.aspx at least fourteen (14) calendar days prior to the meeting.

(4) An appeal of a final decision by the commissioner by a manufacturer of a product shall be in accordance with KRS 205.5639(5). The appeal request shall:

(a) Be in writing;

(b) State the specific reasons the manufacturer believes the final decision to be incorrect;

(c) Provide any supporting documentation; and

(d) Be received by the department within thirty (30) calendar days of the manufacturer's actual notice of the final decision.

Section 16. 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 17. 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 18. Auditing Authority. The department shall have the authority to audit any claim, medical record, or documentation associated with any claim or medical record.

Section 19. 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 20. Appeal Rights.

(1) An appeal of an adverse action taken 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.

Section 21. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Kentucky Medicaid Substance Use Treatment Pharmacy Prior Authorization Form for Buprenorphine Products", 1-3-17; and

(b) "Kentucky Medicaid Pharmacy Prior Authorization Form", 1-3-17.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at:

(a) The Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m.; or

(b) Online at the department's website at https://www.chfs.ky.gov/agencies/dms/dpo/ppb/Pages/default.aspx [~~Web site at http://www.chfs.ky.gov/dms/incorporated.htm~~].

Section 22. This administrative regulation was found deficient by the Administrative Regulation Review Subcommittee on February 9, 2026.

FILED WITH LRC: February 9, 2026

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

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
KENTUCKY BOARD OF LICENSED DIABETES EDUCATORS
(Amended After Comments)

201 KAR 45:130. Continuing education.

RELATES TO: KRS 309.337, 309.339
STATUTORY AUTHORITY: KRS 309.331
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.337 requires licensees to provide documentation of the successful completion of board-approved continuing education credits and that waivers and extensions of continuing education may be approved at the discretion of the board. KRS 309.331(1) requires the board to promulgate administrative regulations establishing continuing education requirements. This administrative regulation establishes continuing education requirements for licensed diabetes educators.

Section 1. Accrual of Continuing Education Hours.
(1)
(a) The annual continuing education accrual period shall be from November 1 of each year to October 31 of the next year.
(b) Prior to renewal of a diabetes educator license or apprentice diabetes educator permit for the next licensure period, a licensee or permit holder shall have earned at least fifteen (15) hours of approved continuing education.
(2) No more than fifteen (15) hours of continuing education shall be carried over into the next continuing education period.
(3) It shall be the responsibility of each licensee to finance the costs of continuing education.

Section 2. Methods of Acquiring Continuing Education Hours.
(1) Continuing education hours for license or permit renewal shall have a substantial emphasis on diabetes and be presented at a professional level that enhances the quality and effectiveness of diabetes self-management education.
(2) A licensee or permit holder shall obtain continuing education courses from any of the following continuing education providers or programs approved by the providers:
(a) American Association of Diabetes Educators (AADE);
(b) American Diabetes Association (ADA);
(c) Academy of Nutrition and Dietetics (AND);
(d) Accreditation Council for Pharmacy Education (ACPE);
(e) Accreditation Council for Continuing Medical Education (ACCME-AMA);
(f) American Nurses Credentialing Center (ANCC);
(g) American Academy of Family Physicians (AAFP);
(h) American Academy of Nurse Practitioners (AANP);
(i) American Academy of Optometry (AAO);
(j) American Academy of Physician Assistants (AAPA);
(k) American Association of Clinical Endocrinologists (AACE);
(l) American College of Endocrinology (ACE);
(m) American College of Sports Medicine (ACSM);
(n) American Medical Association (AMA) or its Kentucky affiliate;
(o) American Nurses Association (ANA);
(p) American Occupational Therapy Association (AOTA);
(q) American Physical Therapy Association (APTA);
(r) American Psychological Association (APA);
(s) Commission on Dietetic Registration (CDR);
(t) Council on Continuing Medical Education (CCME-AOA);
(u) Council on Podiatric Medical Education (CPME-APMA);
(v) International Diabetes Federation (IDF);
(w) National Association of Clinical Nurse Specialists (NACNS);
(x) National Association of Social Workers (NASW);
(y) Kentucky Board of Nursing (KBN);
(z) Kentucky Board of Pharmacy;
(aa) Kentucky Board of Medical Licensure;[~~or~~]
(bb) Kentucky Nurses Association (KNA)**;**[**-**] **or**
(cc) National Board for Certification in Occupational Therapy (NBCOT®).

Section 3. Recordkeeping of Continuing Education Hours.
(1) A licensee or permit holder shall maintain a record of all continuing education courses attended for at least two (2) years after attending the course.
(2) Appropriate documentation to be kept shall include:
(a) Proof of attendance;
(b) Date of activity;
(c) Description of activity;
(d) Total hours of instruction, excluding breaks; and
(e) The name of the continuing education provider or program approved by the providers listed in Section 2.(2) above.[~~Names and professional qualifications of the presenters~~].
(3)
(a) Each licensee or permit holder shall sign a statement on the Renewal Application form incorporated by reference in 201 KAR 45:120, indicating compliance with the continuing education requirements.
(b) A license or permit shall not be renewed without the licensee signing this sworn statement.

Section 4. Reconsideration.
(1) A licensee or permit holder may request the board to reconsider its denial of a continuing education course. The request shall be filed with the board in writing.
(2)
(a) A licensee or permit holder shall file the request for reconsideration pursuant to KRS Chapter 13B within thirty (30) calendar days of notification of the denial.
(b) The request will be reviewed by the board at its next regularly scheduled meeting.

Section 5. Auditing of Continuing Education.
(1) During the annual renewal period, the board shall conduct a random audit of up to fifteen (15) percent of current licensees and permit holders.
(2) Each licensee or permit holder selected for audit shall submit documentation of completion of continuing education units from the current license year to the board no later than the end of the current license period.
(3) A licensee or permit holder who fails to comply with the audit request or the continuing education requirements shall be subject to disciplinary action.

E. BLAIR LYKINS, Board Chair
APPROVED BY AGENCY: February 11, 2026
FILED WITH LRC: February 12, 2026 at 1:00 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Janes
Subject Headings: Diabetes Educators, Education Professional Standards, Licensing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation sets forth the continuing education requirements for diabetes educators
(b) The necessity of this administrative regulation: The Board is required by KRS 309.331 to regulate the practice of diabetes education and promulgate regulations regarding continuing education.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is required by KRS 309.331 to regulate the practice of diabetes education and promulgate

regulations regarding continuing education.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 309.337 requires licensees to provide documentation of the successful completion of board-approved continuing education credits and that waivers and extensions of continuing education may be approved at the discretion of the board. KRS 309.331(1) requires the board to promulgate administrative regulations establishing continuing education requirements. This administrative regulation establishes continuing education requirements for licensed diabetes educators.
(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 continuing education is required for a licensed diabetes educator and a diabetes educator apprentice and removes the requirement for the name of a presenter as part of the documentation that must be kept by the credential holder. This administrative regulation was amended after comments to add the National Board for Certification in Occupational Therapy (NBCOT®) as an approved continuing education (CE) provider.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to clarify the continuing education requirements for all credential holders and to remove the requirement for name of presenter since it is not needed if the continuing education was through a board-approved provider or program. This amendment after comments is necessary to add the NBCOT® as an approved continuing education provider. Occupational therapy practitioners support individuals with diabetes by addressing daily routines, medication management, lifestyle changes, self-monitoring, and functional strategies that promote self-management and better health outcomes.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of KRS 309.331(1) through the board's promulgation of administrative regulations to carry out and clarify continuing education requirements for licensed diabetes educators and apprentices.
(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 clarifying the continuing education requirements for all credential holders and relieving the credential holder of maintaining the name of a presenter for a program that was pre-approved by the board. The amendment after comments will help reduce the administrative burden of board-review for CE approval, which is unnecessary due to the nationally standardized and rigorous process NBCOT® employs in developing its evidence-based, continuing competency tools .
(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 Public Protection Cabinet, the Board of Diabetes Educators, and its licensees and permit holders. There are currently 244 licensees and permit holders and 2 inactive credential holders.
(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: There are no new actions the regulated entities will have to take to comply with this amendment as the regulation already requires continuing education.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The regulated entities currently pay for continuing education so there are no new costs to the regulated entities as a result of compliance with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): There will be clarification that all regulated entities are required to have continuing education and that programs for approval must list the name of the presenter and what approved provider the presenter is affiliated with.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no new costs initially.
(b) On a continuing basis: There are no new costs on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Current Board funding comprised of fees for licensing, renewal and reinstatement will be used to implement and enforce 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 additional funding or increase in fees is needed.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are directly or indirectly established or increased by the administrative regulation
(10) TIERING: Is tiering applied? Tiering is not applicable as the proposed language will be applied equally to all entities impacted 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 309.331 and 309.337, 201 KAR 45:130.
(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 309.331(1) as created by 2011 Ky. Acts ch. 87, sec. 4, effective June 8, 2011.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Board of Diabetes Educators.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No expenditures are expected to be generated by the provisions of this administrative regulation.
For subsequent years: No expenditures are expected to be generated by the provisions of this administrative regulation.
2. Revenues:
For the first year: No revenues are expected to be generated by the provisions of this administrative regulation.
For subsequent years: No revenues are expected to be generated by the provisions of this administrative regulation.
3. Cost Savings:
For the first year: No cost savings are expected by the provisions of this administrative regulation.
For subsequent years: No cost savings are expected by the provisions of this administrative regulation.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None 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: There is no anticipated fiscal impact to this administrative regulation.
(b) Methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.
(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 was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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
(Amended After Comments)

704 KAR 3:410. Preschool education program for four (4) year old children.

RELATES TO: KRS 65.250, 156.160, 157.3175, 158.032(3), 158.120, 214.034, 34 C.F.R. Part 99
STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.3175
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 authorizes the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service and operational performance. KRS 157.3175 authorizes preschool education programs for["at risk"] four (4) year old children who are at risk of educational failure and authorizes that administrative regulations be promulgated to establish eligibility criteria, program guidelines, and standards for personnel. This administrative regulation establishes the criteria for the preschool education program for["at risk"] four (4) year old children who are at risk of educational failure, including procedures for a grant allocation system, eligibility criteria for children to be served, guidelines for program operation, and standards for personnel.

Section 1. Definitions.
(1) "Child[Day] care" means the same as in 922 KAR 2:090[a program which is designed to supplement but not substitute for the parent's responsibility for the child's protection, development and supervision, when it is necessary or desirable for the parent or child to be out of the home for all or part of the day or night].
(2) "Developmentally appropriate preschool program" means a program as defined by KRS 157.3175(2).
(3) "Double session" means a variation of the program that operates with one (1) teacher who works with a group of children in a morning session and a different group of children in the afternoon session.
(4) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21).
(5) "Paraprofessional" has the same meaning as in 704 KAR 3:550.
(6)[(4)] "Screening" means a systematic process for determining which children from the general population may need enhancement, support, or further evaluation in a particular area and is not an initial evaluation to determine if the child is a child with a disability.

Section 2. Eligibility.
(1) Except as provided in subsection (2) of this section, a child shall be eligible for enrollment in the preschool program if the child is:
(a) A resident of the district or an approved non-resident pursuant to KRS 158.120;
(b) Four (4) years old by August[October] 1 of the school year; and
(c) Approved for free lunch based on federal free lunch criteria in effect as of the child's initial day of attendance in preschool; or
(d) Eligible to the extent required by the Elementary and Secondary Education Act of 1965 or its successor.
(2) Preschool eligibility may be determined up to six (6)[four (4)] months prior to the start of school. Once free lunch eligibility has been approved, the child shall remain eligible for enrollment in the preschool program for the remainder of the school year.
(3)[(2)] A resident child or approved non-resident child who is four (4) years old by August[October] 1 but who is not otherwise eligible [for the free lunch program] may be served if space is available.

Section 3. Grant Allocation System.
(1) A local school district shall submit a proposal to the Kentucky Department of Education to operate or oversee the operation of a developmentally appropriate preschool education program for eligible children. Each proposal shall include the requirements set forth in KRS 157.3175(5) and (6).
(2) Funding for districts shall be based on the preschool grant allocation system established in 702 KAR 3:250.

Section 4. Interagency Agreements.
(1) A preschool facility or service provided by a local school district, either directly or by contract or cooperative agreement with another provider, shall meet the requirements of this administrative regulation and all other applicable school laws and administrative regulations.
(2) A contract or cooperative agreement for operating the preschool program may be negotiated with another school district, another public agency, private school or preschool program. A nonpublic school program providing preschool services shall be approved for that purpose by the Kentucky Board of Education.
(3) A contract or cooperative agreement shall be in writing and shall include at a minimum the contents set forth in KRS 65.250.
(4) State preschool funds may be used in a private program if a signed contract or cooperative agreement is on file in the district which documents that:
(a) [The program is separately incorporated from a religious institution;]
[(b)] [The program maintains a nonsectarian board of directors;]
[(c)] All proceeds and debts are the property of that corporation;
(b)[(d)] The program pays reasonable rent; and
(c) No portion of state funds are appropriated to, or used by, any church, sectarian, or denominational school in compliance with Section 189 of the Kentucky Constitution.
[(e)] [The program's curriculum is not religious in nature.]

Section 5. Enrollment.
(1) Enrollment of a child in the preschool program shall be at the discretion of the parent or legal guardian. Each local school district shall establish and maintain a continuous[an active] recruitment process which systematically assures enrollment of eligible children. Eligible children shall not be placed on a wait list. This process shall be outlined in a written plan which includes procedures for:
(a) Notification of the right to participate, presented in the parent's primary language or natural mode of communication;
(b) Identification of all eligible children regardless of race, sex, creed, color, national origin or disability[handicapping condition];
(c) Written documentation to demonstrate that emphasis has been given to recruiting those eligible children not currently served by a preschool program; and
(d) Contact to agencies and programs serving local preschool children or their families to encourage participation in the recruitment process, taking into account the demographic makeup of the community and the needs of the children and their families.

(2) Upon enrollment[~~Prior to attendance~~], each child shall have on file:

(a) A certified copy of the student's[~~a legal~~] birth certificate~~;~~ or

(b) Other reliable proof of the student's identity and age, and an affidavit of the inability to produce a copy of the birth certificate as required by KRS 158.032(3);

(c)[~~(b)~~] A current immunization certificate[~~Kentucky Certificate of Immunization~~] as required by KRS 214.034**, or exception as permitted by KRS 214.036**;

(d)[~~(c)~~] Preventative student health care examinations[~~A medical examination~~] meeting requirements of 702 KAR 1:160[~~704 KAR 4:020~~] conducted within one (1) year[~~six (6) months~~] prior to entry into the school program; and

(e)[~~(d)~~] Information as to eligibility [~~for the National School Lunch Program~~].

(3) An educational record shall be kept confidential according to the requirements of the Family Education Rights and Privacy Act regulations, 34 C.F.R.[~~CFR~~] Part 99.

(4) Daily attendance records shall be maintained and submitted through the statewide student information system[~~district's standard attendance reports or an approved, verifiable alternative method~~]. A parent or legal guardian shall be contacted with respect to an enrolled child whose participation in the program is irregular or who has been absent for four (4) consecutive program days.

(5) Students who are eligible only as at risk of educational failure who miss sixteen (16) consecutive school days without a documented excuse may be unenrolled and remain eligible in accordance with Section 2(1) of this administrative regulation when:

(a) The parent or guardian gives written consent; or

(b) At least four (4) documented attempts to reengage the parent or guardian are unsuccessful.

Section 6. Program Operation.

(1) The local school district shall select one (1) of the following program options:

(a) Standard half-day, five (5) day a week program (single session);

(b) Half-day, four (4) day a week program in single or double session, with the fifth day for services to children and their families, such as family[~~home~~] visits, special experiences for children, parent training, special education and case manager tasks, or coordination of medical or social services;[~~or~~]

(c) Full day, four (4) days a week program with the fifth day for services to children and their families, such as family visits, special experiences for children, parent training, special education and case manager tasks, or coordination of medical or social services; or

(d) A locally-designed program approved by the Commissioner of Education before initial implementation and before the locally-designed program is amended[~~chief state school officer~~].

(2) If a double session program is utilized, adequate time[~~the following provisions shall be made:~~]

[~~(a)~~] [~~Time~~] shall be allotted between sessions[~~prior to each session~~] to allow staff to prepare for the session as well as give individual attention to children entering and leaving the program;

(3) In all programs:

(a)[~~(b)~~] Classified staff shall be provided lunch and rest times pursuant to KRS Chapter 337[~~Adequate break time shall be provided for staff during the course of the day~~];

(b) Certified staff shall be provided a duty free lunch period each day pursuant to KRS 158.060;

(c) Staff assignments shall provide time for parent involvement activities and coordination of services described in subsections (7) through (10)[~~(5) through (8)~~] of this section; and

(d) Maximum number of children assigned to one (1) lead teacher shall be limited to the ratio established in Section 8[~~Section 7~~(4)] of this administrative regulation.

(4)[~~(3)~~] The hours of operation [~~of the half-day program~~]may vary but shall provide a minimum of two and one-half (2 1/2) hours of instructional[~~classroom~~] time per day, which shall not include the time required to provide breakfast or lunch. The program shall provide direct services for children or parents for the minimum number of teaching days set by the local school district for the school year.

(5)[~~(4)~~] Maximum group size for eligible children shall be twenty (20) children. The staff ratio in the classroom shall consist of one (1) adult for a maximum of ten (10) children pursuant to staff qualifications established in Section 8[~~7~~] of this administrative regulation. [~~Consideration shall be given to increasing the number of staff or decreasing the group size depending upon the needs of the children, including the needs of children with disabilities. An~~]At no time shall one (1) adult[~~shall not~~] be left alone with more than ten (10) preschool children.[~~The local school district shall have a written policy for assistance from another adult if one (1) adult is responsible for a group of children.~~]

(6) The local school district shall have a written policy describing:

(a) How consideration is given to increasing the number of staff or decreasing the group size depending upon the needs of the children, including the needs of children with disabilities; and

(b) How assistance from another adult is available if one (1) adult is responsible for a group of children.

(7)[~~(5)~~] The program shall allow for active family[~~parental~~] involvement. Consideration of the different types of family structures, such as the single parent, foster parent and extended family, shall be made when planning activities. At least the following opportunities shall be made available to parents or guardians:

(a) Participation in classroom and other preschool activities as volunteers or observers;

(b) Parent training, education or other activities which the parent has helped to develop;

(c) Working with the child in cooperation with preschool staff;

(d) Meeting with preschool and other appropriate staff regarding the child's individual needs and progress or other two (2) way communication systems developed with the parent or guardian; and

(e) Periodic family[~~home~~] visits by preschool staff, with a minimum of two (2) visits per child per year and with the first visit conducted within sixty (60) school days after enrollment. Family visits shall be conducted in the home or at a secondary location and shall be in person unless the parent or guardian requests a virtual family visit.

(8)[~~(6)~~] To meet the comprehensive needs of children, the program shall collaborate with medical, health, mental health and social service agencies. Information about community services, resources and facilities shall be made available to parents. Program staff shall assist with[~~parents in~~] coordinating interagency services for children and families.

(9)[~~(7)~~] A local school district shall administer a valid and reliable child development screener within thirty (30) days of enrollment. The child development screener shall:[~~assure through coordination with existing medical and social services that all children participating in the program receive child development and health screening.~~]

[~~(a)~~] [~~Health screening shall include growth assessment, vision and hearing screening, assessment of current immunization status, and general health status.~~]

(a)[~~(b)~~] [~~Child development screening shall include~~]Include screening of gross and fine motor skills, cognitive functioning, communication skills, self-help skills and social-emotional skills.

[~~(c)~~] [~~Child development screening may be accomplished through various means, including systematic observation in the classroom or other natural setting. Screening results shall not be used for determining placement or planning the curriculum.~~]

(b) Be administered by personnel trained to administer the screener;

[~~(d)~~] [~~Child development and health screening shall be completed within thirty (30) school days of enrollment by personnel trained in the procedures utilized.~~]

(c) Be tracked and documented for all four (4) year old children enrolled in the program; and

(d) Child development screening results and recommended follow-up shall be shared with the parent or guardian.

[~~(e)~~] [~~Contact shall be made with the parent or legal guardian if screening results indicate a need for further assessment by a specialist, follow-up, or referral for special education and related services or other appropriate resources.~~]

(10)[~~(8)~~] A local school shall assist the parent or legal guardian as needed through cooperation with existing medical and social services to obtain the physical examination required of all children prior to school enrollment.

[(9)] [The preschool program shall include developmentally appropriate experiences in cognitive, communication, social, physical, and emotional development as well as creative expression. The preschool program shall assist young children with their intrapersonal and interpersonal skills and in maximizing self-management and independence. The program shall include appropriate learning activities and teaching techniques in accordance with each child's level of comprehension and maturation.]

Section 7. Learning environment.

(1)[(10)] The program shall provide a supportive social and emotional climate which:

(a) Enhances children's understanding of themselves as individuals, and in relation to others, by providing for individual, small group, and large group activities;

(b) Gives children many opportunities for success through developmentally appropriate program activities;[and]

(c) Provides an environment of acceptance which helps each child develop a positive self-concept, enhance his or her individual strengths, celebrate his or her individuality[build ethnic pride], and facilitate social relationships; and[.]

(d) Integrates an evidence-based social and emotional supplemental curriculum that promotes social and emotional development and addresses challenging behaviors.

(2)[(11)] The program shall promote the development of cognitive[intellectual] skills by:

(a) Encouraging children to solve problems, initiate activities, explore, experiment, question, and gain mastery through learning by doing (concrete experiential learning);

(b) Promoting language understanding and use in an atmosphere that encourages[each] communication among children and between children and adults;

(c) Utilizing an evidence-based curriculum aligned with the domains of Kentucky's Early Childhood Standards, revised in 2021[in which a variety of skills are integrated into activities targeted toward the interests of children];

(d) Encouraging children to organize their experiences and understand concepts;

(e) Providing developmentally appropriate instruction to support growth in the foundational skills of literacy and numeracy;

(f)[(e)] Utilizing a language experience approach to introduce printed materials according to the individual developmental level of the child; [and]

(g) Presenting daily opportunities for interactive literacy and numeracy routines;

(h)[(f)] Providing a daily balance of activities to include[in the following dimensions]:

1. Indoor and outdoor time;
2. Quiet and active time;
3. Individual and group time;
4. Large and small groups;
5. Child and staff initiated interactions;[and]
6. Structured and play-based activities;[spontaneous.]
7. Free choice center work; and
8. Routines to establish child familiarity with the daily schedule.

(3)[(12)] The program shall promote physical growth by:

(a) Providing adequate indoor and outdoor space pursuant to Section 9[8] of this administrative regulation;

(b) Providing developmentally appropriate materials and equipment, in sufficient quantity to allow choice, and providing supervised time for children to use large and small muscles to increase their physical skills;

(c) Providing appropriate guidance while children use equipment and materials which promote children's physical growth;

(d) Providing breakfast or lunch to each eligible child, pursuant to the requirements of the National School Breakfast Program or National School Lunch Program;

(e) Providing developmentally appropriate information regarding nutrition, involving children as feasible in the planning and preparation of snacks and meals, and providing appropriate supervision during meals to develop language, understanding and problem-solving skills; and

(f) Providing developmentally appropriate information about health as an integral part of program activities.

(4)[(13)] The program shall promote social skills and social interactions by:

(a) Providing positive guidance with consistent, clear rules presented in developmentally appropriate ways; and

(b) Providing positive adult and peer role models, focusing on the level of the child.

[(14)] [The program shall be individualized to meet the special needs of children by:]

[(a)] [Having a curriculum which is relevant and reflective of the needs of the population served (such as, bilingual or bicultural, multicultural, rural, urban, or migrant);]

[(b)] [Having staff and program resources reflective of the racial and ethnic population of the children in the program; and]

[(c)] [Providing adaptations for children with special needs.]

(5)[(15)] The program shall utilize developmentally appropriate materials and equipment as follows:

(a) Furniture, equipment and materials shall be of sufficient quantity, quality and variety to meet the needs of the children and shall be arranged in a way as to facilitate learning, assure a balanced program of play-based[spontaneous] and structured activities, and encourage self-reliance in the children. Test sheets, worksheets, coloring sheets, and workbooks[and ditto sheets] shall not be used as they are not developmentally appropriate for preschool children.

(b) The equipment and materials shall be:

1. Consistent with the specific educational objectives of the local program;
2. Representative of the children in the program[Consistent with the cultural and ethnic background of the children];
3. Geared to the age, ability, and developmental needs of the children;
4. Safe, durable, and kept in good condition;
5. Stored in a safe and orderly fashion when not in use;
6. Accessible, attractive, and inviting to the children; and
7. Designed to provide a variety of learning experiences and to encourage experimentation and exploration.

(6)[(16)] Space shall be arranged so that children may work individually, together in small groups, and in a large group. Space shall be arranged to provide clear pathways for children to move from one area to another.

(7)[(17)] Centers or areas in the classroom shall include space for activities including art, blocks,[blockbuilding, cooking, gross motor, housekeeping or] dramatic play, [language arts or] library, manipulative materials, mathematics, technology,[math or problem solving, multimedia,] music, science and writing[or social studies, and wood working].

(8) Technology centers and screen time shall:

(a) Provide developmentally appropriate content designed as an educational supplement to help children explore, create, problem solve, interact, and learn with and from one another; and

(b) Not substitute for active play, engagement, and interaction with other children and adults.

(9)[(18)] Assessment of children within the preschool program shall be for the purpose of planning activities and evaluating progress, and shall not be used to restrict entry into or exit from the preschool program. The program shall include developmentally appropriate valid and reliable assessment of preschool children which:

(a) Provides for ongoing observation, recording and evaluation of each child's growth and development for the purpose of planning activities to suit individual needs;

[(b)] [Is accomplished by observation or activity with the child in familiar structured and informal situations;]

[(c)] [Includes information from parents;]

(b)[(d)] Is used to inform parents on a regular basis regarding the child's progress in motor, cognitive, communication, social and emotional, and adaptive skills and development; and[physical, intellectual, communication, social, emotional, intrapersonal, and interpersonal skills and development;] and

(c)[(e)] considers the [cultural] background of the child.

(10)[(19)] Children shall not be retained in the preschool program.

(11)[(20)] The preschool program shall provide developmentally appropriate instruction to children regarding safety procedures, such as riding the bus and emergency procedures.

(12)[(21)] The preschool program shall utilize the local school district's current safety policies regarding accident records, medical emergency plans, fire and disaster plans, first aid, dispensing of medications, and reporting of child abuse and neglect, with modification as needed to accommodate young children.

Section 8.[Section 7.] Personnel.

(1) Instructional staff in the preschool shall include the following types of personnel:

[(a)] A lead teacher who meets the following qualifications:

(a)[1.] Beginning with the 2002-2003 school year, a person who holds a certificate in accordance with KAR Chapter 16[or statement of eligibility for a certificate in interdisciplinary early childhood education,] or has been exempted by the Kentucky Education Professional Standards Board from additional certification in order to continue teaching in an early childhood position; or[.]

(b) A school district may request approval from the Department of Education to use as the instructional lead a person who meets the preschool associate teacher qualifications and who has been continuously employed in the same district prior to school year 2004-2005 to perform paraprofessional instructional duties pursuant to 704 KAR 3:420.[; or]

[2.] [Prior to the 2002-2003 school year, if a person meeting qualifications listed in subparagraph 1 of this paragraph is not available, interim approval shall be issued in accordance with the following criteria:]

[a.] [Personnel with a baccalaureate or higher degree in child development, early childhood education, or early childhood special education;]

[b.] [Personnel with kindergarten certification;]

[c.] [Personnel with special education certification valid for primary grades;]

[d.] [Personnel with a master's degree, bachelor's degree or licensure in communication disorders, speech and language, or speech pathology][.][;]

[3.] [If a person who meets the qualifications established in subparagraph 1 or 2 of this paragraph is not available, a local board may develop a training plan in early childhood education and request approval for an individual with a minimum of one (1) year of early childhood training or experience and a degree in family studies, social work, psychology, nursing, or other related area, including education if not specified under subparagraph 1 or 2 of this paragraph.]

[4.] [A local board may request approval for a person who meets the preschool associate teacher qualifications to perform paraprofessional instructional duties pursuant to 704 KAR 3:420; and]

[(b)] [A teaching assistant who is an instructional aide.]

(2) Lead teachers employed pursuant to subsection (1)(a)2 of this section shall not serve as a lead teacher in any district after initial employment is terminated.

(3)[(2)] A preschool classroom shall have at least one (1) lead teacher. A paraprofessional[teaching assistant] or other professional personnel shall be used in addition to the lead teacher to provide an appropriate adult-child ratio in each classroom, pursuant to Section 6(5)[6(4)] of this administrative regulation. A lead teacher shall provide instructional services to a maximum of twenty (20) children, within the parameters of subsection (5)[(4)] of this section.

(4)[(3)] A lead teacher shall be responsible for organizing the classroom, implementing[providing] a developmentally appropriate curriculum and assessments, and supervising and assigning the activities of paraprofessionals[teaching assistants], student helpers, and other noncertified staff in the preschool program[class]. A lead teacher shall be responsible for at least the following parental activities, described in Section 6(7)[6(5)] of this administrative regulation:

(a) Parent participation in the classroom;

(b) Parent-teacher conferences; and

(c) A minimum of two (2) family[home] visits per child per year.

(5)[(4)] A local school district shall assign professional staff, including but not limited to the lead teacher, to coordinate program operations[conduct parental involvement activities and coordination with health and social services,] pursuant to Section 6 (7) through (10)[(5) through (8)] of this administrative regulation. A lead teacher who has been assigned preschool coordination responsibilities pursuant to Section 6 (7) through (10) of this administrative regulation[related to parent involvement activities and health and social services] and who operates double sessions shall be considered to be going beyond responsibilities set out in subsection 4[(3)] of this section and shall provide services to a maximum of thirty-four (34) children total, within the adult-child ratio per classroom established in Section 6(5)[6(4)] of this administrative regulation.

(6)[(5)] A lead teacher shall participate in the required number of professional development days applicable to certified personnel in the local school district. A paraprofessional[teaching assistant] shall participate annually in a minimum of eighteen (18) hours of professional development. Professional development activities shall be related to the nature and needs of young children and their families, including those with special needs. Records shall be kept for all personnel documenting participation in professional development training.

(7)[(6)] At all times, a program shall have a staff person on the premises who is trained in emergency first aid and cardiopulmonary resuscitation (CPR).

Section 9.[Section 8.] Facilities, Safety, Health, and Transportation.

(1) A preschool program shall operate in compliance with administrative regulations promulgated by the Kentucky Board of Education in areas including facilities, safety, health, and transportation.

(2) If a program is extended to provide child care before or after the standard operating hours of the preschool program, that portion of the program [shall be considered day care and]]shall meet the standards for child[day] care facilities promulgated by the Cabinet for Families and Children and established in [905 KAR Chapter 2 and] 922 KAR Chapter 2.

(3) A local school district may provide transportation to preschool children. If a local school district transports preschool children, services shall be operated in conformance with administrative regulations pertaining to the transportation of school children, as established in 702 KAR Chapter 5.

(4) Regardless of whether transportation is provided, a local school district shall make provisions for safe arrival and departure of all children, with a written policy[procedure] for ensuring that preschool children are:[released to the parent or a person authorized by the parent.]

(a) Supervised by a school employee during arrival and departure; and

(b) Released to the parent, guardian, or a person authorized by the parent or guardian. Release shall be hand-to-hand when a local district transports preschool children.

Section 10.[Section 9.] Program Evaluation.

(1) At least annually, parents, staff and other professionals shall be involved in evaluating the local preschool program's effectiveness in meeting the needs of participating children.

(2) The program evaluation shall address:

(a) Rate of participation by eligible children;

(b) Parental satisfaction with services provided;

(c) Growth[Success] of participating children as they complete the preschool program and enter[progress through] the primary school program; and

(d) Adherence to state administrative regulations on the subject area.

(3) A local school district preschool program shall be subject to evaluation by the Department of Education to determine the effectiveness of the statewide preschool program and local school district adherence to this administrative regulation.

Section 11. Incorporation by Reference.

(1) Kentucky's Early Childhood Standards, Revised 2021, is hereby incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Department of Education, Office of Special Education and Early Learning, 300 Sower Blvd. 4th 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 of Education
SHARON PORTER ROBINSON, Chair
APPROVED BY AGENCY: February 4, 2026
FILED WITH LRC: February 10, 2026 at 12:15 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen
Subject Headings: Education: Elementary, Child Care, Children and Minors, Disability and Disabilities, Education Professional Standards
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the criteria for the preschool education program for 4-year-old children who are at risk of educational failure, including procedures for a grant allocation system, eligibility criteria for children to be served, guidelines for program operation, and standards for personnel.
(b) The necessity of this administrative regulation: KRS 157.3175 requires the Kentucky Board of Education (KBE) to adopt administrative regulations establishing the guidelines for the preschool education program. Without this regulation, local school districts will not have established guidelines for implementing the preschool education program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 157.3175 specifically requires the Kentucky Board of Education to adopt administrative regulations establishing the guidelines for the preschool education program.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 704 KAR 3:410 is currently in effect and establishes guidelines for the preschool education program.
(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: Definitions were added, a large section was split into two sections, updates were made to language regarding interagency agreements, additions were made to align with current statutes and regulations, provisions were added to increase flexibility for some requirements, requirements were added to include valid and reliable screeners and assessments and evidence-based curricula, Kentucky's Early Childhood Standards were incorporated by reference, and increased opportunities to develop foundational literacy and numeracy skills were added.
(b) The necessity of the amendment to this administrative regulation: This regulation is being amended to avoid expiration. The date on which children must turn three or four to be eligible for the preschool education program is not in alignment with the date of eligibility in the statute, due to statutory changes made in 2013. Several areas were identified where statutory alignment and clarification were needed.
(c) How the amendment conforms to the content of the authorizing statutes: The amendments change the date on which children must turn three or four to be eligible for the preschool education program from October 1 to August 1. Amendments also conform to other areas of statute, such as required documentation for school enrollment and break and lunch times for classified and certified staff.
(d) How the amendment will assist in the effective administration of the statutes: The amendments provide clarification and remove outdated information.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2021 Acts Chapter 167.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 171 school districts, the Kentucky School for the Blind, and the Kentucky School for the Deaf are 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: Local school districts will need to review existing policies and procedures to ensure their preschool program aligns with statutory and regulatory requirements, as well as ensure they are using valid and reliable screeners and assessments and evidence-based curricula.
(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 and instructional materials needed to comply with the regulation. It has not been determined how many districts will need to make changes to instructional materials. We believe most are already using valid and reliable screeners and assessments, as well as evidence-based curricula.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Amendments regarding valid and reliable screeners and assessments, evidence-based curricula, and developmentally appropriate instruction in foundational literacy and numeracy skills aim to increase school readiness for children who attend the preschool education program and prepare them for a successful transition into the primary program.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Existing staff currently implement this administrative regulation, and no fiscal impact is anticipated.
(b) On a continuing basis: Existing staff currently implement this administrative regulation, and no additional fiscal impact is anticipated through 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: Currently, general funds appropriated by the General Assembly allow the Kentucky Department of Education to implement this administrative regulation and no additional fiscal impact is anticipated through this 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: This administrative regulation does not establish or increase any fees. Costs to the Kentucky Department of Education are in the form of staff time monitoring the preschool education program. At this time, an increase in staff time is not anticipated.
(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, 156.160, 157.3175.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 1990 Ky. Acts ch. 476, Pt. I, sec. 16, effective July 13, 1990.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Education, through the Kentucky Board 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 in the form of staff time monitoring the preschool education program. At this time, an increase in staff time is not anticipated.
For subsequent years: Costs to the Kentucky Department of Education are in the form of staff time monitoring the preschool education program. At this time, an increase in staff time is not anticipated.
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: Costs to local school districts are in the form of staff time and instructional materials needed to comply with the regulation. It has not been determined how many districts will need to make changes to instructional materials. We believe most are already using valid and reliable screeners and assessments, as well as evidence-based curricula.
For subsequent years: Costs to local school districts are in the form of staff time and instructional materials needed to comply with the regulation. It has not been determined how many districts will need to make changes to instructional materials. We believe most are already using valid and reliable screeners and assessments, as well as evidence-based curricula.
2. Revenues:
For the first year: Amendments to this regulation are not expected to generate revenue.
For subsequent years: Amendments to this regulation are not expected to 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 in the form of staff time monitoring the preschool education program. At this time, an increase in staff time is not anticipated. Costs to local school districts are in the form of staff time and instructional materials needed to comply with the regulation. It has not been determined how many districts will need to make changes to instructional materials. We believe most are already using valid and reliable screeners and assessments, as well as evidence-based curricula.
(b) Methodology and resources used to reach this conclusion: The Kentucky Department of Education considered current data collected from local school districts regarding valid and reliable assessments, and developmentally appropriate curricula aligned with Kentucky's Early Childhood Standards.
(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(14).
(b) The methodology and resources used to reach this conclusion: The Kentucky Department of Education considered current data collected from local school districts regarding valid and reliable assessments, and developmentally appropriate curricula aligned with Kentucky's Early Childhood Standards.

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 Community Based Services
Division of Protection and Permanency
(Amended After Comments)

922 KAR 1:565. Service array for a relative or fictive kin caregiver.

RELATES TO: KRS 2.015, 45.237-45.241, 156.496, 194A.005(1), 199.011, 199.462, 199.470-199.590, 205.211, Chapter 387, 403.270-403.355, 405.024, 527.100, 527.110, 600.020, 605.120, 610.110, 620.020(1), 620.090, 620.140, 620.142, 620.170, 42 U.S.C. 601-619, 671, 673, 675, D.O. v. Glisson, 847 F.3d 374 (6th Cir. 2017), cert. denied, 17-17, 2017 WL 2869916 (U.S. Oct. 10, 2017)

STATUTORY AUTHORITY: KRS 194A.050(1), 605.130(7), 605.150(1), 620.142(5)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate, administer, and enforce administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 605.150(1) authorizes the cabinet to promulgate administrative regulations to implement provisions of the chapter, including KRS 605.130(7), which authorizes the cabinet to perform such other services as may be deemed necessary for the protection of children. KRS 620.142(7)[~~(5)~~] requires the cabinet to promulgate administrative regulations developing custodial, permanency, and service options that shall be available to a relative or fictive kin caregiver. This administrative regulation establishes the service array available to a relative or fictive kin caregiver pursuant to KRS 620.142(1). To the extent the General Assembly appropriates State General Funds necessary for the cabinet to implement the services under KRS 620.142(3), the cabinet shall carry out those services in accordance with Section 5(4) of this administrative regulation.

Section 1. Definitions.

(1) "Absent parent search" means cabinet-initiated efforts to locate a biological or legal parent, or a relative.

(2) "Cabinet" is defined by KRS 194A.005(1), 199.011(3), and 600.020(7).

(3) "Case permanency plan" is defined by KRS 620.020(1).

(4) "Child" means a:

(a) Child defined by KRS 199.011(4) and 600.020(9);

(b) Person age eighteen (18) or older whose commitment to the cabinet has been extended or reinstated by a court in accordance with KRS 610.110(6) or 620.140(1)(e); or

(c) A person under age twenty-one (21) who meets the exceptions to the age of majority in accordance with KRS 2.015.

(5) "Child Care Assistance Program" or "CCAP" means Kentucky's child care subsidy program providing families who meet the eligibility requirements with the financial resources to find and afford quality child care, as established in 922 KAR 2:160.

(6) "Child who is a candidate for foster care" is defined by 42 U.S.C. 675(13).

(7) "Fictive kin" is defined by KRS 199.011(10)[(9)] and 600.020(28).

(8) "Kentucky Transitional Assistance Program" or "KTAP" means the program established in 921 KAR 2:006.

(9) "Parent" is defined by 42 U.S.C. 675(2).

(10) "Qualifying event" means a significant and verifiable change in a caregiver's circumstances that substantially affects their ability to care for a child. A qualifying event includes:

(a) Death or incapacitation of a caregiver;

(b) Loss of income due to disability;

(c) Early or unplanned retirement due to a documented hardship, such as medical necessity or employer-mandated separation, that results in a substantial loss of income;

(d) Loss of home or employment due to natural disaster or fire;

(e) Change in household structure due to divorce **or legal separation**; or

(f) A significant change in the child's medical or behavioral health requiring substantial caregiver involvement.

(11) "Relative" means an individual related to a child by blood, marriage, or adoption.

(12)[(11)] "Relative or fictive kin foster home" means a foster home:

(a) In which the individual approved as a foster parent is a:

1. Relative; or

2. Fictive kin; and

(b) Approved by the cabinet in accordance with 922 KAR 1:350.

Section 2. Identification of a Relative or Fictive Kin.

(1) If a relative or fictive kin placement is in the best interest of a child upon removal from the child's home of origin, the cabinet shall:

(a) Use an absent parent search in accordance with 922 KAR 1:140, Section 3, to locate a relative;

(b) Discuss a prospective relative or fictive kin placement with the:

1. Child's parent; and

2. Child, based upon the age and development of the child; or

(c) Require the parent or other person exercising custodial control or supervision to provide a list of possible persons to be considered pursuant to KRS 620.140(1)(c).

(2) Cabinet staff shall make reasonable attempts to:

(a) Contact the relative or fictive kin; and

(b) Assess the relative's or fictive kin's fitness to serve as a placement resource for the child in accordance with Section 3 of this administrative regulation.

(3) The cabinet shall:

(a) Disclose legal and service options available to a prospective relative or fictive kin:

1. Who is being assessed as a placement resource; and

2. Prior to the time a child is placed in the relative's or fictive kin's home; and

(b) Obtain written acknowledgement of the disclosure of legal and service options from the relative or fictive kin.

Section 3. Fitness of the Relative or Fictive Kin.

(1) To support a child's health, safety, and wellbeing in placement with a relative or fictive kin caregiver, based upon the legal option selected by the relative or fictive kin, the cabinet shall:

(a) Complete a safety check and review with consideration given to the relative's or fictive kin's:

1. Willingness and ability to:

a. Protect the child from abuse or neglect;

b. Participate in the child's case permanency plan;

c. Access:

(i) Transportation;

(ii) Telephone;

(iii) Medical and dental services;

(iv) First aid supplies; and

(v) School;

d. Provide full-time care;

e. Provide for the child's sleeping and eating;

f. Maintain adequate heat and ventilation in the home;

g. Use active smoke detectors in the home; and

h. Assure the child's inaccessibility to:

(i) Medication unless an exception consistent with 922 KAR 1:350, Section 5[3](12), applies;

(ii) Alcoholic beverages;

(iii) Poisonous materials;

(iv) Firearms or ammunition in accordance with KRS 527.100 and 527.110;

(v) Unsupervised contact with the birth parent, if prohibited; and

(vi) Cleaning materials unless the materials are age or developmentally appropriate for the child or the child is supervised; and

2. Understanding of the impact that familial abuse, neglect, or substance abuse may have on a child and the child's extended family; and

3. Fitness in accordance with 922 KAR 1:490; or

(b) Conduct a home study and background checks in accordance with 922 KAR 1:350 and 922 KAR 1:490 in consideration of the relative or fictive kin as a prospective foster or adoptive home.

(2) A relative or fictive kin caregiver who seeks approval as a relative or fictive kin foster home or adoptive home shall meet the training requirements established in 922 KAR 1:495.

(3) The cabinet shall:

(a) Document in the case file that the fictive kin has completed training on the prevention and recognition of pediatric abusive head trauma in accordance with KRS 199.462; and

(b) Provide information to the relative or fictive kin on how to recognize and report child abuse and neglect.

(4) To the extent funds are available, the cabinet shall make available to a relative or fictive kin caregiver training:

(a) For foster parents, adoptive parents, and respite care providers in accordance with 922 KAR 1:495; and

(b) Developed to address the needs of relative and fictive kin caregivers, including management of the relationship with the child's parent.

(5) A relative's or fictive kin's decision to pursue approval as a foster parent shall not guarantee the cabinet's approval.

Section 4. Relative or Fictive Kin Placement Support Benefit.

(1) To the extent that funds are available, the cabinet shall provide, if requested, a one (1) time per placement relative or fictive kin placement support benefit:

(a) To facilitate the child's placement with a nonparental relative or fictive kin;

(b) If a court of competent jurisdiction has granted temporary custody of the child to the relative, fictive kin, or the cabinet due to:

1. Alleged child abuse or neglect; or

2. The death of both parents;

(c) That will provide for a child's immediate needs, such as:

1. Clothing;

2. School supplies;

3. Additional furniture; or

4. A deposit for a larger apartment; and

(d) That is equal to or does not exceed the amount for the appropriate number of eligible children as follows:

Number of Eligible Children	Payment Amount
1	$350
2	$700
3	$1,050
4	$1,400
5	$1,750
6 or more	$2,100

(2)

(a) The relative or fictive kin placement support benefit shall be issued by check or electronic fund transfer directly to:

1. The relative or fictive kin caregiver with whom the child is placed; or

2. A vendor providing the needed service or item listed in subsection (1)(c) of this section.

(b) Prior to the provision of the relative or fictive kin placement support benefit, the relative, fictive kin, or vendor shall provide tax status and contact information for accounting of the benefit's disbursement.

(3)

(a) In accordance with Kentucky's Title IV-A Temporary Assistance for Needy Families Block Grant state plan, the cabinet shall prioritize a child for the relative placement support benefit if the child is:

1. Placed with a relative whose household income is at or below 200 percent of the federal poverty level as determined annually by the U.S. Department of Health and Human Services; or

2. Determined eligible for KTAP pursuant to 921 KAR 2:006 and 921 KAR 2:016.

(b) Pursuant to 42 U.S.C. 601, Temporary Assistance for Needy Families Block Grant funds shall not be provided to a fictive kin caregiver.

(4) A relative or fictive kin caregiver shall not be eligible for an initial clothing allowance as a foster parent if the relative or fictive kin receives the relative or fictive kin placement support benefit.

Section 5. Legal Options.

(1) The following legal options shall be available to a prospective relative or fictive kin caregiver:

(a) Family-arranged care through:

1. A written plan in accordance with 922 KAR 1:330;

2. An affidavit to make health care treatment and school-related decisions for the child in accordance with KRS 405.024; or

3. A power of attorney for temporary delegation of parental rights and responsibilities in accordance with KRS 403.352 and 403.353;

(b) Court-ordered custody to the relative or fictive kin caregiver in accordance with KRS 403.270-403.355, 620.090, or 620.140(1)(c);

(c) Court-ordered custody to the cabinet in accordance with KRS 620.090, 620.140(1)(c), or 620.170;

(d) Adoption in accordance with KRS 199.470-199.590 or 922 KAR 1:100;

(e) Guardianship in accordance with KRS Chapter 387; or

(f) Subsidized permanent custody in accordance with 42 U.S.C. 673 and 922 KAR 1:145.

(2) Considerations in assessing the legal options for a relative or fictive kin caregiver shall include:

(a) The likelihood of the child's reunification with the child's home of origin, including the child's permanency goal in accordance with 922 KAR 1:140;

(b) The relationship that the relative or fictive kin caregiver has with the child's home of origin or parent;

(c) The ability of the relative or fictive kin caregiver to:

1. Manage parental visitation; and

2. Ensure the child's safety;

(d) The relative or fictive kin caregiver's financial situation and need for additional resources to support the safety, permanency, and wellbeing of the child;

(e) The level of involvement and types of services that will be needed from the cabinet for the caregiver and the child to ensure the safety, permanency, and wellbeing of the child; and

(f) The level of support and types of services that will be needed if:

1. The caregiver assumes legal responsibility for the child; or

2. Reunification with the child's home of origin is not possible for the child.

(3) Permanency services for a child in the custody of the cabinet shall be in accordance with 922 KAR 1:140.

(4) To the extent the General Assembly appropriates State General Funds necessary for the cabinet to implement the services under KRS 620.142(3):

(a) Within one hundred twenty (120) days of receiving temporary custody or upon a verifiable qualifying event, a relative or fictive kin caregiver may submit a request to the cabinet for the purpose of pursuing a change in custody of a child in his or her care.

(b) Upon preliminary approval **of a relative or fictive kin caregiver's request**, the cabinet may request the court place the child in the cabinet's custody for the purpose of becoming a relative or fictive kin foster parent to the child.

(c) Upon placement of the child in the custody of the cabinet, the relative or fictive kin caregiver shall pursue foster parent approval.

Section 6. Service Options.

(1) The array of monetary supports on behalf of a child placed with a relative or fictive kin caregiver shall include:

(a) The Relative or Fictive Kin Placement Support Benefit in accordance with Section 4 of this administrative regulation;

(b) CCAP in accordance with 922 KAR 2:160;

(c) Child support if application is made or intergovernmental process applies in accordance with 921 KAR 1:380;

(d) KTAP if an application is made in accordance with 921 KAR 2:006 and 921 KAR 2:016;

(e) The Kinship Care Program in accordance with 922 KAR 1:130;

(f) Health benefits for the child:

1. In accordance with 907 KAR 20:005; or

2. If application is made in accordance with 907 KAR 20:015, 907 KAR 4:020, or 907 KAR 4:030;

(g) Foster care per diem in accordance with:

1.

a. 922 KAR 1:350; or

b. D.O. v. Glisson, 847 F.3d 374 (6th Cir. 2017), cert. denied, 17-17, 2017 WL 2869916 (U.S. Oct. 10, 2017); and

2. The terms and conditions specified in the individual agreement between the cabinet and the foster parent;

(h) Adoption assistance in accordance with 922 KAR 1:050 or 922 KAR 1:060;

(i) To the extent funds are available, post-permanency services, including:

1. Subsidized permanent custody in accordance with 42 U.S.C. 673 and 922 KAR 1:145; or

2. Post-adoption placement stabilization services in accordance with 922 KAR 1:530; or

(j) The Supplemental Nutrition Assistance Program if application is made and approved in accordance with 921 KAR 3:030.

(2) To the extent funds are available, the cabinet shall provide prevention and family services and programs in accordance with 42 U.S.C. 671(e) to a child who is a candidate for foster care, including:

(a) Mental health and substance abuse prevention and treatment services; or

(b) In-home parent skill-based programs.

(3) To the extent funds are available, the cabinet or its designee shall provide the following services for a relative or fictive kin caregiver:

(a) A hotline;

(b) Online portal;

(c) Crisis intervention;

(d) Support group;

(e) Advocacy;

(f) Caregiver training;

(g) Community education; and

(h) Referral to community resource or provider, such as:

1. Family Resource and Youth Service Centers established in accordance with KRS 156.496;

2. The Health Access Nurturing Development Services (HANDS) Program in accordance with 902 KAR 4:120;

3. The Special Supplemental Nutrition Program for Women, Infants, and Children or "WIC program" in accordance with 902 KAR Chapter 18;

4. Kentucky's Early Intervention Program, First Steps, in accordance with 902 KAR Chapter 30;

5. Mental health programming; or

6. Caregiver programming made available through the Department for Aging and Independent Living or its designee.

(4) To the extent the General Assembly appropriates State General Funds necessary for the cabinet to implement the services under KRS 620.142(3), the cabinet shall carry out those services in accordance with Section 5(4) of this administrative regulation.

(5)[~~(4)~~] The cabinet shall recover the amount of an improper payment pursuant to KRS 45.237-45.241 and 205.211, including assistance paid pending the outcome of a hearing, from the claimant-payee.

Section 7. Complaint and Service Appeals.

(1) A relative or fictive kin caregiver may submit a service complaint or an appeal concerning a protection and permanency service in accordance with 922 KAR 1:320.

(2) An appeal concerning CCAP shall be made in accordance with 921 KAR 2:055, 922 KAR 2:020, or 922 KAR 2:260.

(3) An appeal regarding KTAP shall be made in accordance with 921 KAR 2:055.

(4) An appeal concerning the Supplemental Nutrition Assistance Program shall be made in accordance with 921 KAR 3:060 or 921 KAR 3:070.

LESA DENNIS, Commissioner
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: February 4, 2026
FILED WITH LRC: February 12, 2026 at 11:00 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sarah Bryant, Krista Quarles
Subject Headings: Adoption and Foster Care, Children and Minors, and Child Support
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the service array for a relative or fictive kin caregiver of a child in the state's custody.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the service array for a relative or fictive kin caregiver required by KRS 620.142(1).
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 620.142(7) requires the cabinet to promulgate administrative regulations developing custodial, permanency, and service options that shall be available to a relative or fictive kin caregiver. This administrative regulation conforms to the content of the authorizing statutes through its establishment of the service array for a relative or fictive kin caregiver.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes through its establishment of a service array for a relative or fictive kin caregiver.
(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 incorporates the provisions of KRS 620.142(3) (passed as Senate Bill 151 in the 2024 Regular Session of the General Assembly), which allows a relative or fictive kin caregiver to apply to become a relative or fictive kin foster parent for a child in his or her care under specific circumstances. This administrative regulation and department policies already included that a prospective relative or fictive kin placement be discussed with a child based on the age and development of the child. The Amended After Comments version of the regulation adds the qualifying event, "legal separation," and clarifies the preliminary approval process.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary for compliance with legislation passed in the 2024 Regular Session of the General Assembly, codified as KRS 620.142(3).
(c) How the amendment conforms to the content of the authorizing statutes: The amendment is consistent with KRS 620.142(3).
(d) How the amendment will assist in the effective administration of the statutes: The amendment establishes processes required by the passage of Senate Bill 151, which allows caregivers to request custody changes and foster parent approval.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2024 SB 151.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: From January 2025 to April 2025, there were 1,448 children in the cabinet's custody placed with relative or fictive kin caregivers. That number is expected to drastically increase once the provisions of this amendment become effective and caregivers are able to place children in their care into the custody of the cabinet in order to become foster parents and receive a foster care per diem and additional supports from the cabinet. The caregivers of at least 936 children will be eligible to pursue this and more that meet the qualifying event criteria.
(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: There are no new requirements. This amendment does not include requirements but establishes new processes through which relative or fictive kin caregivers may request custody changes and become relative or fictive kin foster homes.
(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 costs to regulated entities associated with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): To the extent the General Assembly appropriates State General Funds necessary to implement the services under KRS 620.142(3), the cabinet shall carry out the services in accordance with Section 5(4) of this regulation. If Relative and fictive kin caregivers choose this path and are approved, they will receive a per diem of at least $850 per month paid in General Funds among other supports from the cabinet.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This amendment is estimated to cost at least approximately $14.7 million per year. From January 2025 to April 2025, there were 1,448 children in the cabinet's custody placed with relative or fictive kin caregivers and 936 of those children were placed past 120 days. These caregivers who have been granted custody have the ability to place the child in the custody of the cabinet so that they can become foster parents instead. If caregivers meet the qualifying event criteria, this could cost up to $10.3 million per year in out-of-home care costs alone. With 936 children coming into the state's custody, an approximate 28 more social workers will be needed (with a caseload of 30), costing $4.3 million per year. The caregivers of all 936 children may not choose to change custody, but the number of caregivers who will upon a qualifying event is unknown and could exceed these numbers. These payments will be made with General Funds as this will not be federally-reimbursable. Additionally, the state could be penalized $100,000 for failing to meet the Adoption and Foster Care Analysis System (AFCARS) by adding a new removal reason, "pursuing foster care," which does not align with any approved AFCARS categories. In total, an annual fiscal impact of $14.7 million is projected.
(b) On a continuing basis: At least $14.7 million per year and possibly more as additional caregivers who have experienced qualifying events become aware of this option.
(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 not yet appropriated by the General Assembly. Federal reimbursement cannot be claimed when children enter the custody of the cabinet without being physically removed from the caregiver's home.
(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 associated with 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? No, this administrative regulation is applied in a like manner statewide.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 605.130(7), 605.150(1), 620.142(5), 42 U.S.C. 601-619, 671, 673, 675.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Cabinet for Health and Family Services, Department for Community Based Services, is the promulgating agency. The Amended After Comments version of this regulation does not impact the fiscal impact statement.
(a) Estimate the following for the first year:
Expenditures: This amendment is estimated to cost at least approximately $14.7 million per year. From January 2025 to April 2025, there were 1,448 children in the cabinet's custody placed with relative or fictive kin caregivers and 936 of those children were placed past 120 days. These caregivers who have been granted custody have the ability to place the child in the custody of the cabinet so that they can become foster parents instead. If caregivers meet the qualifying event criteria, this could cost up to $10.3 million per year in out-of-home care costs alone. With 936 children coming into the state's custody, an approximate 28 more social workers will be needed (with a caseload of 30), costing $4.3 million per year. The caregivers of all 936 children may not choose to change custody, but the number of caregivers who will upon a qualifying event is unknown and could exceed these numbers. These payments will be made with General Funds as this will not be federally reimbursable. Additionally, the state could be penalized $100,000 for failing to meet the Adoption and Foster Care Analysis System (AFCARS) by adding a new removal reason, "pursuing foster care," which does not align with any approved AFCARS categories. These payments will be made with General Funds as this will not be federally reimbursable.
Revenues: None.
Cost Savings: None.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures could increase as more caregivers become of aware of the ability to place the children in their care into the state's custody.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(a) Estimate the following for the first year:
Expenditures: None.
Revenues: None.
Cost Savings: None.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not for local entities.
(4) Identify additional regulated entities not listed in questions (2) or (3): Relative or fictive kin caregivers will have the ability to place children in temporary custody into the custody of the state.
(a) Estimate the following for the first year:
Expenditures: There is no cost to relative or fictive kin caregivers.
Revenues: Relative or fictive kin caregivers who place children in their care into the custody of the cabinet and become foster parents may receive at least $810-$880 per month in foster care per diems.
Cost Savings: Many costs will be offset or provided by the cabinet with General Funds.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Revenues will increase as foster care per diems increase.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This amendment is estimated to cost at least approximately $14.7 million per year. From January 2025 to April 2025, there were 1,448 children in the cabinet's custody placed with relative or fictive kin caregivers and 936 of those children were placed past 120 days. These caregivers who have been granted custody have the ability to place the child in the custody of the cabinet so that they can become foster parents instead. If caregivers meet the qualifying event criteria, this could cost up to $10.3 million per year in out-of-home care costs alone. With 936 children coming into the state's custody, an approximate 28 more social workers will be needed (with a caseload of 30), costing $4.3 million per year. The caregivers of all 936 children may not choose to change custody, but the number of caregivers who will upon a qualifying event is unknown and could exceed these numbers. These payments will be made with General Funds not yet appropriated by the General Assembly as this will not be federally-reimbursable. Additionally, the state could be penalized $100,000 for failing to meet the Adoption and Foster Care Analysis System (AFCARS) by adding a new removal reason, "pursuing foster care," which does not align with any approved AFCARS categories. These payments will be made with General Funds not yet appropriated by the General Assembly as this will not be federally-reimbursable.
(b) Methodology and resources used to determine the fiscal impact: The current foster home per diem is at least $810/month (and more for medically complex children). This amendment allows over a thousand caregivers to place children in the custody of the cabinet so that they can become foster parents to the children and receive financial and other supports.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) The amendment will cost the state over $500,000, likely at least $14.7 million per year in General Funds not yet appropriated by the General Assembly. This change in custody will not be federally reimbursable.
(b) The methodology and resources used to reach this conclusion: The above calculations.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. 601-619, 671, 673, 675
(2) State compliance standards. KRS 194A.050(1), 605.130(7), 605.150(1), 620.142(7)
(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 601-619, 671, 673, 675
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will not impose stricter requirements than those required by the federal mandate. It does vary in providing cash assistance to fictive kin caregivers pursuant to state law, KRS 620.142(1).
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation will not impose stricter requirements than those required by federal mandates.

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*.

BOARDS AND COMMISSIONS
BOARD OF OPTOMETRIC EXAMINERS
(Amendment)

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

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

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

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

Section 1. This section shall be applicable until January 1, 2027.

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

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

(b) A birth certificate;

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

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

(e) National Board of Examiners in Optometry, "NBEO", results. The Optometry Examining Board of Canada, "OEBC", written examination results may be submitted in lieu of Part 1 of the NBEO results;

(f) Therapeutic Management of Ocular Disease, "TMOD" results;

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

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

(i) A recent photograph of head and shoulders, front view;

(j) Payment in the amount of $500 representing the non-refundable application fee; and

(k) Payment in the amount of twenty-five (25) dollars for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services.

(2)

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

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

a. Federal Bureau of Investigation; or

b. Kentucky State Police; and

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

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

Section 2. This section shall be applicable effective January 1, 2027.

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

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

(b) A birth certificate;

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

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

(e) National Board of Examiners in Optometry, "NBEO", resultsfor Part I, Part II, and Part III;

(f) NBEOTherapeutic Management of Ocular Disease, "TMOD" results;

(g) NBEO Injections Skill Exam, "ISE" results;

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

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

(j) A recent photograph of head and shoulders, front view;

(k) Payment in the amount of $500 representing the non-refundable application fee; and

(l) Payment in the amount of twenty-five (25) dollars for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services.

(2)

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

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

a. Federal Bureau of Investigation; or

b. Kentucky State Police; and

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

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

Section 3.[~~Section 2.~~]

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

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

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

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

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

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

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

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

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

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

(j) A recent photograph of head and shoulders, front view;

(k) Payment in the amount of $700 representing the non-refundable application fee;

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

(m) Payment in the amount of twenty-five (25) dollars for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services to retrieve any relevant data on the applicant.

(2)

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

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

a. Federal Bureau of Investigation; or
b. Kentucky State Police; and
2. A query for any relevant data from the National Practitioner Data Bank of the U.S. Department of Health and Human Services.
(b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days old when reviewed by the board.

Section 4.[~~Section 3.~~]
(1) A person whose license has been revoked pursuant to KRS 320.280(3) may apply for reinstatement of his or her license.
(2) Except as provided in subsection (3) of this section, a person applying for reinstatement shall submit to the board:
(a) Evidence of completion of the continuing education requirements established in 201 KAR 5:030; and
(b) Payment of the reinstatement fee established in 201 KAR 5:005, Section 7.
(3) To apply for reinstatement, an optometrist whose license has been revoked pursuant to KRS 320.280(3) shall submit to the board:
(a) Evidence of completion of the annual continuing education requirement for each year, or any portion of a year, that the license was not renewed up to a maximum of sixty (60) hours; and
(b) Payment of the reinstatement fee established in 201 KAR 5:005, Section 7 for each year, or any portion of a year, that the license was not renewed.

Section 5. The board shall notify licensees of any proposed changes to the licensing process and provide licensees with information on the public comment period for any proposed change.

Section 6.[~~Section 5.~~] Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Application for License to Practice Optometry", January 2027[~~June 2024~~]; and
(b) "Application for License by Endorsement to Practice Optometry", June 2024.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Optometric Examiners, 100 Consumer Lane, Frankfort, Kentucky 40601, phone (502) 234-2114, Monday through Friday, 9:00 a.m. to 4:30 p.m. This material may also be viewed on the board's Web site at: https://optometry.ky.gov/applicants/Pages/default.aspx.

MARY BETH MORRIS, O.D., Board President
APPROVED BY AGENCY: February 5, 2026
FILED WITH LRC: February 5, 2026 at 3:45 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 24, 2026 at 100 Consumer 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 April 30, 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: Christi LeMay, Executive Director, Kentucky Board of Optometric Examiners, 100 Consumer Lane, Frankfort, Kentucky 40601, (502) 234-2114, christi.lemay@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christi LeMay
Subject Headings: Occupations and Professions, Optometry, Licensing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation prescribes the procedures to be followed in making application to the Board for a license to practice optometry.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for licensure, licensure by endorsement, and reinstatement of a license.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific authority provided in KRS 218A.205(3)(g), 320.240(7), 320.270(4).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation set forth the requirements for licensure so applicants, licensees, and the public are aware of the 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 the examinations that are required for licensure. The amendment also requires the board to notify licensees of any proposed change in licensure.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish the examinations required for licensure effective January 1, 2027.
(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes provide the board with authority to establish the licensing requirements, and require that the board establish these requirements in regulation.
(d) How the amendment will assist in the effective administration of the statutes: This amendment provides the examinations required for licensure effective January 1, 2027.
(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 affects all individuals seeking licensure starting January 1, 2027.
(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: All applicants are required to provide passing scores of the licensing examinations established in this amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants must continue to pay the licensing examinations for each required examination.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this amendment is necessary to be licensed to practice optometry. (6) Provide an estimate of how much it will cost the administrative body to implement this amendment:
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: $0
(b) On a continuing basis: $0
(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 fees or funding 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 establishes fees for licensure. This amendment does not change any of these fees.
(10) TIERING: Is tiering applied? No, each group of applicants has the same requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280
(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: Kentucky Board of Optometric Examiners
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0 expenditure increase with this amendment.
For subsequent years: $0 expenditure increase with this amendment.
2. Revenues:
For the first year: $0 revenue increase with this amendment.
For subsequent years: $0 revenue increase with this amendment.
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: N/A
(b) Methodology and resources used to reach this conclusion: N/A
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.
(b) The methodology and resources used to reach this conclusion: This amendment does not change any applicant fees paid to the Kentucky Board of Optometric Examiners.

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.

GENERAL GOVERNMENT CABINET
BOARD OF OPHTHALMIC DISPENSERS
(Amendment)

201 KAR 13:010. Board; powers, duties, meetings.

RELATES TO: KRS 326.020
STATUTORY AUTHORITY: KRS 326.020(3)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3) grants the board the authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 326. This administrative regulation specifies the powers and duties of the board and its officers, and meeting date requirements.

Section 1. Officers; Duties; Meetings.
(1) Three (3) members of the board shall constitute a quorum for the transaction of business.
(2)
(a) The board shall meet at least three (3) times each year on an annual schedule approved by the board during the last quarter of each calendar year.[~~as follows:~~]
[~~1.~~] [~~The third Wednesday in March;~~]
[~~2.~~] [~~The third Wednesday in July; and~~]
[~~3.~~] [~~The third Wednesday in November.~~]
(b) Other meetings of the board may[~~shall~~] be called by the chair[~~chairman on his own motion~~] or by written request of three (3) board members.
(c) [~~The secretary-treasurer shall give timely~~]Timely notice of the time and place of the meetings shall be given to each member.
(3) The officers of the board shall discharge the duties that usually pertain to their respective offices.
(4) [~~The secretary-treasurer shall:~~]
[~~(a)~~] [~~Keep a permanent record of the names and addresses of all persons holding a license; and~~]
[~~(b)~~] [~~Annually transmit the names and addresses of the current chairman and the secretary-treasurer and the board's business address to the Secretary of State, Commonwealth of Kentucky.~~]
[~~(5)~~] [~~All licenses shall be signed by both the chairman and the secretary-treasurer.~~]
[~~(6)~~] All fees and monies collected shall be deposited in the State Treasury to the credit of an agency fund for the use of the board.

CURT DUFF, Board Chair
APPROVED BY AGENCY: February 11, 2026
FILED WITH LRC: February 12, 2026 at 1:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, April 21, 2026, at 2:00 PM, Eastern Time, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 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 by using the PPC public comment portal at the address listed below.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes
Subject Headings: Ophthalmic Dispensing, Licensing, Boards and Commissions
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation specifies the procedures under which the board operates and board meeting requirements.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure orderly transaction of business by the board.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 326.020(3) which gives the board the authority to promulgate regulations that will enable it to operate effectively.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation identifies administrative details that the board will follow in its operation.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will update the regulation to be consistent with current administrative processes of the board, including the removal of prescriptive language for scheduling of board meetings and transmitting information that is not statutorily required.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update the language to conform with current administrative processes and to eliminate unnecessary duties.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the authority to promulgate administrative regulations to carry out the purposes of the chapter.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administrative on the statutes by allowing the board to establish a schedule that will work for its board members without prescribing what week and day the meeting must occur without amending the regulation; and, by eliminating transmittal of information that is unnecessary and burdensome.
(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: There are approximately 527 licensed ophthalmic dispensers and 174 licensed apprentice ophthalmic dispensers who will be 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: There are no actions required for the regulated entities.
(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 cost to the entities.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The board will have a regulation with procedures consistent with current practices within which to operate.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No new costs will be incurred by the changes.
(b) On a continuing basis: No new costs will be incurred by the changes.
(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: This amendment specifically relates to operating procedures of the board.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not increase fees directly or indirectly.
(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 326.020.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure. KRS 326.080(1) specifically authorizes the board to promulgate administrative regulations to carry out the purposes and provisions of the chapter.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Ophthalmic Dispensers 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):
(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 anticipated.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed. (b) Estimate the following for each affected local entity identified in (4)(a):
(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: This administrative regulation will not generate revenue for state or local government
(b) Methodology and resources used to reach this conclusion: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.
(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: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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.

GENERAL GOVERNMENT CABINET
BOARD OF OPHTHALMIC DISPENSERS
(Amendment)

201 KAR 13:040. Licensing.

RELATES TO: KRS 326.020, 326.035, 326.040, 326.080
STATUTORY AUTHORITY: KRS 326.020(3), 326.035, 326.040, 326.080
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3) authorizes the board to promulgate administrative regulations to carry out the purposes and provisions of KRS Chapter 326. KRS 326.040 establishes the requirements for the issuance of a license including experience and passage of an examination. KRS 326.080 requires the annual renewal of licensure. This administrative regulation prescribes the forms, required examinations, experience, renewal requirements, and provisions for inactive status required for licensees.

Section 1. Application for License. A person wishing to obtain a license to practice as an ophthalmic dispenser or apprentice shall make application to the Kentucky Board of Ophthalmic Dispensers on the Application for Ophthalmic Dispenser License, DPL-BOD-01[~~or Apprentice~~]or Application for Apprentice Ophthalmic Dispenser License DPL-BOD-02.

Section 2. Required Examinations.
(1) Passage of the following examinations shall satisfy the requirement established in KRS 326.040(4):
(a) Passage of both:
1. The American Board of Opticians (ABO) Basic Examination; and
2. The National Contact Lens Examiners (NCLE) Basic Examination; and
(b) Passage of either:
1. The National Commission of State Opticianry Regulatory Boards (NCSORB) National Practical Examination; or
2. Both the ABO Practical Examination and the NCLE Practical Examination.
(2)
(a) For an applicant who holds an apprentice ophthalmic dispenser license issued by the board, the ABO Basic Examination and the NCLE Basic Examination shall be:
1. Taken before the expiration of thirty (30) months from the date of the original receipt of the apprentice license; and
2. Passed within thirty-six (36) months of the date of the original receipt of the apprentice license.
(b) An apprentice ophthalmic dispenser licensed by the board shall not take an approved practical examination until all other licensure requirements have been completed.
(3) For an applicant who is applying for licensure based on credentials and experience, the candidate shall have the following:
(a) An active license as a dispensing optician issued by any state or territory of the United States or the District of Columbia that has standards at least as stringent as those required by KRS 326.040; or
(b) An active certification as a dispensing optician under the ABO and the NCLE, and at least two (2) years of experience as a dispensing optician, as verified under oath by both the applicant and by a sponsor with personal knowledge of the applicant's work history.
1. The verifying sponsor shall be licensed either as an ophthalmologist, an optometrist, or an optician.
2. An applicant for licensure based on credentials and experience under this paragraph shall have passed an approved practical examination before application.

Section 3. Experience. The following events are qualifying experience for an applicant for licensure as an ophthalmic dispenser apprentice:
(1) Attending a recognized school for ophthalmic dispensing; or
(2) Working in an optical laboratory as an ophthalmic technician.

Section 4. Licensure Renewal.
(1) Each license shall be renewed each year on or before December 31.
(2) Each licensee shall complete and submit one (1) of the following:
(a) Application for Renewal for a licensed ophthalmic dispenser;
(b) Application for Apprentice Renewal for a licensed apprentice ophthalmic dispenser; or
(c) The online version of each form maintained by the Department of Professional Licensing.
(3) For a renewal postmarked on or before December 31, or completed and submitted online before that date, the renewal fee shall be:
(a) One hundred twenty-five (125) dollars[~~Seventy-five (75) dollars~~] for a licensed ophthalmic dispenser; or
(b) One hundred (100) dollars[~~Fifty (50) dollars~~] for an apprentice ophthalmic dispenser.
(4) For a renewal postmarked or submitted on the Department of Professional Licensing website after December 31, there shall be an additional a thirty-five (35) dollar late fee.
(5) A license that has not been renewed by close of business on March 1 shall expire. Applicants may request an extension of time to renew of up to sixty (60) days for reasons related to medical issues, military service, or family emergencies. The applicant shall submit the request for an extension of time in writing, and send the request to the board by certified mail on or before the March 1 expiration date.
(6) In order to qualify for reinstatement of a license that has expired by operation of subsection (4) of this section, either an Application for Reinstatement or an Application for Apprentice Reinstatement shall be submitted to the board. In addition, a reinstatement fee shall be submitted with the application. The reinstatement requirements shall be:
(a) For an ophthalmic dispenser:
1. Payment of the one hundred twenty-five (125) renewal fee[~~$300 reinstatement fee~~] and six (6) hours of continuing education. An additional six (6)[~~twelve (12) additional~~] hours of continuing education shall[~~to~~] be completed before the end of the current licensure year if[~~for~~] reinstatement occurs more than twelve (12) months after license expiration;[~~as an active status or inactive status ophthalmic dispenser; or~~]
2. Payment of a thirty-five (35) dollar late fee; and
3. Payment of a three hundred (300) dollar reinstatement fee.
(b) For an apprentice ophthalmic dispenser:
1. Payment of the one hundred (100) dollar renewal fee and four (4) hours of continuing education to be completed before the end of the current licensure year. An additional four (4) hours of continuing education shall be completed before the end of the current licensure year if reinstatement occurs more than twelve (12) months after license expiration;
2. Payment of a thirty-five (35) dollar late fee; and
3.[~~(b)~~] Sixty (60) dollars for reinstatement.[~~as an apprentice ophthalmic dispenser.~~]
4. The timeline established in Section 2.(2)(a) shall continue to run during the inactive status.
(7) A revoked and expired license shall be reinstated before the licensee may resume the practice of ophthalmic dispensing.

Section 5. Temporary Permit Application.
(1) The board shall, if requested by the applicant, issue a temporary permit to a qualified ophthalmic dispenser, who otherwise would qualify for a license, but is in the state on a temporary basis or who has not yet had an opportunity to take an examination to procure a license and whose immediate employment depends upon being licensed by the board.
(2) The permit shall be valid only until the next regular examination date and in no case shall exceed six (6) months following date of issuance.

(3) The fee for a temporary permit shall be fifty (50) dollars, which amount shall accompany the application.

Section 6. Board Action, Notification.

(1) The board shall act only upon those applications that are complete.

(2) Each applicant shall pay the license application and renewal fees required by KRS 326.040 and 326.080 upon submission of the application.

(3) Each applicant shall be notified of the action of the board; and, if favorable, when and where the examination will be held.

(4) If the board considers denying or resolves to deny an application based solely on an applicant's prior conviction of a crime, the board shall follow the notification and procedure requirements in KRS 335B.030(2).

(5) The applicant shall participate in an interview with the application committee upon written request of the board. The application committee shall conduct the interview to determine if the conviction directly relates to the occupation for which the license is sought pursuant to the criteria established in KRS 335B.020(2)(a) through (b) and 335B.030(2)(b).

Section 7. Inactive Status.

(1) Upon application, the board shall grant inactive status to a qualified licensee. While on inactive status, the licensee shall not engage in the practice of ophthalmic dispensing.

(2) The fee for licensure on inactive status shall be thirty-five (35) dollars per year.

(3)

(a) Continuing education requirements shall be waived for a licensee on inactive status during the inactive period.

(b) If the inactive licensee applies to the board to return to active status, the licensee shall submit proof that he or she has completed six (6) hours of continuing education for ophthalmic dispenser licensees and four (4) hours of continuing education for apprentice ophthalmic dispenser licensees within the last twelve (12) month period immediately preceding the date on which the application is submitted.

(c) The licensee may request that he or she be allowed to return to active status immediately, with the provision that the licensee shall receive the appropriate number of continuing education hours within six (6) months of the date on which the licensee returns to active status.

(d) Additionally, the licensee shall be responsible for meeting the requirements established in 201 KAR 13:055 in order to qualify for renewal of the license.

(4) To change from inactive status to active status, the ophthalmic dispenser licensee shall:

(a) Pay a reactivation fee of forty (40) dollars; and

(b) Complete six (6) additional hours of continuing education before the end of the current licensure year.

(5) To change from inactive status to active status, the apprentice ophthalmic dispenser licensee shall:

(a) Pay a reactivation fee of fifteen (15) dollars; and

(b) Complete four (4) additional hours of continuing education before the end of the current licensure year.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Ophthalmic Dispenser [~~or Apprentice~~] License", DPL-BOD-01, December 2025[~~July 2019~~];

(b) "Application for Apprentice Ophthalmic Dispenser License", DPL-BOD-02, December 2025;

(c) "Application for Renewal as an Ophthalmic Dispenser", DPL-BOD-03, December 2025[~~February 2016~~];

(d)[~~(c)~~] "Application for Renewal as an Apprentice Ophthalmic Dispenser[~~Renewal~~]", DPL-BOD-04, December 2025[~~February 2016~~];

(e)[~~(d)~~] "Application for Reinstatement as an Ophthalmic Dispenser", DPL-BOD-05, December 2025[~~February 2016~~]; and

(f)[~~(e)~~] "Application for Reinstatement as an Apprentice Ophthalmic Dispenser[~~Reinstatement~~]", DPL-BOD-06, December 2025[~~February 2016~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 500 Mero Street [~~911 Leawood Drive~~], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available on the board's website at bod.ky.gov.

CURT DUFF, Board Chair

APPROVED BY AGENCY: February 11, 2026

FILED WITH LRC: February 12, 2026 at 1:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, April 21, 2026, at 2:00 PM, Eastern Time, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 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 by using the PPC public comment portal at the address listed below.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes
Subject Headings: Ophthalmic Dispensing, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for licensure as an ophthalmic dispenser or an apprentice ophthalmic dispenser, including the establishment of fees.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to advise the public, licensees, and applicants of the requirements for licensure, including fees to be paid, experience required, and examinations. Additionally, it addresses inactive license and temporary permit status.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements for application including forms to be completed, fees to be paid, and required experience, education, and examinations. The administrative regulation also establishes other license statuses.
(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 increase the renewal fee as authorized by the 2024 General Assembly pursuant to 2024 House Bill 17. The amendment also clarifies the required fees for reinstatement of an expired or inactive license and further clarifies the timeline for an inactive apprentice ophthalmic dispenser continues to run. Finally, the amendment updates the materials incorporated by reference, including the addition of form numbers.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to increase fees because the costs for administrative and legal services have led the Board to operate with an annual budget which leaves no room for services that may be needed, including investigative services which not currently available. Further, the requirement of paying renewal and late fees in addition to the reinstatement fee was not clear and needed to be inclusive for transparency. Finally, the forms needed revision to

assist with the effective administration of licensure.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations related to fees as are necessary to operate in such a way to protect the public it is charged to serve.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will provide the Board with additional revenue necessary to continue to operate and fulfill its statutory duties and correct technical problems created by some of the material incorporated by reference.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. 2024 HB 17.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 527 licensed ophthalmic dispensers and 174 licensed apprentice ophthalmic dispensers who will be 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: The licensees will have an increased annual renewal fee.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Upon renewal, one hundred twenty-five dollars ($125) for a licensed ophthalmic dispenser and one hundred dollars ($100) for an apprentice ophthalmic dispenser.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The board will have the funds to hire an investigator for enforcement of the statutes and regulations, and be able to pay for necessary administrative and legal services.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No new costs will be incurred by the changes.
(b) On a continuing basis: No new costs will be incurred by the changes.
(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: This amendment specifically relates to a renewal fee increase but the changes will not cause any additional services to be used which would require additional revenue to implement the regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation increases fees.
(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 326.020, 326.035, 326.040, 326.080.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure. KRS 326.080(1) specifically authorizes the board to promulgate a fee for license renewal by administrative regulation.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Ophthalmic Dispensers 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):
(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: This amendment should generate approximately an additional $33,700 in revenue for Board operations and expenses.
For subsequent years: This amendment should generate approximately an additional $33,700 in revenue for Board operations and expenses in subsequent years.
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 anticipated.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed.
(b) Estimate the following for each affected local entity identified in (4)(a):
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The fee increase should generate approximately $33,700 in additional funds as it constitutes a fifty dollar ($50) increase annually on the renewal of approximately 527 Ophthalmic Dispenser licensees and a fifty dollar ($50) increase on approximately 174 Apprentice licensees. The Board believes additional funds will be needed to meet obligations for ongoing board expenses and obligations.
(b) Methodology and resources used to reach this conclusion: The board made a request to its' fiscal administrator for a budget analysis to extrapolate the increase in board funding based on what it considered to be a modest increase of fifty dollars ($50) in licensure renewal fees in an effort to fund the Board's administrative, operating and investigative expenses.
(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 was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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 OPHTHALMIC DISPENSERS
(Amendment)

201 KAR 13:050. Apprentices.

RELATES TO: KRS 326.020, 326.035
STATUTORY AUTHORITY: KRS 326.020(3), 326.035
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3)(a) authorizes the board to promulgate administrative regulations to carry out the purposes of KRS Chapter 326, including the licensing of apprentice ophthalmic dispensers. KRS 326.035 requires the board to issue an apprentice license to any person in training to be an ophthalmic dispenser, under the supervision of a licensed ophthalmic[~~opthalmic~~] dispenser, and otherwise qualified pursuant to the administrative regulations promulgated by the board. This administrative regulation establishes the requirements for an apprentice ophthalmic dispenser.

Section 1. Definitions.
(1) "Apprentice ophthalmic dispenser" means a person who is in training for the vocation of ophthalmic dispenser and who dispenses ophthalmic lenses, frames, and appurtenances thereto to the intended wearer only under the supervision of an ophthalmic dispenser.
(2) "Ophthalmic dispenser" means a physician, osteopath, optometrist, or licensed ophthalmic dispenser licensed pursuant to KRS 326.040 who is sponsoring an apprentice ophthalmic dispenser.

Section 2.
(1) An apprentice license shall be required of any person:
(a) Who is not a licensed ophthalmic dispenser, but is in training to be an ophthalmic dispenser;
(b) While in training works under the supervision of a licensed ophthalmic dispenser; and
(c) Whose duties require that he or she perform the services as would be normally performed by a licensed ophthalmic dispenser.
(2) The board shall revoke the apprentice license at any time if either the employer, the apprentice sponsor, or the apprentice fail to carry out the provisions of this administrative regulation.
(3) A licensed apprentice ophthalmic dispenser shall at all times work under the supervision of, and in the same establishment with, an ophthalmic dispenser, and the ophthalmic dispenser shall be responsible for the actions of the apprentice.
(4) The board shall issue an apprentice license for a period ending December 31 of the current year, upon receipt and board approval of the required application and a fee of fifty (50) dollars, as required by 201 KAR 13:040.
(5) If the apprentice's employment under the sponsoring ophthalmic dispenser is terminated for any reason, or the apprentice's sponsor changes, the board shall be notified immediately in writing and no later than thirty (30) days of the last day of employment, utilizing the "Apprentice Change of Sponsor Form", DPL-BOD-07. An apprentice ophthalmic dispenser who fails to timely notify the board of termination of employment or a change in sponsor shall be subject to disciplinary action under KRS 326.090(1)(i).
(6) A sponsor may terminate or remove an apprentice from sponsorship by utilizing the "Sponsor Removal of Apprentice Form", DPL-BOD-08.
(7) The board may reject the application for an apprentice license or rescind a license already issued if, upon inspection, it is found that any of the requirements for an apprentice license in KRS 326.035 or any administrative regulations in 201 KAR Chapter 13 not specifically excluding apprentice licenses are being violated.

Section 3.
(1) An apprentice ophthalmic dispenser shall train for the vocation of ophthalmic dispenser and demonstrate progress toward an ophthalmic dispenser license to the board by submitting to the board:
(a) Proof of the completed training schedule consistent with KRS 326.035(5) no later than twelve (12) months from the date that the apprentice ophthalmic dispenser license is issued;
(b) Proof of a passing grade on the American Board of Opticians (ABO) Basic Examination and the National Contact Lens Examiners (NCLE) Basic Examination no later than thirty-six (36) months from the date that the apprentice ophthalmic dispenser license is issued; and
(c) Proof of a passing grade on an approved practical examination no later than five (5) years from the date that the apprentice ophthalmic dispenser license is issued.
(2) An apprentice ophthalmic dispenser who fails to meet the requirements established in subsection (1) of this section shall not have the apprentice license renewed by the board.
(3) A licensee may request an extension of time in which to complete the requirements established in subsection (1) of this section by submitting a request to the board, in writing, no fewer than sixty (60) days before expiration of the applicable due date. The board may allow an extension of time for any applicant demonstrating a need based on medical necessity, family related health emergency, or military service.

Section 4. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Apprentice Change of Sponsor Form", DPL-BOD-07, December 2025; and
(b) "Sponsor Removal of Apprentice Form", DPL-BOD-08, December 2025.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available on the board's website at bod.ky.gov.

CURT DUFF, Board Chair
APPROVED BY AGENCY: February 11, 2026
FILED WITH LRC: February 12, 2026 at 1:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, April 21, 2026, at 2:00 PM, Eastern Time, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 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 by using the PPC public comment portal at the address listed below.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes
Subject Headings: Ophthalmic Dispensing, Licensing, Occupations and Professions
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for licensure as an apprentice ophthalmic dispenser.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to advise the public, licensees, and applicants of the requirements for licensure as an apprentice ophthalmic dispenser, including fees, experience, and examinations.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 326.020 gives the board the authority to promulgate regulations regarding the requirements for licensure.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes specific requirements for people seeking licensure as apprentice ophthalmic dispensers, facilitating compliance with KRS Chapter 326.
(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 make a technical correction to correct spelling; add a requirement for board notification of sponsor changes by the apprentice; authorize a sponsor to terminate a sponsorship; and add material incorporated by reference for sponsor changes.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to clarify the process and incorporate forms that are used by the Board for the effective administration of licensees.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations related to enforcement of KRS 326.010 through 326.990.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will provide licensees with a more clarified process to change or terminate a sponsor and with the correct material to effectuate a change in the sponsor of an apprentice ophthalmic dispenser.
(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: There are approximately 527 licensed ophthalmic dispensers and 174 licensed apprentice ophthalmic dispensers who will be 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: The apprentice ophthalmic dispenser will file the Apprentice Change of Sponsor Form", DPL-BOD-08 to change sponsors and a sponsor will also have the ability to remove an apprentice ophthalmic dispenser by using the "Sponsor Removal of Apprentice Form", DPL-BOD-08.
(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 cost associated with the amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The required forms will be incorporated with the applicable regulation in compliance with KRS Chapter 13A.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No new costs will be incurred by the changes.
(b) On a continuing basis: No new costs will be incurred by the changes.
(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: There are no new fees necessary to implement this administrative regulations.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not establish or directly or indirectly increases fees.
(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 326.020(3) and 326.040.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Ophthalmic Dispensers 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):
(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 anticipated.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed. (b) Estimate the following for each affected local entity identified in (4)(a):
(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: This administrative regulation will not generate revenue for state or local government
(b) Methodology and resources used to reach this conclusion: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.
(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: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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 OPHTHALMIC DISPENSERS
(Amendment)

201 KAR 13:055. Continuing education requirements.

RELATES TO: KRS 326.020, 326.035, 326.080
STATUTORY AUTHORITY: KRS 326.020(3)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3)(a) authorizes the board to promulgate administrative regulations to carry out the purposes and provisions of KRS Chapter 326, including the adoption of a program of continuing education for all licensees. KRS 326.020(3)(b) requires licensees of the board to complete continuing education as a condition of license renewal. This administrative regulation establishes a continuing education program for ophthalmic dispenser licensees and apprentice ophthalmic dispenser licensees and the basic requirements, methods of accreditation, and manner of reporting.

Section 1. "Continuing education hour" means fifty (50) minutes of participating in continuing education experiences in person before a live presenter. One (1) semester credit hour is equivalent to six (6) continuing education hours.

Section 2. Continuing education hours in excess of the number required at the time of renewal of license shall not be applied to future requirements.

Section 3.
(1) A minimum of three (3) of the required six (6) continuing education hours for renewal of ophthalmic dispenser licensure and a minimum of two (2) of the required four (4) continuing education hours for renewal of apprentice ophthalmic dispenser licensure shall be obtained through programs sponsored by entities listed in Section 4(1) of this administrative regulation.
(2) Repetitious completion of a program shall not entitle the participant to additional continuing education credit.
(3) Licenses issued after August 1 shall be exempt from the continuing education requirement for renewal by December 31 of the same year.

Section 4. Continuing education hours applicable to renewal of licensure shall be directly related to the professional growth and development of ophthalmic dispensers. They may be earned by completing any of the following educational activities:
(1) An educational program from any of the following providers shall be deemed relevant to ophthalmic dispensing and shall be approved without further review by the board:
(a) The Opticians Association of Kentucky and the Society of Dispensing Opticians of Kentucky;
(b) The United Opticians Association[~~Opticians Association of America~~], or any of its affiliated state chapters;
(c) The Contact Lens Society of America, or any of its affiliated state chapters;
(d) The National Academy of Opticianry[~~Opticianary~~], or any of its affiliated state chapters;
(e) The American Optometric Association, or any of its affiliated state chapters; or
(f) The American Academy of Ophthalmology, or any of its affiliated state chapters.[~~; or~~]
[~~(g)~~] [~~The National Association of Optometrists and Opticians.~~]
(2) An educational program from any other source shall be reviewed for relevancy to ophthalmic dispensing and subsequent approval by the board.
(a) Programs shall be submitted to the board for review and approval at least thirty (30) days prior to planned participation so the participants can know the value of the experience prior to actual participation.
(b) Requests for program changes shall be made to and accredited by the board or the evaluation and accreditation of the program becomes null and void.
(c) Sponsors shall maintain for three (3) years records of the names of those participants who complete a program.
(3) Related areas not specifically a part of the field of ophthalmic dispensing may be approved for up to two (2) continuing education hours, if the board believes that the related areas may serve to enhance the licensee's ability to practice.

Section 5. Sponsors and licensees requesting approval of continuing education for ophthalmic dispensers shall submit any relevant information reasonably requested by the board.

Section 6. Submission of fraudulent statements or certificates concerning continuing education shall subject the licensee to revocation or suspension of his or her license as provided in KRS Chapter 326.

Section 7. Each licensee shall submit, with the annual renewal application, on forms provided by the board, a list of accredited continuing education hours completed by the licensee during the previous license year.

Section 8.
(1) Each person registered with the board shall retain proof of attendance and completion of all continuing education requirements for a period of three (3) years from the end of the calendar year in which the continuing education was acquired.
(2) The board shall annually conduct a randomly selected audit of individual records to assure that the continuing education requirements have been met. Audited individuals shall submit:
(a) Certificates verifying the individual's attendance at the continuing education programs described above; or
(b) An official transcript verifying credit hours earned.

Section 9. Upon proper application to the board, a licensee may be granted a deferral from continuing education requirements on a year-to-year basis at the discretion of the board for reasons of illness, incapacity, or other similar extenuating circumstances.

Section 10. Each licensee shall keep the board informed of his or her correct address and place of employment. The board shall be informed in writing of any changes to the licensee's address or place of employment.

Section 11. Incorporation by Reference.
(1) "Application for Continuing Education Credit", DPL-BOD-09, December 2025, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 500 Mero St, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:00 p.m. This material is also available on the board's website at www.bod.ky.gov.

CURT DUFF, Board Chair
APPROVED BY AGENCY: February 11, 2026
FILED WITH LRC: February 12, 2026 at 1:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, April 21, 2026, at 2:00 PM, Eastern Time, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 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 by using the PPC public comment portal at the address listed below.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes
Subject Headings: Ophthalmic Dispensing, Education Professional Standards, Licensing, Occupations and Professions
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation defines and establishes the continuing education requirements for renewal of a license as a licensed ophthalmic dispenser or a licensed apprentice ophthalmic dispenser
(b) The necessity of this administrative regulation: This administrative regulation is necessary to advise the public, licensees, and applicants of the continuing education requirements for licensure renewal
(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as KRS 326.020 authorizes the board to promulgate regulations regarding the requirements for licensure.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the continuing education requirements for renewal of a license, assisting in the effective administration of KRS Chapter 326
(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 adds the Opticians Association of Kentucky, removes the Opticians Association of America as an approved CE provider since it no longer exists and adds a new organization, the United Opticians of America, as an approved CE provider; removes the National Association of Optometrists and Opticians as an approved CE provider as it also no longer exists; makes technical corrections in other parts of the administrative regulation for accuracy; and, adds the CEU form as material incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify approved programs for continuing education and to remove the organizations that no longer exist.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes because the statutes allow the Board to approve accepted forms of continuing education.
(d) How the amendment will assist in the effective administration of the statutes: This regulation establishes the requirements for continuing education and the amendment modifies same to eliminate confusion regarding approved providers.
(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: There are approximately 527 licensed ophthalmic dispensers and 174 licensed apprentice ophthalmic dispensers who will be 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: Regulated entities will not need to take additional action to comply with this amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional cost to regulated entities as a result of this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees will have a simplified process for obtaining continuing education in order to renew their license.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No cost is anticipated to implement this administrative regulation.
(b) On a continuing basis: No cost is anticipated 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: 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: There are no new fees necessary to implement this administrative regulations.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish or increase fees directly or indirectly
(10) TIERING: Is tiering applied? Tiering was not applied as the amended regulation is applicable to all 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 326.020(3).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Ophthalmic Dispensers 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: 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 anticipated.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed.
(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: This administrative regulation will not generate revenue or have a fiscal impact on for state or local government.
(b) Methodology and resources used to reach this conclusion: The

board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.
(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: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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 7:065. Designation of agent to manage middle and high school interscholastic athletics.

RELATES TO: KRS 61.805 - 61.850, 156.070(2), 158.162, 160.380, 160.445, 20 U.S.C. 1681
STATUTORY AUTHORITY: KRS 156.070(1), (2)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools, including interscholastic athletics in the schools. KRS 156.070(2) authorizes the board to designate an agency to manage athletics. This administrative regulation designates an agent for middle and high school athletics; establishes the financial planning and review processes for the agent; and incorporates by reference the bylaws, procedures, and rules of the agent.

Section 1. Definitions.
(1) "Contact Drill" means that drills are run at Level 3, Level 4, or Level 5.
(2) "KBE" means Kentucky Board of Education.
(3) "KHSAA" means Kentucky High School Athletics Association.
(4) "Level 0" or "air" means that players run a drill unopposed without contact.
(5) "Level 1" or "bags" means that a drill is run with a bag or against another soft contact surface.
(6) "Level 2" or "control" means that:
(a) A drill is run at an assigned speed until the moment of contact;
(b) One (1) player is predetermined the winner by the coach;
(c) Contact remains above the waist; and
(d) Players stay on their feet.
(7) "Level 3" or "Control to Ground" means that:
(a) A drill is run at an assigned non-competitive speed or with players pre-engaged;
(b) There is a pre-determined winner; and
(c) Players are allowed to take their opponent to the ground in a controlled manner.
(8) "Level 4" or "thud" means that:
(a) A drill is run at a competitive speed through the moment of contact;
(b) There is no predetermined winner;
(c) Contact is above the waist;
(d) Players stay on their feet; and
(e) A quick whistle ends the drill.
(9) "Level 5" or "live" means that a drill is run at a competitive speed in game-like conditions.
(10) "Non-Contact Drill" means that drills are run at Level 0, Level 1, or Level 2.
(11) "OCR" means the United States Department of Education, Office for Civil Rights.

Section 2. The KHSAA shall be the Kentucky Board of Education's agent to manage interscholastic athletics at the middle and high school level in the common schools and private schools desiring to associate with KHSAA or to compete with a common school.

Section 3. To remain eligible to maintain the designation as the agent to manage interscholastic high school athletics, the KHSAA shall:
(1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its high school Board of Control;
(2) Sponsor an annual meeting of its member high schools;
(3) Provide for each member high school to have a vote on the KHSAA Constitution and bylaw changes submitted for consideration;
(4) Provide for high school regional postseason tournament net revenues to be distributed to the member high schools in that region participating in that sport, utilizing a share approach determined by the high schools within that region playing that sport;
(5) Provide for students desiring to participate at the high school level (regardless of the level of play) to be enrolled in at least grade 7;
(6) Require its governing body to annually establish goals and objectives for its commissioner and perform a self-assessment and submit the results annually to the KBE by December 31;
(7) Advise the Department of Education of all legal action brought against the KHSAA;
(8) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year terms with no region represented for more than eight (8) consecutive years;
(9) Employ a commissioner and evaluate that person's performance annually by October 31, and establish all staff positions upon recommendation of the commissioner;
(10) Permit the commissioner to employ other personnel necessary to perform the staff responsibilities;
(11) Permit the Board of Control to assess fines on a member high school;
(12) Utilize a trained independent hearing officer instead of an eligibility committee for a high school athletic eligibility appeal;
(13) Establish a philosophical statement of principles to use as a guide in a high school eligibility case;
(14) Conduct continual cycles of field audits of the association's entire high school membership, which provides that each high school is audited regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit annual summary reports, including the highlighting of any potential deficiencies in OCR compliance to the Kentucky Board of Education;
(15) As a condition precedent to high school membership, require each member high school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);
(16) Conduct all meetings related to high school athletics in accordance with KRS 61.805 through 61.850;
(17) Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, KHSAA Bylaws, or other rules governing the conduct of high school interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school before being made public;
(18) Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility;
(19) Require any student enrolled initially in grade 7-12 who is repeating a grade for any reason, to be ineligible, during the school year that the grade is repeated, to compete in an interscholastic athletics competition at any level; and

(20) Produce a public report or reports of member schools' compliance with submitting the required member school application and the required training aspects of KRS 158.162 and KRS 160.445 regarding emergency and cardiac action plans related to interscholastic athletics.

Section 4. To remain eligible to maintain the designation as the agent to manage interscholastic athletics at the middle school level, the KHSAA shall implement the following requirements for all participants in middle school interscholastic athletics, distribute these requirements to all middle schools, and publish on the KHSAA Web site:

(1) Require that these provisions apply to all middle school interscholastic athletics. The following indicates that a team is representative of a school and classified as middle school athletics:

(a) The contest, event, or tournament is sponsored by a school or combined group of schools;

(b) Competitors wear a school-issued uniform;

(c) The contest, event, or tournament is sponsored by an outside entity as a school entry event, which is advertised or promoted as a school event, whether or not an entry fee is required;

(d) A school entity pays an entry fee, for the student or team, including payment by booster organizations;

(e) A school representative accompanies the student-athlete or transports the student-athlete to the contest, event, or tournament;

(f) A designated or hired member of a school coaching staff, whether paid or unpaid, is present and offering instruction, advice, evaluation, or refinement of skills or exercising other duties defined as coaching within the sport rules;

(g) Transportation to or from the contest, event, or tournament utilizes school provided or approved transportation;

(h) Competitors in the contest, event, or tournament wear apparel identifying them by the name of the school, including the formal name, informal name, or team nickname;

(i) Competitors in the contest, event, or tournament are provided promotional or other resources by the school including school media recognition, signage, and items indicative of school representation;

(j) Competition in a contest, event, or tournament has, in any form, jurisdiction of the local school board or school-based decision-making body, including financial or other approval control; or

(k) Competition in a contest, event, or tournament is covered by any school or school system provided or procured insurance policy;

(2) Require that any head or assistant coach, whether paid or unpaid, desiring to coach interscholastic athletics at the middle school level:

(a) Meet the requirements of KRS 156.070(2)(h)2.;

(b) Meet the requirements of KRS 160.380(5) and (6); and

(c) Provide to the school documentation of successful completion of a C.P.R. course including the use of an automatic external defibrillator and the first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, the American Heart Association, or other bona fide accrediting agency that is approved by the KHSAA based upon industry standards. The certification shall be updated as required by the approving agency;

(3) Require adherence to the following items regarding safety, sports medicine, and risk minimization for all interscholastic athletics at the middle school level:

(a) Each student, before trying for a place on a middle school athletic team, shall provide an annual medical examination, in accordance with KRS 156.070(2)(e), and shall use the KHSAA form MS-01;

(b) All participants at the middle school level shall adhere to all sports medicine and risk minimization policies in use at the high school level that may be supplemented by the school, school district, conference, or association including:

1. Heat index and heat illness programs;

2. Wrestling weight management programs;

3. Concussion and other head injury policies including policies for minimizing impact exposure and concussion risks;

4. The following football equipment drill work and practice activity limitations:

a. Football contact and non-contact practice shall use the appropriate clothing and equipment for the level of drill, including:

(i) A drill conducted in helmets-only shall be a Level 0, or Level 1;

(ii) A drill conducted in shells (shorts, shoulder pads, and helmets) shall be a non-contact drill; and

(iii) A contact drill shall be conducted in full equipment;

b. Middle school football shall practice a minimum of eleven (11) days before engaging another group or opponent in full contact, using the following minimum schedule:

(i) Five (5) days in helmets;

(ii) Followed by three (3) days in helmets and shoulder pads; and

(iii) Concluding with three (3) days in full equipment practice; and

c. Contact drills shall not be conducted more than twenty-one (21) days before the first regular-season contest;

d. The first regular season interscholastic contest shall not be played before the Saturday preceding week seven (7) of the National Federation of High Schools Standardized Procedure for Numbering Calendar Weeks; and

e. All middle schools shall maintain protective helmets in accordance with manufacturer's warranty guidelines for recertification;

5. The following baseball pitching limitations shall apply to all interscholastic play at the middle school level including scrimmages, regular season, and post season games:

a. The pitch count shall be based on pitches thrown for strikes (including foul balls), balls, balls in play, and outs;

b. Warm-up pitches allowed before each inning, warm-up pitches allowed by the umpire in case of injury or game delay, and plays attempted against the batter-runner or any runner at first, second, or third base shall not count against this limit;

c. A pitcher at any level who reaches the pitch count limit in the middle of an at-bat shall be allowed to finish that hitter;

d. The required calendar rest shall begin on the day following the date on which the game began, or a resumed game began regardless of the conclusion time of the game; and

e. The rest periods shall be based on the following total pitches:

(i) Maximum pitches - eighty-five (85);

(ii) Fifty-six (56) pitches or more - three (3) calendar days rest;

(iii) Thirty-six (36) to fifty-five (55) pitches - two (2) calendar days rest;

(iv) Twenty (20) to thirty-five (35) pitches - one (1) calendar day rest; and

(v) One (1) to nineteen (19) pitches - no mandated rest;

6. Students seeking to play or practice, including scrimmages, regular season, and post season games, in the sport of fastpitch softball, shall be required to wear face protection, commercially manufactured for softball facial protection and worn as intended by the manufacturer, when playing the positions of first base, third base, and pitcher; and

7. Teams participating in middle school athletics as defined by subsection (1) of this section shall use KHSAA licensed officials in the sports of baseball, basketball, field hockey, football, soccer, softball, and volleyball;

(4) Create a permanent Middle School Athletics Advisory Committee. This committee shall:

(a) Report regularly, not less than annually to the Board of Control of the KHSAA with the Board of Control obligated to make a recommendation to the Kentucky Board of Education with respect to annually proposed regulatory changes;

(b) Be composed of no less than three (3) middle school representatives from each Supreme Court district as well as no less than three (3) at large representatives from throughout the state;

(c) Provide an opportunity for nonprofit athletic groups, parents, and others to participate and provide input on the sport, athletic event, or athletes involved in interscholastic activities through local school districts;

(d) Meet not less than twice annually to review current programs and policies, make recommendations for improvements to and participation in middle school interscholastic activities, as well as any changes in statute, administrative regulation, or policy related to middle school interscholastic athletics, and assist in the development of model guidelines for schools, districts, conferences, and associations to be used in implementing a middle school athletic program; and

(e) Report regularly, not less than annually, to the commissioner of the KHSAA and issue, in conjunction with the commissioner, a formal written report annually to the KBE with recommendations for changes in statute, administrative regulation, or policy;

(5) Require any organization conducting a school-based event at the middle school level to submit the following, which shall be published and listed on the KHSAA Web site:

(a) Annual financial reports of all sanctioned and approved events sponsored by the organization; and

(b) Documentation of financial accountability including verification of federal status and tax documents including an annual IRS Form 990;

(6) Provide notice to the middle schools related to any program conducted by KHSAA related to educating school administrators about the provisions of 20 U.S.C. 1681, Title IX;

(7) Provide educational materials and a mechanism to facilitate the monitoring and tracking capabilities for the middle schools to ensure compliance with the provisions of KRS 160.445 and other requirements for coaches at the middle school level;

(8) Require that any student who turns:

(a) Fifteen (15) years of age before August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades 8 and below;

(b) Fourteen (14) years of age before August 1 of the current year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades 7 and below; and

(c) Thirteen (13) years of age before August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades 6 and below;

(9) Require each school, school district, conference, or association of schools to develop rules and limitations regarding student participation at the middle school level to include:

(a) A defined age limitation for participating students;

(b) A policy regarding the participation of students below grade 6;

(c) A limitation on practice time before the season in any sport or sport activity which shall not exceed the practice time adopted for play at the high school level;

(d) A limitation on the number of school-based scrimmages and regular season, school based contests in each sport or sport-activity, which shall not include post season contests and shall not exceed the allowable number of contests for that sport or sport-activity at the high school level; and

(e) A limitation on the length of the regular competitive season in each sport or sport-activity, not including any post season activities, which shall not exceed the length for that sport or sport-activity at the high school level;

(10) Conduct all meetings related to middle school athletics in accordance with KRS 61.805 through 61.850;

(11) Issue an annual report to the KBE on the status of interscholastic athletics at the middle school level, including any recommendations for changes in statute, administrative regulation, or policy;

(12) Allow a school or school district to join a conference or association that has developed rules for any particular sport or sport-activity to satisfy the requirements of this administrative regulation; and

(13) The period of June 25 to July 9, inclusive, shall be a dead period for middle school athletics. During the dead period:

(a) Students shall not receive coaching or training from school personnel, whether salaried or non-salaried;

(b) School facilities, uniforms, nicknames, transportation, or equipment shall not be used;

(c) School funds shall not be expended in support of interscholastic athletics; and

(d) A postseason wrap-up activity, celebration, or recognition event relating to a spring sports team at a school may be held.

Section 5. Financial Planning and Review Requirements.

(1) KHSAA shall annually submit the following documents to the KBE by October 31:

(a) Draft budget for the next two (2) fiscal years, including the current year;

(b) End-of-year budget status report for the previous fiscal year;

(c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the KHSAA governing body;

(d) A summary report of operations including summaries of financial, legal, and administrative actions taken and other items ongoing within KHSAA. This report shall also include a summary of items affecting:

1. Athletic appeals and their disposition, including the name of the individual, grade, school, and the action taken by KHSAA;

2. Eligibility rules;

3. Duties of school officials;

4. Contests and contest limitations;

5. Requirements for officials and coaches; and

6. Results of a biennial review of its bylaws that results in a recommendation for a change, directing any proposals for change in association rules to be considered for a vote by the member schools at the next legislative opportunity; and

(e) A review of all items which have been submitted to the membership for approval through the processes established in the KHSAA Constitution and the result of the voting on those issues.

(2) The KHSAA shall annually submit at the next meeting of the Kentucky Board of Education following receipt and adoption by the Board of Control, audited financial statements with the KHSAA Commissioner's letter addressing exceptions or notes contained in management correspondence if any.

Section 6. Forms. The forms incorporated by reference in this administrative regulation shall be filed:

(1) Using the paper form; or

(2) Using the electronic forms found on the Kentucky High School Athletic Association Web site at www.khsaa.org.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "KHSAA Constitution", 5/2025;

(b) "KHSAA Bylaws", 1/2026[~~5/2025~~];

(c) "KHSAA Due Process Procedure", 5/2025;

(d) "KHSAA Board of Control Adopted Policies", 1/2026[~~5/2025~~];

(e) KHSAA Form BA101- Baseball Pitching Limitation", 6/2016;

(f) KHSAA Form GE01, "Application for Membership", 7/2023;

(g) KHSAA Form GE04, "Athletic Participation Form, Parental and Student Consent and Release for High School Level (grades 9 - 12) Participation", 5/2025;

(h) KHSAA Form DP02, "Request for Statutory Waiver of Bylaw 2", 6/2018;

(i) KHSAA Form DP06, "Application for Athletic Eligibility for Domestic Students", 1/2026[~~5/2025~~];

(j) KHSAA Form DP07, "Application for Athletic Eligibility for Non-Domestic Students", 5/2025;

(k) KHSAA Form DP16, "Request for Waiver of 20 Day Notice", 6/2018;

(l) KHSAA Form DP17, "Add. Info for Appeal", 6/2018;

(m) KHSAA Form DP18 "Waiver – 15 Day Exceptions", 6/2018;

(n) "KHSAA Form GE14- Contract for Athletic Contests", 5/2025;

(o) "KHSAA Form GE19-Title IX Procedures Verification", 5/2011;

(p) KHSAA Form GE110, "Wet Bulb Globe Measurement and Record", 6/2023; and[.]

(q) "KHSAA Form MS01- Athletic Participation Parental and Student Consent and Release for Middle School (grades 5-8) Participation", 5/2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Legal Services, Department of Education, 5th Floor, 300 Sower Blvd, 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 Department of Education, as required by KRS 156.070(5).

DR. ROBBIE FLETCHER, Commissioner of Education
DR. SHARON PORTER ROBINSON, Chairperson
APPROVED BY AGENCY: February 9, 2026
FILED WITH LRC: February 10, 2026 at 12:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on April 29, 2026, at 10 a.m. in the State Board Room, 5th Floor, 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2026.

CONTACT PERSON: Todd 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: Education; Education: Secondary; Sports and Athletics
(1) Provide a brief summary of:
(a) What this administrative regulation does: KRS 156.070 requires the Kentucky Board of Education (KBE) to manage and control the common schools, including interscholastic athletics in the schools, and authorizes the KBE to designate an agency to manage athletics. This regulation designates the Kentucky High School Athletic Association (KHSAA) as the agent to manage high school and middle school interscholastic athletics, and incorporates by reference the bylaws, procedures and rules governing interscholastic sports.
(b) The necessity of this administrative regulation: This regulation is necessary to designate the agency to provide the day-to-day management activities of interscholastic athletics in Kentucky; to set forth the financial, planning and review processes governing the agent; and to incorporate by reference the bylaws, procedures and rules of the agency.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation designates the agency to manage interscholastic athletics, as authorized by the authorizing statute, and outlines the conditions under which this authority is granted.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It designates the KHSAA as the agent to manage interscholastic athletics in the schools and districts at the high school and middle school levels, and publishes changes in bylaws, procedures and rules for affected schools and 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: These amendments make changes to the documents incorporated by reference, including the bylaws, to make the rule compliant with the provisions of recent legislation. Finally, additional changes were made to update policies and other documents according to recent board action.
(b) The necessity of the amendment to this administrative regulation: Pursuant to the KHSAA Constitution, which is incorporated by reference in this regulation, the members are required to have an annual meeting to discuss and recommend any needed changes to the Constitution and Bylaws. While they are not required to make changes to the Constitution and Bylaws, substantive changes must be made through this process. This amendment incorporates changes approved at the annual meeting of the Delegate Assembly. This amendment also is necessary to designate the KHSAA as the agent to manage interscholastic athletics at the high school and middle school level.
(c) How the amendment conforms to the content of the authorizing statutes: The statute authorizes the KBE to designate an agency to manage interscholastic athletics in the common schools. The regulation designates the KHSAA as that agent at both the high school and middle school levels, and incorporates by reference the KHSAA Handbook, which consists of the KHSAA Constitution, Bylaws, Due Process Procedure, and Board of Control Policies to provide rules and guidance to the member schools and districts governing sporting events. The amendments in the Bylaws are made annually, according to the process outlined in the Constitution, and reflect input given by member schools and districts on changes that need to be made to provide a sounder structure of governance.
(d) How the amendment will assist in the effective administration of the statutes: See (c) above.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No. Any legislation passed within the past five years was previously implements through previous promulgation of this administrative regulation.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 171 School Districts and the students participating in interscholastic athletics in said 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:
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): There will be minimal impact because of the nature of the changes to the regulation. There are requirements that continue to be placed on schools and coaching personnel, However, the training required to meet these requirements will be provided at no costs to the schools, administrators, or the coaching personnel resulting in a safer and more complete education-based athletic experience for the Commonwealth's student-athletes. (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: Minimal
(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: KHSAA is funded through membership dues, as well as from gate receipts and sponsorships related to the various state championships.
(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
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None
(10) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all 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 160.380; and KRS 160.445.
(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 (2) authorizes the promulgation of administrative regulations to implement the provisions of this statute.
(3)(a) Identify the promulgating agency and any other affected

state units, parts, or divisions: School districts, the Department of Education, and the Kentucky High School Athletic Association
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: Minimal
For subsequent years: Minimal
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: Neutral
For subsequent years: Neutral
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): School Districts with member schools.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: Minimal
For subsequent years: Minimal
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: Neutral
For subsequent years: Neutral
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Non-public Schools who are members
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Minimal
For subsequent years: Minimal
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: Neutral
For subsequent years: Neutral
(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 of this administrative regulation is minimal as the schools (districts) impacted are already expending their resources in this regard. These costs would generally remain in place regardless of this administrative regulation.
(b) Methodology and resources used to reach this conclusion: This information is based on a review of current systems and processes to see if any additional expenditures are necessary to carry on these amendments. This review shows little no 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): This administrative regulation will not have a major impact as defined above.
(b) The methodology and resources used to reach this conclusion: This information is based on a review of current systems and processes to see if any additional expenditures are necessary to carry on these amendments. This review shows this will not have a major impact as defined above.

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 3:305. Minimum requirements for high school graduation.

RELATES TO: KRS 156.160(1)(a), (d), (e), 158.140(6), 158.141, 158.142, 158.622(3), 158.645, 158.1411, 158.1413(1), 158.6451
STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), (d), (e), 158.140(6), 158.142, 158.1411
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.142(3) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. The content standards for the courses of study are established in the Kentucky academic standards incorporated by reference in 704 KAR Chapter 8. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

Section 1. Definitions.
(1) "Continuity of services plan" means a plan that outlines the ways in which a student will receive access to essential services that shall end if the student graduates early.
(2) "Early Graduation Scholarship Certificate" means a certificate, awarded by the district and signed by the principal and superintendent, that shall qualify the recipient to be awarded a high school diploma and a scholarship award for the next academic year following graduation to be used at a Kentucky public two (2) year community and technical college or a Kentucky four (4) year public or non-profit independent institution accredited by the Southern Association of Colleges and Schools.
(3) "Early Graduation Program" or "EGP" means an optional, criteria-based program in which a student may receive a high school diploma from the school district, an Early Graduation Scholarship Certificate, and a scholarship award upon successful completion of all program requirements provided in Section 4 of this administrative regulation in three (3) academic years or less.
(4) "Graduate early" means a student is awarded a high school diploma from the district, in under four (4) academic years from the start of grade 9, based upon meeting all minimum graduation requirements of this administrative regulation and additional requirements as may be imposed by a local board of education.
(5) "Individual Learning Plan" or "ILP" is defined in 704 KAR 19:002.
(6) "Performance-based project, portfolio, or capstone" means a multifaceted academic and intellectual experience culminating in a student-led demonstration of critical knowledge, skills, and capacities required for postsecondary and career success.

Section 2.
(1) A district shall implement an advising and guidance process throughout the middle and high schools to provide support for the development and implementation of an individual learning plan for each student. The plan shall include career development and awareness and specifically address the content as provided in the Kentucky academic standards for career studies established in 704 KAR 8:080. The individual learning plan shall not be a substitute for the statement of transition service needs for students with disabilities as provided in 707 KAR 1:320.

(2) A district shall develop a method to evaluate the effectiveness and results of the individual learning plan process. The evaluation method shall include input from students, parents, and school staff. As part of the evaluation criteria, the district shall include indicators related to the status of the student in the twelve (12) months following the date of graduation.

(3) A feeder middle school and a high school shall work cooperatively to ensure that each student and parents receive information and advising regarding the relationship between education and career opportunities. Advising and guidance shall include information about financial planning for postsecondary education.

(4) A school shall maintain each student's individual learning plan. The individual learning plan shall be readily available to the student and parents and reviewed and approved at least annually by the student, parents, and school officials.

(5) Beginning with a student's eighth grade year, the individual learning plan shall set learning goals for the student based on academic and career interests and shall identify required academic courses, electives, and extracurricular opportunities aligned to the student's postsecondary goals. The school shall use information from the individual learning plans about student needs for academic and elective courses to plan academic and elective offerings.

(6) The development of the individual learning plan for each student shall be established within the first ninety (90) days of the sixth grade year and shall focus on career exploration and related postsecondary education and training needs.

Section 3.

(1) To[~~to~~] receive a high school diploma, each student in a public school shall earn a total of at least twenty-two (22) credits for high school graduation.

(2) The required credits shall include the content standards as provided in the Kentucky academic standards, established in 704 KAR Chapter 8.

(3) Additional standards-based learning experiences shall align to the student's individual learning plan and shall consist of standards-based content.

(4) Each student shall be required to earn the following ten (10) foundational credits:

(a) English/language arts - two (2) credits (English I and II) to include the content contained in the Kentucky academic standards for this content area;

(b) Social studies - two (2) credits to include the content contained in the Kentucky academic standards for this content area;

(c) Mathematics - two (2) credits (Algebra I and Geometry) to include the content contained in the Kentucky academic standards for this content area;

(d) Science - two (2) credits that shall incorporate lab-based scientific investigation experiences and include the content contained in the Kentucky academic standards for this content area;

(e) Health - one-half (1/2) credit to include the content contained in the Kentucky academic standards for this content area;

(f) Physical education - one-half (1/2) credit to include the content contained in the Kentucky academic standards for this content area; and

(g) Visual and performing arts - one (1) credit to include the content contained in the Kentucky academic standards for this content area or a standards-based specialized arts course based on the student's individual learning plan.

(5) Each student shall be required to earn, the following twelve (12) personalized credits:

(a) Two (2) additional English/Language Arts credits that include the content contained in the Kentucky academic standards for this content area and are aligned to the student's individual learning plan;

(b) Two (2) additional mathematics credits that include the content contained in the Kentucky academic standards for this content area and are aligned to the student's individual learning plan;

(c) One (1) additional science credit that includes the content contained in the Kentucky academic standards for this content area and is aligned to the student's individual learning plan;

(d) One (1) additional social studies credit that includes the content contained in the Kentucky academic standards for this content area and is aligned to the student's individual learning plan; and

(e) Academic and career interest standards-based learning experiences - six (6) credits including four (4) standards-based learning experiences based on the student's individual learning plan.

(6) To earn a high school diploma, each student shall complete the following additional requirements:

(a) Successfully demonstrate performance-based competency in technology that includes the content contained in the Kentucky academic standards for this content area and is aligned to the student's individual learning plan;

(b) Successfully meet the civics requirement pursuant to KRS 158.141; and

(c) Successfully[~~complete one (1) or more courses or programs that~~] meet the financial literacy requirements pursuant to KRS 158.1411 and standards as established in 704 KAR Chapter 8.

Section 4.

(1) Only students who meet the criteria established in this section shall be eligible for the Early Graduation Program:

(a) Students wishing to participate in the EGP shall indicate that intent to the secondary school principal by submitting the Early Graduation Program Letter of Intent Form at the beginning of grade 9 or as soon as the intent is known to the student, but no later than the first thirty (30) school days of the academic year in which the student intends to graduate;

(b) Schools and districts shall not prohibit a student from completing the EGP if the student meets all requirements provided in this section;

(c) Students who enroll in the EGP and meet the criteria provided in this section shall receive a high school diploma,an Early Graduation Scholarship Certificate, and scholarship award;

(d) The school or district shall enter the enrolled EGP student into the student information system by October 15 of the year in which the student intends to graduate; and

(e) A student who has indicated an intent to complete the EGP may participate in the state administration of the college entrance exam prior to the junior year, if needed.

(2) The local school district shall provide each high school with a policy established by the local board of education for students wishing to participate in the EGP. The district policy shall include:

(a) Criteria for supporting the development and monitoring of the student individual learning plan, as provided in Section 2 of this administrative regulation;

(b) Goal planning related to the demonstration of the capacities listed in KRS 158.645 and the essential workplace ethics characteristics listed in KRS 158.1413(1);

(c) Completion of a professional resume; and

(d) Completion of one (1) postsecondary admissions application that may be used at a Kentucky public two (2) year community and technical college or a Kentucky four (4) year public or non-profit independent institution accredited by the Southern Association of Colleges and Schools in which the student is interested in applying.

(3) Each EGP participant, with the support of the comprehensive school counselor, or designee, shall:

(a) Submit the Early Graduation Program Student Letter of Intent Form, signed by the student's parents, to the principal as required in subsection (1)(a) of this section;

(b) Identify all EGP requirements and develop a strategy within the individual learning plan for meeting those requirements;

(c) Complete an entrance interview with the principal, or designee, to discuss postsecondary goals and career aspirations;

(d) Meet the college readiness benchmarks established by the Council on Postsecondary Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for remediation;

(e) Earn the ten (10) foundational credits listed in Section 3(4) of this administrative regulation;

(f) Successfully[~~complete one (1) or more courses or programs that~~] meet the financial literacy requirements pursuant to KRS 158.1411 and standards as established in 704 KAR Chapter 8;

(g) Successfully meet the civics requirement pursuant to KRS 158.141; and

(h) Successfully complete the EGP performance-based project, portfolio, or capstone established in subsection (4) of this section.

(4) The local board of education shall establish a policy requiring high schools to develop performance descriptors and evaluation procedures for an EGP performance-based project, portfolio, or capstone.

(a) Performance descriptors and evaluation procedures developed by the high school shall be designed to provide students an opportunity to demonstrate the critical knowledge, skills, and capacities required for postsecondary and career success and shall include:

1. Demonstration of capacities listed in KRS 158.645 and the essential workplace ethics characteristics listed in KRS 158.1413(1);

2. Demonstration of an ability to apply the Kentucky academic standards, established in 704 KAR Chapter 8, as a life-long learner and contributing member of society;

3. Demonstration of written and verbal communication skills needed for postsecondary and career success; and

4. Demonstration of an ability to think critically, synthesize information, and draw conclusions.

(b) A school shall maintain and make readily available to the Kentucky Department of Education the EGP participant's performance-based project, portfolio, or capstone for a minimum of five (5) years.

Section 5.

(1) A local board of education may substitute an integrated, applied, interdisciplinary, occupational, technical, or higher level course for a required course if the alternative course provides rigorous content.

(2) For students with disabilities, a local board of education may substitute a functional, integrated, applied, interdisciplinary, occupational, technical, or higher level course for a required course if the alternative course provides rigorous content. These shall be based on grade-level content standards and may be modified to allow for a narrower breadth, depth, or complexity of the general grade-level content standards.

Section 6.

(1) A local board of education shall award credit toward high school graduation based on:

(a) A standards-based Carnegie unit credit that shall consist of at least 120 hours of instructional time in one (1) subject; or

(b) A performance-based credit based on the Kentucky academic standards, established in 704 KAR Chapter 8, regardless of the number of instructional hours in one (1) subject.

(2) A local board of education which has chosen to award performance-based credit shall adopt a policy that awards performance-based credit toward high school graduation for satisfactory demonstration of learning based on rigorous performance standards aligned to 704 KAR Chapter 8.

(3) A school shall establish performance descriptors and evaluation procedures to determine if the content and performance standards have been met.

(4) A local board of education which has chosen to award performance-based credit shall award a standards-based credit earned by a student enrolled in grade 5, 6, 7, or 8 if:

(a) The content of the course is the same as that described in the Kentucky academic standards, established in 704 KAR Chapter 8; and

(b) The district has criteria in place to make a reasonable determination that the middle level student is capable of success in the high school course.

(5) A local board of education which has chosen to award performance-based credit shall establish a policy that shall include:

(a) The procedures for developing a performance-based credit system and for amending the system;

(b) The conditions under which each high school may grant performance-based credits and the related performance descriptors and assessments;

(c) Objective grading and reporting procedures;

(d) Alignment to content standards established in 704 KAR Chapter 8;

(e) The extent to which state-provided assessments will be used in the local performance-based credit system;

(f) The ability for students to demonstrate proficiency and earn credit for learning acquired outside of school or in prior learning; and

(g) Criteria to ensure that internships, cooperative learning experiences, and other learning experiences in the school and community are:

1. Designed to further student progress towards the individual learning plan;

2. Supervised by qualified instructors; and

3. Aligned with state and local content and performance standards.

(6) A board of education may award standards-based, performance-based credit toward high school graduation for:

(a) Standards-based course work that constitutes satisfactory demonstration of learning in any high school course, consistent with this administrative regulation;

(b) Standards-based course work that constitutes satisfactory demonstration of learning in a course for which the student failed to earn credit when the course was taken previously;

(c) Standards-based portfolios, projects, or capstones;

(d) Standards-based online or other technology mediated courses;

(e) Standards-based dual credit or other equivalency courses; or

(f) Standards-based internship, cooperative learning experience, or other supervised experience in the school or the community.

Section 7.

(1) A student who satisfactorily completes the requirements of this administrative regulation and additional requirements as may be imposed by a local board of education or meets the requirements for the Early Graduation Program established in Section 4 of this administrative regulation shall be awarded a graduation diploma.

(2) A local board shall not adopt any high school graduation requirements that include achieving a minimum score on a statewide assessment as established in KRS 158.140.

(3) The local board of education shall award the diploma.

(4) Each local board of education shall maintain a copy of its policy on high school graduation requirements. This policy shall include a description of how the requirements address KRS 158.6451(1)(b).

Section 8. This administrative regulation shall not be interpreted as prohibiting a local governing board, superintendent, principal, or teacher from awarding special recognition to a student.

Section 9.

(1) If the severity of an exceptional student's disability precludes a course of study that meets the high school graduation requirements established in this administrative regulation leading to receipt of a high school diploma, an alternative course of study shall be offered.

(2) This course of study shall be based upon student needs and the provisions established in 704 KAR Chapter 8, and shall be reviewed at least annually.

(3) A student who completes this course of study shall receive an alternative high school diploma to be awarded by the local board of education consistent with the graduation practices for all students.

(4) A local board of education may establish policies to award an alternative high school diploma to a former student who has received a certificate or certificate of attainment.

Section 10.

(1) Any student seeking to graduate early who receives services deemed essential by the local school district shall engage in meaningful consultation with a school-based mental health services provider, as defined by KRS 158.4416, on the creation of a continuity of services plan prior to graduation.

(2) School districts shall ensure the creation of a continuity of services plan for all students identified as a homeless child pursuant to 42 U.S.C. 11434, a migratory child pursuant to 20 U.S.C. 6399, or youth engaged in foster care pursuant to KRS 620.020(5).

(3) The completion of a transition plan for children aging out of foster care, as described by 42 U.S.C. 675(5)(H), shall meet the requirements outlined in this section.

Section 11. Incorporation by Reference.

(1) The "Early Graduation Program Student Letter of Intent Form", February 2026[~~August 2024~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, 5th floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may be viewed at: https://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 of Education
SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: February 4, 2026

FILED WITH LRC: February 10, 2026 at 12:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held April 29, 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 is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 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 Phone: 502-564-4474
Subject Headings: Board of Education, Schools, Compliance

(1) Provide a brief summary of:

(a) What this administrative regulation does: 704 KAR 3:305 establishes the minimum requirements for entitlement to a high school diploma in Kentucky.

(b) The necessity of this administrative regulation: KRS 156.070(1) requires the Kentucky Board of Education (KBE) to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the KBE to promulgate an administrative regulation establishing standards that schools and districts shall meet in student, program, service, and operational performance. KRS 156.160(1)(a) and (1)(d) further require the KBE to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the KBE to promulgate an administrative regulation establishing standards that schools and districts shall meet in student, program, service, and operational performance. KRS 156.160(1)(a) and (1)(d) further require the KBE to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.1411 establishes a one credit elective course in financial literacy as a minimum requirement for high school graduation for all Kentucky public school students entering grade 9 on or after July 1, 2025. KRS 158.142(3) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists schools and districts by outlining the minimum requirements for high school graduation. Amendments to the regulation also provide alignment to updated statutory requirements for financial literacy as established in KRS 158.1411.

(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 modify the existing regulation to conform to House Bill (HB) 342 (2025). HB 342 (2025) amended KRS 158.1411 to require, beginning with students entering grade 9 on or after July 1, 2025, a one-credit elective course in financial literacy for all Kentucky public high school students, including those pursuing the Early Graduation Program established under KRS 158.142. As a result of these statutory changes, 704 KAR 3:305, Sections 3 and 4 have been amended to conform. The Early Graduation Program Letter of Intent Form, included as a material incorporated by reference under Section 11, has also been amended to conform to statutory requirements provided in KRS 158.1411(3).

(b) The necessity of the amendment to this administrative regulation: HB 342 (2025) amended KRS 158.1411 to require, beginning with students entering grade 9 on or after July 1, 2025, a one-credit elective course in financial literacy for all Kentucky public high school students, including those pursuing the Early Graduation Program established under KRS 158.142. Amendments to 704 KAR 3:305 reflect the new statutory requirements for financial literacy as required in KRS 158.1411.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the KBE to promulgate an administrative regulation establishing standards that schools and districts shall meet in student, program, service, and operational performance. KRS 156.160(1)(a) and (1)(d) further require the KBE to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. The amendments modify the existing regulation to conform to KRS 158.1411. HB 342 (2025) amended KRS 158.1411 to require, beginning with students entering grade 9 on or after July 1, 2025, a one-credit elective course in financial literacy for all Kentucky public high school students, including those pursuing the Early Graduation Program established under KRS 158.142. As a result, 704 KAR 3:305, Sections 3 and 4 have been amended to conform. The Early Graduation Program Letter of Intent Form, included as a material incorporated by reference under Section 11, has also been amended to conform to statutory requirements provided in KRS 158.1411(3).

(d) How the amendment will assist in the effective administration of the statutes: KRS 156.160(1) requires the KBE to promulgate an administrative regulation establishing standards that schools and districts shall meet in student, program, service, and operational performance. KRS 156.160(1)(a) and (1)(d) further require the KBE to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. The amendments to 704 KAR 3:305 conform to statutory requirements as amended in HB 342 (2025).

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation aligns to HB 342 (2025).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Schools, districts and the Kentucky Department of Education (KDE) are 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: The entities identified above in question (4)

must conform to the statutory requirements provided in KRS 158.1411. The local districts must comply with the amended graduation requirement for financial literacy, provided under HB 342 (2025), beginning with students entering grade 9 on or after July 1, 2025. Pursuant to KRS 158.142(2), local schools are required to use the intent form, included as a material incorporated by reference, for students participating in the Early Graduation Program. The material incorporated by reference has been modified to reflect the changes to the financial literacy requirement.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The anticipated costs to schools and districts is unknown and dependent upon the availability of appropriately certified staff, the number of enrolled students, and the resources and instructional materials needed to implement the specific course requirements provided in KRS 158.1411. The KDE has existing staff in place to provide guidance to local schools as required under KRS 158.1411(10) and to provide ongoing support for students pursuing the Early Graduation Program.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Local schools and districts benefit from 704 KAR 3:305 as it specifies the minimum requirements for high school graduation for Kentucky public school students. The amendments provide schools and districts with accurate alignment to new statutory requirements provided in KRS 158.1411.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Initial costs to schools and districts is unknown and dependent upon the availability of appropriately certified staff, the number of enrolled students, and the resources and instructional materials needed to implement the specific course requirements provided in KRS 158.1411. The KDE has existing staff in place to provide guidance to local schools as required under KRS 158.1411(10) and to provide ongoing support for students pursuing the Early Graduation Program.
(b) On a continuing basis: Schools and districts may experience continuing costs associated with the long-term employment of appropriately certified staff. Ongoing costs are dependent upon the number of appropriately certified staff needed, the size of the student body, and the ongoing purchasing costs for any resources and instructional materials needed to implement the specific course requirements provided in KRS 158.1411. There are no continuing costs anticipated to the KDE in implementing the administrative regulation except in cases where ongoing technical assistance is requested by schools and districts.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: State and district 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: To implement the one-credit financial literacy elective requirement provided in KRS 158.1411, schools and districts may need increased funding for additional staffing and for ongoing purchasing costs for any instructional materials needed to fulfill the specific course requirements outlined in statute.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees or directly or indirectly increase fees.
(10) TIERING: Is tiering applied? Tiering was not appropriate as the administrative regulation applies equally to all schools and districts impacted by the passage of HB 342 (2025).

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, 156.160(1), 158.142, 158.622(3), 158.645, 158.1411, 158.1413(1), 158.6451.
(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(1) requires the Kentucky Board of Education (KBE) to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the KBE to promulgate an administrative regulation establishing standards that schools and districts shall meet in student, program, service, and operational performance. KRS 156.160(1)(a) and (1)(d) further require the KBE to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: KBE and Kentucky Department of Education (KDE).
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: For the first year, expenditures are expected to be minimal as the KDE has existing staff in place to provide ongoing support to local schools and districts in implementing the requirements provided in KRS 158.1411.
For subsequent years: For subsequent years, expenditures are expected to be minimal as the KDE has existing staff in place to provide ongoing support to local schools and districts in implementing the requirements provided in KRS 158.1411.
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 schools and districts.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: For the first year, the cost to schools and districts is unknown and dependent upon the availability of appropriately certified staff, the number of enrolled students, and the resources and instructional materials needed to implement the specific course requirements provided in KRS 158.1411.
For subsequent years: Subsequent costs for schools and districts are dependent upon the number of appropriately certified staff needed, the size of the student body, and the ongoing purchasing costs for any resources and instructional materials needed to implement the specific course requirements provided in KRS 158.1411.
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: HB 342 (2025) amended KRS 158.1411 to require, beginning with students entering grade 9 on or after July 1, 2025, a one-credit elective course in financial literacy for all Kentucky public high school students, including those pursuing the Early Graduation Program established under KRS 158.142. As a result, 704 KAR 3:305, Sections 3 and 4 have been amended to conform. The fiscal impact of the amendments to 704 KAR 3:305 are dependent upon the availability of appropriately certified staff, the number of enrolled students, and the resources and instructional materials needed to implement the specific course requirements provided in KRS 158.1411. The regulation is not

expected to generate revenue and no cost savings are anticipated. For the KDE, the fiscal impact is minimal as existing staff is in place to provide ongoing support to local schools and districts in implementing the requirements provided in KRS 158.1411.
(b) Methodology and resources used to reach this conclusion: There is no methodology or resources available to determine the fiscal impact of KRS 158.1411 among all 171 Kentucky public school districts as KRS 160.345(2)(i) provides principals with the authority to implement school-based decision making council policies, consistent with local board policies, on the assignment of all instructional staff time and the assignment of students to classes and programs within the school. For the KDE, existing staff is in place to provide ongoing support to schools and districts in implementing the requirements provided in KRS 158.1411 and no fiscal 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): Amendments to 704 KAR 3:305 are required to conform to requirements provided HB 342 (2025). When considering the staffing and instructional materials needed to implement HB 342 (2025) in every public high school across Kentucky's 171 school districts, a major economic impact, as defined in KRS 13A.010(13), could result. There is no major economic impact for the KDE.
(b) The methodology and resources used to reach this conclusion: There is no methodology or resources available to determine if the implementation of KRS 158.1411 among all 171 Kentucky public school districts will result in a major economic impact as defined KRS 13A.010(14). This is due to KRS 160.345(2)(i) which provides each principal with the authority to implement school-based decision-making council policies, consistent with local board policies, on the assignment of all instructional staff time and the assignment of students to classes and programs within the school. For the KDE, existing staff is in place to provide ongoing support to schools and districts in implementing the requirements provided in KRS 158.1411 and no major economic impact is anticipated.

HORSE RACING AND GAMING CORPORATION
(Amendment)

820 KAR 1:032. Pulltabs.

RELATES TO: KRS 238.505, 238.545
STATUTORY AUTHORITY: KRS 238.510, 238.515, 238.545, 230.215, 230.260
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 and KRS 230.260 vest in the Kentucky Horse Racing and Gaming Corporation exclusive jurisdiction over charitable gaming in the Commonwealth, power to promulgate administrative regulations prescribing conditions under which all charitable gaming is to be conducted.KRS 238.510 created the Office of Charitable Gaming as an office within the Kentucky Horse Racing and Gaming Corporation. KRS 238.515 authorizes the Office[~~Department~~] of Charitable Gaming ("the Office") to establish and enforce reasonable standards for the conduct of charitable gaming. KRS 238.545 requires the Office[~~department~~] to establish standards for pulltab construction, distribution, electronic pulltabs, and rules of play. This administrative regulation establishes those standards.

Section 1. Definitions. These definitions shall apply to all administrative regulations relating to pulltabs or electronic pulltabs.
(1) "Bonus round" means a single, new screen, apart from ordinary gameplay, that incrementally reveals the results of a single electronic pulltab ticket either by simulating the opening of additional tickets or simulating a prize board from which a player may pick symbols or icons.
(2) "Cumulative pulltab game" means a pulltab game consisting of multiple pulltab deals or game sets that is designed by the manufacturer so that a portion of each deal's predetermined payout is designated to a prize pool board.
(3) "Deal" means each separate game or series of pulltabs that have the same serial number and that may be composed of multiple packages.
(4) "Electronic pulltab system" means:
(a) A central computer system, which may be an optional site system;
(b) Electronic pulltab devices;
(c) Point of sale stations;
(d) Secondary components; and
(e) Proprietary software that contains reporting and control functions whereby the central computer system communicates with the electronic pulltab devices for the purpose of distributing a finite number of electronic pulltabs, a certain number of which, if randomly selected, entitle a player to prize awards at various levels.
(5) "Event game" means a type of pulltab game, with or without a seal card, that is designed by the manufacturer so that certain prizes are determined by:
(a) The draw of a bingo ball; or
(b) A method of randomly selecting numbers or symbols that correspond to the numbers or symbols printed on a paper or electronic pulltab.
(6) "Fixedbase electronic pulltab device" means a single personal computing device that has been loaded with proprietary software by a licensed manufacturer to enable it to function as an electronic pulltab device.
(7) "Flare" means the paper included with a deal of paper pulltabs, or the electronic representation of a paper flare included with a game set of electronic pulltabs, that identifies the game, the rules of the game, the payout structure, and other information required by this administrative regulation.
(8) "Form number" means a manufacturer's alphanumeric number that identifies a pulltab payout structure.
(9) "Game set" means the entire deal of finite electronic pulltabs that contains predefined and randomized game results assigned under a unique serial number.
(10) "Game subset" means a division of a game set into equal sizes following randomization, with each game subset also identified by a unique serial number.
(11) "Hand-held electronic pulltab device" means a single tablet or hand-held computer, other than a mobile phone or similar hand-held device that is either manufactured or customized by the manufacturer to operate as an electronic pulltab device.
(12) "Jackpot prize in a progressive pulltab game" or "progressive jackpot prize" means a prize in addition to the instant or seal card prizes that is carried over from deal to deal, or game set to game set, until it is won.
(13) "Jar ticket" means a type of pulltab game ticket that is folded, glued, or stapled.
(14) "Last sale" means a pulltab game designed by the manufacturer in which a prize is awarded to the person who bought the last pulltab or electronic pulltab in a deal or game set.
(15) "Multipackaged pulltab deal" means a pulltab game consisting of a single deal or game set of not more than 25,000 tickets that is packed or electronically grouped in subsets and in which each subset contributes to a prize pool with or without a prize board.
(16) "Progressive pulltab game" or "carryover pulltab game" means a pulltab game consisting of one (1) or more deals or game sets designed by the manufacturer so that a portion of the deal's predetermined prize payout is designated to a progressive jackpot and the jackpot value may accumulate from one (1) deal to the next deal until won.
(17) "Pulltab" means a charity game ticket as defined by KRS 238.505(5).

Section 2. Conformity of Paper Pulltabs.
(1) A licensed distributor of charitable gaming supplies and equipment shall distribute in Kentucky only those paper pulltabs conforming to the requirements of this administrative regulation.
(2) A licensed charitable organization shall sell to the public only those paper pulltabs conforming to the requirements of this administrative regulation.

Section 3. Paper Pulltab Construction Standards.

(1) Pulltabs shall be constructed so that the concealed numbers, symbols, or winner protection features cannot be viewed or determined from the outside of the pulltab using a high intensity lamp of up to and including 500 watts, with or without utilizing a focusing lens.

(2) The deal shall be designed, printed, glued, cut, and assembled in a manner to prevent determination of a winning or losing ticket without removing the tabs or otherwise uncovering the symbols or numbers as intended.

(3) Each pulltab in a deal shall bear the same serial number. If a seal card is used with a pulltab deal, the seal card shall bear the same serial number as each pulltab. Only one (1) serial number shall be used in a deal. A serial number used in a deal of pulltabs shall not be repeated by the same manufacturer on that same manufacturer's form number within a three (3) year period.

(4) If the pulltab utilizes a window, the numbers or symbols on the pulltab shall be fully visible in the window and shall be placed so that no part of a symbol or number remains covered when the tab is removed. Displacement of the symbol to the left or right in a window may be used for increased game security. Additional security devices or methods, including a laminate underneath a window, may be used by a manufacturer.

(5) It shall not be possible to distinguish winning pulltabs from losing pulltabs through variations in printing graphics or colors, including those involving different printing plates.

(6) All winning pulltabs shall have at least one (1) winner protection feature. In addition, all winning pulltabs that entitle a player to an instant prize of greater than twenty (20) dollars shall include an additional form of winner protection. Numeral jar tickets with colored winning numerals shall not be required to have secondary winner protection.

(7) All pulltabs shall be glued on the window edges and between each window. The glue shall be of sufficient strength and type to prevent the separation or delamination of the pulltab. For banded tickets, the glue shall be of sufficient strength and quality to prevent the separation of the band from the ticket.

(8) The window slits on each break-open ticket shall be perforated on at least three cut sides. The ties shall be of a sufficient thickness or strength to prevent unauthorized peering under the windows and so that unauthorized peering under the windows can be detected. It shall not be possible to isolate winning or potential winning tickets from variations to the size or the appearance of a cut edge of the pulltab comprising a particular game.

(9) Except as provided in subsections (10) and (11) of this section, the minimum information that shall be printed on an unopened pulltab with an overall area of two and five-tenths (2.5) square inches or more shall be:

(a) The name of the manufacturer, or its distinctive logo;

(b) The name of the game;

(c) The manufacturer's form number;

(d) The price per individual pulltab;

(e) The unique minimum five (5) digit game serial number, printed on the game information side of the pulltab; and

(f) The number of winners and respective winning numbers or symbols, and specific prize amounts.

(10) A pulltab with an overall area of at least one and six tenths (1.6) square inches unopened but less than two and five tenths (2.5) square inches unopened shall:

(a) Have printed on it, at a minimum, the information listed in subsection (9)(a), (b), (c), (d), and (e) of this section; and

(b) Not be required to have the information listed in subsection (9)(f) of this section.

(11) A pulltab with an overall area of less than one and six-tenths (1.6) square inches unopened shall:

(a) Have printed on it, at a minimum, the information listed in subsection (9)(a) and (e) of this section; and

(b) Not be required to have the information listed in subsection (9)(b), (c), (d), or (f) of this section.

Section 4. Randomization of Paper Pulltabs. Winning paper pulltabs shall be distributed and mixed among all other pulltabs in a deal to eliminate any pattern between deals, or portions of deals. The pulltab deal shall be assembled so that the winning pulltabs cannot be distinguished. Winning tickets shall be randomly distributed throughout the deal. Banded tickets packaged in bags, rather than boxes, shall be subject to these requirements.

Section 5. Packaging and Distribution of Paper Pulltabs.

(1)

(a) Each paper pulltab deal's package, box, or other container shall be sealed or taped at every entry point at the manufacturer's factory with a tamper resistant seal or tape.

(b) The seal or tape shall be visible under the shrink-wrap or from outside the container and shall be constructed to guarantee that, if the container is opened or otherwise tampered with, evidence of the opening or tampering will be easily detected.

(c) The seal or tape shall include a warning to the purchaser that the deal may have been tampered with if the package, box, or other container is received by the purchaser with the seal or tape broken.

(d) If the deal is packaged in a plastic bag, the entry point shall be completely sealed by the application of heat or adhesive. The warning may be imprinted in the plastic.

(2) A deal's serial number shall be clearly and legibly placed on:

(a) The outside of the deal's package, box, or other container; or

(b) The inside of the deal's package, box, or other container if it is clearly visible from the outside of the package, box, or other container.

(3) Manufacturers shall print on or affix to the outside of the package or container of pulltabs or include inside the package or container, in bold print of sufficient size to be easily read, a message that states substantially the following: "tickets shall be removed from this packaging container and thoroughly mixed prior to sale to the public."

(4) Manufacturers shall include with every deal of pulltabs a bar code label that contains at a minimum the name of the manufacturer or its distinctive logo, the game form number, and the game serial number. The bar code label shall be visible from the outside of the package, box, or other container.

Section 6. Flares and Seal Cards for Paper Pulltabs.

(1) Every deal of pulltabs shall contain a flare or a seal card. The manufacturer shall print directly on the paper flare or seal card the following information:

(a) The name of the game;

(b) The manufacturer's name or logo;

(c) The manufacturer's form number;

(d) The game serial number;

(e) The ticket count;

(f) The prize structure, including a description of the number of winning pulltabs by denomination, with their respective winning symbols or number combinations, and amounts dedicated to the prize pool in a seal card game with a cumulative prize, or a carryover or progressive prize; and

(g) The cost per play.

(2) Every deal of pulltabs shall contain instructions on how to play the game.

Section 7. Cumulative Games and Carryover or Progressive Games.

(1) The rules for cumulative games, carryover, or progressive games shall apply to both paper and electronic pulltabs.

(2) The amount dedicated to a cumulative prize pool or a carryover or progressive jackpot shall be predetermined by the manufacturer and built into the payout structure for the game.

(a) For paper pulltabs, the dedicated amount shall be printed by the manufacturer on either the flare or seal card for each game or on each ticket in each game.

(b) For electronic pulltab games, the dedicated amount shall be included by the manufacturer on the flare or seal card for each game.

(3) All games contributing to the cumulative prize pool or the carryover or progressive jackpot shall be of the same form number.

(4) The paper or electronic flare or seal card for the carryover or progressive jackpot shall contain an area in which the current amount of the carryover or progressive jackpot can be posted.

(5) If a carryover or progressive pulltab game uses a progressive jackpot prize card that is separate from the jackpot seal, the jackpot card shall contain prize space for the organization to record the serial numbers of all games contributing to the jackpot prize.

(6) If a carryover or progressive pulltab game uses a jackpot prize card that is separate from the jackpot seal card, each deal of the game shall possess both a seal card and a jackpot prize card that has the serial number of the deal affixed to it by the manufacturer.

(7) In a carryover or progressive pulltab game, the organization shall either start a new jackpot card with each deal or use the original jackpot card until won. The organization shall maintain each jackpot card used.

(8) A progressive pulltab game shall not be designed by the manufacturer to give any player initial odds greater than a fifty (50) percent chance to win the progressive jackpot.

(9) If a paper pulltab game contributes to a progressive raffle jackpot, a licensed charitable organization shall not sell a similar version of that paper pulltab game unless it also contributes to a progressive raffle jackpot. All paper pulltab game tickets that contribute to a progressive raffle jackpot shall be sold for cash and shall not be used as a merchandise prize for any bingo, pulltab, or door prizes.

Section 8. Event Games.

(1) The rules for event games shall apply to both paper and electronic pulltabs.

(2) An event game shall not contain a "last sale" feature.

(3) The number of winners and the prize amounts shall be built into the payout structure for the game by the manufacturer.

(4) An event ticket prize shall not exceed the individual ticket prize limit for a pulltab game.

(5) The prize for an event pulltab game shall not be considered a bingo prize.

Section 9. Multipackaged Pulltab Deals.

(1) The rules for multipackaged pulltab deals shall apply to both paper and electronic pulltabs. Every package shall be played for the deal to show the stated profit.

(2) Each package may contain individual winners if desired. If each package contains a winner, the game shall contain a method of verifying from which package the winner was sold.

Section 10. Tracking by Manufacturer. Every manufacturer of paper pulltabs shall maintain records sufficient to track each deal of paper pulltabs, by serial number and form number, from the manufacturer to the next point of sale for thirty-six (36) months. The records shall be subject to inspection by Office[~~department~~] staff.

Section 11. Tracking by Distributor.

(1) Every distributor of paper and electronic pulltabs shall maintain records sufficient to track each deal of paper and electronic pulltabs, by serial number and form number, from purchase by the distributor to the next point of sale for thirty-six (36) months. The records shall be subject to inspection by Office[~~department~~] staff.

(2) For sales in the Commonwealth of Kentucky or to residents of Kentucky, the records required under this section shall be sufficient if the distributor records the name of the purchaser and makes and retains a copy of the Kentucky charitable gaming license or exemption number of the purchaser at the next point of sale.

Section 12. Requirements of Distributor Invoice.

(1) Distributors selling paper pulltabs to charitable organizations or other distributors shall provide the charitable organization or other distributor with an invoice that contains, at a minimum, the following information:

(a) The purchaser's name, address, and license number;

(b) The address to which the shipment was delivered;

(c) The date of sale or credit;

(d) The conditions of the sale or credit;

(e) The quantity of pulltabs sold including the number of deals, the name of each deal, the tickets per deal, and the serial number and form number of the deal;

(f) The total invoice amount;

(g) The name of the person who ordered the supplies;

(h) The name of the person making the delivery;

(i) The date of delivery or date the item was picked up for sale or credit;

(j) The place or manner of delivery; and

(k) The name and signature of the person taking delivery, if any.

(2) A distributor may deliver paper pulltabs to an agreed secure location or to an identified person. An invoice not challenged within seven (7) days of delivery shall be determined as accurate. Any challenge to an invoice shall be made in writing to the distributor and a copy shall be sent to the Office[~~department~~].

Section 13. Defects.

(1) If a defect in packaging or construction of a paper pulltab is discovered by an organization, the defect shall be reported to the distributor within fifteen (15) days. The distributor shall correct the defect or replace the defective items within a reasonable time, or, if the product cannot be replaced or the defect corrected, the distributor shall provide a refund to the organization.

(2) If the Office[~~department~~], in consultation with the manufacturer, determines that a defect actually exists, and the defect affects game security or otherwise threatens public confidence in the game, the Office[~~department~~] shall, with respect to paper pulltabs for use in Kentucky, require the manufacturer to:

(a) Recall the affected pulltabs that have not been sold at retail to licensed organizations; or

(b) Issue a total recall of all affected deals.

(3) In choosing and directing a particular recall in accordance with subsection (2) of this section, the Office[~~department~~] shall be guided in each circumstance by any combination of the following factors:

(a) The nature of the defect;

(b) Whether the defect affected game security;

(c) Whether the defect affected game playability;

(d) Whether the defect was limited to a specific number of deals of a particular form number;

(e) Whether the defect was easily detectable by a charitable organization;

(f) Whether the defect was easily detectable by members of the general public;

(g) Whether the defect threatens public confidence in the game; or

(h) Whether the defect is capable of being used to adversely affect the fair play of the game.

(4) In consultation with the manufacturer, the Office[~~department~~] shall determine a specific date for the recall to be completed and whether the manufacturer is required to reimburse the organization or distributor.

Section 14. Pulltab Dispenser Construction and Use.

(1) A pulltab dispenser shall not be sold, leased, or otherwise furnished to any person in the state unless it has been approved by the Office[~~department~~].

(2) Before approval by the Office[~~department~~], a dispenser that is identical to the dispenser intended to be sold, leased, or otherwise furnished shall be certified by an independent testing laboratory that the dispenser satisfies the manufacturing requirements established in Section 15 of this administrative regulation.

(3) If granted, approval shall extend only to the specific dispenser model approved, and any modification shall first be approved by the Office[~~department~~].

Section 15. Requirements of Pulltab Dispensers. Each pulltab dispenser shall meet the following requirements:

(1) Contain a three (3) prong ground and surge protector, and shall be capable of withstanding static electricity;

(2) Accommodate pulltabs of different sizes;

(3) Be constructed so that customers can see how many pulltabs remain within the dispenser, or have resettable counters visible to the customer indicating the number of pulltabs left in each column of the dispenser;

(4) Have an outlet or tray to catch dispensed pulltabs;

(5) Accurately dispense the correct number of pulltabs;

(6) Contain one (1) or more player buttons on the front of the dispenser to dispense pulltabs if pressed;

(7) Contain an illuminated electronic display to display the value of money deposited;

(8) Be capable, if a malfunction occurs or the electrical power is interrupted after the money has been validated, of accurately redisplaying the value of the money after the malfunction or power is restored;

(9) Not dispense any credits, or validate, read, or redeem a winning pulltab;

(10) If using bill acceptors or similar devices that do not return change, clearly disclose that fact to the customer;

(11) Not have a video screen or produce audio sounds except for security alarms;

(12) Not resemble a slot machine or other gambling device;

(13) Contain the manufacturer's name, dispenser's serial number and model number, and date of manufacture, all of which shall be permanently affixed to the side of the dispenser;

(14) Have an on/off switch in an inconspicuous location on the exterior of the dispenser;

(15) Not record test sales of pulltabs or money acceptances on the dispenser's accounting meters;

(16) Contain a nonresettable accounting meter for total money validated and for the total of pulltabs dispensed and shall be capable of retaining this information for six (6) months after power has been disconnected;

(17) Contain an EPROM microchip, microprocessor, or other verifiable electronic program storage media which holds the dispenser's programming code and which is identical in all respects to the manufacturer's programming code approved by the Office[~~department~~];

(18) Contain a RAM or an EPROM microchip equipped with a RAM microchip, which shall be installed with a tamper-proof seal inside the dispenser, or a microprocessor or flash memory microchip, or other verifiable electronic program storage media, which shall maintain the same information as required in subsection (17) of this section for six (6) months after power has been disconnected.;

(19) Automatically discontinue operation if any nonresettable accounting meter, RAM microchip, EPROM microchip, microprocessor, or other verifiable electronic program storage media is disconnected; and

(20) Contain at least one (1) electronic money validator that shall:

(a) Only validate United States money;

(b) Not validate money in denominations in excess of twenty (20) dollars;

(c) Transmit the value of validated money to the pulltab dispenser;

(d) Be equipped with mechanisms to ensure that pulltabs will not be dispensed unless the money is validated and retained;

(e) Be capable of preventing acceptance of known counterfeit money;

(f) Return any invalid money to the player;

(g) Have at least one (1) removable stacker box capable of stacking bills or a removable drop box contained in a separate locked compartment; and

(h) Automatically discontinue accepting or validating money if a malfunction occurs or if electrical power to the dispenser or currency validator is interrupted.

Section 16. Pulltab Dispensing Limitations.

(1) A charitable organization shall not use a dispenser until the charitable organization that previously used the dispenser has removed its pulltabs and money from the dispenser.

(2) Each charitable organization operating the dispenser shall place upon the dispenser an identification label that displays the organization's name and license number.

(3) The keys to open the locked doors to the dispenser's ticket dispensing area and cash box shall be solely in the possession and control of the designated chairperson of the charitable organization conducting the charitable gaming session.

(4) The entire deal of pulltabs shall be sold from the dispenser and shall not be sold on the floor.

(5) All pulltabs in any one (1) column shall have the same serial number.

(6) A licensee shall not display, use, or otherwise furnish a dispenser that has in any manner been tampered with or that otherwise may deceive the public or affect a person's chances of winning.

(7) A pulltab deal shall not be placed in the dispenser until the entire deal of pulltabs previously in the dispenser has been played out or permanently removed.

(8) After placement in the dispenser, a pulltab shall not be removed from the dispenser, except for those pulltabs:

(a) Actually played by consumers;

(b) Removed by Office[~~department~~] representatives or law enforcement agencies;

(c) Temporarily removed during necessary repair, and maintenance; or

(d) Removed at the end of the charitable gaming session.

(9) At least one (1) chairperson who is listed on the application for licensure shall be present at all times a pulltab dispenser is in use and shall be responsible for the administration and conduct of the pulltab dispenser.

(10) An organization utilizing a pulltab dispenser at its office location or owned premises shall only utilize the dispenser during business hours.

Section 17. Pulltab Dispenser Inspection. The Office[~~department~~] or its authorized representatives may examine and inspect any automated pulltab dispenser. The examination and inspection shall include immediate access to the dispenser and unlimited inspection of all parts of the dispenser.

Section 18. Pulltab Dispenser Recordkeeping.

(1) Each licensed charitable organization shall maintain the following information in connection with its use of an automated pulltab dispenser:

(a) Date of purchase or lease of each dispenser;

(b) Model and serial number of each dispenser;

(c) Purchase or lease price of each dispenser;

(d) Name, address, and license number of the distributor from whom the dispenser was purchased, leased or otherwise furnished; and

(e) A record of all maintenance and repairs relating to the dispenser.

(2) Manufacturers and distributors shall maintain the following information in connection with each sale or lease of a dispenser:

(a) Date of sale or lease;

(b) Quantity sold or leased;

(c) Cost per dispenser;

(d) Model and serial number of each dispenser; and

(e) Name, address, and license number of the purchaser or lessee.

(3) All records, reports, and receipts relating to dispenser sales, maintenance and repairs required to be maintained shall be retained for a period of three (3) years for examination by the Office[~~department~~].

Section 19. Pulltab Dispenser Defects.

(1) If the Office[~~department~~] detects or discovers any defect or malfunction with the dispenser that is not temporary in nature or affects the integrity or security of the pulltab game, the Office[~~department~~] shall direct the manufacturer, distributor, or organization to cease the sale, lease, or use of the dispenser, as applicable, and shall require the manufacturer to correct the defect, malfunction, or problem or recall the dispenser immediately upon notification by the Office[~~department~~] to the manufacturer.

(2) If the manufacturer, distributor, or organization detects or discovers any defect or malfunction with the dispenser that is not temporary in nature, the entity shall immediately remove the dispenser from use and notify the Office[~~department~~] of that action.

Section 20. Pulltab Rules of Play.

(1) All individuals involved in the sale of pulltabs shall be trained in the proper conduct of the game and control of funds.

(2) The chairperson shall be in full charge of the charitable gaming session, supervise and direct all volunteers, and be

responsible for assuring the proper receipt and recording of gaming funds.

(3) More than one (1) charitable organization shall not conduct gaming at the same time and location as another charitable organization, except for raffles and licensed charity fundraising events.

(4) Each organization's gaming supplies shall be maintained in a location separate from another organization's gaming supplies. This location shall also be locked and access shall be controlled.

(5) Except for a charity fundraising event, a volunteer at any other charitable gaming session at which pulltabs are sold shall not purchase or play pulltabs at that charitable gaming session. At a charity fundraising event, a volunteer may purchase or play pulltabs on a day the volunteer does not work, and from a deal the volunteer does not sell.

(6) If the charitable organization has house rules concerning its charitable gaming session, the house rules shall:

(a) Be posted in at least two (2) conspicuous locations at the charitable gaming session and announced prior to the commencement of the charitable gaming session or be listed on the program;

(b) Not conflict with KRS Chapter 238 or 820 KAR Chapter 1;

(c) Be followed; and

(d) Include the organization's name and license number.

Section 21. Playing.

(1) The flare or seal card for paper pulltabs, including a progressive jackpot card relating to a carryover or progressive prize, or a prize board relating to a game with a cumulative prize, shall be posted by the licensed charitable organization in the vicinity of the deal and in full and complete view of the players while the deal is in play, including the time after all tickets have been sold until all prizes have been claimed, or the time to claim prizes has expired. Electronic pulltab games shall include an electronic flare or seal card, including a progressive jackpot card relating to carryover or progressive prizes, that is available for view on the electronic pulltab device by players at all times while the game set is in play.

(2) Paper pulltabs shall not be sold to the public from the original packing box or container. Paper pulltabs shall be removed from the original box or container and mixed by shuffling together prior to sale.

(3) If a deal of paper pulltabs is packed in more than one (1) box or container, an individual container shall not designate a winner or contain a disproportionate number of winning or losing tickets. Each package, box, or container shall be placed out for play at the same time unless the deal is designed by the manufacturer to be played in subsets. Those subsets may be placed out for play in succession.

(4) Paper pulltabs that have been marked, defaced, altered, tampered with, received in packaging that is not tamper-resistant, or otherwise constructed in a manner that tends to deceive the public or affect the chances of winning or losing, shall not be placed into play. The organization shall notify the Office[~~department~~] of Charitable Gaming of the existence of these tickets in writing within fifteen (15) days.

(5) Before placing a deal into play, the charitable organization shall verify that the serial number on the paper pulltabs within each deal matches the serial number on the flare or seal card accompanying the deal by conducting a random sampling of pulltabs within each deal. If the charitable organization determines that serial numbers on tickets within a deal or game set do not match the serial number on the flare or seal card accompanying the deal or game set, the organization shall not place the deal or game set into play and shall notify that distributor. If the distributor does not correct the problem within thirty (30) days, the organization shall notify the Office[~~department~~] in writing.

(6) Any licensed charitable organization that sells pulltabs from its office location or from a pulltab dispenser shall comply with 820 KAR Chapter 1 regarding the play, proper recordkeeping, and reporting of those sales. The sales shall be reported on the financial report.

(7)

(a) If a deal or game set is not played to completion and there remain unsold winning pulltabs, the licensed charitable organization conducting the gaming shall sell the remaining pulltabs on the next appointed date for charitable gaming activities.

(b) If no future date is anticipated, the licensed charitable organization shall consider the deal or game set closed or completed, declare the winners, and post winning numbers for fifteen (15) days with information directing the method of claiming a prize at its office location. All unsold pulltabs shall be retained pursuant to subsection (15) of this section.

(c) If no winning pulltabs remain in the paper deal, the licensed charitable organization may consider the deal closed or completed, declare the winners, and shall retain unsold pulltabs pursuant to subsection (15) of this section.

(d) A licensed charitable organization shall not complete play of a deal, game set, or a seal card it did not initiate.

(8) A pulltab shall not be sold to the public at a price different than that generated by the manufacturer of the pulltab upon the flare or seal card that accompanies the deal or game set.

(9) Only authorized representatives of the charitable organization conducting the event at which pulltabs are sold shall verify the serial numbers and winner protections for all winning pulltabs redeemed.

(10) In playing paper pulltabs that utilize a seal card, a charitable organization shall not award a prize to the holder of a winning pulltab unless the serial number on the ticket presented for redemption matches the serial number on the seal card. In a progressive pulltab game, the serial number on the tickets shall be checked in accordance with Section 6 of this administrative regulation.

(11) A charitable organization shall award prizes to winners of pulltabs only in accordance with the prize structure indicated on the flare or seal card accompanying the deal or game set of tickets as designed by the manufacturer. If multiple prize structures are indicated on the flare or seal card, the charitable organization shall announce to the patrons and circle on the paper flare or seal card the prize structure to be awarded before placing the deal or game set into play.

(12) A holder of a winning pulltab shall have fifteen (15) days to redeem the winning ticket. If the prize is not claimed within fifteen (15) days, the prize shall be considered unclaimed and be retained as property of the organization.

(13) Once redeemed, the holder of a winning pulltab shall be paid in full no later than five (5) days from the date of redemption.

(14) All winning paper pulltabs shall have the winning symbol or number defaced or punched by an authorized representative of the charitable organization immediately after redemption.

(15)

(a) The charitable organization shall retain, in paper or electronic form, for a period of twelve (12) months, to allow auditing by the staff of the Office[~~department~~]:

1. All winning pulltabs with a prize value of fifty (50) dollars and above;

2. The flare from all winning pulltabs with a prize value of fifty (50) dollars and above;

3. All seal cards with a prize value of fifty (50) dollars and above;

4. All prize boards in cumulative games with a prize value of fifty (50) dollars and above; and

5. All unsold pulltabs.

(b) These records may be maintained at the gaming location.

(16) The fair market value of bingo paper, a card-minding device, pulltab, or electronic pulltab device given away as a merchandise prize shall be the price that a patron would have paid for the same bingo paper, card-minding device, pulltab, or electronic pulltab device at that charitable gaming session.

(17)

(a) If bingo paper is awarded as a merchandise prize, whether as a door prize or game prize, the patron shall be given a voucher.

(b) The voucher shall be completed with:

1. The name, address, and phone number of the patron redeeming the voucher;

2. The date on which it was awarded;

3. The date on which it was redeemed;

4. The amount of bingo paper given in exchange for the voucher; and

5. The serial number of the bingo paper.

(c) Once the voucher is completed, it shall be redeemed for the bingo paper.

(d) The organization shall retain the voucher with its charitable gaming session records.

(18)

(a) If a card-minding device or electronic pulltab device is awarded as a merchandise prize, whether as a door prize or game prize, the patron shall be given a voucher.

(b) The voucher shall be completed with:

1. The name, address, and phone number of the patron redeeming the voucher;

2. The date on which it was awarded;

3. The date on which it was redeemed; and

4. The number of card-minding devices and the number of faces loaded on each device, or the number of electronic pulltab devices and credits loaded on each device, if any, given in exchange for the voucher.

(c) Once the voucher is completed, it shall be redeemed for the card-minding device or electronic pulltab device. No more than one (1) card-minding device or one (1) electronic pulltab device may be redeemed per player per charitable gaming session.

(d) The organization shall retain the voucher with its charitable gaming session records.

(e) There shall be a specific button on the point of sale programmed for each type of voucher involving a card-minding device and electronic pulltab device.

(19) If a paper pulltab or electronic pulltab device is awarded as a promotional item or a door prize, the amount and description of the pulltab or electronic pulltab device and credits loaded on each device, if any, shall be listed on the charitable gaming session program with "free" or "promotional" listed as the price. The point of sale shall have a specifically described discount button for this promotion.

(20) If a paper pulltab or electronic pulltab device is awarded as a bingo prize, the person in charge of bingo payouts shall purchase the pulltabs or electronic pulltab device and any credits loaded to the device from the pulltab manager by transfer of cash from bingo payout to pulltab sales, and it shall be recorded as a sale on the charitable gaming session records.

(21) Vouchers shall be redeemed on the same day as awarded.

(22) Jar tickets shall be played and prizes awarded as stated on the flare received with each deal.

(23) "Last Sale" pulltabs shall only be sold by an organization at its office location and not during a bingo session.

Section 22. Seal Card Games.

(1) The organization shall post the paper seal card for the deal in play at the location of the seal game while the deal is in play. An electronic seal for an electronic game set shall be viewable, upon player request, on the video screen of the electronic pulltab device while the game set is in play.

(2) If a deal or game set with a seal card is not completed during a charitable gaming session, the organization shall require the patrons with holders to sign or enter their name electronically on the seal card and provide a means of contacting them when the winner is declared.

(3)

(a) The seal for the deal or game set shall be broken, torn open, or otherwise revealed in plain view of all persons present when:

1. All tickets from a deal or game set have been sold;

2. All the winning tickets from a deal or game set have been sold;

3. All the lines on the sign-up card have been filled;

4. The deal or game set has been closed because no future date is anticipated; or

5. Instructed to by the game as designed by the manufacturer.

(b) Each winning combination, the name of the game, and the serial number of the deal or game set shall be announced and posted at the location of the game.

(c) The date the seal tab was opened shall be recorded on the seal card.

Section 23. Seal Card Games with Carry Over or Progressive Prizes.

(1) The prize pool for a progressive pulltab game shall be established only through the play of deals or game sets of the same game that bear a manufacturer's form number identical to the form number of any previously-played deals or game sets contributing to the prize pool.

(2) Before placing a paper deal into play, the charitable organization shall verify that the serial number on the pulltabs within each deal match the serial number on the flare or seal card accompanying the deal by conducting a random sampling of pulltabs within each deal. The serial number on the tickets shall not be required to match the serial number on the progressive pulltab jackpot card if the deal is the second or subsequent deal played in the progressive game and one (1) progressive jackpot card is used for more than one (1) deal.

(3) After a progressive pulltab game has been started, it shall remain in play continuously until the progressive jackpot prize is awarded. If the game is begun at a bingo session, it shall be offered at each succeeding bingo session of the licensee. If the game is begun at the office location, it shall be offered on each succeeding day its office is open. If an organization stops conducting charitable gaming or wishes to stop playing a progressive pulltab game, the organization shall, with prior approval from the Office[~~department~~], transfer the current jackpot to another progressive game or determine a method to award the progressive jackpot to the players. With prior approval from the Office[~~department~~], an organization may alter the suggested rules of the manufacturer to determine a winner.

(4) The seal card for each deal or game set in a progressive game shall show, in addition to all other information required for flares and seal cards, the amount dedicated to the progressive jackpot prize pool.

(5) Every seal card for each deal or game set that has been played or is being played in the course of a progressive pulltab game, together with any progressive jackpot card, shall be displayed at all times while the game is in play, until the progressive jackpot prize is won.

(6) The serial numbers for each deal or game set contributing to a carryover or progressive jackpot prize shall be recorded in the charitable gaming session records.

(7) A progressive or carryover pulltab game shall be played in accord with the manufacturer's specifications for the determination of a winner, unless the Office[~~department~~] permits otherwise pursuant to subsection (3) of this section.

(8) If a progressive or carryover pulltab game bearing the same manufacturer's form number is no longer available, the organization shall contact the Office[~~department~~] for instructions on how to proceed.

(9)

(a) If a progressive prize remains unpaid, a licensed charitable organization shall display, in full and complete view of the players and at all times either:

1. The jackpot card being played and each seal card contributing to the jackpot prize pool; or

2. A legible poster identifying by name, serial number, and form number each deal or game set of pulltabs contributing an amount to the jackpot prize pool.

(b) The poster or seal cards shall remain displayed during bingo sessions or other charitable gaming activities conducted by the organization until the expiration of fifteen (15) calendar days after the organization awards the prize. For progressive pulltab games played on an electronic pulltab device, a poster shall be displayed to fulfill this requirement.

(c) If a progressive jackpot prize is not awarded, the organization shall continue to display the poster or seal cards during bingo sessions or other charitable gaming activities it conducts for at least fifteen (15) calendar days after the date the organization considers the game closed and retains the prize as its property.

(d) If a progressive prize remains unpaid, a licensed charitable organization shall display, in full and complete view of the players and at all times, the current value of the jackpot.

(10) An organization shall not award the jackpot prize in a progressive pulltab game unless the serial number and form number

on the winning ticket match the serial number and form number on a seal card from a deal or game set of tickets that contributed to the jackpot prize.

(11) For jackpot prizes of $250 or over, the organization shall attach a copy of the valid state identification card that contains the name, address, date of birth, and state identification number of the winner to the jackpot prize card.

(12) The jackpot prize in a progressive game may accrue in excess of $2,400. An individual jackpot prize shall not be paid in excess of $2,400. The amount of the current jackpot, the amount contributed, the payouts made, and the jackpot carried forward to the next charitable gaming session at each charitable gaming session shall be recorded in the charitable gaming session record.

(13) Any advertisement regarding the progressive jackpot may state the total amount in the jackpot prize pool if it also includes the statement that the individual payout shall not exceed $2,400.

(14) A licensed charitable organization shall report to the Office[~~department~~] concerning its play of seal card games with a progressive prize on the financial report.

(15) The jackpot prize pool in a progressive game shall be considered an adjusted gross receipt that shall be deposited within two (2) business days of the charitable gaming session.

Section 24. Seal Card Games with Cumulative Prizes.

(1) The prize pool for a cumulative pulltab game shall be established only through the play of deals or game sets of the same game that bear a manufacturer's form number identical to the form number of any previously played deals or game sets contributing to the prize pool, unless the Office[~~department~~] permits otherwise pursuant to subsection (3) of this section.

(2) Before placing a paper deal into play, the charitable organization shall verify that the serial number on the pulltabs within each deal matches the serial number on the flare, prize board, or seal card accompanying the deal by conducting a random sampling of pulltabs within each deal.

(3) After a cumulative pulltab game has been started, it shall remain in play continuously until the cumulative prize pool has been awarded. If that game is begun at a bingo session, it shall be offered at each succeeding bingo session of the licensee. If the game is begun at the office location, it shall be offered on each succeeding day their office is open. If an organization stops conducting charitable gaming or wishes to stop playing a cumulative pulltab game, the organization shall, with prior approval from the Office[~~department~~], transfer the current jackpot to another cumulative game or determine a method to award the cumulative jackpot to the players. With prior approval from the Office[~~department~~], an organization may alter the suggested rules of the manufacturer to determine a winner.

(4) Prizes shall be offered and awarded only in accord with the manufacturer's predesignated prize structure for the game, unless the Office[~~department~~] permits otherwise pursuant to subsection (3) if this section.

(5) The seal card for each deal or game set in a cumulative pulltab game shall show, in addition to all other information required for flares and seal cards, the amount dedicated to the cumulative prize pool.

(6) Every seal card for each deal or game set that has been played or is being played in the course of a cumulative pulltab game, together with any prize board, shall be displayed at all times while the game is in play, until the cumulative prize pool is awarded.

(7) The serial numbers for each deal or game set contributing to a cumulative prize pool shall be recorded in the charitable gaming session records.

(8) An organization shall not award the cumulative prize pool unless the serial number and form number on the winning ticket matches the serial number and form number on a seal card from a deal or game set of tickets that contributed to the cumulative prize board.

(9) A cumulative prize board shall not contain prizes totaling in excess of $2,400.

(10) A licensed charitable organization shall report to the Office[~~department~~] concerning its play of seal card games of cumulative games on the financial report.

Section 25. Electronic Pulltab System Construction Standards.

(1) An electronic pulltab system's central computer system shall be dedicated to electronic accounting, reporting, presentation, randomization, and transmission of electronic pulltabs to electronic pulltab devices. It shall also be capable of generating the data necessary to provide reports required by administrative regulation or otherwise specified by the Office[~~department~~].

(2) A player shall purchase or otherwise obtain access to an electronic pulltab device and load money to a player account for purchase of electronic pulltabs during the current charitable gaming session from a point of sale station or by inserting currency into the gaming device. The point of sale station may be stationary, mobile, or self-service.

(3) All equipment used to facilitate the distribution, play, or redemption of electronic pulltabs shall be physically located within the boundaries of the Commonwealth of Kentucky. Electronic pulltab devices, site system if used, point of sale stations, and all secondary components shall be located on the premises where the charitable gaming session is being held.

(4) A manufacturer, distributor, or charitable organization shall not add to an electronic pulltab system any software or program unless the software or program has been certified by an independent testing facility. If the Office[~~department~~] detects or discovers an electronic pulltab system at a playing location that is using a program or software that has not been certified by an independent testing facility, the electronic pulltab system shall be determined to have an unauthorized modification and use of the system shall cease immediately.

(5) Any element of the central computer system that holds or maintains game data, other than an electronic pulltab device or point of sale station, shall be kept in a locked and secure enclosure with limited access to designated personnel. The system shall provide a secure physical and electronic means for securing the games and game data against alteration, tampering, or unauthorized access.

(6) The central computer system shall include a central server located in the Commonwealth of Kentucky that is accessible to the Office[~~department~~] so the Office[~~department~~] has the ability to remotely verify the operation, compliance, and internal accounting systems of the electronic pulltab system at any time. The Office[~~department~~] shall have real time and complete read-only access to all data for all systems and devices.

(a) The manufacturer shall provide to the Office[~~department~~] all current protocols, passwords, and any other required information needed to access the electronic pulltab system prior to the operation of the system within Kentucky, and at all times while the system remains operational within Kentucky.

(b) The Office[~~department~~] shall be notified of any changes in the protocols, passwords, and any other required information needed to access the system at least three (3) days prior to the change.

(c) Any reports maintained or generated by the electronic pulltab system shall be capable of being downloaded or otherwise accessed via the internet by the Office[~~department~~].

(7) A site system, if used, shall:

(a) Be located at the gaming premises;

(b) Be operated by the charitable organization;

(c) Interface with, connect with, control, or define the operational parameters of the electronic pulltab devices;

(d) Report and transmit the game results as prescribed by the Office[~~department~~];

(e) Provide security and access levels sufficient so that the internal control objectives are met as prescribed by the Office[~~department~~]; and

(f) Contain a point of sale station.

(8) The site system, if used, may include the following components:

(a) Required printers;

(b) Proprietary executable software;

(c) Report generation software; and

(d) An accounting system or database.

(9) The electronic pulltab system shall provide password protection for each organization.

(10) An electronic pulltab system shall provide a means for terminating a game set if information about electronic pulltabs in an

open game set has been accessed, or if the Office[~~department~~] determines there has been a breach of game security. Traceability of unauthorized access including time and date, users involved, and any other relevant information shall be available.

(11) An electronic pulltab system shall not permit the alteration of any accounting or significant event information. Significant events shall include power resets or failures, communication loss between an electronic pulltab device and the electronic pulltab system, any award in excess of the single-win limit for an electronic pulltab, or corruption of the electronic pulltab system memory or storage. If financial data is changed, an automated audit log shall be capable of being produced to document the following:

(a) Data element altered;

(b) Data element value prior to alteration;

(c) Data element value after alteration; and

(d) Time and date of alteration.

(12) An electronic pulltab system shall provide password security or other secure means of ensuring data integrity and enforcing user permissions for all system components, including the following:

(a) All programs and data files shall only be accessible via the entry of a password that shall be known only to authorized personnel;

(b) The electronic pulltab system shall have multiple security access levels to control and restrict different privilege levels;

(c) The electronic pulltab system access accounts shall be unique when assigned to the authorized personnel;

(d) The storage of passwords and PINs shall be in an encrypted, nonreversible form; and

(e) A program or report shall be available that lists all authorized users on the electronic pulltab system including their privilege level.

(13) All components of an electronic pulltab system that allow access to users, other than end-users for game play, shall have a password sign-on comprised of:

(a) A personal identification number; or

(b) a personal identification code and a personal password.

(14) Electronic pulltab system software components shall be verifiable by a secure means at the system level. An electronic pulltab system shall have the ability to allow for an independent integrity check of the components from an outside source and is required for all control programs that may affect the integrity of the electronic pulltab system. This shall be accomplished by being authenticated by a third-party device, which may be embedded within the electronic pulltab system software or having an interface or procedure for a third-party application to authenticate the component. This integrity check shall provide a means for field verification of the electronic pulltab system components.

(15) The electronic pulltab system shall have a medium for securely storing electronic pulltab game sets that shall be mirrored in real time by a backup medium. The electronic pulltab system shall also provide a means for storing duplicates of the game sets already transmitted to the electronic pulltab devices so as to reflect, on an ongoing basis, changes in the transmitted game sets as they occur.

(a) All storage shall be through an error checking, nonvolatile physical medium, or an equivalent architectural implementation, so that if the primary storage medium fails, the functions of the electronic pulltab system and the process of auditing those functions shall continue with no critical data loss.

(b) The database shall be stored on redundant media so that a single failure of any portion of the system shall not result in the loss or corruption of data.

(c) If there is a catastrophic failure when the electronic pulltab system cannot be restarted in any other way, it shall be possible to reload the electronic pulltab system from the last viable backup point and fully recover the contents of that backup, to consist of at least the following information:

1. All significant events;

2. All accounting information; and

3. Auditing information, including all open game sets and the summary of completed game sets.

(16) Connections between all components of the electronic pulltab system shall only be through use of secure communication protocols that are designed to prevent unauthorized access or tampering, employing Data Encryption Standards (DES) or equivalent encryption with changeable seeds or algorithms.

(17) An electronic pulltab system's central computer system may be used to record the data used to verify game play and to configure and perform security checks on electronic pulltab devices, if the functions do not affect the security, integrity, or outcome of any game and meet the requirements established in this administrative regulation regarding program storage devices.

(18) An electronic pulltab system shall not display to the player, the licensed charitable organization, or the licensed distributor the number of electronic pulltabs that remain in a game set, or the number of winners or losers that have been drawn or still remain in the game set while the game set is still open for play. Once a game set has been closed, it shall not be able to be opened for play.

(19) The electronic pulltab system shall render unplayable the electronic pulltabs of a charitable organization once the organization logs out of the system at the end of the organization's charitable gaming session and until the organization logs back onto the system at the start of the organization's next scheduled charitable gaming session. If multiple organizations use the same electronic pulltab devices and electronic pulltab system, one (1) organization's electronic pulltab games and data shall not be accessible or played by another organization.

(20) An electronic pulltab system may include player tracking software. Player tracking records shall at all times be the property of the charitable organization and neither the manufacturer nor the distributor shall utilize or make available to any person, other than the Office[~~department~~] or as otherwise authorized by law, the information contained within the player tracking software without the express permission of the charitable organization.

(21) One (1) or more electronic internal accounting systems shall be required to perform recordkeeping, reporting, and other functions in support of an electronic pulltab system. The electronic internal accounting system shall not interfere with the outcome of any gaming function.

(22) The electronic internal accounting system shall be capable of recording and retaining for a period of not less than three (3) years the following information:

(a) The name and license number of the organization utilizing an electronic pulltab system; and

(b) For each charitable gaming session:

1. The date and time of each log-on and log-off of an organization;

2. The total amount of all monetary transactions regarding electronic pulltabs and electronic pulltab devices at each charitable gaming session;

3. The total number of electronic pulltab devices sold or provided at each charitable gaming session;

4. The serial number of each hand-held electronic pulltab device sold or provided;

5. The terminal number for each fixed base electronic pulltab device sold or provided;

6. The name, serial number, price, and predetermined finite number of tickets within each game set available for play at each charitable gaming session;

7. The total number of electronic pulltabs played from each game set at each charitable gaming session;

8. All prize payouts for each game set per charitable gaming session; and

9. All wagers and other information necessary to fully reconstruct a game outcome.

(23) The information required pursuant to subsection (22) of this section shall be secure and shall not be accessible for alteration. Information pertaining to the number of electronic pulltabs that remain in an open game set, or the number of winners or losers that have been drawn or still remain in an open game set shall not be accessible to the licensed organization or the licensed distributor.

(24) The electronic pulltab system's central computer system shall maintain a printable, permanent record of all transactions involving each device and each closed electronic pulltab game played on each device.

(25) An electronic pulltab system shall have report generation software with the capability to print all information required to be maintained on the system's active or archived databases, and

pursuant to the restrictions related to information available on open game sets.

(26) All data required to be available or reported by this administrative regulation shall be retained for a period of not less than three (3) years.

(27) An electronic pulltab system shall utilize randomizing procedures in the creation of game sets for electronic pulltabs or utilize externally generated randomized game sets. After randomization, game sets may be broken into game subsets of equal size that shall be assigned a unique serial number.

(28) Winning electronic pulltabs shall be distributed randomly among all other pulltabs in a game set to eliminate any pattern between game sets, or portions of game sets.

(29) Any random number generation, shuffling, or randomization of outcomes used in connection with an electronic pulltab system shall be by use of a random number generation application that has successfully passed standard tests for randomness and unpredictability.

Section 26. Electronic Pulltab Point of Sale Requirements.

(1) An electronic pulltab system shall include a point of sale station that is used to facilitate the sale of an electronic pulltab device, to load money to a player account for purchase of electronic pulltabs during the current charitable gaming session, and to cash-out or redeem credits from the play of electronic pulltabs.

(a) The point of sale station may be stationary, mobile, or self-service.

(b) The point of sale station shall not be designed or manufactured to resemble an electronic gaming device that utilizes a video display monitor, such as a video lottery terminal, video slot machine, video poker machine, or any similar video gaming device.

(c) The point of sale station shall not have vertical or horizontal spinning reels, a pull handle, sounds or music, flashing lights, tower light, top box, enhanced animation, artwork, or any other attribute or representation that mimics a video lottery terminal, video slot machine, video poker machine, or any similar video gaming device.

(d) The point of sale station shall not function simultaneously as an electronic pulltab device.

(2) The point of sale station shall be capable of printing a receipt, which the organization shall provide to the player, that details each transaction. The receipt shall contain, at a minimum, the following information:

(a) The date and time of the transaction;

(b) A unique non-resettable transaction number that is printed in continuous, consecutive order;

(c) The dollar amount of the transaction, including the cost, if any, of the electronic pulltab device and the amount of money loaded to a player account that will be available for the purchase of electronic pulltabs during that charitable gaming session;

(d) A unique entry code or account number that will be used to activate an electronic pulltab device and make available to the player the money loaded to the player account at the point of sale for the purchase of electronic pulltabs during that charitable gaming session;

(e) The name of the charitable organization and license number; and

(f) The point of sale identification number or name.

(3) If the receipt printer malfunctions or printed receipts are not legible, manual receipts shall be issued that contain the same information required pursuant to subsection (2) of this section.

(4) The point of sale station shall be capable of displaying, at minimum, the following for each charitable gaming session:

(a) The sales transaction history, including:

1. The organization name and license number;
2. Date and time of each transaction;
3. Dollar value of each transaction;
4. Quantity of electronic pulltab devices sold;
5. All transaction numbers; and
6. The point of sale identification number or name; and

(b) A pay-out history detailing all pay-outs, including:

1. The organization name and license number;
2. Date and time of each pay-out;
3. Dollar value of each pay-out; and
4. Point of sale identification number or name.

(5) A point of sale station shall not display information relating to prizes already paid out in a particular game set, the number of electronic pulltabs that remain in a game set, or the number of winners or losers that have been drawn or still remain in the game set while the game set is still open for play.

(6) A player shall only cash-out or redeem credits from a point of sale station.

(7) A point of sale station shall not be capable of accepting payment from a credit card or debit card.

Section 27. Electronic Pulltab Device Construction Standards.

(1) An electronic pulltab device shall not be capable of being used for the purpose of engaging in any game prohibited by the Office[~~department~~].

(2) An electronic pulltab device shall be designed as a handheld or fixed base personal computing device that:

(a) Is used to play one (1) or more electronic pulltab games;

(b) Requires coded entry or insertion of currency or a credit ticket to activate a device for a player to purchase and play electronic pulltabs;

(c) Maintains and displays information pertaining to accumulation of credits that may be applied to games in play or redeemed upon termination of play;

(d) Has no vertical or horizontal spinning reels, pull handle, flashing lights, tower light, top box, coin tray, hopper, coin acceptor, the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket, or any other attribute or representation that mimics a video slot machine;

(e) Shall not be capable of displaying any animation while in an idle state. An electronic pulltab device may use simple display elements or screen savers to prevent monitor damage;

(f) Has no additional function as a gambling device other than as an electronic pulltab device or as an approved card-minding device;

(g) Is not a pulltab dispenser as established in this administrative regulation; and

(h) The device shall have adjustable volume accessible to the player or the charitable organization.

(3) An electronic pulltab device shall not have hardware or software that determines the outcome of any electronic pulltab, produces its own outcome, or affects the order of electronic pulltabs as dispensed from the electronic pulltab system's central computer system. The game outcome shall be determined by the electronic pulltab system's central computer system.

(4) An electronic pulltab device may utilize a touch screen. The touch screen shall meet the following requirements:

(a) It shall be accurate once calibrated;

(b) It shall be able to be recalibrated; and

(c) It shall have no hidden or undocumented buttons or touchpoints anywhere on the touch screen.

(5) A fixed based electronic pulltab device may incorporate an attached bill validator, which shall be constructed to ensure proper handling of inputs that protect against vandalism, abuse, or fraudulent activity. A bill validator shall only accept United States paper currency or a valid credit ticket to initiate play. Bill validators shall be tested to comply with accepted industry standards.

(6) A fixed based electronic pulltab device shall not be capable of accepting payment by credit card or debit card.

Section 28. Electronic Pulltab Software Construction Standards.

(1) Any game available for play in the Commonwealth of Kentucky shall be installed on the demonstration terminals at the Office[~~Department~~] of Charitable Gaming's office in Lexington[~~Frankfort~~], Kentucky.

(2) An electronic pulltab system shall dispense, upon player request and payment of consideration, an electronic pulltab. A player shall win if the player's electronic pulltab reveals whether and how much money a player has won, or if the electronic pulltab contains a combination of symbols or numbers that was designated in advance of the game as a winning combination. There may be multiple winning combinations in each game. All games shall be played without replacement.

(3) An electronic pulltab game or game set shall:

(a) Be a version of a paper pulltab game, with a prize structure and gameplay rules substantially similar to a paper pulltab game, that is played on an electronic pulltab device;

(b) Have a predetermined, finite number of winning and losing tickets, not to exceed 25,000 tickets per game set;

(c) Charge the same price for each ticket in a game set;

(d) Comply with KRS Chapter 230, KRS Chapter 238, and 820 KAR Chapter 1;

(e) Comply with prize limits established in KRS Chapter 238;

(f) Have a unique serial number for each game set that shall not be regenerated. Each pulltab in a game set shall bear the same serial number and only one (1) serial number shall be used in a game set. After randomization, game sets may be broken into subsets of equal size. If game subsets are used, they shall each be assigned a unique serial number and be traceable to a parent game set. If a seal card is used with a pulltab game set, the seal card shall bear the same serial number as each pulltab;

(g) Have an electronic flare or seal card, viewable upon player request, that displays the name of the game, manufacturer's name or logo, manufacturer's form number, the game serial number, the predetermined finite number of tickets in the game set, and the prize structure, including a description of the number of winning pulltabs by denomination, and amounts, if any, dedicated to the prize pool in a seal card game with a cumulative prize, or a carryover or progressive prize, and the cost per play of an electronic pulltab within the game set; and

(h) Every game set of electronic pulltabs shall contain electronic rules of play.

(4) An electronic pulltab game shall not contain vertical or horizontal spinning reels, a pull handle, or other representations that mimic a video slot machine, including representations of coins falling into a coin tray or hopper.

(5) Games shall not contain obscene or offensive graphics, sounds, or references.

(6) The result of an electronic pulltab ticket shall be clearly shown on the video display. If the game uses symbols or combinations of symbols to reveal whether the player's ticket has won, winning tickets shall indicate to the player the symbols or combination of symbols that resulted in a winning ticket. Prizes shall be added as a credit to the player's account.

(7) The available games, flare, and rules of play shall be displayed on the electronic pulltab device's video screen upon player request.

(8) Any number of games may be selectable for play on any given electronic pulltab device. Only one (1) of the games shall be playable at a time.

(9) An electronic pulltab device shall have one (1) or more buttons, or an electromechanical or touch screen to facilitate the following functions:

(a) Viewing of the game "help" screens;

(b) Viewing of the game rules including the flare or seal card;

(c) Initiating game play;

(d) Cash-out or logout; and

(e) Purchasing or revealing the pulltab.

(10) Each electronic pulltab shall be initially displayed so that the numbers, letters, or symbols on the pulltab are concealed. Each electronic pulltab game shall require the player to press a "purchase" or equivalent button to initiate the purchase of an electronic pulltab. The game shall then require the player to press a subsequent button or buttons to reveal the numbers, letters, or symbols on the pulltab. A player shall have the option of opening each individual line, row, or column of each electronic pulltab or choosing to "open all".

(11) If an electronic pulltab game contains a bonus round that simulates the opening of additional tickets, then the following disclaimer shall be displayed in a conspicuous manner in the player interface of the electronic pulltab device every time the player wins a supplemental tab or on the flare or help screen: "Tabs that appear in (name of the bonus round) do not represent equal or separate chances to win. The supplemental tabs are utilized to reveal the value of the initial, winning pulltab ticket incrementally. These supplemental tabs appear for entertainment value only."

(12) An available player account balance shall be collected by the player by pressing the "cash-out" button or "logoff" button on the electronic pulltab device and taking the device, the receipt, or, if allowed, a player account card to the point of sale station.

(13) The cost of any individual electronic pulltab ticket shall not exceed five (5) dollars.

Section 29. Independent Testing Facility Certification for Electronic Pulltabs.

(1) An electronic pulltab system shall not be sold, leased, or otherwise furnished to any person for use in the conduct of charitable gaming until an identical system containing identical software has been tested and certified by an independent testing facility approved by the Office.

(2) The cost of testing and certification shall be the responsibility of the manufacturer.

(3) The independent testing facility shall certify in writing that the electronic pulltab system and associated hardware and software conform, at a minimum, to the requirements and restrictions established in KRS Chapter 238 and these administrative regulations.

(4)

(a) The Office[~~department~~], in consultation with the independent testing facility, shall determine if the electronic pulltab system and associated hardware and software conform to the requirements and restrictions established in KRS Chapter 238 and these administrative regulations, and shall notify the manufacturer of its decision in writing.

(b) Once the Office[~~department~~] has received the test results from the independent testing facility, the Office[~~department~~] may request a demonstration of the product within thirty (30) days.

(5) Any modifications to an electronic pulltab system or its software, except as provided in Section 31(7) of this administrative regulation, shall be tested and certified by an independent testing facility, demonstrated to the Office[~~department~~] by the manufacturer upon request, in the same manner as a new system or new software. Testing and certification shall be at the manufacturer's expense.

Section 30. Electronic Pulltab Defect and Recall.

(1) If a manufacturer, distributor, or charitable organization detects or discovers any defect, malfunction, or problem with an electronic pulltab system, electronic pulltab device, or electronic pulltab game that affects the security or the integrity of the electronic pulltab system, electronic pulltab device, or electronic pulltab game, the manufacturer, distributor, or charitable organization shall immediately notify the Office[~~department~~]. The charitable organization shall also immediately notify the distributor of the defect, malfunction, or problem. The distributor shall immediately notify the manufacturer of the defect, malfunction, or problem.

(2) If the Office[~~department~~] detects, discovers, or is notified of any problem with an electronic pulltab system, electronic pulltab device, or electronic pulltab game that affects the security or the integrity of the electronic pulltab system, electronic pulltab device, or electronic pulltab game, the Office[~~department~~] shall direct the manufacturer, distributor, and charitable organization to immediately cease the sale, lease, or use of the affected electronic pulltab system, electronic pulltab device, or electronic pulltab game until the problem can be assessed by the Office[~~department~~] in consultation with the manufacturer or distributor.

(3) If the Office[~~department~~], in consultation with the manufacturer or distributor, determines that a defect actually exists, and the defect affects game security or otherwise threatens public confidence in the game, the Office[~~department~~] shall require the manufacturer to issue a total recall of all affected electronic pulltab systems, electronic pulltab devices, or electronic pulltab games or affected game sets or subsets, if necessary.

(4) In choosing and directing a particular recall pursuant to subsection (3) of this section, the Office[~~department~~] shall be guided in each circumstance by any combination of the following factors:

(a) The nature of the defect;

(b) Whether the defect affected game security;

(c) Whether the defect affected game playability;

(d) Whether the defect was limited to a specific number of deals of a particular form number;

(e) Whether the defect was easily detectable by a charitable organization;

(f) Whether the defect was easily detectable by members of the general public;

(g) Whether the defect threatens public confidence in the game; or

(h) Whether the defect is capable of being used to adversely affect the fair play of the game.

(5) The manufacturer or distributor may correct the defect, if possible, without issuing a total recall if the affected electronic pulltab devices and electronic pulltabs are not offered for sale, lease, or use until the Office[~~department~~] allows. The manufacturer or distributor shall make all corrections within a reasonable time, not to exceed thirty (30) days, and the manufacturer or distributor shall demonstrate the correction to the Office[~~department~~]. If the Office[~~department~~] believes the defect has been corrected and that the defect no longer affects game security or otherwise threatens public confidence in the game, the Office[~~department~~] may issue written notification that the affected electronic pulltab system, devices, or pulltab game may be reoffered for sale, lease, or use.

(6) If a recall of an electronic pulltab system or electronic pulltab device is necessary, the Office[~~department~~], in consultation with the manufacturer, shall determine a specific date for the recall of any affected electronic pulltab system or electronic pulltab device to be completed and whether the manufacturer is required to reimburse the organization or distributor. The recall of any electronic pulltab game shall occur no later than twenty-four (24) hours after the manufacturer is notified of the defect.

Section 31. Electronic Pulltab Manufacturer Requirements.

(1) A manufacturer shall affix to each electronic pulltab device an identification badge that shall include the following information:

(a) Manufacturer name;

(b) A unique serial number;

(c) The electronic pulltab device model number, if applicable; and

(d) The date of manufacture, if applicable.

(2) Each manufacturer selling, leasing, or otherwise furnishing electronic pulltab devices, site systems, point of sale stations, secondary components, and electronic pulltabs shall maintain a log or other record showing the following:

(a) The name, address, and license number of the distributor to whom the electronic pulltab devices, site systems, point of sale stations, secondary components, or electronic pulltabs were sold, leased, or otherwise furnished;

(b) The date of the transaction with the distributor;

(c) The model, version, and serial number of each hand-held electronic pulltab device, if applicable;

(d) The account number or terminal number of each fixed base electronic pulltab device, if applicable;

(e) The quantity of each type of electronic pulltab device;

(f) The model and version number of the system software;

(g) The name, form number, and serial number of each game set of electronic pulltabs; and

(h) The quantity of game sets sold, the cost per game set, the selling price per ticket, the cash take-in per game set, and the cash payout per game set.

(3) A manufacturer selling, leasing, or otherwise providing electronic pulltab devices, site systems, point of sale stations, or secondary components to a distributor shall provide the distributor with an invoice or other documentation that contains, at a minimum, the following information:

(a) The manufacturer name, address, and license number;

(b) The distributor name, address, and license number;

(c) The address to which the shipment was delivered;

(d) The date of sale or credit and the time period covered by the invoice;

(e) The conditions of the sale or credit;

(f) A description of the type and the quantity of electronic pulltab devices, site systems, point of sale stations, and secondary components provided;

(g) The total invoice amount;

(h) The name of the person who ordered the supplies;

(i) The name of the person making the delivery;

(j) The date of delivery or date the item was picked up for sale or credit;

(k) The place or manner of delivery; and

(l) The name and signature of the person taking delivery, if any.

(4) A manufacturer providing electronic pulltabs to a distributor for distribution to a licensed charitable organization shall provide the distributor with an invoice or other documentation that contains, at a minimum, the following information:

(a) The manufacturer name, address, and license number;

(b) The distributor name, address, and license number;

(c) The organization name, address, and license number;

(d) The date of sale or credit and the time period covered by the invoice;

(e) The conditions of the sale or credit;

(f) The quantity of electronic pulltabs sold including the number of game sets, the name of each game set, the number of tickets per game set, and the serial number and form number of the game set; and

(g) The total invoice amount.

(5) The manufacturer shall maintain physical or electronic copies of the documentation required by this section for a period of not less than three (3) years.

(6) A manufacturer shall supply any available financial reports to distributors and organizations, upon request, that provide detailed pulltab sales activity for the requesting distributor or organization for a selected date range.

(7) A manufacturer may conduct routine maintenance activities and replace secondary components of an electronic pulltab system without additional testing and certification if this activity does not affect the operation of any proprietary software, the manner in which an electronic pulltab game is played, the integrity of any critical or controlled software, or the outcome of an electronic pulltab game. A record of all activities shall be maintained and provided to the Office[~~department~~] within ten (10) days of the maintenance or replacement.

(8) A licensed manufacturer of charitable gaming supplies and equipment shall sell, lease, distribute, or otherwise provide in the Kentucky market only those electronic pulltab systems and electronic pulltabs that conform to the requirements of these administrative regulations. A licensed charitable organization shall provide to the public only those electronic pulltab systems and electronic pulltabs that conform to the requirements of this administrative regulation.

Section 32. Electronic Pulltab Distributor Requirements.

(1) Before initial use by a charitable organization, the distributor shall ascertain that the particular electronic pulltab system, electronic pulltab device, and associated software version are approved by the Office[~~department~~] for use in Kentucky.

(2) A distributor shall not display, use, or otherwise furnish an electronic pulltab device, site system, or secondary component that has in any manner been marked, defaced, or tampered with, or that is otherwise intended to deceive the public or affect a person's chances of winning.

(3) Before the complete removal of any electronic pulltab system, the distributor shall supply a copy of the data files to each charitable organization that used the electronic pulltab system and to the Office[~~department~~].

(4) Each distributor selling, leasing, or otherwise furnishing electronic pulltab devices, site systems, point of sale stations, secondary components, or electronic pulltabs shall maintain a log or other record showing the following information, if applicable:

(a) The name of the location, physical address, telephone number, and facility license number, if applicable, where the electronic pulltab devices, site systems, point of sale stations, and secondary components are located for play;

(b) A description, including the quantity, of all electronic pulltab devices, site systems, point of sale stations, and secondary components at each playing location;

(c) The date any electronic pulltab device, site system, point of sale station, or secondary component was installed in or removed from a playing location;

(d) The model, version, and serial numbers or terminal numbers of the electronic pulltab devices, site systems, point of sale stations, and secondary components, if applicable;

(e) The name and license number of the charitable organization or distributor to whom the electronic pulltab devices, site systems, point of sale stations, or secondary components were sold, leased, or otherwise furnished;

(f) The name and license number of the manufacturer or distributor from whom the electronic pulltab devices, site systems, point of sale stations, and secondary components were purchased, leased, or otherwise obtained;

(g) Each contract, lease, or purchase agreement between a distributor and the charitable organization or other distributor to which the electronic pulltab devices, site systems, point of sale stations, or secondary components are furnished; and

(h) The total dollar amount of electronic pulltab device, site system, point of sale station, and secondary component sales or lease transactions regarding each charitable organization to which the equipment was furnished during each calendar quarter.

(5) A distributor selling, leasing, or otherwise providing electronic pulltab devices, site systems, point of sale stations, or secondary components to a licensed charitable organization shall provide the organization with an invoice or other documentation that contains, at a minimum, the following information:

(a) The manufacturer name, address, and license number;

(b) The distributor name, address, and license number;

(c) The organization name, address, and license number;

(d) The date of sale or credit and the time period covered by the invoice;

(e) The conditions of the sale or credit;

(f) A description of the type and the quantity of electronic pulltab devices, site systems, point of sale stations, and secondary components provided;

(g) The total invoice amount;

(h) The name of the person who ordered the supplies;

(i) The name of the person making the delivery;

(j) The date of delivery or date the item was picked up for sale or credit;

(k) The place or manner of delivery; and

(l) The name and signature of the person taking delivery, if any.

(6) A distributor providing electronic pulltabs to a licensed charitable organization shall provide the organization with an invoice or other documentation that contains, at a minimum, the following information:

(a) The manufacturer name, address, and license number;

(b) The distributor name, address, and license number;

(c) The organization name, address, and license number;

(d) The date of sale or credit and the time period covered by the invoice;

(e) The conditions of the sale or credit;

(f) The quantity of electronic pulltabs sold including the number of game sets, the name of each game set, the number of tickets per game set, and the serial number and form number of the game set; and

(g) The total invoice amount.

(7) An invoice not challenged within seven (7) days of delivery shall be determined as accurate. Any challenge to an invoice shall be made in writing to the distributor and a copy shall be sent to the Office[~~department~~].

(8) The distributor shall maintain physical or electronic copies of the documentation required by this section for a period of not less than three (3) years.

(9) A distributor shall deliver electronic pulltab devices, site systems, point of sale stations, and secondary components to an agreed secure location or to an identified person.

(10) A licensed distributor of charitable gaming supplies and equipment shall sell, lease, distribute, or otherwise provide in the Kentucky market only those electronic pulltab systems and electronic pulltabs that conform to the requirements of these administrative regulations. A licensed charitable organization shall provide to the public only those electronic pulltab systems and electronic pulltabs that conform to the requirements of this administrative regulation.

Section 33. Charitable Organization Requirements.

(1) Before initial use, the organization shall ascertain that the particular electronic pulltab system, electronic pulltab device, and associated software version are approved by the Office[~~department~~] for use in Kentucky.

(2) An organization shall not display, use, or otherwise furnish an electronic pulltab device, site system, or secondary component that has in any manner been marked, defaced, or tampered with, or that is otherwise intended to deceive the public or affect a person's chances of winning.

(3) The play of electronic charity game tickets and electronic pulltab devices shall not be authorized at any additional locations other than the primary office location of the charitable organization, the location where the charitable organization is licensed to conduct bingo, and the location where pre-approved charitable fundraising events are authorized. Any licensee operating at additional locations authorized prior to July 1, 2025, may retain those licenses on the condition of continued compliance with all applicable laws and regulations.

(4)[~~(3)~~] The number of electronic pulltab devices shall be limited to the following:

(a) A maximum of thirty-five (35) electronic pulltab devices on or in the primary office location of a licensed charitable organization;

(b) A maximum of fifty (50) electronic pulltab devices during the bingo session of a licensed charitable organization;

[~~(c)~~] [~~A maximum of fifty (50) electronic pulltab devices in a licensed charitable gaming facility; or~~]

(c)[~~(d)~~] With prior approval of the Office[~~department~~], at any authorized charity fundraising event conducted by a licensed charitable organization at an off-site location.

(5)[~~(4)~~] All electronic pulltab games shall be sold and played at the authorized locations, which shall be stated on the organization's charitable gaming license, and shall not be linked to other authorized locations. A distributor may install electronic pulltab systems or devices in unlicensed locations, for demonstration purposes only, if the system and devices do not accept payments or pay out prizes, and the time period of the demonstration does not exceed seventy-two (72) hours. The electronic pulltab system and devices shall not be operated unless a representative of the licensed manufacturer or distributor conducting the demonstration is present.

(6)[~~(5)~~] Electronic pulltab games shall not be transferred electronically or otherwise to any other location by the licensed organization.

(7)[~~(6)~~] An organization may remove from play a device that a player has not maintained in an activated mode for a specified period of time determined by the organization. The organization shall provide the notice in its house rules and shall allow the player to cash-out.

(8)[~~(7)~~] Before purchasing or being provided with an electronic pulltab device, a player shall present proof that the player is at least eighteen (18) years of age. Proof shall be in the form of a picture identification card that includes the player's date of birth. If an organization uses a self-service point of sale kiosk, identification shall be presented and verified at the door.

(9)[~~(8)~~] Each player shall be limited to the use of one (1) electronic pulltab device at a time.

(10)[~~(9)~~] If a player's electronic pulltab device malfunctions during a game, it shall be repaired or the credits shall be transferred to another electronic pulltab device.

(11)[~~(10)~~] The Office[~~department~~] shall be allowed access to examine and inspect any part of an electronic pulltab system. The Office[~~department~~] shall be granted access to all electronic pulltab devices in use by a charitable organization.

(12)[~~(11)~~] The organization shall reasonably ensure that the connection to the electronic pulltab system's central computer system is operational at all times.

(13)[~~(12)~~] If the organization sells electronic pulltab devices for a discounted price or gives them away as a promotion, the site system shall be programmed to account for the discounted item and priced separately from those sold at the regular price. A generic discount key shall not be allowed.

(14)[~~(13)~~] The organization shall generate an Electronic Pulltab Receipts and Payouts report at the end of each charitable gaming session and maintain it with the charitable gaming session records. The Electronic Pulltab Receipts and Payouts worksheet shall be completed in the format of Form CG-EPRP.

(15)[(~~14~~)] A manufacturer's representative or distributor's representative may be present during a charitable gaming session only to consult, demonstrate, provide technical support, or train the organization on the operation of the electronic pulltab system.

(16)[(~~15~~)] A licensed charitable organization shall ensure that an authorized Chairperson[~~chairperson~~] is present on the premises at all times that electronic pulltab devices are made available to the public. A Chairperson shall not be compensated in any way by any person, organization, or any other entity whatsoever, including by the leased business, charitable gaming facility licensee, or the charitable organization, while acting as a Chairperson. A Chairperson may not be an on-duty employee of any business where space is leased by a charitable gaming facility licensee in an additional location as defined by Section (3). Officers, members, employees, and volunteers of the charitable organization shall not be compensated in any way, including tips, for the time served as a Chairperson.

Section 34. Incorporation by Reference.

(1) Form CG-EPRP, "Electronic Pulltab Receipts and Payouts", (2018), is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office[~~Department~~] of Charitable Gaming, Kentucky Horse Racing & Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511[~~Public Protection Cabinet, 500 Mero Street, Frankfort, Kentucky 40601~~], Monday through Friday, 8 a.m. to 5:00[~~4:30~~] p.m. This material is also available on the Office's[~~department's~~] Web site at dcg.ky.gov.

JONATHAN RABINOWITZ, Chair

APPROVED BY AGENCY: February 6, 2026

FILED WITH LRC: February 9, 2026 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 21, 2026, at 9:00 a.m. at 4047 Iron Works Parkway, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 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, Title: Chief Legal Officer

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ashleigh Bailey
Subject Headings: Charitable Gaming; Racing and Gaming; Organizations, Charitable
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes standards for the use of pulltabs in charitable gaming in the state of Kentucky, including pulltab construction, distribution, electronic pulltabs, and rules of play.
(b) The necessity of this administrative regulation: This regulation is necessary to regulate the use of pulltabs in Kentucky in order to ensure honesty and integrity in the conduct of charitable gaming, prevent the commercialization of charitable gaming, and prevent participation in charitable gaming by criminal and other undesirable elements.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215 and KRS 230.260 vest in the Kentucky Horse Racing and Gaming Corporation exclusive jurisdiction over charitable gaming in the Commonwealth and the power to promulgate administrative regulations prescribing conditions under which all charitable gaming is to be conducted. KRS 238.510 created the Office of Charitable Gaming as an office within the Kentucky Horse Racing and Gaming Corporation. KRS 238.515 authorizes the Office of Charitable Gaming ("the Office") to establish and enforce reasonable standards for the conduct of charitable gaming. KRS 238.545 requires the Office to establish standards for pulltab construction, distribution, electronic pulltabs, and rules of play. This administrative regulation establishes those standards.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing standards for the construction, distribution, and play of paper and electronic pulltabs in charitable gaming.
(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. Outdated references to the Department of Charitable Gaming are updated to the current Office of Charitable Gaming at the Kentucky Horse Racing and Gaming Corporation ("the Office" at the "KHRGC"); 2. Conforms the regulation to the moratorium on additional locations that was introduced by House Bill 775 (Ky. Acts Ch. 98, Section 36) and clarifies those additional locations referenced in KRS 238.538; 3. Clarifies the requirements for a charitable gaming Chairperson regarding the statutory and regulatory requirements provided under KRS Chapter 238 and 820 KAR.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update the regulations to reflect the transition from the Department of Charitable Gaming to the Office at the KHRGC, to conform to House Bill 775 (Ky. Acts Ch. 98, Section 36) and KRS 238.538, and to clarify the requirements of a charitable gaming Chairperson for the benefit of all licensees.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.215 and KRS 230.260 vest in the Kentucky Horse Racing and Gaming Corporation exclusive jurisdiction over charitable gaming in the Commonwealth and power to promulgate administrative regulations prescribing conditions under which all charitable gaming is to be conducted. KRS 238.510 created the Office of Charitable Gaming as an office within the Kentucky Horse Racing and Gaming Corporation. KRS 238.515 authorizes the Office of Charitable Gaming to establish and enforce reasonable standards for the conduct of charitable gaming. KRS 238.545 requires the Office to establish standards for pulltab construction, distribution, electronic pulltabs, and rules of play. The amendments to this administrative regulation update and clarify those standards.
(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 updating and conforming the regulation to applicable statutes and bills and by providing clarification regarding a charitable gaming Chairperson in conformance with KRS Chapter 238 and other sections of 820 KAR.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. House Bill 775 (Ky. Acts Ch. 98, Section 36) and KRS 238.538.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Office at the KHRGC and licensees who utilize pulltabs for charitable gaming are 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: There will be no additional actions needed by the Office at the KHRGC due to the amendment. A majority of licensees will not need to take any actions to comply with the amendment as it merely clarifies the statutory and regulatory requirements already in place. Licensees utilizing electronic pulltabs at any additional locations beyond the office location of the charitable organization, the location where the charitable organization is licensed to conduct bingo, and the location where pre-approved charitable fundraising events are authorized must conform to the requirements of KRS 238.538 in order to retain those additional locations. There are a limited number of licensees who may have to modify their electronic pulltab charitable gaming because they were not complying with the requirements of a

Chairperson under KRS Chapter 238 and 820 KAR, as clarified by this amendment.
(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 anticipated to cost the Office at the KHRGC additional amounts. This amendment will not increase costs but may impact the charitable gaming gross receipts of organizations who are not compliant with charitable gaming statutes and regulations.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The Office will benefit from a regulation that is updated and aligns with requirements of KRS Chapter 238 and 820 KAR. The Office and Licensees will also benefit from a regulation with a clearer and more consistent statement of the requirements of a charitable gaming Chairperson. The Office and Licensees will also benefit from the prevention of participation in charitable gaming by criminal and other undesirable elements, and to prevent the diversion of funds from legitimate charitable purposes, further ensuring the safety and integrity of the conduct of charitable gaming.
(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 do not establish or increase any fees.
(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 230.215, KRS 230.260, KRS 238.510, KRS 238.515, KRS 238.538, KRS 238.545, and Ky. Acts Ch. 98, Section 36.
(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 238.515.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Office of Charitable gaming at the Kentucky Horse Racing and Gaming Corporation ("the Office" at the "KHRGC").
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures are anticipated.
For subsequent years: No additional expenditures for subsequent years are anticipated.
2. Revenues:
For the first year: No additional revenues are anticipated.
For subsequent years: No additional revenues for subsequent years are anticipated.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings for subsequent years are anticipated.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Some charitable gaming licensees may be impacted by the amendment to the regulation if they have not been adhering to the requirements of a Chairperson under KRS Chapter 238 and 820 KAR.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No additional expenditures are anticipated.
For subsequent years: No additional expenditures are anticipated.
2. Revenues:
For the first year: No additional revenues are anticipated.
For subsequent years: No additional revenues for subsequent years are anticipated.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings for subsequent years 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 anticipated fiscal impact to the Office at the KHRGC or to most licensees as a result of the amendments to this administrative regulation. There may be some fiscal impact to a limited number of licensees who have failed to adhere to the requirements of a Chairperson under KRS Chapter 238 and 820 KAR. An estimate of the fiscal impact cannot be provided.
(b) Methodology and resources used to reach this conclusion: The amendments do not create or increase any fees. The majority of licensees either do not conduct electronic pulltab charitable gaming at additional locations beyond the office location of the charitable organization, the location where the charitable organization is licensed to conduct bingo, and the location where pre-approved charitable fundraising events are authorized, or already conduct it in compliance with the requirements of a Chairperson under KRS Chapter 238 and 820 KAR. There are a limited number of licensees who may have to modify their electronic pulltab charitable gaming because they were not complying with the requirements of a Chairperson under KRS Chapter 238 and 820 KAR, as clarified by 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): 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 do not create or increase any fees. The majority of licensees either do not conduct electronic pulltab charitable gaming at additional locations beyond the office location of the charitable organization, the location where the charitable organization is licensed to conduct bingo, and the location where pre-approved charitable fundraising events are authorized, or already conduct it in compliance with the requirements of a Chairperson under KRS Chapter 238 and 820 KAR. There are a limited number of licensees who may have to modify their electronic pulltab charitable gaming at additional locations beyond the office location of the charitable organization, the location where the charitable organization is licensed to conduct bingo, and the location where pre-approved charitable fundraising events are authorized because they were not complying with the requirements of a Chairperson under KRS Chapter 238 and 820 KAR, as clarified by this amendment.

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
Public Health Protection and Safety
(Amendment)

902 KAR 1:400. Administrative conference[~~hearings~~].

RELATES TO: KRS Chapter 13B, 211.180, 211.190, 211.210, 211.357, 211.360, 211.760, 211.844,[~~211.870,~~] 211.925,[~~211.964, 212.170,~~] 212.210, 212.230, 212.620, 212.627, 217.125,[~~216.920, 217.075,~~] 217.126, 217.809, [~~217.950,~~] 217C.040, 217C.050, 219.031, 219.370, 223.070[~~, 7 C.F.R. 246~~]

STATUTORY AUTHORITY: KRS 13B.170, 211.025[~~EO 96-862~~]

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 13B.170 allows an agency to enact administrative procedures through administrative regulation that supplement the provisions of KRS Chapter 13B. KRS 211.025 authorizes the cabinet to administer all provisions of law relating to public health and enforce all public health laws and all regulations of the secretary. This[~~Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health with the Cabinet for Health Services. KRS Chapter 13B establishes a uniform procedure to be followed by administrative agencies in conducting agency hearings. The function of this~~] administrative regulation establishes[~~is to establish, consistent with the requirements of KRS Chapter 13B,~~] the procedures for requesting an administrative conference[~~to be followed~~] by the Department for Public Health [~~in hearing appeals of actions taken under the public health laws of the Commonwealth~~].

Section 1. Notice of Enforcement.

(1) The Department for Public Health (DPH) shall provide the opportunity for an administrative conference to any regulated entity aggrieved by the issuance of a Notice of Enforcement (DFS-214).

(2) The Notice of Enforcement (DFS-214) shall be sent by:

(a) United States first-class mail to the registered permit holder or responsible party's last address on file;

(b) Electronic mail to the registered permit holder or responsible party's last electronic mail address on file; or

(c) Hand delivered or other means, as appropriate.

(3) The notice shall contain:

(a) A description of the proposed action or action taken;

(b) The reasons for the action;

(c) The statutory or regulatory authority for the action; and

(d) The timeline required to submit a Request for Administrative Conference (DFS-212).

(4) Upon receipt of a Notice of Enforcement (DFS-214), the permit holder or responsible party may submit a Request for Administrative Conference (DFS-212) within ten (10) business days to the local health department of jurisdiction.

(5) Upon receipt of a request for a conference, the local health department of jurisdiction shall schedule an administrative conference and send a Notice of Administrative Conference (DFS-213).

(6) The Notice of Administrative Conference (DFS-213) shall:

(a) Be sent to the permit holder or responsible party who requested a conference at least ten (10) business days prior to the conference; and

(b) Include the date, time, and location of the administrative conference.

Section 2. Notice of Enforcement for Food or Cosmetic Manufacturing Plant.

(1) The Department for Public Health shall provide the opportunity for an administrative conference to a food or cosmetic manufacturing plant aggrieved by the issuance of a Food or Cosmetic Plant Enforcement Notice (DFS-263), incorporated by reference in 902 KAR 45:160.

(2) The Food or Cosmetic Plant Enforcement Notice (DFS-263) shall be sent by:

(a) United States first-class mail to the registered permit holder or responsible party's last address on file;

(b) Electronic mail to the registered permit holder or responsible party's last electronic mail address on file; or

(c) Hand delivered or other means, as appropriate.

(3) The notice shall contain:

(a) A description of the proposed action or action taken;

(b) The reasons for the action;

(c) The statutory or regulatory authority for the action; and

(d) The timeline required to submit a Request for Conference (DFS-267), incorporated by reference in 902 KAR 45:160.

(4) Upon receipt of a Food or Cosmetic Plant Enforcement Notice (DFS-263), the permit holder or responsible party may submit a Request for Conference (DFS-267) within ten (10) business days to the Department for Public Health.

(5) Upon receipt of a request for a conference, the Department for Public Health shall schedule an administrative conference and send a Food or Cosmetic Plant Notice of Administrative Conference (DFS-268).

(6) The Food or Cosmetic Plant Notice of Administrative Conference (DFS-268) shall:

(a) Be sent to the permit holder or responsible party who requested a conference at least ten (10) business days prior to the conference; and

(b) Include the date, time, and location of the administrative conference.

Section 3. Administrative Conference.

(1) The administrative conference shall be conducted by a representative of the Department for Public Health.

(2) During the administrative conference, the permit holder or responsible party may:

(a) Be represented by counsel; and

(b) Present documentation in his or her favor.

(3) The purpose of the administrative conference is to:

(a) Clarify the position of the parties; and

(b) Attempt to resolve any dispute over the proposed action or action taken.

Section 4. Administrative Conference Decision.

(1) Within ten (10) working days of the conclusion of the administrative conference, the Department for Public Healthrepresentative shall:

(a) Send a written decision to the director of the local health department of jurisdiction; or

(b) Send a written decision to the permit holder or responsible party, with a copy to the appropriate program staff, when the notice of enforcement is issued directly by the Department for Public Health.

(2) The director of the local health department of jurisdiction or appropriate program staff shall forward a copy of the decision to the permit holder or responsible party within five (5) business days.

(3) The decision shall:

(a) Be sent by:

1. United States first-class mail to the registered permit holder or responsible party's last address on file; and

2. Electronic mail to the registered permit holder or responsible party's last electronic mail address on file; and

(b) Contain the:

1. Results of the administrative conference; and

2. Permit holder or responsible party's right to appeal pursuant to KRS Chapter 13B.

Section 5. Appeals. The permit holder or responsible party may request a hearing within ten (10) days of receipt of the administrative conference decision by:

(1) Mailing a request for a hearing to the Division of Public Health Protection and Safety, Department for Public Health, 275 E. Main Street, Mailstop HS1E-A, Frankfort, Kentucky 40621;

(2) Faxing a request for hearing to 502-564-9523; or

(3) Emailing a request for hearing to CHFS.Listens@ky.gov.
(4) Requests for a hearing shall be forwarded by the division to the Office of Administrative Hearings within the Department of Law in accordance with KRS 15.111(2)(g), within two (2) working days of receipt.

Section 6. Nothing in this administrative regulation shall be construed to prevent the Department for Public Health from taking emergency action to protect the public health and safety under the provisions of KRS 13B.125.

Section 7. Material Incorporated by Reference.
(1) The following material is incorporated by reference:
(a) "Request for Administrative Conference (DFS-212)", 4/2025 edition;
(b) "Notice of Administrative Conference (DFS-213)", 4/2025 edition;
(c) "Notice of Enforcement (DFS-214)", 4/2025 edition; and
(d) "Food or Cosmetic Plant Notice of Administrative Conference (DFS-268)", 4/2025 edition.
(2) This material may be inspected, copied or obtained at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.
(3) This material is also available online. For forms listed in:
(a) Subsections (1)(a)-(c) of this section, see https://chfs.ky.gov/agencies/dph/dafm/Pages/lhddocuments.aspx; and
(b) Subsection (1)(d) of this section, see https://www.chfs.ky.gov/agencies/dph/dphps/fsb/Pages/foodmanufacturing.aspx.[Scheduling the Conference.]
[(1)] [The Department for Public Health shall provide the opportunity for a conference to any regulated entity aggrieved by any action of the Department for Public Health by issuing a notice of proposed action by letter or by use of Form DFS-214.]
[(2)] [The notice of action by the department shall contain:]
[(a)] [A description of the proposed action or action taken;]
[(b)] [The reasons for the action;]
[(c)] [The statutory or regulatory authority by which action is taken; and]
[(d)] [An explanation of the right to a conference if requested within ten (10) days of the date of mailing by letter or by use of Form DFS-212.]
[(e)] [Notice of conference time, date and place shall be made by letter to the requester's last known address or by use of Form DFS-213.]

[Section 2.] [Conference.]
[(1)] [The conference shall be conducted by a representative of the agency taking the action.]
[(2)] [During the course of the conference, the appellant may:]
[(a)] [Be represented by counsel;]
[(b)] [Cross examine witnesses against him; and]
[(c)] [Present evidence in his favor.]
[(3)] [The purpose of the conference is to:]
[(a)] [Clarify the position of the parties; and]
[(b)] [To resolve any dispute over the pending action.]

[Section 3.] [Conference Report.]
[(1)] [Within five (5) days of the conclusion of the conference, the agency representative shall issue a report to the administrative agency detailing any settlement of the action appealed.]
[(2)] [The report shall contain the appellant's further right to appeal pursuant to KRS Chapter 13B and a copy of the report shall be mailed to the appellant's last known address.]

[Section 4.] [Appeals.]
[(1)] [The appellant may file an appeal with the Cabinet for Health Services within ten (10) days of receipt of the conference report by mailing a letter of appeal to the Commissioner for Public Health, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621.]
[(2)] [Upon receipt of an appeal, the commissioner shall set the date, time and place for the hearing requested.]
[(3)] [The notice of appeal hearing shall conform to KRS 13B.050;]
[(4)] [The appeal hearing shall be conducted by a hearing officer appointed by the secretary and in accordance with KRS 13B.080, 13B.090, and 13B.110.]
[(5)] [An official record of the appeal hearing complying with KRS 13B.130 shall be retained by the Cabinet for Health Services.]
[(6)] [The secretary shall issue a final order complying with the requirements of KRS 13B.120.]

[Section 5.] [Nothing in this administrative regulation shall be construed to prevent the Department for Public Health from taking emergency action to protect the public health and safety under the provisions of KRS 13B.125.]

[Section 6.] [Material Incorporated by Reference.]
[(1)] [The following material is incorporated by reference:]
[(a)] [DFS-212, revised 10/96;]
[(b)] [DFS-213, revised 8/96;]
[(c)] [DFS-214, revised 8/96.]
[(2)] [This material may be inspected, copied or obtained at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.]

JOHN R. LANGEFELD, MD, Commissioner
STEPHEN J. STACK, M.D., MBA, Secretary
APPROVED BY AGENCY: January 7, 2026
FILED WITH LRC: February 3, 2026 at 11:50 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks and Krista Quarles
Subject Headings: Administrative Hearings, Local Health Departments, Public Health
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation outlines the procedures for administrative conferences conducted by the Department for Public Health.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide all regulated entities a right to due process in response to an action initiated by the Department for Public Health staff or its duly authorized agents.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 13B.170 allows an agency to provide administrative procedures through administrative regulation that supplement KRS Chapter 13B proceedings. KRS 211.025 authorizes the department to enforce all public health laws and regulations of the secretary.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures all those permitted or licensed by the department

are afforded an opportunity to an administrative conference before aversive action is taken against the permit or license and protects their right to due process proceedings.
(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 to this administrative regulation clarifies the notification requirements, updates the administrative conference procedures, ensures a conference decision is provided in a timely manner, and updates the material incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to ensure all those who are issued a permit or license from the department are aware of the process to request an administrative conference should they receive an enforcement notice.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation protects permit holders' and licensees' due process rights when the department or its duly authorized agent has discovered a violation of the applicable administrative regulation.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation ensures a consistent process is followed by all programs that issue permits or licenses.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment to this administrative regulation implements the requirements of 2023 Ky. Acts ch. 124, sec. 4.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation impacts all entities issued a permit or license by the department. This includes hotels, motels, youth camps, food service establishments, food manufacturing facilities, tattoo artist and studio owners, body piecers and studio owners, and swimming pool operators. It also impacts all local health departments and state staff who are responsible for inspection and enforcement procedures to determine compliance with the applicable 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: Local health department and state program staff will need to be aware of the revised forms and the timelines associated with the administrative conference procedures. Permit holders and licensees will need to be aware of the timelines required for requesting an administrative conference.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment to this administrative regulation does not impact costs for the regulated entities.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Permit holders and licensees will be assured consistent administrative conference proceedings.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This is an ongoing process procedure, there will be no initial cost to implement these changes.
(b) On a continuing basis: Continuing costs to implement this administrative regulation include costs associated with staff who conduct the administrative conference. This will be absorbed as part of their salary.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: State general fund dollars are the source of funding for the activities 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: An increase in fees or funding is not needed to implement the changes in this administrative regulation.
(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 as the requirements of this administrative regulation are applied equally to all regulated 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 13B.170 and 211.025.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Cabinet for Health and Family Services, Department for Public Health, Division of Public Health Protection and Safety, is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditures for the promulgating agency.
Revenues: This administrative regulation does not generate revenue for the promulgating agency.
Cost Savings: This administrative regulation does not result in cost savings for the promulgating agency.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no change in expenditures, revenues, or cost savings in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Affected local entities include local health departments.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditures for the affected local entities.
Revenues: This administrative regulation does not generate revenue for the affected local entities.
Cost Savings: This administrative regulation does not result in cost savings for the affected local entities.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no change in expenditures, revenues, or cost savings in subsequent years.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include all entities issued a permit or a license from the Department for Public Health.
(a) Estimate the following for the first year:
Expenditures: Additional regulated entities may incur minimal cost associated with submitting a request for an administrative conference.
Revenues: This administrative regulation does not generate revenue for the additional regulated entities.
Cost Savings: This administrative regulation does not result in cost savings for the additional regulated entities.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no change in expenditures, revenues, and cost savings in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: The amendment to this administrative regulation will have minimal fiscal impact.
(b) Methodology and resources used to determine the fiscal impact: The costs to implement this administrative regulation will be absorbed in the salary of the program staff person responsible for overseeing the administrative conference. On average, the department participates in 100 administrative conferences per year. The conference meeting may last between two to six hours. Staff that preside over the conference are responsible for writing the conference report, which can take up to five (5) days to complete.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation does not have an overall negative or adverse major economic impact.
(b) The methodology and resources used to reach this conclusion: Not applicable.

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 Maternal and Child Health
(Amendment)

902 KAR 18:011. Definitions for 902 KAR Chapter 18.

RELATES TO: KRS 194A.050, 194A.505, 241.010[~~194A.990~~], 7 C.F.R. Part 246, 278.6, 21 U.S.C. 802

STATUTORY AUTHORITY: KRS 194A.050, 211.180[~~211.090(3)~~], 7 C.F.R. Part 246, 42 U.S.C. 1786

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 provide [~~for~~]grants for state operation of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes definitions for the terms used in 902 KAR Chapter 18.

Section 1. Definitions.

(1) "Above-50-percent vendor" is defined by 7 C.F.R. 246.2[~~means a vendor that receives or is expected to receive more than fifty (50) percent of its annual food sales revenue from WIC benefits~~].

(2) "Alcohol" is defined by KRS 241.010(1).

(3) "Alcoholic beverage" is defined by KRS 241.010(2).

(4) "Approved product listing" or "APL" means an electronic list or file identifying the food items approved by the state WIC agency for purchase with WIC food instruments by food category and subcategory.

(5) "Authorized supplemental food" is defined by 7 C.F.R. 246.2[~~means a supplemental food authorized by the state or a local agency for issuance to a particular participant~~].

(6) "Cash value voucher" is defined by 7 C.F.R. 246.2.

(7) "Certifying professional authority" means a person authorized to determine eligibility and certify persons for the WIC program.

(8) "Class" means food sale classification.

(9) "Compliance buy" is defined by 7 C.F.R. 246.2[~~means a covert, on-site investigation~~].

(10) "Contract price" means the price for a WIC food item negotiated between the state WIC agency and the vendor.

(11) "Dual participation" is defined by 7 C.F.R. 246.2.

(12) Electronic Benefit Transfer" (EBT) is defined by 7 C.F.R. 246.2[~~means simultaneous participation in the WIC Program and in:~~]

[~~(a)~~] [~~One (1) or more WIC clinics; or~~]

[~~(b)~~] [~~The Commodity Supplemental Food Program~~].

(13)[~~(12)~~] "Electronic WIC benefits" or "eWIC" means a [~~Web-based~~] technology that allows WIC participants to obtain food benefits by using a method that permits electronic access[~~plastic debit-type card with a personal identification number (PIN)~~] at authorized participating WIC vendors[~~retailers~~].

(14)[~~(13)~~] "Exempt infant formula" is defined by 7 C.F.R. 246.2.

(15)[~~(14)~~] "FNS" means Food and Nutrition Services.

(16)[~~(15)~~] "Food instrument" is defined by 7 C.F.R. 246.2.

(17)[~~(16)~~] "Good letter with exceptions" means a written notification letter that:

(a) An investigation[~~A compliance buy~~] has been conducted [~~in the store~~];

(b) A violation occurred; and

(c) No sanction was applied due to lack of pattern of incidence.

(18)[~~(17)~~] "High risk vendor" means a vendor having a high probability of noncompliance with KRS Chapter 194A, 42 U.S.C. 1786, 7 C.F.R. Part 246, 7 C.F.R. 278.6, or 902 KAR Chapter 18.

(19)[~~(18)~~] "Integrated" means a commercial system that fully incorporates eWIC functionality into an existing electronic cash register (ECR) system.

(20)[~~(19)~~] "Inventory audit" is defined by 7 C.F.R. 246.2[~~means an examination of food invoices or other proof of purchase to determine if a vendor has purchased sufficient quantities of authorized supplemental food to provide to participants the quantities of food items redeemed by the vendor during a given period of time~~].

(21)[~~(20)~~] "Investigation" means a method used by the state WIC agency to detect a WIC program violation.

(22)[~~(21)~~] "Local agency" is defined by 7 C.F.R. 246.2[~~means an applying or participating WIC agency~~].

(23)[~~(22)~~] "Low variance" means the redemption of the same type of food item at the same price or within a narrow price range.

[~~(23)~~] [~~"Medical foods" means enteral products that are specifically formulated to provide nutritional support for individuals with a qualifying condition when the use of conventional foods is precluded, restricted, or inadequate.~~]

(24) "Not to exceed" or "NTE" means:

(a) FNS-approved cost containment methodology whereby WIC authorized vendors are subject to price limitations; and

(b) the maximum amount that Kentucky will pay for a specific food item identified by its UPC code.

(25) "Participant" is defined by 7 C.F.R. 246.2[~~means:~~]

[~~(a)~~] [~~A pregnant, breastfeeding, or postpartum woman or an infant or child who is receiving supplemental food or food instruments;~~]

[~~(b)~~] [~~The breastfed infant of a breastfeeding woman who is receiving WIC program benefits;~~]

[~~(c)~~] [~~The parent or caretaker of an infant or child receiving a WIC benefit; and~~]

[~~(d)~~] [~~The proxy for a person identified in paragraphs (a), (b), or (c) of this subsection~~].

(26) "Participant violation" means an intentional, knowing act of a participant that violates KRS Chapter 194A, 42 U.S.C. 1786, 7 C.F.R. Part 246, 7 C.F.R. 278.6, or 902 KAR Chapter 18.

(27) [~~"Peer Groups" means categories into which vendors are assigned based upon sales volume and region.~~]

[~~(28)~~] "PIN" means a unique four (4) digit personal identification number designated by the WIC participant.

(28)[~~(29)~~] "Point of sale" or "POS" means the combination of hardware and software that enables a vendor to accept payment for[~~the system supporting~~] WIC[~~/eWIC~~] food transactions[~~in a store checkout lane~~].

(29)[~~(30)~~] "POS device" means a [~~physical electronic cash register or~~] dedicated point of sale [~~hardware or~~] terminal that is used for eWIC food transactions[~~WIC processing~~].

(30)[~~(31)~~] "Positive buy" means a compliance buy, onsite review, or online[~~on-site review, or on-line~~] WIC transaction review that provides evidence that a violation of the vendor agreement or KRS Chapter 194A, 42 U.S.C. 1786, 7 C.F.R. Part 246, 7 C.F.R. 278.6, or 902 KAR Chapter 18 has occurred.

(31)[~~(32)~~] "Price look up" or "PLU" means a four (4) or five (5) digit identifier used to identify individual and bulk produce.

(32)[~~(33)~~] "Proxy" is defined by 7 C.F.R. 246.2[~~means a person designated by a female participant or by a parent or caretaker of an infant or child participant to obtain and transact a food instrument or cash value voucher to obtain a supplemental food or foods on behalf of a participant~~].

(33)[~~(34)~~] "Routine monitoring" is defined by 7 C.F.R. 246.2[~~means overt, on-site monitoring during which representatives of the WIC program identify themselves to vendor personnel~~].

(34)[~~(35)~~] "Rural" means any area not defined as urban.

(35)[~~(36)~~] "Shelf price" means the price displayed on the food item, shelf, or display case where the food item is available for purchase[~~stored~~].

(36)[~~(37)~~] "SNAP" means the Supplemental Nutrition Assistance Program, formerly known as the Food Stamp Program.

(37)[(38)] [~~"Standard bar code" means a printed series of lines of varying width on a container or product that can be read by an optical scanner to determine product classification and price.~~]

[(~~39~~)] "Staple food items" means meat, poultry, fish, bread, breadstuff, cereals, vegetables, fruit, vegetable and fruit juices, and dairy products, excluding items, such as coffee, tea, cocoa, carbonated and uncarbonated beverages, condiments, and spices.

(38)[(~~40~~)] "State WIC agency" means the Cabinet for Health and Family Services or its designated representative.

(39)[(~~41~~)] "Systematic review" means a review of electronic WIC transactions by the state WIC agency or its representatives to monitor systematic violations of the program.

(40)[(~~42~~)] "Trafficking" means the redemption or exchange of WIC food instruments for cash, firearms, ammunition, explosives, or controlled substances as defined by 21 U.S.C. 802(6)[~~a firearm, ammunition, an explosive, or a controlled substance as defined in 21 U.S.C. 802~~].

(41)[(~~43~~)] "Unauthorized food" means foods not authorized by the state or local agency for issuance to a particular participant.

(42)[(~~44~~)] "Unique customer" means the number of unduplicated WIC households[~~individuals~~] that have one (1) or more transactions at a specific authorized WIC[~~the sanctioned~~] vendor during a[~~the~~] specified time period.

(43)[(~~45~~)] "UPC" or "Universal product code" means a unique barcode consisting of numerical-[~~twelve (12)~~] digits used for tracking inventory[~~trade items~~] in retail stores.

(44)[(~~46~~)] "Urban" means a metropolitan area as defined by the U.S. Office of Management and Budget (OMB) Bulletin No. 23-01[~~13-01~~].

(45)[(~~47~~)] "Vendor" is defined by 7 C.F.R. 246.2[~~means a sole proprietorship, partnership, cooperative association, corporation, or other business entity operating one (1) or more stores by providing authorized supplemental foods to participants under a retail food delivery system~~].

(46)[(~~48~~)] "Vendor authorization" is defined by 7 C.F.R. 246.2[~~means the process by which the state WIC agency assesses, selects, and enters into an agreement or contract with a store that applies or subsequently reapplies to be authorized as a vendor~~].

(47)[(~~49~~)] "Vendor overcharge" is defined by 7 C.F.R. 246.2.

(48) "Vendor peer group system" is defined by 7 C.F.R. 246.2.

(49)[(~~50~~)] "Vendor violation" is defined by 7 C.F.R. 246.2[~~means an intentional or unintentional act of a vendor's current owner, officers, agent, or employee, with or without the~~][~~knowledge of management, that violates the vendor agreement or KRS Chapter 194A, 42 U.S.C. 1786, 7 C.F.R. Part 246, 7 C.F.R. 278.6, or 902 KAR Chapter 18~~].

(50)[(~~51~~)] "WIC agency" means a local health department or agency contracted with the state to deliver WIC services.

(51)[(~~52~~)] "WIC benefits" means a voucher, check, Electronic Benefits Transfer card (EBT), coupon, or document that is used by a participant to obtain supplemental foods.

(52) "WIC-eligible nutritionals" is defined by 7 C.F.R. 246.2.

(53) "WIC program" or "WIC" means the Special Supplemental Nutrition Program for Women, Infants[~~,~~] and Children authorized by Section 17 of the Child Nutrition Act of 1966, 42 U.S.C. 1786, and administered pursuant to 42 U.S.C. 1786 and 7 C.F.R. Part 246.

(54) "Written communication" means a letter or email correspondence that can be retrieved and tracked for timeline compliance.

JOHN R. LANGEFELD, MD, Commissioner
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: January 7, 2026
FILED WITH LRC: February 3, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks and Krista Quarles
Subject Headings: Children and Minors; Public Assistance; Public Health
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation contains the definitions for the terms used in 902 KAR Chapter 18.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure a consistent understanding of the terms used throughout the 902 KAR Chapter 18 administrative regulations.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers and infants, and the improvement of health through better nutrition.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures all local programs, vendors, and WIC recipients have a consistent understanding of the terms used throughout the 902 KAR Chapter 18 administrative regulations.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation updates the defined terms for clarity.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to update defined terms to conform to federal standards.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers and infants, and the improvement of health through better nutrition.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will ensure local program staff, vendors, and WIC recipients have a consistent understanding of the terms used in 902 KAR Chapter 18 administrative regulations.
(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 agencies for WIC include sixty-one (61) county and district health departments and three (3) pediatric medical centers. There are currently 552 vendors for WIC services. The WIC program supports an average of 107,000 participants per month.
(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: Local programs, vendors, and WIC recipients will need to be aware of the updated terms.
(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 for local programs, vendors, or WIC recipients.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Vendors and participants will have a shared understanding of the requirements for the WIC program.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This is an ongoing program, there are no initial costs.
(b) On a continuing basis: According to the U.S. Department of Agriculture, the WIC program receives federal grant funding of approximately $112 million dollars to administer the program.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The WIC program is funded through a grant from the U.S. Department of Agriculture.
(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 is not necessary to implement this administrative regulation.
(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 defined terms are equally applicable to local programs, vendors, and WIC recipients.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.180, 7 C.F.R. Part 246, and 42 U.S.C. 1786.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditures for the promulgating agency.
Revenues: The WIC program receives approximately $112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The funding from USDA to support the WIC program is dependent on federal monies available.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local health departments that operate a WIC program are affected local entities.
(a) Estimate the following for the first year:
Expenditures: The amendment to this administrative regulation will not impact expenditures for the identified affected local entities.
Revenues: The state program provides funding from the grant dollars received to support the local agencies who implement WIC.
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Subsequent year expenditures, revenues and cost savings will be dependent on the amount of federal funding received from the USDA.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include WIC recipients.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation will not impact expenditures for WIC recipients as services and resources are provided at no cost to recipients.
Revenues: This administrative regulation will not generate revenue for WIC recipients.
Cost Savings: WIC recipients have cost savings associated with receiving resources to purchase food items. This is dependent on the individual's eligibility.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures and revenue will not change in subsequent years. Cost savings will remain dependent on the individual's eligibility to purchase food items.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation has no fiscal impact.
(b) Methodology and resources used to determine the fiscal impact: This administrative regulation is definitions only. It does not generate revenue or impact costs in any way.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation is definitions only. It does not generate revenue or impact costs in any way. Therefore, it does not have a major economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. 246 and 42 U.S.C. 1786.
(2) State compliance standards. KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.
(3) Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.3(b) delegates authority for the effective and efficient administration of the program to states. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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 Maternal and Child Health
(Amendment)

902 KAR 18:021. Eligibility, certification periods, and time frames for processing applicants.

RELATES TO: 194A.050, [~~194A.505, 194A.990,~~] 7 C.F.R. Part 246, 278.6[~~, 21 U.S.C. 802~~]
STATUTORY AUTHORITY: KRS 194A.050, 211.180[~~211.090(3)~~], 7 C.F.R. Part 246, 42 U.S.C. 1786
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 provide [~~for~~] grants for state operation of the Special Supplemental Nutrition Program for Women, Infants[~~,~~] and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for

Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes the application and participation process for participants of the Kentucky Special Supplemental Nutrition Program for Women, Infants[,] and Children (WIC).

Section 1. Eligibility. To be certified as eligible to participate in the WIC program, a person shall:

(1) Be categorically eligible as follows:

(a) A pregnant woman;

(b) A postpartum woman, up to six (6) months after termination of pregnancy;

(c) A breastfeeding woman, up to the infant's first birthday;

(d) An infant, birth to one (1) year of age; or

(e) A child, one (1) to five (5) years of age;

(2) Provide proof of residence in the Commonwealth of Kentucky, such as a utility bill, driver's license, or Supplemental Nutrition Assistance Program (SNAP) identification card;

(3) Provide proof of identity as defined by 7 C.F.R. 246.7(c), such as a driver's license, medical card, birth certificate, or photo identification;

(4) Provide proof of household income, such as the most recent paystub, tax form (W-2), or medical card, and meet the following income criteria:

(a) Receive Kentucky Transitional Assistance Program (KTAP), SNAP, or Medicaid;

(b) A pregnant woman or infant in the household receives Medicaid;

(c) A member of the household receives Medicaid; or

(d) The household income is at or below 185 percent of the federal poverty level;

(5) Meet the required nutritional risk data at certification:

(a) Height or length and weight measurements shall be performed and documented or referral data performed by a health care provider collected within sixty (60) days of the date of certification;[.]

(b) Hematological tests shall be performed and documented or referral data performed by a health care provider collected within ninety (90) days of the date of certification; and

(6) Meet one (1) of the following nutritional risk criteria:

(a) A detrimental or abnormal nutritional condition detectable by biochemical or anthropometric measurements, such as:

1. Anemia;
2. Underweight;
3. Overweight;
4. Abnormal pattern of weight gain in a pregnant woman;
5. Low birth weight [~~gain~~] in an infant; or
6. Stunting in an infant or child; or

(b) A documented nutritionally related medical condition, such as:

1. Clinical signs of nutritional deficiency;
2. Metabolic disorder;
3. Pre-eclampsia in a pregnant woman;
4. Failure to thrive in an infant;
5. Chronic infection;
6. Alcohol or drug abuse or mental retardation in a woman;
7. Lead poisoning;
8. History in a pregnant woman of a high risk pregnancy or an associated factor, such as:
   a. Smoking;
   b. Conception before sixteen (16) months postpartum;
   c. History of low birth weight, premature birth, or neonatal loss;
   d. Adolescent pregnancy; or
   e. Current multiple pregnancy;[~~or~~]
9. Congenital malformation in an infant or child;
10. [~~or~~] An infant born to a woman with:
    a. A history of alcohol abuse;
    b. A history of drug abuse; or
    c. Mental retardation;
11.[~~d.~~] A dietary deficiency that impairs or endangers health, such as an inadequate dietary pattern as assessed by:
    a.[~~(i)~~] A twenty-four (24) hour dietary recall;
    b.[~~(ii)~~] Dietary history; or
    c.[~~(iii)~~] Food frequency checklist; or
12.[~~e.~~] A condition that predisposes a person to an inadequate nutritional pattern or nutritionally related medical condition, such as homelessness or migrancy.

Section 2. Certification Periods. WIC program benefits shall be based upon certifications established in accordance with the time frames established in this section.

(1) A pregnant woman shall be certified for the duration of her pregnancy and for up to six (6) weeks postpartum.

(2) A postpartum woman shall be certified for up to six (6) months postpartum.

(3) A breastfeeding woman shall be certified up to the infant's first birthday or when the woman ceases breastfeeding, whichever occurs first[~~at intervals of approximately six (6) months, ending with the breastfed infant's first birthday~~].

(4) An infant shall be certified up to the infant's first birthday. [~~or when the woman ceases breastfeeding, whichever occurs first~~]. The local WIC agency shall ensure that the infant receives the required health and nutrition assessments pursuant to 7 C.F.R. 246.11(e)(3)[~~at intervals of approximately six (6) months, except an infant under six (6)~~][~~months of age shall be certified for a period extending up to the first birthday if the quality and accessibility of health care services is not diminished~~].

(5) A child shall be certified at intervals of approximately twelve (12)[~~six (6)~~] months, up until the[~~ending with the end of the issuance month in which a~~] child reaches their[~~the~~] fifth birthday. The local WIC agency shall ensure that the child receives the required health and nutrition assessments in accordance with 7 C.F.R. 246.11(e)(3).

Section 3. Priority System. Vacancies in the WIC program shall be filled as they occur unless maximum participation has been reached. If maximum participation has been reached, vacancies shall be filled by a priority system based upon the nutritional risk of the patient.

Section 4. Time Frames for Processing Applicants.

(1) Pregnant[~~and breastfeeding~~] women, infants, and migrant farmworkers and their families[~~migrants~~] shall be screened and notified of WIC program eligibility or ineligibility within ten (10) days of application.

(2) All other applicants shall be screened and notified of WIC program eligibility or ineligibility within twenty (20) days of application. WIC benefits shall be provided when participants are notified of certification.

(3) In accordance with 7 C.F.R. 246.7(f)(2)(iii)(A), the state agency may provide an extension of the notification period to a maximum of fifteen (15) days for those local agencies that make a written request, including a justification of the need for an extension.

Section 5. Nutrition Education.

(1) Nutrition education shall be made available to the participant or the participant's parent or guardian and shall relate to the participant's nutritional needs, household situation, and cultural preferences.

(2) Tobacco, drug, and other substance abuse information shall be provided to each participant or the participant's parent or guardian.

(3) Breastfeeding information, including the benefits of breastfeeding, shall be provided to each pregnant participant, unless contraindicated.

JOHN R. LANGEFELD, MD, Commissioner,
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: January 7, 2026

FILED WITH LRC: February 3, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the

scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks and Krista Quarles
Subject Headings: Children and Minors; Public Assistance; Public Health
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the application and participation process for participants of the Kentucky Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that applicants for WIC are aware of the eligibility, application, and participation requirements.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 211.180 authorizes the cabinet to promulgate administrative regulations necessary to improve the health of expectant mothers, infants, and preschoolers, and the improvement of health through nutrition.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures consistent eligibility, application and participation requirements are applied equally throughout the commonwealth.
(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 to this administrative regulation amends the nutritional risk criteria for consistency with federal regulation. The infant and child certification periods are increased from six (6) to twelve (12) month time frames for consistency with federal regulation and adds that a local agency may request a fifteen (15) day extension of the participant notification requirements.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to ensure the state WIC program operates in full compliance with federal regulations.
(c) How the amendment conforms to the content of the authorizing statutes: 7 C.F.R. 246.7 outlines the participant eligibility and certification requirements. KRS 211.180 authorizes the cabinet to promulgate administrative regulations necessary to improve the health of expectant mothers, infants, and preschoolers, and the improvement of health through nutrition.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will ensure the WIC program operates in full compliance with federal regulation.
(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 amendment to this administrative regulation will impact the local WIC agencies as well as participants receiving WIC benefits. Local agencies for WIC include sixty-one (61) county and district health departments and three (3) pediatric medical centers. The WIC program supports an average of 107,000 participants per month.
(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: Local agencies will need to ensure applicants meet required eligibility guidelines and certification happens timely. Participants will need to ensure they have proper documentation and meet the established eligibility guidelines.
(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 local agencies or to participants.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Local agencies and participants will have access to timely eligibility approval.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This is an ongoing program, there are no initial funds.
(b) On a continuing basis: According to the U.S. Department of Agriculture, the WIC program receives federal grant funding of approximately $112 million dollars to administer the program.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The WIC program is funded through a grant from the U.S. Department of Agriculture.
(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 is not 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: There are no fees associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied as the requirements are applied equally to all applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.180, 7 C.F.R. Part 246, and 42 U.S.C. 1786.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditures for the promulgating agency.
Revenues: The WIC program receives approximately $112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The funding from USDA to support the WIC program is depended on federal monies available.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local health departments that operate a WIC program are affected local entities.
(a) Estimate the following for the first year:
Expenditures: The amendment to this administrative regulation will not impact expenditures for the local agencies who implement WIC.
Revenues: The state program provides funding from the grant

dollars received to support the local agencies who implement WIC. Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Subsequent year expenditures, revenues and cost savings will be dependent on the amount of federal funding received from the USDA.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include WIC recipients.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation will not impact expenditures for WIC recipients as services and resources are provided at no cost to recipients.
Revenues: This administrative regulation will not generate revenue for WIC recipients.
Cost Savings: WIC recipients have cost savings associated with receiving resources to purchase food items. This is dependent on the individual's eligibility.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures and revenue will not change in subsequent years. Cost savings will remain dependent on the individual's eligibility to purchase food items.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation will have a budget neutral fiscal impact. This administrative regulation will not generate revenue for the promulgating agency or other impacted entities. Expenditures will not be increased or decreased as a result of this administrative regulation and there will be no cost savings.
(b) Methodology and resources used to determine the fiscal impact: The amendment to this administrative regulation updates the state regulatory eligibility and certification requirements to be consistent with federal regulation. The time frames for processing applications are also amended for consistency with federal regulation.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation does not have an overall negative or adverse major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation is budget neutral.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. 246 and 42 U.S.C. 1786.
(2) State compliance standards. KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.
(3) Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.3(b) delegates authority for the effective and efficient administration of the program to states. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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 Maternal and Child Health
(Amendment)

902 KAR 18:031. Participant violations[~~abuse~~].

RELATES TO: KRS 194A.050, 194A.505, 194A.990, 7 C.F.R. Part 246, [~~278.6, 21 U.S.C. 802.~~]
STATUTORY AUTHORITY: KRS 194A.050, 211.180[~~211.090(3)~~], 7 C.F.R. Part 246, 42 U.S.C. 1786
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 provide [~~for~~]grants for state operation of the Special Supplemental Nutrition Program for Women, Infants[~~,~~] and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes the sanction schedule for participants who violate the participation requirements[~~participant abuse~~] of the Kentucky Special Supplemental Nutrition Program for Women, Infants[~~,~~] and Children (WIC).

Section 1. Participant Violation[~~Abuse~~] of the Program.
(1) The state WIC agency or a local agency shall issue a written warning for the following suspected acts for which a complaint is received concerning a participant:
(a) Purchasing unauthorized foods;
(b) Redeeming WIC benefits at an unauthorized store;
(c) Making a verbal offer to sell or exchange supplemental food or WIC food instruments with another individual, group, or vendor;[~~or~~]
(d) Returning supplemental foods to a vendor for cash;
(e) Posting WIC foods, benefits, or eWIC cards for sale in print or online, or allowing someone else to do so; or
(f) Posting a WIC-issued breast pump for sale in print or online, or allowing someone else to do so.
(2) The state WIC agency or a local agency shall take the following specified action for an intentional act of violation[~~abuse~~] by a participant:
(a) Redeeming a food instrument before the first day to use or after the last date of use:
1. First offense: written warning;
2. Second offense: monthly pickup of food instruments; and[~~or~~]
3. Third or subsequent offense:
a. One (1) month suspension; and
b. Reinstatement of two (2) or three (3) month issuance shall be at the discretion of the certifying professional authority;
(b) Redeeming a food instrument that has previously been reported to the local agency as being lost or stolen and [~~which~~] has been replaced:
1. First offense: written warning; and[~~or~~]
2. Second and subsequent offenses: claim issued to recoup the WIC benefits that have been redeemed;
(c) Purchasing unauthorized food:
1. First offense: written warning; and[~~or~~]
2. Second and all subsequent offenses: one (1) month suspension from the WIC program;
(d) Redeeming WIC benefits at an unauthorized store:
1. First offense: written warning; and[~~or~~]
2. Second and all subsequent offenses: one (1) month suspension from the WIC program;

(e) Verbal abuse or threatening physical abuse of clinic or vendor staff:

1. First offense: written warning; and[~~or~~]

2. Second and all subsequent offenses: one (1) month suspension from the WIC program;

(f) Physical abuse of clinic or vendor staff, first and all subsequent offenses; three (3) month suspension from the WIC program;

(g) Exchanging or selling supplemental food or a WIC food instrument with another individual, group, or vendor, first and all subsequent offenses; three (3) month suspension from the WIC program;

(h) Exchanging supplemental food or a WIC food instrument for credit, nonfood items, or supplemental food in excess of WIC benefits prescribed, first and all subsequent offenses: three (3) month suspension from the WIC program;

(i) Posting possible WIC issued foods, benefits, or food instruments for sale in print, online, or allowing another person to do so:

1. First offense: written warning; and[~~or~~]

2. Second offense: Three (3) month suspension;

(j) Dual participation in more than one (1) WIC program or participation in both the WIC program and the Commodities Supplemental Food Program:

1. First offense: written warning and immediate termination from one (1) of the WIC programs. The continuing WIC agency shall be chosen based upon the participant's residence or services; and[~~or~~]

2. Second and all subsequent offenses: one (1) year disqualification from the WIC program and a claim to recoup WIC benefits previously redeemed;

(k) Knowingly and deliberately making a false or misleading statement or misrepresenting, concealing, or withholding a fact in order to obtain program benefits:

1. First offense: three (3) month disqualification from the WIC program and a claim issued to recoup the WIC benefits redeemed; and[~~or~~]

2. Second and all subsequent offenses: one (1) year disqualification from the WIC program and a claim issued to recoup the WIC benefits redeemed; or

(l) Exchanging or selling supplemental foods [~~in print or online by posting WIC foods~~], WIC benefits, or food instruments [~~for sale~~] or allowing another person to do so:

1. First offense: three (3) month suspension from the WIC program; and[~~written warning; or~~]

2. Second and all subsequent offenses: One (1) year disqualification from the WIC program and a claim issued to recoup the WIC benefits redeemed[~~Three (3) month suspension from the WIC program~~].

(3) Mandatory disqualification. Except as provided in subsections (4) and (5) of this section, a participant shall be disqualified from the WIC program for one (1) year if the state WIC or local WIC agency assesses:

(a) A claim of $200[~~100~~] or more; or

(b) A second or subsequent claim of any dollar amount.

(4) A mandatory disqualification shall not be imposed if, within thirty (30) days of receipt of the claim letter demanding repayment:

(a) Full restitution is made;

(b) A repayment schedule is agreed on; or

(c) The state WIC or local WIC agency approves the designation of a proxy if the participant is an infant, child, or under age eighteen (18).

(5) A participant may reapply to participate in the WIC program before the end of a mandatory disqualification period if one (1) of the following conditions has been met:

(a) Full restitution is made;

(b) A repayment schedule is agreed upon; or

(c) The state WIC or local WIC agency approves the designation of a proxy if the participant is an infant, child, or under age eighteen (18).

(6) The amount of a claim shall be determined by the value of the WIC benefits redeemed. If the claim is not paid, the participant shall be denied application to the WIC program for the number of months of benefits which were used to calculate the claim amount.

(7) A participant with a pattern of abuse of the WIC program shall be referred to the Office of the Inspector General for prosecution under KRS 194A.505.

(8) Activities prohibited by KRS 194A.505 apply to participants, vendors, and agency personnel. Penalties in KRS 194A.990 apply to participants, vendors, and agency personnel who have violated KRS 194A.505.

JOHN R. LANGEFELD, MD, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: January 7, 2026

FILED WITH LRC: February 3, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks and Krista Quarles
Subject Headings: Children and Minors; Public Assistance; Penalties; Public Health
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the sanctions for participants to violate the rules for participating in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure participants are aware of the potential sanctions should they knowingly violate the rules regarding participation in the WIC program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: 7 C.F.R. 246.12(u) requires states to establish procedures to control participant violations and include sanctions for participant violations. KRS 194A.050 authorizes the cabinet to enforce administrative regulations necessary to implement programs required by federal law.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures participants are aware of the potential sanctions for violating the participation requirements for WIC.
(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 to this administrative regulation adds the posting of WIC foods, benefits, eWIC card, or a WIC issued breast pump for sale to the list of violations subject to a written warning; increases the sanction for exchanging or selling supplemental foods from a written warning for the first offense to a three (3) month suspension and increases the sanction for a second and all subsequent offenses from a three (3) month suspension to a one (1) year disqualification and a claim for recoupment; and increases the minimum amount for a claim from $100 to $200.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to address changes in benefit technology and to prevent violations of participation in the WIC program.
(c) How the amendment conforms to the content of the authorizing statutes: 7 C.F.R. 246.12(u) requires states to establish procedures to control participant violations and include sanctions for participant violations. KRS 194A.050 authorizes the cabinet to enforce administrative regulations necessary to implement programs required by federal law.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation ensures participants are aware of all potential violations and sanctions for violating the participation requirements for WIC.
(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 amendment to this administrative regulation will impact the local WIC agencies as well as participants receiving WIC benefits. Local agencies for WIC include sixty-one (61) county and district health departments and three (3) pediatric medical centers. The WIC program supports an average of 107,000 participants per month.
(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: Local agencies will need to be aware of the added violations and act accordingly should they receive a complaint of a violation. Participants will need to be aware of the sanctions for violating participation requirements.
(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 local agencies. Participants who violate the participation requirements may face a loss of benefits for a timeframe specified in this administrative regulation or may receive a claim for recoupment for a serious and repeated violation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Participants will be aware of the potential sanctions for violating participation requirements.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This is an ongoing program, there is no initial cost.
(b) On a continuing basis: According to the U.S. Department of Agriculture, the WIC program receives federal grant funding of approximately $112 million dollars to administer the program.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The WIC program is funded through a grant from the U.S. Department of Agriculture.
(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 is not 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: There are no fees associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied as the requirements are applied equally to all applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.180, 7 C.F.R. 246, and 42 U.S.C. 1786.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditures for the promulgating agency.
Revenues: The WIC program receives approximately $112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The funding from USDA to support the WIC program is dependent on federal monies available.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local health departments that operate a WIC program are affected local entities.
(a) Estimate the following for the first year:
Expenditures: The amendment to this administrative regulation will not impact expenditures for the local agencies who implement WIC.
Revenues: The state program provides funding from the grant dollars received to support the local agencies who implement WIC.
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Subsequent year expenditures, revenues, and cost savings will be dependent on the amount of federal funding received from the USDA.
(4) Identify additional regulated entities not listed in questions (2) or (3): Current and future WIC participants are additional regulated entities.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact the expenditures of WIC participants who do not violate the participation requirements.
Revenues: This administrative regulation does not generate revenue for WIC participants.
Cost Savings: This administrative regulation does not result in cost savings for WIC participants.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation is budget neutral.
(b) Methodology and resources used to determine the fiscal impact: The amendment to this administrative regulation does not impact program expenditures, revenues, or cost savings.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation will not have an overall negative or adverse major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation does not generate revenue for the regulated entities. It will not result in an increase in expenditures or result in cost savings.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. 246 and 42 U.S.C. 1786.
(2) State compliance standards. KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.
(3) Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.3(b) delegates authority for the effective and efficient administration of the program to states. 7 C.F.R. 246.12(u) requires the state agency to establish procedures designed to control participant violations as well as to establish sanctions for participant violations. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.
(4) Will this administrative regulation impose stricter requirements, or

additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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 Maternal and Child Health
(Amendment)

902 KAR 18:040. Fair hearing procedures for participants.

RELATES TO: KRS Chapter 13B, 15.111, 194A.050, 194A.505, 194A.990, 205.231, 7 C.F.R. Part 246, 278.6, 21 U.S.C. 802
STATUTORY AUTHORITY: KRS 194A.050, 205.231, 211.180[211.090(3)], 7 C.F.R. Part 246, 42 U.S.C. 1786
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 provide[for] grants for state operation of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes the fair hearing procedures for participants for the Kentucky Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

Section 1. Fair Hearing Procedures.
(1) In accordance with 7 C.F.R. 246.9, a local agency shall inform an individual in writing of the right to a fair hearing and the method by which a hearing may be requested when the person is:
(a) Determined to be ineligible for the program;
(b) Disqualified or suspended during a certification period; or
(c) Issued a claim.
(2)
(a) [In accordance with 7 C.F.R. 246.9, a]A person shall request a fair hearing by contacting the state WIC agency within sixty (60) days from the date the person receives the adverse action letter by hand delivery, electronic mail, or [by]certified mail.
(b) Requests for a hearing shall be forwarded by the cabinet to the Office of Administrative Hearings within the Department of Law in accordance with KRS 15.111(2)(g), within two (2) working days of receipt.
(c) [In accordance with 7 C.F.R. 246.9,] The hearing shall be accessible to the appellant and shall be conducted as soon as practicable. Notice of the hearing shall be given to all involved parties not less than twenty (20) days advance of the date set for the hearing unless otherwise required by federal law[held within twenty-one (21) days from the date a person requests a hearing, or the next regular work day if the twenty-first day is a holiday or weekend].
(d)[(c)] The Office of Attorney General hearing official shall provide the person with at least twenty (20)[ten (10)] days advanced written notice of the time and place of the hearing.
(3) The request for a hearing shall not be denied or dismissed[state WIC agency shall not deny or dismiss a request for hearing] unless:
(a) The request is not received within the time limit set by subsection (2)(a) of this section;
(b) The request is withdrawn in writing by the appellant or a representative of the appellant;
(c) The appellant or representative fails, without good cause, to appear at the scheduled hearing; or
(d) The appellant has been denied participation by a previous hearing and cannot provide evidence that circumstances relevant to the WIC program eligibility have changed in a way that would justify a hearing.
(4) The state or local agency shall refer complaints that allege discrimination based on race, color, national origin, sex, handicap, or age to the Secretary of Agriculture or the Director of the Office of Equal Opportunity.
(5) The hearing shall be conducted in accordance with KRS Chapter 13B, subject to any specific provisions set forth herein[the][partial exemption from that chapter, as certified by the Office of the Attorney General, a copy of which certification is available online at http://chfs.ky.gov/dph/mch/ns/wic.htm].
(6)[(5)]
[(a)] [In accordance with 7 C.F.R. 246.9, The hearing officer shall complete and submit to the cabinet and the appellant or representative a written notification of the recommended order no later than forty-five (45) days after the cabinet's receipt of the request for the hearing, which shall include the findings of fact, conclusions of law, and recommended disposition, including recommended penalties, if any.]
[(b)] [In accordance with 7 C.F.R. 246.9,] Decisions of the hearing official shall be based upon the application of KRS Chapter 194A, 42 U.S.C. 1786, 7 C.F.R. Part 246, 7 C.F.R. 278.6, or 902 KAR Chapter 18 as related to the facts of the case as established in the hearing record.
(7)[(6)]
(a) Participants who appeal the termination of benefits within the fifteen (15) days advance adverse action notice period provided by 7 C.F.R. 246.7 shall continue to receive WIC program benefits until the hearing officer reaches a decision or the certification period expires, whichever occurs first.
(b) This shall not apply to:
1. Applicants who are denied benefits at initial certification;
2. Participants whose certification periods have expired; or
3. Participants who become categorically ineligible.
(c) If the hearing officer's recommended order concerns disqualification and is in favor to the state WIC agency, as soon as administratively feasible any continued benefits shall be terminated.
(d) If the decision regarding repayment of the benefits by the appellant is in favor of the state WIC agency, efforts to collect the claim shall be resumed, even during pendency of an appeal of a fair hearing decision.
(8)[(7)]
[(a)] The appellant may appeal a hearing officer's decision [to the][Appeal Board for Public Assistance] by filing exceptions to the recommended order with the[in accordance with KRS 13B.110(4).]
[(b)] [Exceptions shall be filed with or mailed to] Cabinet for Health and Family Services, Office of the Secretary, [Appeal Board for Public Assistance,] 275 East Main Street, 5W-A, Frankfort, Kentucky 40621.
(9)[(c)] Each party in the hearing shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommended order with the cabinet.
(10)[(d)] A party may file a response to an opposing party's exceptions within twenty-five (25) days from the date the recommended order is mailed.
(11)[(e)] Exceptions and responses to exceptions shall be considered filed on the date they are received by the cabinet.
(12)[(8)] Any party aggrieved by the decision of the Cabinet for Health and Family Services, Office of the Secretary[Appeal Board for Public Assistance] may seek judicial review of the decision by filing a petition in the circuit court of the county where[in which] the petitioner resides, in accordance with KRS 13B.140, 13B.150, and 13B.160.
(13) In accordance with 7 C.F.R. 246.8, complaints alleging civil rights discrimination for United States Department of Agriculture (USDA) funded programs, such as the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), WIC Farmers Market Nutrition Program and WIC Breastfeeding Peer Program, shall be filed with the USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, SW.,

Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TTY).

JOHN R. LANGEFELD, MD, Commissioner
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: September 17, 2025
FILED WITH LRC: February 3, 2026 at 11:50 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.180, 7 C.F.R. Part 246, and 42 U.S.C. 1786.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditure for the promulgating agency.
Revenues: The WIC program receives approximately $112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The funding from USDA to support the WIC program is depended on federal monies available.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local health departments that operate a WIC program are affected local entities.
(a) Estimate the following for the first year:
Expenditures: The amendment to this administrative regulation will not impact expenditures for the local agencies who implement WIC.
Revenues: The state program provides funding from the grant dollars received to support the local agencies who implement WIC.
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Subsequent year expenditures, revenues and cost savings will be dependent on the amount of federal funding received from the USDA.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include WIC recipients.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation may have result in minimal expenditures for WIC participants who file a request for an administrative hearing. Expenditures could include the resources needed to support their claim.
Revenues: This administrative regulation will not generate revenue for WIC participants.
Cost Savings: This administrative regulation will not result in cost savings for WIC participants.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures, revenue, and cost savings will not change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation will have a budget neutral fiscal impact. This administrative regulation will not generate revenue for the promulgating agency or other impacted entities. Expenditures will not be increased or decreased as a result of this administrative regulation and there will be no costs savings.
(b) Methodology and resources used to determine the fiscal impact: The amendment to this administrative regulation updates the procedures for participants who request a fair hearing.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation does not have an overall negative or adverse major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation is budget neutral.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. 246 and 42 U.S.C. 1786.
(2) State compliance standards. KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.
(3) Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants, and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.9 requires states to have fair hearing procedures for participants. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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 Maternal and Child Health
(Amendment)

902 KAR 18:050. Vendor authorization criteria.

RELATES TO: KRS Chapter 13B, 194A.050, 194A.505, 194A.990, 7 C.F.R. Part 246, 278.6, 21 U.S.C. 802.
STATUTORY AUTHORITY: KRS 194A.050, 211.180[~~211.090(3)~~], 7 C.F.R. Part 246, 42 U.S.C. 1786
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 provide [~~for~~] grants for state operation of the Special Supplemental Nutrition Program for Women, Infants[~~,~~] and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for

Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes the vendor authorization criteria for the Kentucky Special Supplemental Nutrition Program for Women, Infants[,] and Children (WIC).

Section 1. Vendor Authorization Criteria.

(1) Only a vendor authorized by the state WIC agency shall redeem a food instrument.

(2) Each store operated by a business entity shall be authorized separately from other stores operated by the business entity.

(3) Each store shall have a single, fixed location and redeem the WIC food instruments and provide the WIC foods within the four (4) walls of the establishment.

(4) A vendor[retailer] authorized as a pharmacy shall only redeem food instruments for exempt infant formulas and WIC-eligible nutritionals[medical foods].

(5) [Food] Vendors shall be authorized in sufficient numbers and with distribution adequate to ensure:

(a) Participant convenience and access; and

(b) Effective management of vendor review by the cabinet [and the local agency].

(6) In order to be an authorized WIC vendor, a vendor shall:

(a) Complete the application process, meet authorization criteria, and be approved by the WIC state agency [in accordance with the Kentucky WIC Manual for Applying Retailers];

(b) Provide business information [required by the WIC Manual, including sales volume and an updated application,] requested by the state WIC agency;

(c) Stock, at all times, minimum inventory in accordance with the [Quantified]Minimum Stock[Inventory] Requirements outlined in the Kentucky WIC Vendor Agreement[Manual for Applying Retailers]:

1. [The stock shall be in the store or in the store's stockroom;]

[2.] Expired foods shall not count towards meeting the minimum stock[inventory] requirement; and

2.[3.] A pharmacy shall supply exempt formula or WIC-eligible nutritionals[medical foods] within forty-eight (48) hours of [the state WIC agency] request;

(d) Obtain infant formula only from the listing of Kentucky WIC[Program] Authorized Formula Suppliers [of WIC Approved Infant Formulas, http://chfs.ky.gov/dph/mch/Vendor+Management.htm];

(e) Except for a pharmacy, be in compliance with the Kentucky Food Code, 902 KAR 45:005, and have a valid retail food establishment or retail food store permit in the current owner's name;

(f) Except for a pharmacy, be an authorized SNAP retailer;

(g) Have competitive prices with other authorized WIC vendors in the area[,][compared according to the policy outlined in the WIC Manual for Applying Retailers and the Manual for Contracted WIC Vendors];

(h) Post the current[Display the] prices of WIC approved foods[food items] on each individual product,[item] or on the shelf directly in front of the product, or on the refrigerated display case where the items are located. A cost plus ten (10) percent store shall post the final price on the individual product[(WIC price)] on the shelf, or on the refrigerated display case where the items are located[signage in aisle];

(i) Be in compliance with the other Food and Nutrition Service programs or the Medicaid program, including:

1. Not be disqualified or withdrawn by the United States Department of Agriculture from participation in another Food Nutrition Service program or the Medicaid program;

2. Not be denied application to participate in SNAP or Medicaid;

3. Not be currently paying a civil money penalty to SNAP or Medicaid; or

4. Not have been assessed a civil money penalty by SNAP or Medicaid, and the disqualification period that would otherwise have been imposed has not expired;

(j) Request authorization for a business whose primary purpose is to be a retail grocery:[.]

1. Except for a pharmacy, a direct distribution outlet or wholesale food establishment shall not be eligible.

2. A vendor who derives more than fifty (50) percent of annual food sales revenue from the sale of food items that are purchased with WIC food instruments shall not be eligible.

3. A retail grocery shall:

a. Have a separate and distinct grocery department in a stationary location which stocks staple food items in addition to WIC approved foods; and

b. Have fifteen (15) percent of gross sales in nontaxable food sales[, excluding specialty items such as bakery goods for a bakery or produce for a fruit and vegetable stand.]

[4.] [A dairy or home delivery grocery shall not be approved if it operates solely as a mobile operation.]

[5.] [The use of drive-up windows shall not be approved];

(k) Be registered with the Secretary of State and be in good standing, if a corporation or partnership;

(l) Except for a farmers' market, be open for business year round at least eight (8) hours per day, six (6) days per week;

(m) Be accessible to monitoring by state and federal officials without prior notice;

(n) Not be indebted to the WIC program for an unpaid claim or a civil money penalty against a store owned or previously owned by the applying owners; and

(o) Have the capability to accept WIC program benefits electronically. A store shall have the use of an internet cable or a currently Food and Nutrition Services certified system to accept online WIC EBT.

(7) The WIC program shall not authorize a vendor applicant if, during the last six (6) years, an applicant current owner, officer, or manager has been convicted of or had a civil judgment for:

(a) Fraud;

(b) Antitrust violation;

(c) Embezzlement, theft, or forgery;

(d) Bribery;

(e) Falsification or destruction of records;

(f) Making false statements or claims;

(g) Receiving stolen property;

(h) Obstruction of justice; or

(i) Another act reflecting on the business integrity and reputation of the applicant, such as removal from other federal or state programs.

(8) The WIC program shall not authorize a store that has attempted to circumvent a period of disqualification from the program, including a store that has undergone a sale or changes of operation if the transaction involved the following parties:

(a) The seller or transferor is an owner, operator, or manager currently suspended, sanctioned, has outstanding monetary claims, or disqualified from WIC, SNAP, or Medicaid; and

(b) The buyer or transferee is related to the seller by marriage or consanguinity within the fourth degree, or was a manager or employee of the seller when the sanction, suspension, outstanding monetary claim, or disqualification was issued or the violation occurred.

(9) A contract shall not be entered into with a vendor if the contract would cause a conflict of interest, real or apparent.

(10) The WIC program shall terminate a vendor contract if it determines the vendor or vendor's employee provided false information in connection with the vendor application.

(11) An authorized WIC vendor shall send appropriate employees (owner, manager or head cashier) to attend state WIC agency required training.

(12) If an applying vendor[retailer] does not meet the criteria upon review by the[either the local or] state WIC agency:

(a) The applying vendor[retailer] shall be notified in writing;

(b) After two (2) reviews, the applying vendor[retailer] shall not apply for the program for sixty (60) days from the date of denial;

(c) After three (3) reviews, the applying vendor[retailer] shall not apply for 120 days from the date of the denial;

(d) Each subsequent denial shall result in an additional sixty (60) day waiting period[denial].

(13) A person aggrieved by a decision of the cabinet may file a written request for a hearing with the cabinet within fifteen (15) days

after receipt of notice of the adverse action. The hearing shall be conducted in accordance with KRS Chapter 13B.

[~~Section 2.~~] [~~Procedures for Authorized Vendors. Authorized vendors shall comply with the Manual for Contracted WIC Vendors.~~]

[~~Section 3.~~] [~~Incorporation by Reference.~~]

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

[~~(a)~~] [~~"Kentucky WIC Manual for Applying Retailers", October 2013; and~~]

[~~(b)~~] [~~"Manual for Contracted WIC Vendors", October 2013.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

JOHN R. LANGEFELD, MD, Commissioner
STEPHEN J. STACK, M.D., MBA, Secretary
APPROVED BY AGENCY: September 16, 2025
FILED WITH LRC: February 3, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks and Krista Quarles
Subject Headings: Local Health Departments, Public Health, Retail and Sales
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the vendor authorization criteria for the Kentucky Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure a sufficient number of WIC vendors are approved and available to fulfill the needs of WIC participants in their community.
(c) How this administrative regulation conforms to the content of the authorizing statutes: 7 C.F.R. 246.12(g) authorizes the cabinet to develop and implement vendor authorization procedures. KRS 194A.050 requires the cabinet to promulgate administrative regulations and carry out programs mandated by federal law for the receipt of federal funds.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures all vendors are aware of the requirements to be authorized to participate in the WIC program.
(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 to this administrative regulation updates the vendor participation requirements, revises the price display criteria, clarifies which requirements are not applicable to a participating pharmacy, and adds outstanding monetary claims to the list of reasons a vendor application may not be approved. The vendor manuals previously incorporated by reference are being removed as these materials are outdated and no longer used by the WIC program.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to comply with federal regulation.
(c) How the amendment conforms to the content of the authorizing statutes: 7 C.F.R. 246.12(g) authorizes states to develop and implement vendor authorization procedures. KRS 194A.050 requires the cabinet to promulgate administrative regulations and carry out programs mandated by federal law for the receipt of federal funds.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will ensure vendors are aware of the most current requirements for participating in the WIC program.
(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: There are currently 552 authorized WIC vendors. An average of ten (10) new WIC vendor applications are received each year.
(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: Current vendors will need to be aware of the participation requirements and make any necessary changes to business practices to comply. Future WIC vendors will need to be aware of the application requirements.
(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 costs for compliance.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Vendors will be able to provide nutritious foods to families participating in the WIC program.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This is an ongoing program, there are no initial costs.
(b) On a continuing basis: There will be no increase in cost to the state WIC program to implement the amendment 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: According to the U.S. Department of Agriculture, the WIC program receives federal grant funding of approximately $112 million dollars to administer the program.
(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 is not 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: There are no fees established in this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied as all vendors or potential vendors shall meet the established participation requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.180, 7 C.F.R. Part 246, and 42 U.S.C. 1786.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Special Supplemental Nutrition Program for

Women, Infants and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditure for the promulgating agency.
Revenues: The WIC program receives approximately $112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The funding from USDA to support the WIC program is dependent on federal monies available.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local health departments that operate a WIC program are affected local entities.
(a) Estimate the following for the first year:
Expenditures: The amendment to this administrative regulation will not impact expenditures for the local agencies who implement WIC.
Revenues: The state program provides funding from the grant dollars received to support the local agencies who implement WIC.
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Subsequent year expenditures, revenues and cost savings will be dependent on the amount of federal funding received from the USDA.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include authorized WIC vendors and potential vendors.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation may result in minimal expenditures for authorized WIC vendors who may need to update the price display.
Revenues: Participating as a WIC vendor is budget neutral for vendors.
Cost Savings: This administrative regulation will not result in cost savings for authorized WIC vendors.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Updates to price display is a one-time expense for WIC vendors. Expenditures, revenue, and cost savings will not change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation will have a budget neutral fiscal impact. This administrative regulation will not generate revenue for the promulgating agency or other impacted entities. Expenditures will not be increased or decreased as a result of this administrative regulation and there will be no costs savings.
(b) Methodology and resources used to determine the fiscal impact: The amendment to this administrative regulation updates the application process for vendors to comply with federal regulation.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation does not have an overall negative or adverse major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation is budget neutral.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. 246 and 42 U.S.C. 1786.
(2) State compliance standards. KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.
(3) Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.12(g) requires states to develop and implement criterial to select stores for authorization. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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 Maternal and Child Health
(Amendment)

902 KAR 18:061. Vendor violations and sanctions.

RELATES TO: 194A.050, 194A.505, 194A.990, 7 C.F.R. Part 246, 278.6, 21 U.S.C. 802
STATUTORY AUTHORITY: KRS 194A.050, 211.180[~~211.090(3)~~], 7 C.F.R. Part 246, 42 U.S.C. 1786
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 provide [~~for~~] grants for state operation of the Special Supplemental Nutrition Program for Women, Infants[~~,~~] and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes the vendor violations and sanctions for the Kentucky Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Section 1. Vendor Violations and Sanctions.
(1) In addition to any criminal penalty imposed pursuant to KRS 194A.990, the cabinet shall impose one (1) or more of the following civil sanctions for designated violations committed by a vendor, his or her employee, or agent:
(a) Failure of a vendor to meet the authorization criteria in 902 KAR 18:050:
1. First occurrence: a sixty (60) day disqualification or non-renewal;
2. Second occurrence: a ninety (90) day disqualification or non-renewal; or
3. Third and subsequent occurrences: a 120 day disqualification or non-renewal;
(b) Failure of a vendor to pay a claim. The state WIC agency shall request payment as follows:
1. Written communication[~~Mail a letter~~] to the vendor requesting payment by a specified date;
2. If payment is not received by the specified date, the state WIC agency shall contact the vendor by either email or telephone, reminding vendor of payment due;
3. If payment is not received within fifteen (15) days of the specified date, the state WIC agency shall send a second letter by certified mail, return receipt requested, of past due claim; and
4. If payment is not received by the deadline specified in the second letter, then the following disqualification shall be issued:
a. First occurrence: a six (6) month disqualification; or
b. Second occurrence and subsequent occurrences: a one (1) year disqualification from the WIC program;

(c) Failure of a vendor to return the POS device[~~WIC vendor authorization stamp and XAC device~~] (if applicable). The state WIC agency shall request return[~~receipt~~] of the POS[~~stamp and XAC~~] device (if applicable) as follows:

1. Written communication[~~Mail a certified letter~~] to the vendor requesting return of the POS[~~vendor stamp and XAC~~] device (if applicable) within seven (7) days of disqualification or termination;

2. If the POS[~~vendor stamp and XAC~~] device (if applicable) is[~~are~~] not received, the state WIC agency shall contact the vendor by either email or telephone, reminding the vendor that the POS device (if applicable) is[~~of the vendor stamp and XAC device (if applicable) being~~] due; and

3. If the POS device (if applicable) is[~~stamp and XAC device (if applicable) are~~] not returned within seven (7) days of the effective date of termination or disqualification, then an additional six (6) month disqualification shall be issued;

(d) Store personnel requesting the PIN: two (2) positive buys out of three (3) shall result in a one (1) year disqualification;

(e) Using the integrated or WIC POS[~~XAC~~] device Cash Value Benefits (CVB) functionality to provide non-produce food item(s): two (2) positive buys out of three (3) shall result in a one (1) year disqualification from the WIC program;

(f) Providing free merchandise exclusively to WIC participants as an incentive to redeem WIC benefits: one (1) positive buy out of three (3) shall result in a six (6) month disqualification;

(g) Public notice by a WIC vendor of providing free merchandise exclusively to participants as an incentive to redeem WIC benefits: one (1) occurrence shall result in a six (6) month disqualification;

(h) Conviction of trafficking in WIC benefits or selling a firearm, ammunition, an explosive, or controlled substance, as defined in 21 U.S.C. 802, in exchange for a food instrument: one (1) positive buy shall result in a permanent disqualification;

(i) Trafficking in WIC benefits or selling a firearm, ammunition, an explosive, or controlled substance, as defined in 21 U.S.C. 802, in exchange for a food instrument: one (1) positive buy shall result in a six (6) year disqualification;

(j) Sale of alcohol or alcoholic beverage or tobacco product in exchange for a food instrument: one (1) positive buy shall result in a three (3) year disqualification;

(k) Claiming reimbursement for the sale of an amount of a specific supplemental food item, that[~~which~~] exceeds the vendor's documented inventory of that supplemental food item for a specific period of time:

1. An inventory audit for a thirty (30) day period, that[~~which~~] results in more WIC sales than the documented inventory, shall result in a three (3) year disqualification; [~~or~~]

2. An inventory audit for a ninety (90) day period, that[~~which~~] results in more WIC sales than the documented inventory, shall result in a three (3) year disqualification; or

3. An inventory audit for a 180-day period, that results in more WIC sales than the documented inventory, shall result in a three (3) year disqualification;

(l) Charging a participant more for supplemental food than a non-WIC customer is charged or the current shelf price:

1. Two (2) positive compliance buys out of three (3) shall result in a three (3) year disqualification if:

a. The vendor has exhibited a prior pattern of overcharging based upon routine monitoring visits which have resulted in two (2) letters for price discrepancies; or

b. The vendor has exhibited a pattern of two (2) out of four (4) quarters of low variance in the prior federal fiscal year;

2. The state WIC agency shall:

a. Require a vendor who has received two (2) letters for price discrepancies during the federal fiscal year to receive training provided by the state WIC agency; and

b. Notify a vendor who exhibits a pattern of low variance for two (2) or more quarters during the federal fiscal year; and

3. Three (3) positive compliance buys out of three (3) shall result in a three (3) year disqualification for a vendor who does not meet the conditions in subparagraph 1. of this paragraph;

(m) Receiving, transacting, or redeeming food instruments outside of authorized channels, including the use of an unauthorized vendor or unauthorized person: two (2) positive buys out of three (3) shall result in a three (3) year disqualification;

(n) Charging for supplemental food not received by the participant, such as charging for one (1) food item or more listed on the WIC benefits but not purchased by the WIC participant: three (3) positive buys out of three (3) shall result in a three (3) year disqualification;

(o) Providing credit, an IOU, a rain check, a due bill, or a store credit, or providing a nonfood item other than cash, alcohol, tobacco, firearms, ammunition, explosives or controlled substances, as defined in 21 U.S.C. 802, in exchange for a food instrument[~~benefits~~] shall result in the following disqualification: two (2) positive buys out of three (3) shall result in a three (3) year disqualification;

(p) Providing an unauthorized food item or items in exchange for a food instrument: three (3) positive buys out of four (4) shall result in a one (1) year disqualification;

(q) Charging for supplemental food provided in excess of those listed on the food instrument: three (3) positive buys out of four (4) shall result in a one (1) year disqualification;

(r) A vendor who has been disqualified from the SNAP shall be disqualified from the WIC program for the same length of time as the SNAP disqualification; or

(s) A vendor who has been assessed a civil money penalty by SNAP, as provided under 7 C.F.R. 278.6, shall be disqualified from the WIC program for the same length of time for which the vendor would have been disqualified from SNAP unless the WIC program determines that disqualification would result in inadequate participant access, in which case a penalty shall not be assessed.

(2) If multiple vendor violations are found during an investigation, the length of the disqualification shall be determined by the most serious violation.

(3) A vendor who has previously received two (2) or more of the mandatory sanctions designated in subsection (1)(h) through (q) of this section, and who receives another sanction for a violation designated in subsection (1)(h) through (q) of this section, shall have the third and all subsequent sanctions be doubled. A civil monetary penalty shall not be assessed for a third or subsequent sanction.

(4) Disqualified vendors, even if the decision is later overturned, shall not be entitled to receive compensation for revenues lost as a result of a disqualification.

Section 2. Vendor Notification

(1) Except for violations identified in Section 1(1)(a) through (c), (f) through (j), (r), and (s) of this administrative regulation, the state WIC agency shall notify a vendor in writing if an investigation reveals a potential initial violation.

(2) The vendor shall be notified before another violation is documented unless the state WIC agency determines that notifying the vendor would compromise the investigation.

(a) The notification determination shall be made on a case by case basis.

(b) A notification of a potential initial violation shall not be issued if:

1. The vendor is identified as a high-risk vendor in accordance with 902 KAR 18:090;

2. One (1) or more of the same type of violation occurred within the same federal fiscal year or prior federal fiscal year and the vendor has received prior notification; and

3. Sending a notification letter would divulge the identity of the investigator.

JOHN R. LANGEFELD, MD, Commissioner
STEPHEN J. STACK, M.D., MBA, Secretary

APPROVED BY AGENCY: September 16, 2025

FILED WITH LRC: February 3, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative

regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks and Krista Quarles
Subject Headings: Local Health Departments, Penalties, Public Health
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the vendor violations and sanctions for the Kentucky Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure all vendors operate in full compliance with state and federal laws and regulations.
(c) How this administrative regulation conforms to the content of the authorizing statutes: 7 C.F.R. 246.4(a)(14)(iv) authorizes states to have a system in place to monitor vendors to prevent fraud, waste, and program noncompliance. KRS 194A.050 authorizes the cabinet to implement programs required by federal law.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures vendors are aware of potential sanctions and enforcement actions for program noncompliance.
(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 to this administrative regulation updates the device title to current language, adds a fifteen (15) day timeline for follow-up when a vendor fails to repay a claim, and adds a 180-day inventory audit to the list of sanctions when sales exceed listed inventory.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to ensure vendors are aware of possible sanctions for violations of applicable state and federal laws and regulations.
(c) How the amendment conforms to the content of the authorizing statutes: 7 C.F.R. 246.12(l) lists mandatory vendor sanctions for violations of state and federal laws and regulations. KRS 194A.050 authorizes the cabinet to implement programs required by federal law.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will ensure vendors are aware of all possible sanctions and take the steps necessary to prevent fraud, waste, and program noncompliance.
(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: There are currently 552 vendors enrolled in the WIC program. The state agency receives approximately ten (10) new vendor applications each year.
(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: Vendors will need to be aware of the rules of participation and take the necessary steps to comply with those rules.
(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 minimal costs to vendors to comply with this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Vendors who comply with the rules of participation will remain in good standing with the WIC state agency.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This is an ongoing program, there are no initial costs.
(b) On a continuing basis: There will be no increase in cost to the state WIC program to implement the amendment 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: According to the U.S. Department of Agriculture, the WIC program receives federal grant funding of approximately $112 million dollars to administer the program.
(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 is not necessary to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees established in this administrative regulation.
(10) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applies as all vendors are subject to the same sanctions for violation.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.180, 7 C.F.R. Part 246, and 42 U.S.C. 1786.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditure for the promulgating agency.
Revenues: The WIC program receives approximately $112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The funding from USDA to support the WIC program is dependent on federal monies available.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local health departments that operate a WIC program are affected local entities.
(a) Estimate the following for the first year:
Expenditures: The amendment to this administrative regulation will not impact expenditures for the local agencies who implement WIC.
Revenues: The state program provides funding from the grant dollars received to support the local agencies who implement WIC.
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Subsequent year expenditures, revenues and cost savings will be dependent on the amount of federal funding received from the USDA.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include authorized WIC vendors and potential vendors.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation may result in minimal expenditures for authorized WIC vendors who violate state and federal laws and regulations.
Revenues: Participating as a WIC vendor is budget neutral for vendors.
Cost Savings: This administrative regulation will not result in cost savings for authorized WIC vendors.
(b) How will expenditures, revenues, or cost savings differ in

subsequent years? Expenditures, revenue, and cost savings will not change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation will have a budget neutral fiscal impact. This administrative regulation will not generate revenue for the promulgating agency or other impacted entities. Expenditures will not be increased or decreased as a result of this administrative regulation and there will be no costs savings.
(b) Methodology and resources used to determine the fiscal impact: The amendment to this administrative regulation updates the possible sanctions for vendors who violate state or federal laws and regulations.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation does not have an overall negative or adverse major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation is budget neutral.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. 246 and 42 U.S.C. 1786.
(2) State compliance standards. KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.
(3) Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.4(a)(14)(iv) requires states to have a system to monitor vendors for compliance and to prevent fraud, waste, and program noncompliance. 7 C.F.R. 246.12(l) requires states to implement mandatory vendor sanctions. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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 Maternal and Child Health
(Amendment)

902 KAR 18:071. Participant access determination and civil money penalty.

RELATES TO: 194A.050, 194A.505, 194A.990, 7 C.F.R. Part 246, 278.6, 21 U.S.C. 802
STATUTORY AUTHORITY: KRS 194A.050, 211.180[~~211.090(3)~~], 7 C.F.R. Part 246, 42 U.S.C. 1786
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 provide [~~for~~] grants for state operation of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes procedures for WIC vendor disqualification including the participant access determination and civil money penalty.

Section 1. Participant Access Determination.
(1) Except for a violation specified in 902 KAR 18:061, Section 1(1)(h) and (i), prior to disqualifying a vendor for a violation specified in 902 KAR 18:061, the state WIC agency shall determine if disqualification of the vendor will result in inadequate participant access.
(2) Mileage shall be measured by automobile odometer or geomapping.
(3) The determination and documentation of adequate participant access shall be made using the following criteria:
(a) The sanctioned vendor is located within:
1. A metropolitan area, as defined by the U.S. Office of Management and Budget (OMB) Bulletin No. 23-01[~~13-01~~], and there is another authorized vendor located within two (2) miles of the sanctioned vendor; or
2. A nonmetropolitan area and there is another authorized vendor located within seven (7) miles of the sanctioned vendor;
(b) The sanctioned vendor has redeemed food instruments for WIC nutritionals[~~medical foods~~] or exempt infant formula within thirty (30) days preceding the date of the letter issuing the notice of disqualification, and there is another authorized vendor within the designated mileage as defined in paragraph (a) of this subsection who can supply the products which were previously redeemed; and
(c) The sanctioned vendor has redeemed food instruments from a minimum number of unique customers within thirty (30) days preceding the date of the letter issuing the notice of disqualification.
1. The[~~following shall be the~~] minimum number of unique customers shall be calculated according to the vendor peer group system[~~vendor's peer group:~~]
[~~a.~~] [~~Class 1: forty (40) or more unique customers;~~]
[~~b.~~] [~~Class 2: seventy-five (75) or more unique customers;~~]
[~~c.~~] [~~Class 3: 100 or more unique customers;~~]
[~~d.~~] [~~Class 4: 200 or more unique customers; or~~]
[~~e.~~] [~~Class 5: 400 or more unique customers~~].
2. If a sanctioned vendor meets the criteria for unique customers, the state WIC agency shall[~~then the local agency WIC coordinator or designee shall be consulted to~~] determine if:
a. Conditions exist which would allow travel using public transportation to another authorized WIC vendor within the designated mileage in paragraph (a)1. of this subsection;
b. Crosswalks exist across multilane highways or railroad tracks if another authorized WIC vendor is located in a metropolitan area; or
c. Impassable mountain or an unbridged river would prevent travel if another authorized WIC vendor is located in a non-metropolitan area.
(4) If the WIC program determines there is adequate participant access, retailers shall be afforded the opportunity to submit written documentation providing evidence of the impact of the adverse action on WIC participants.
(5) If inadequate participant access is determined pursuant to subsection (3) of this section, a civil money penalty shall be assessed for a violation listed in 902 KAR 18:061. The civil money penalty shall be calculated in accordance with 7 C.F.R. 246.12(l)(1)(x)[~~the procedures outlined in the Manual for Contracted WIC Vendors incorporated by reference in 902 KAR 18:050~~].
(6) The written documentation shall be received by the state WIC agency within fifteen (15) days from the date of receipt of the state WIC agency notification of disqualification. If the written documentation is not received within fifteen (15) days, further consideration shall not be given to participant access.
(7) Upon receipt and the review of the documentation, the WIC program shall send, within thirty (30) days, a written summary of the participant access review to the vendor. The vendor may then request a hearing in accordance with 902 KAR 18:081.

Section 2. Civil Money Penalty.

(1) The WIC program may negotiate an installment plan for the collection of a civil money penalty if requested by the vendor in writing prior to the payment due date.

(2) A vendor that fails to pay, partially pay, or timely pay a civil money penalty within the required time frame shall be disqualified for the length of time corresponding to the most serious violation.

JOHN R. LANGEFELD, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 16, 2025

FILED WITH LRC: February 3, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks, Krista Quarles
Subject Headings: Children and Minors; Public Assistance; Public Health

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for WIC vendor disqualification including the participant access determination and civil money penalty.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure vendor disqualification does not significantly impact participant access to WIC approved foods.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 7 C.F.R. 246.12(l) outlines the mandatory vendor sanctions available to states. KRS 194A.050 authorizes the cabinet to implement programs required by federal law.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensure proper procedures are followed to determine participant access before disqualifying a vendor.

(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 to this administrative regulation updates the procedures for calculating participant access.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to update the participant access procedures to the current federal standards.

(c) How the amendment conforms to the content of the authorizing statutes: 7 C.F.R. 246.12(l)(8) requires states to develop participant access determination criteria.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will help to ensure participants have sufficient access to vendors before the state disqualifies a vendor.

(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: There are currently 552 enrolled WIC vendors. The state averages 107,000 participants per month.

(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: Vendors and participants need to be aware of the sanctions for violating federal and state laws and regulations.

(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 cost to vendors or participants.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Participants will be assured access to WIC foods.

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

(a) Initially: This is an ongoing program, there are no initial costs.

(b) On a continuing basis: There will be no increase in cost to the state WIC program to implement the amendment 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: According to the U.S. Department of Agriculture, the WIC program receives federal grant funding of approximately $112 million dollars to administer the program.

(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 is not 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: There are no fees established in this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is applied. Vendors who are in an area with low or limited participant access may be issued a civil monetary penalty in lieu of disqualification.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.180, 7 C.F.R. Part 246, and 42 U.S.C. 1786.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures: This administrative regulation does not impact expenditure for the promulgating agency.

Revenues: The WIC program receives approximately $112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).

Cost Savings: This administrative regulation does not result in cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The funding from USDA to support the WIC program is depended on federal monies available.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local health departments that operate a WIC program are affected local entities.

(a) Estimate the following for the first year:

Expenditures: The amendment to this administrative regulation will not impact expenditures for the local agencies who implement WIC.
Revenues: The state program provides funding from the grant dollars received to support the local agencies who implement WIC.
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Subsequent year expenditures, revenues and cost savings will be dependent on the amount of federal funding received from the USDA.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include authorized WIC vendors and potential vendors.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation will not result in expenditures for WIC vendors.
Revenues: Participating as a WIC vendor is budget neutral for vendors.
Cost Savings: This administrative regulation will not result in cost savings for authorized WIC vendors.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures, revenue, and cost savings will not change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation will have a budget neutral fiscal impact. This administrative regulation will not generate revenue for the promulgating agency or other impacted entities. Expenditures will not be increased or decreased as a result of this administrative regulation and there will be no costs savings.
(b) Methodology and resources used to determine the fiscal impact: The amendment to this administrative regulation updates the participant access determination process to comply with federal standards.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation does not have an overall negative or adverse major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation is budget neutral.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. 246 and 42 U.S.C. 1786.
(2) State compliance standards. KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.
(3) Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.12(1)(8) requires states to develop and implement participant access determination criteria. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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 Maternal and Child Health
(Amendment)

902 KAR 18:081. Local agency fair hearing and vendor [~~hearing process~~][~~and~~] administrative review[~~appeal~~] process.

RELATES TO: KRS Chapter 13B, 15.111, 194A.050, 194A.505, 194A.990, 7 C.F.R. Part 246, 278.6, 21 U.S.C. 802
STATUTORY AUTHORITY: KRS 194A.050, 211.180[~~211.090(3)~~], 7 C.F.R. Part 246, 42 U.S.C. 1786
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246, provide [~~for~~]grants for state operation of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes the local agency right to a fair hearing and the vendor right to an administrative review in regard[~~agency's and vendor's rights to a hearing in regards~~] to the Kentucky Special Supplemental Nutrition Program for Women, Infants[~~,~~] and Children (WIC).

Section 1. Local Agency.
(1) A local agency may request a fair hearing for the following adverse actions:
(a) Denial of a local agency's application;
(b) Disqualification of a local agency; and
(c) Any other adverse action that affects a local agency's participation.
(2) The following state WIC agency actions shall not be subject to administrative review via a fair hearing:
(a) Expiration of the local agency's agreement; and
(b) Denial of a local agency's application if the state WIC agency has issued a request for bid and followed finance procurement procedures.
(3) The following shall be the effective dates of adverse actions against local agencies:
(a) Denial of local agency applications shall be effective immediately;
(b) Adverse actions in subsection (1)(b) and (c) of this section shall be effective no later than sixty (60) days after the date of the notice of adverse action is served by hand delivery or certified mail receipt; and
(c) Adverse actions that are appealed shall be effective the date that the local agency receives the fair hearing decision.
(4) A local agency may file a request for a fair hearing by electronic mail, hand delivery or certified mail with the state WIC agency within fifteen (15) days after receipt of notice of the adverse action.

Section 2. Vendor Right to an[~~a Hearing or~~] Administrative Review.
(1) In accordance with 7 C.F.R. 246.18, a vendor aggrieved by a qualifying adverse action may request an administrative review[~~a hearing~~] for the following:
(a) Denial of authorization based on the vendor authorization criteria found in 902 KAR 18:050;
(b) Termination of an agreement;
(c) Disqualification in accordance with 902 KAR 18:061; and
(d) Imposition of a fine or civil money penalty in lieu of a disqualification in accordance with 902 KAR 18:071.

(2) In accordance with 7 C.F.R. 246.18, the following state WIC agency actions shall not be subject to administrative review under this section:

(a) The validity or appropriateness of the vendor selection criteria for minimum variety and quantity of supplemental foods, business integrity, and current SNAP disqualification or civil money penalty for hardship;

(b) The validity or appropriateness of the selection criteria for competitive price, including vendor peer group system criteria and the criteria used to identify vendors that are above-50-percent vendors;

(c) The validity or appropriateness of the participant access criteria and the state WIC agency's participant access determinations;

(d) The determination to include or exclude an infant formula manufacturer, wholesaler, distributor, or retailer from the list of entities where infant formula can be purchased;

(e) The validity or appropriateness of the prohibition of incentive items;

(f) The determination not to notify a vendor in writing when an investigation reveals an initial violation for which a pattern of violations must be established in order to impose a sanction;

(g) The determination that a vendor did not have a policy and program in effect to prevent trafficking and that the ownership of the vendor was not aware of, did not approve of, and was not involved in the conduct of the violation;

(h) The expiration or non-renewal of a vendor's agreement;

(i) Disputes regarding food instrument payments and vendor claims; or

(j) Disqualification of a vendor as a result of disqualification from the SNAP.

(3) A vendor may file a request for an administrative review by electronic mail, hand delivery or certified mail with the state WIC agency within fifteen (15) days after receipt of notice of the adverse action.

Section 3. Fair Hearing or Administrative Review[~~Appeal~~].

(1) Requests for a fair hearing or an administrative review shall be forwarded by the cabinet to the Office of Administrative Hearings within the Department of Law in accordance with KRS 15.111(2)(g), within two (2) working days of receipt[~~A vendor or local agency may file a written request by hand delivery or certified mail with the state WIC agency within fifteen (15) days after receipt of notice of the adverse action~~].

(2) The fair hearing or an administrative review[~~hearing~~] shall be conducted in accordance with KRS Chapter 13B, subject to any specific provisions set forth herein.

(3) The hearing or administrative official shall provide notice of the time and place of the fair hearing or administrative review within fifteen (15) days of a request [~~for a hearing, the cabinet shall issue a date of hearing~~].

(4) A request for a fair hearing or administrative review may be dismissed[~~The state WIC agency may dismiss a request for hearing~~] if:

(a) The request is not received within the time limit set by this administrative regulation;

(b) The request is withdrawn in writing by the appellant or a representative of the appellant; or

(c) The appellant or representative fails, without good cause, to appear at the scheduled fair hearing or administrative review.

(5) To protect the identity of the state WIC agency investigators, cross examinations of these witnesses shall be conducted behind a protective screen or other device in accordance with 7 C.F.R. 246.18(b)(5).

(6)

(a) In accordance with 7 C.F.R. 246.18(b)(9), the fair hearing or administrative review official[~~officer~~] shall issue a written recommended order no later than ninety (90) days after the cabinet receives the request for the fair hearing or administrative review which shall include:

1. The findings of fact;

2. Conclusions of law; and

3. Recommended disposition, including recommended penalties, if any, in accordance with KRS 13B.110.

(b) In accordance with 7 C.F.R. 246.18(b)(8), decisions of the fair hearing or administrative review official shall be based on KRS Chapter 194A, 42 U.S.C. 1786, 7 C.F.R. Part 246, 7 C.F.R. 278.6, or 902 KAR Chapter 18, and the facts of the case as established in the official record[~~of the hearing~~] as defined in KRS 13B.130.

(c) An official[~~A hearing officer~~] shall not reduce or modify sanctions that are prescribed by KRS Chapter 194A, 42 U.S.C. 1786, 7 C.F.R. Part 246, 7 C.F.R. 278.6, or 902 KAR Chapter 18.

(7) Exceptions to the official's[~~hearing officer's~~] recommended order shall be filed with or mailed to Cabinet for Health and Family Services, Office of the Secretary, 275 East Main Street, 5W-A, Frankfort, Kentucky 40621.

(8) Each party [~~in the hearing~~] shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommended order, as provided in KRS 13B.110.

(9) A party may file a response to an opposing party's exceptions within twenty-five (25) days from the date the recommended order is mailed.

(10) Exceptions and responses to exceptions shall be considered filed on the date they are received by the cabinet.

(11) Appealing an action shall not relieve an appellant from the responsibility of continued compliance with KRS Chapter 194A, 42 U.S.C. 1786, 7 C.F.R. Part 246, 7 C.F.R. 278.6, or 902 KAR Chapter 18.

(12) The final order shall be issued in accordance with KRS 13B.120.

(13) In accordance with 7 C.F.R. 246.18(e), the state WIC agency shall make denials of authorization and disqualifications imposed under 902 KAR 18:061 effective on the date of receipt of the notice of adverse action.

Section 4. In accordance with KRS 13B.140, any party aggrieved by the final order may seek judicial review of the decision by filing a petition within thirty (30) days of receipt of final order notice in the Franklin Circuit Court or the circuit court of the county in which the party resides or operates a business.

JOHN R. LANGEFELD, MD, Commissioner
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: September 16, 2025
FILED WITH LRC: February 3, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks, Krista Quarles
Subject Headings: Administrative Hearings; Local Health Departments; Public Health; Retail and Sales
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes local agency and vendor rights to a hearing in regard to the Kentucky Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure due process for local agencies and vendors who may be subject to an adverse action.
(c) How this administrative regulation conforms to the content of the authorizing statutes: 7 C.F.R. 246.18 outlines the adverse actions that are subject to administrative review. KRS 194A.050 authorizes the cabinet to implement programs required by federal law.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures local agencies and vendors have access to due process procedures.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation updates the procedure for requesting an administrative hearing.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to update the requirements for requesting an administrative hearing to comply with 2023 Ky Acts ch.124 which created the Division of Administrative Hearings in the Office of Attorney General.
(c) How the amendment conforms to the content of the authorizing statutes: 7 C.F.R. 246.18 outlines the adverse actions that are subject to administrative review. KRS 194A.050 authorizes the cabinet to implement programs required by federal law.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will ensure proper due process procedures are followed.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, RS 2023 Senate Bill 48.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local agencies for WIC include sixty-one (61) county and district health departments and three (3) pediatric medical centers. There are currently 552 vendors for WIC services.
(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: Local agencies and vendors will need to be aware of the updated procedures.
(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 associated with compliance.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Local agencies and vendors will have access to proper due process procedures.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This is an ongoing program, there are no initial costs.
(b) On a continuing basis: There will be no increase in cost to the state WIC program to implement the amendment 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: According to the U.S. Department of Agriculture, the WIC program receives federal grant funding of approximately $112 million dollars to administer the program.
(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 is not 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: There are no fees established in this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation is applied equally to local agencies and vendors.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.180, 7 C.F.R. Part 246, and 42 U.S.C. 1786.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditure for the promulgating agency.
Revenues: The WIC program receives approximately $112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The funding from USDA to support the WIC program is dependent on federal monies available.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local health departments that operate a WIC program are affected local entities.
(a) Estimate the following for the first year:
Expenditures: The amendment to this administrative regulation will not impact expenditures for the local agencies who implement WIC.
Revenues: The state program provides funding from the grant dollars received to support the local agencies who implement WIC.
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Subsequent year expenditures, revenues and cost savings will be dependent on the amount of federal funding received from the USDA.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include authorized WIC vendors and potential vendors.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation may have result in minimal expenditures for authorized WIC vendors who file a request for an administrative hearing.
Revenues: Participating as a WIC vendor is budget neutral for vendors.
Cost Savings: This administrative regulation will not result in cost savings for authorized WIC vendors.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Updates to price display is a one-time expense for WIC vendors. Expenditures, revenue, and cost savings will not change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation will have a budget neutral fiscal impact. This administrative regulation will not generate revenue for the promulgating agency or other impacted entities. Expenditures will not be increased or decreased as a result of this administrative regulation and there will be no costs savings.
(b) Methodology and resources used to determine the fiscal impact: The amendment to this administrative regulation updates the due process procedures for local agencies and vendors to comply with federal regulation.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified

in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation does not have an overall negative or adverse major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation is budget neutral.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. 246 and 42 U.S.C. 1786.
(2) State compliance standards. KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.
(3) Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.18 lists the adverse actions subject to an administrative review. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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 Maternal and Child Health
(Amendment)

902 KAR 18:090. High risk criteria.

RELATES TO: KRS 194A.050, 194A.505, 194A.990, 205.231, 7 C.F.R. Part 246, 278.6, 21 U.S.C. 802
STATUTORY AUTHORITY: KRS 194A.050, 205.231, 211.180[~~211.090(3)~~], 7 C.F.R. Part 246, 42 U.S.C. 1786
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. 1786 and 7 C.F.R. Part 246 provide [~~for~~]grants for state operation of the Special Supplemental Nutrition Program for Women, Infants[~~,~~] and Children (WIC). KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations as necessary to qualify for the receipt of federal funds. KRS 211.180(1)(e) and (f) authorize the cabinet to promulgate administrative regulations for the health of expectant mothers, infants, and preschoolers, and the improvement of health through better nutrition. This administrative regulation establishes the high-risk criteria for contracted vendors[~~retailers~~] with the Kentucky Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Section 1. High Risk Criteria. In accordance with 7 C.F.R. 246.12, high-risk vendors shall be identified at least once each federal fiscal year. The criteria and points established in this section shall be assessed.

(1) A vendor with low variance[~~, as defined by 902 KAR 18:011, Section 1,~~] shall be assessed one (1) point[~~five (5) points~~] per quarter.

(2) [~~A vendor who has greater than or equal to twenty (20) percent but less than fifty (50) percent of the vendor's quarterly WIC transactions ending in whole dollar amounts shall be assessed five (5) points per quarter. The transactions shall not include produce and formula.~~]

[~~(3)~~] [~~A vendor who has greater than or equal to fifty (50) percent of the vendor's quarterly WIC transactions ending in whole dollar amounts shall be assessed ten (10) points per quarter. The transactions shall not include produce and formula.~~]

[~~(4)~~] A vendor in which six (6) or more gallons of milk were redeemed in a single transaction, occurring in thirty (30) or more transactions a quarter, shall be assessed five (5) points per quarter.

(3)[~~(5)~~] A vendor with full package redemptions in one (1) transaction occurring in twenty (20) or more transactions per quarter shall be assessed five (5) points per quarter.

(4)[~~(6)~~] [~~A vendor shall be assessed ten (10) points for every overcharge letter unless the overcharge is justified in writing and accepted by the state WIC agency.~~]

[~~(7)~~] A vendor with a lack of inventory[~~, as outlined in the Kentucky WIC Manual for Applying Retailers, incorporated by reference in 902 KAR 18:050,~~] shall be assessed five (5) points per occurrence during a monitoring visit.

(5)[~~(8)~~] A vendor whose prices for transactions are greater than or equal to ninety (90) percent above the NTE shall be assessed five (5) points per quarter.

(6)[~~(9)~~] [~~A vendor whose percentage of WIC sales to food sales is greater than twenty (20) percent shall be assessed five (5) points for every ten (10) percent increment per federal fiscal year.~~]

[~~(10)~~] A vendor who has redeemed more than $10,000[~~$2,000~~] in transactions per federal fiscal year from out of its contracted local WIC agency shall receive one (1) point per federal fiscal year.

(7)[~~(11)~~] A vendor who received a Good Letter with Exceptions shall be assessed five (5) points per letter.

Section 2. High Risk Referrals. A vendor who is assessed thirty (30) points or more per federal fiscal year shall be referred to a federal, state, or local law enforcement agency for an[~~a compliance~~] investigation.

JOHN R. LANGEFELD, Commissioner,
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: September 16, 2025
FILED WITH LRC: February 3, 2026 at 11:50 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks, Krista Quarles
Subject Headings: Public Assistance; Public Health; Retail and Sales
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the high-risk criteria for contracted vendors

with the Kentucky Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the criteria used to identify vendors who are at risk for violating the requirements for participation in the WIC program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: 7 C.F.R. 246.12 requires states to be accountable for the food delivery systems under its jurisdiction. KRS 194A.050 authorizes the cabinet to implement programs required by federal law.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures vendors are aware of the requirements for participation and what classifies them as a high-risk vendor.
(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 to this administrative regulation revises the point system for classifying a vendor as high-risk, increases the allowable redemption dollar amount from $2,000 to $10,000 in a federal fiscal year, and makes other changes necessary for KRS Chapter 13A compliance.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to update to the administrative oversight of WIC vendors and to address increase in cost of WIC approved foods.
(c) How the amendment conforms to the content of the authorizing statutes: 7 C.F.R. 246.12 requires states to be accountable for the food delivery systems under its jurisdiction. KRS 194A.050 authorizes the cabinet to implement programs required by federal law.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will ensure high-risk vendors are properly identified.
(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: There are currently 552 contracted WIC vendors.
(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: Vendors will need to be aware of the proposed changes to the high-risk points system and make any necessary adjustments to their daily operations.
(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 contracted vendors to comply with this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Vendors who comply with state and federal laws and regulations will not be subject to sanctions or other enforcement actions.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This is an ongoing program, there are no initial costs.
(b) On a continuing basis: There will be no increase in cost to the state WIC program to implement the amendment 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: According to the U.S. Department of Agriculture, the WIC program receives federal grant funding of approximately $112 million dollars to administer the program.
(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 is not 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: There are no fees established in this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied as all vendors or potential vendors shall meet the established participation requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 211.180, 7 C.F.R. Part 246, and 42 U.S.C. 1786.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation does not impact expenditure for the promulgating agency.
Revenues: The WIC program receives approximately $112 million dollars in grant funding from the U.S. Department of Agriculture (USDA).
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The funding from USDA to support the WIC program is depended on federal monies available.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local health departments that operate a WIC program are affected local entities.
(a) Estimate the following for the first year:
Expenditures: The amendment to this administrative regulation will not impact expenditures for the local agencies who implement WIC.
Revenues: The state program provides funding from the grant dollars received to support the local agencies who implement WIC.
Cost Savings: This administrative regulation does not result in cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Subsequent year expenditures, revenues and cost savings will be dependent on the amount of federal funding received from the USDA.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include authorized WIC vendors and potential vendors.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation will not impact expenditures for WIC vendors.
Revenues: Participating as a WIC vendor is budget neutral for vendors.
Cost Savings: This administrative regulation will not result in cost savings for authorized WIC vendors.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures, revenue, and cost savings will not change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation will have a budget neutral fiscal impact. This administrative regulation will not generate revenue for the promulgating agency or other impacted entities. Expenditures will not be increased or decreased as a result of this administrative regulation and there will be no costs savings.
(b) Methodology and resources used to determine the fiscal impact: The amendment to this administrative regulation updates the point system used to classify a vendor as high-risk for noncompliance with state and federal laws and regulations.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation does not have an overall negative or adverse major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation is budget neutral.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 7 C.F.R. 246 and 42 U.S.C. 1786.
(2) State compliance standards. KRS 194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate and enforce administrative regulations necessary to implement programs mandated by federal law or to qualify for federal funds.
(3) Minimum or uniform standards contained in the federal mandate. 7 C.F.R. 246 provides grant funding to states agencies to administer the Special Supplemental Nutrition Program for Women, Infants and Children through local agencies at no cost to eligible recipients. 7 C.F.R. 246.12(a)(1) requires states to have a system in place for accountability for the food delivery systems under its jurisdiction. 42 U.S.C. 1786 requires states to submit a plan for operation and administration each fiscal year.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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
Office for Children with Special Health Care Needs
(Amendment)

911 KAR 1:010. Application for Clinical Programs[~~to clinical programs~~].

RELATES TO: KRS 200.460, 200.470, 200.654(13), Chapters 311, 319, 334A, 42 U.S.C. 9902(2), 42 C.F.R. 435.603
STATUTORY AUTHORITY: KRS 194A.030(5)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.030(5) authorizes the Office for Children with Special Health Care Needs to promulgate administrative regulations to implement and administer its responsibilities. This administrative regulation establishes application forms used for clinical programs, procedures for application and

Section 1. Definitions.
(1) "Affordable Care Act" is defined by 42 U.S.C. 9902(2).
(2) "Applicant" means a person in need of services offered by the Office for Children with Special Health Care Needs clinical program.
(3) "Clinical program" means an established clinical service by which OCSHCN delivers care to treat conditions listed on the OCSHCN-10g, Medical Eligibility List for Clinical and Case Management Services, through a provider:
(a) Contracted in accordance with 911 KAR 1:060; or
(b) Employed by OCSHCN as an audiologist.
(4) "Eligibility Committee" means an OCSHCN committee that is charged with:
(a) Clarifying financial eligibility questions that arise during:
1. The application review process; and
2. Ongoing eligibility reviews;
(b) Evaluating appeal requests for reconsideration pursuant to Section 13 of this administrative regulation;
(c) Clarifying medical eligibility questions that arise during the application review process; and
(d) Determining if a diagnosis qualifies for inclusion in the clinical program.
(5) "Income" means money received from:
(a) Statutory benefits (for example, Social Security, Veterans Administration pension, black lung benefits, or railroad retirement benefits);
(b) Military housing;
(c) Clerical housing;
(d) Farm or business operations;
(e) Pensions;
(f) Wages for labor or services;
(g) Royalties;
(h) Alimony, maintenance, or child support;
(i) Miscellaneous income as defined by the Internal Revenue Service at https://www.irs.gov/forms-pubs/about-form-1099-misc;[~~www.irs.gov/form1099misc;~~]
(j) Retirement Survivors Disability Insurance;
(k) Disability benefits;
(l) Unemployment benefits;
(m) Supplemental Security Income;
(n) Workers' compensation;
(o) Annuities; or
(p) Interest and dividends.
(6) "OCSHCN" means Office for Children with Special Health Care Needs.
(7) "Responsible adult" means a person who is:
(a) Responsible for making decisions about an OCSHCN clinical program applicant or recipient of services; or
(b) Required to provide financial support for an OCSHCN clinical program applicant or recipient of services.

Section 2. Criteria for Application to an OCSHCN Clinical Program.
(1) In order to be eligible to apply to an OCSHCN clinical program, an applicant shall:
(a) Be under twenty-one (21) years of age;
(b) Live in Kentucky;
(c) Provide a Kentucky physical mailing address at which the applicant receives mail; and
(d) Declare Kentucky as permanent domicile and residency.
(2) An applicant to the OCSHCN Autism[~~Spectrum Disorder~~] Diagnostic Service shall be referred by:
(a) A physician, licensed in accordance with KRS Chapter 311;
(b) An advanced practice registered nurse, licensed in accordance with KRS Chapter 314;
(c) A licensed behavioral analyst, licensed in accordance with KRS Chapter 319;
(d) A therapist, licensed in accordance with KRS Chapter 334A;
(e) A qualified service provider with the Kentucky Early Intervention System, as defined by KRS 200.654(13); or
(f) School personnel, based on testing results.
(3) An applicant to the OCSHCN Autism [~~Spectrum Disorder~~] Medical Service shall be:
(a) Referred by a:
1. Physician, licensed in accordance with KRS Chapter 311;
2. Psychologist, licensed in accordance with KRS Chapter 319; or
3. Speech-language pathologist, licensed in accordance with KRS Chapter 334A, if an Autism Diagnostic Observation Schedule assessment tool was used; and
(b) Diagnosed with [~~an~~] autism[~~spectrum disorder~~].
(4) An applicant to the OCSHCN Hearing Aid Only Service shall be:
(a) Diagnosed to have a permanent childhood hearing loss; and
(b) Under the care of a licensed otorhinolaryngologist.
(5) An applicant to clinical services not established in subsections (2), (3), or (4) of this section may be referred by any person or provider.
(6) An individual shall be ineligible for application to clinical programs if a write-off balance for services is owed to OCSHCN for clinical services delivered to the individual.
(7) Any balances owed pursuant to subsection (6) of this section shall be paid in accordance with the:
(a) Individual's pay category status; and
(b) Provisions of 911 KAR 1:020.

(8) OCSHCN may consider reapplication[~~shall allow up to three (3) reapplications~~] for an applicant if the applicant has been discharged for failure to:

(a) Complete financial update in accordance with Section 12 of this administrative regulation;

(b) Cooperate with medical care;

(c) Make payments on a past due account balance;

(d) Pay OCSHCN for services received; or

(e) Reimburse OCSHCN if an insurance payment has been received by the applicant.

(9) Exceptions to subsections (7) and (8) this section shall be determined by the OCSHCN request for reconsideration process in accordance with Section 13 of this administrative regulation.

Section 3. Initial Application.

(1) If an individual who meets the criteria established in Section 2 of this administrative regulation expresses interest in submitting an application to OCSHCN's clinical program, designated staff shall provide the application packet indicated for the individual's situation, in accordance with Section 4 of this administrative regulation:

(a) At a scheduled intake appointment with the individual;

(b) By postal mail; or

(c) Electronically.

(2) An application shall be made by:

(a) The parent or other legally appointed guardian, if the individual is:

1. A minor who is not legally emancipated; or

2. An adult who is in custodial care; or

(b) The individual, if the individual is:

1. An adult; and

2. Not in the custodial care of another person or entity.

(3) OCSHCN may require the signature of both the applicant and responsible adult if:

(a) The applicant is over the age of eighteen (18); and

(b) There is a question of the applicant's competence to make decisions regarding self-care.

Section 4. Application Forms.

(1) An applicant to an OCSHCN clinical program shall provide to the agency within thirty (30) days:

(a) A copy of the applicant's insurance card, or documentation thereof, if the applicant is not receiving Medicaid or K-CHIP;

(b) OCSHCN-10b, Consent for Care Agreement;

(c) OCSHCN-10c, Guaranty of Payment Agreement;

(d) OCSHCN-10d1, Coordination of Benefits Agreement;

(e) OCSHCN-10a1, Application for Service Legal Guardian (Medicaid), if the application is made by a legal guardian on behalf of a child or adult who is:

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

2. Not legally emancipated;

(f) OCSHCN-10a2, Application for Service Legal Guardian (private insurance), if the application is made by a legal guardian on behalf of a child or adult who is:

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

2. Not legally emancipated;

(g) OCSHCN-10e1, Application for Service Young Adult, if the application is made by an individual who is:

1. Not legally emancipated; or

2.

a. Between the ages of eighteen (18) and twenty-one (21); and

b. A full-time student; and

(h)[~~(g)~~] OCSHCN-10f1, Application for Service Head of Household, if the application is made by an individual who is:

1. Under the age of eighteen (18) and legally emancipated; or

2. Between the ages of eighteen (18) and twenty-one (21) and financially emancipated.

(2) OCSHCN may request that the applicant submit additional information or documentation concerning medical history within thirty (30) days, based on:

(a) Medical staff request; and

(b) Specific medical need.

Section 5. Limited English Proficiency.

(1) OCSHCN shall ensure the availability of foreign language interpretation services in order to assure that families, staff, and providers have an opportunity to communicate effectively.

(2) OCSHCN shall arrange sign language interpreter services for persons who are deaf or hard of hearing, pursuant to 920 KAR 1:070.

Section 6. Proof of Custody for Applicants.

(1) OCSHCN shall require a signed and dated legal court filing establishing custody rights of a minor if:

(a) The parents of a minor are divorced;

(b) The minor is adopted or in the legal custody of the commonwealth; or

(c) The legal guardianship of the minor is in question.

(2) OCSHCN shall require a signed and dated legal court filing establishing custody rights of an adult if the adult is said to be in custodial care of another individual.

(3) OCSHCN may require that the application be signed by the responsible adult if:

(a) The applicant is his or her own legal guardian; and

(b) There is a legitimate concern as to the applicant's ability to make decisions regarding self-care.

Section 7. Application Review Process.

(1) Upon receipt of an application for the OCSHCN clinical program, designated staff shall review the packet to ensure all materials have been completed in accordance with Sections 3 and 4 of this administrative regulation.

(2) Designated staff shall notify the applicant of:

(a) Missing information or clarification needed; and

(b) The timeframe for submitting requested information.

(3) Complete applications shall be processed in accordance with Sections 8, 9, and 10 of this administrative regulation.

(4) Failure to submit requested information to OCSHCN within the specified timeframe shall result in the application process being closed.

Section 8. Medical Eligibility Determination.

(1) In order to be eligible for an OCSHCN clinical program, the applicant shall have a documented condition that is treated by OCSHCN.

(2) An application shall be eligible for expedited review if designated OCSHCN staff determine that recent medical records exist documenting that a contracted provider staffing an OCSHCN clinical program has:

(a) Diagnosed the applicant with a condition on the OCSHCN-10g, Medical Eligibility List for Clinical and Case Management Services; and

(b) Agreed to a treatment plan for the child's condition that is supported by the OCSHCN services offered.

(3) If records established in subsection (2) of this section are not available for OCSHCN review, designated OCSHCN staff shall schedule an onsite clinical evaluation:

(a) By:

1. A contracted provider staffing an OCSHCN clinical program; or

2. An OCSHCN clinic employee; and

(b) To obtain documentation needed to confirm medical eligibility.

(4) Upon receipt of documentation pursuant to this section, designated staff shall determine an applicant's medical eligibility for the OCSHCN clinical program.

Section 9. Financial Eligibility Determination and Pay Category Assignment.

(1) Each applicant shall undergo a financial review process upon:

(a) Application;

(b) Confirmation of medical eligibility;

(c) Change in income or household size prior to annual financial review; and

(d) Annual financial review.

(2) The OCSHCN process to determine pay category assignment shall:

(a) Be based on the household income of the responsible adult requesting services; and

(b) Include income of:

1. The applicant, if the applicant is:

a. An adult; or

b. Not in the custodial care of another person or entity;

2. Parents, step-parents, or legal guardians, if the applicant is:

a. A minor who is not legally emancipated; or

b. An adult who is in custodial care; and

3. Spouse of the applicant, if the applicant is married.

(3) Designated OCSHCN staff shall establish a household size based on family composition, including:

(a) The applicant;

(b) If the applicant is a minor:

1. Parents;

2. Step-parents;

3. Siblings, including:

a. Half siblings; and

b. Step-siblings; and

4. Any other dependent child claimed by the applicant on a federal tax return; and

(c) If the applicant is an emancipated minor or adult:

1. Spouse;

2. Children, including:

a. Half children; and

b. Step-children; and

3. Any other dependent child claimed by the applicant on a federal tax return.

(4) The documents required for income verification shall be the most recent:

(a) Federal tax return of the applicant or the responsible adult; and

(b) Paycheck statement with year-to-date gross earnings for each currently held job.

(5) An applicant or responsible adult without a paycheck containing the criteria established in subsection (4)(b) of this section shall provide two (2) consecutive and the most recent pay stubs or a written statement from the employer that shows:

(a) Gross amount earned; and

(b) Frequency of pay.

(6) An applicant who is covered by Kentucky Medicaid shall be:

(a) Exempt from income verification;

(b) Considered financially eligible; and

(c) Placed in the zero percent pay category.

(7) If household income suggests that an applicant is possibly Medicaid- eligible, a Medicaid application shall be completed within thirty (30) days.

(8) If a Medicaid application completed pursuant to subsection (7) of this section is denied for a reason other than being over income, the applicant shall:

(a) Be considered financially eligible;

(b) Meet medical eligibility criteria pursuant to Section 8 of this administrative regulation; and

(c) Be assigned a pay category in accordance with Section 10 of this administrative regulation.

(9) If a Medicaid application completed pursuant to subsection (7) of this section is denied for being over income, the applicant shall be:

(a) Considered financially eligible; and

(b) Assigned a pay category in accordance with Section 10 of this administrative regulation.

(10) If an application for Medicaid is not completed as requested within the specified timeframe, the application process shall be closed.

Section 10. Family Participation Scale.

(1) An eligible applicant shall be assigned a pay category, which is determined based on:

(a) Annual gross income; and

(b) Household size.

(2) OCSHCN shall:

(a) Calculate minimum and maximum annual gross income limits annually, utilizing:

1. The federal poverty level established annually by the United States Department of Health and Human Services pursuant to 42 U.S.C. 9902(2); and

2. Modified adjusted gross income-based methods established in 42 C.F.R. 435.603; and

(b) Post the current Family Participation Scale at https://www.chfs.ky.gov/agencies/ocshcn.[~~https://chfs.ky.gov/agencies/ccshcn.~~]

(3) Except as established in subsection (5) of this section, pay categories shall:

(a) Represent eligibility requirements at income levels for the Kentucky Children's Health Insurance program established in 907 KAR 4:030; and

(b) Be established at:

1. Zero Percent;

2. Twenty (20) percent;

3. Forty (40) percent;

4. Sixty (60) percent;

5. Eighty (80) percent; and

6. 100 percent.

(4) In accordance with KRS 200.470(1), an applicant who is placed in the 100 percent pay category shall be eligible for acceptance only if access to adequate care and treatment is limited as evidenced by:

(a) Service needed is not otherwise available within a fifty (50) mile radius of where the patient resides;

(b) Treatment requires a multi-disciplinary team, which may include a physician, RN care coordinator, social worker, nutritionist, and therapist;

(c) Service is needed for the purchase of hearing aids;

(d) The patient is:

1. Uninsured; and

2. A member of a religious sect that is exempt from the requirement to maintain minimum essential coverage as required by the Affordable Care Act;

(e) The patient is:

1. Uninsured;

2. Not eligible for Medicaid or the Kentucky Children's Health Insurance Program (KCHIP); and

3. Is exempt from the requirements[~~requirement~~] to maintain minimum essential coverage as required by the Affordable Care Act; or

(f) The medical care or service ordered by an OCSHCN-contracted specialist as treatment for a qualifying condition:

1. Is a non-covered benefit or excluded under the patient's insurance policy; and

2. The patient would benefit from the OCSHCN negotiated rate.

(5) An exception to subsection (3) of this section shall be determined by the OCSHCN request for reconsideration process in accordance with Section 13 of this administrative regulation.

Section 11. Notice of Eligibility Determination.

(1) If an applicant is determined to be eligible in accordance with Sections 8 and 9 of this administrative regulation, designated staff shall notify the applicant in writing of the:

(a) Acceptance into the OCSHCN clinical program;

(b) Effective date of eligibility;

(c) Pay category assigned and a description of family participation fees and responsibilities;

(d) Annual review date;

(e) Name of the OCSHCN contact person assigned to:

1. Manage medical care;

2. Schedule appointments; and

3. Discuss services available; and

(f) Right to request reconsideration of pay category assignment, in accordance with Section 13 of this administrative regulation.

(2) If an applicant is determined to be ineligible for acceptance into the OCSHCN clinical program, designated staff shall notify the following individuals, in writing, of the reason for denial:

(a) The applicant, enumerating a right to request reconsideration of the adverse decision; and

(b) The applicant's primary care or referring physician, if applicable.

Section 12. Continuing Eligibility and Reapplication.

(1) A responsible adult shall advise OCSHCN if there is a change in:

(a) Employment;

(b) Contact information;

(c) Insurance coverage; or

(d) Family composition.

(2) A financial recertification shall be completed annually.

(3) During the financial recertification, designated OCSHCN staff shall:

(a) Verify continued Medicaid enrollment; or

(b) If the recipient of services is not enrolled in Kentucky Medicaid, send the responsible adult written notice pursuant to Section 4 of this administrative regulation, requesting completion of:

1. The financial portion of the application form; and

2. The OCSHCN-10c, Guaranty of Payment Agreement form.

(4) If the forms requested pursuant to subsection (3)(b) of this section are not returned in accordance with the requested timeframe, designated staff shall follow up in writing.

(5) If the requested forms are not returned subsequent to a written follow up pursuant to subsection (4) of this section, designated staff shall:

(a) Initiate discharge of the recipient from the OCSHCN clinical program; and

(b) Notify the responsible adult or person receiving services, providing the:

1. Date of discharge;

2. Referral to primary care physician;

3. Option to reapply for OCSHCN services, and contact phone number; and

4. Courtesy copies of notifications of discharge sent to:

a. Primary care physician;

b. Dental provider, if applicable; and

c. Pharmacy provider, if applicable.

(6) Financial recertification shall occur if there is:

(a) A loss of Medicaid;

(b) Change in circumstances, such as income or household size; or

(c) Change in guardianship.

(7) Upon receipt of documentation related to this section's continuing eligibility and reapplication, designated staff shall notify the responsible adult in writing of the:

(a) Acceptance into the OCSHCN clinical program;

(b) Effective date of eligibility;

(c) Pay category assigned and a description of family participation fees and responsibilities;

(d) Annual review date;

(e) Name of OCSHCN contact person assigned to:

1. Manage medical care;

2. Schedule appointments; and

3. Discuss services available; and

(f) Right to request reconsideration of pay category assignment, pursuant to Section 13 of this administrative regulation.

Section 13. Request for Reconsideration.

(1) An individual who is aggrieved by an adverse decision regarding initial eligibility, termination of services, or pay category assignment in accordance with the procedures established in Section 10 of this administrative regulation may request a reconsideration. A request for reconsideration shall be filed within thirty (30) days of receipt of the adverse decision.

(2) A request for reconsideration of pay category assignment shall be directed to the Eligibility Committee for resolution.

(3) Once a request for reconsideration of the pay category assigned is received, the applicant shall be provided with an OCSHCN-10h, Medical Expense Worksheet, which shall be completed and returned to OCSHCN within thirty (30) days.

(4) An applicant shall submit with the OCSHCN-10h, Medical Expense Worksheet, and written proof of out of pocket payment for allowable medical expenses as established in subsection (5) of this section and paid for:

(a) By the applicant or a member of the applicant's household; and

(b) Within the last twelve (12) months from the date of the letter of the pay category assignment.

(5) Allowable medical expenses shall include:

(a) Insurance premiums;

(b) Medical office or clinic visits;

(c) Medical supplies;

(d) Nutritional supplies;

(e) Prescription medications;

(f) Over the counter medications;

(g) Durable medical equipment;

(h) Hearing aids;

(i) Dental or orthodontia;

(j) Vision or Eye;

(k) Hospitalizations;

(l) Additional expenses for consideration; and

(m) OCSHCN payments in accordance with 911 KAR 1:020.

(6) Upon receipt of the OCSHCN-10h, Medical Expense Worksheet, and documentation established in subsection (4) of this section, OCSHCN staff shall:

(a) Verify expenses;

(b) Present to the OCSHCN Eligibility Committee for review; and

(c) Notify the applicant in writing of the determination.

Section 14. Request for Hearing. An individual who has received a notice of adverse action following a reconsideration may request an administrative hearing from the Office of Administrative Hearings within the Department of law in accordance with KRS 15.111(2)(g) and KRS 13B.[A request for][an administrative hearing shall be:]

[(1)] [In accordance with KRS Chapter 13B; and]

[(2)] [Received by OCSHCN within thirty (30) days of the notice of adverse action.]

Section 15. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) OCSHCN-10a1[OCSHCN-10a], "Application for Service Legal Guardian (Medicaid) ",[,"]01/2025[01/2019];

(b) OCSHCN-10a2, "Application for Service Legal Guardian (Private Insurance)", 01/2025;

(c)[(b)] OCSHCN-10b, "Consent for Care Agreement",[,"] 01/2019;

(d)[(c)] OCSHCN-10c, "Guaranty of Payment Agreement",[,"] 01/2019;

(e)[(d)] OCSHCN-10d1[OCSHCN-10d], "Coordination of Benefits Agreement",[,"]01/2025[01/2019];

(f)[(e)] OCSHCN-10e1[OCSHCN-10e], "Application for Service Young Adult",[,"]01/2025[01/2019];

(g)[(f)] OCSHCN-10f1[OCSHCN-10f], "Application for Service Head of Household",[,"]01/2025[01/2019];

(h)[(g)] OCSHCN-10g, "Medical Eligibility List for Clinical and Case Management Services",[,"] 08/2019; and

(i)[(h)] OCSHCN-10h, "Medical Expense Worksheet",[,"] 01/2019[; and]

[(i)] ["Family Participation Scale," 04/01/2019].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for Children with Special Health Care Needs, 310 Whittington Parkway, Suite 200, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. or online at the agency's Web site at https://chfs.ky.gov/agencies/ocshcn.[https://chfs.ky.gov/agencies/ccshcn.]

JOHN R. LANGEFELD, MD, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 16, 2025

FILED WITH LRC: February 3, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior

to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Emily Allen, Krista Quarles
Subject Headings: Children and Minors, Disability and Disabilities, Medical Disability
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for application to OCSHCN clinical programs, the required forms and documentation, the procedure for application, reapplication and eligibility criteria.
(b) The necessity of this administrative regulation: The administrative regulation is necessary to provide the details of requirements to admission to OCSHCN clinical programs and the criteria for acceptance.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the Office for Children with Special Health Care Needs to provide specialized direct clinical services and the requirements to the application of services in an OCSHCN clinic.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administrative statues to determine the requirements to apply for and receive services in an OCSHCN clinic.
(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 language referring to Autism, allows for edits to web links, and updates to required programmatic forms.
(b) The necessity of the amendment to this administrative regulation: To allow for the necessary updates to programmatic forms.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statue to clarify by ensuring that all required forms are updated to meet the needs of applicants.
(d) How the amendment will assist in the effective administration of the statutes: This amendment assists with the effective administration ensuring there is a policy in place regarding admission to OCSHCN clinics and the required documents to apply to OCSHCN programs.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? {If yes, provide the year of the legislation and either the bill number or Ky Acts chapter number being implemented.} Yes, RS2023 Senate Bill 48
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Patients and families that utilize services provided by the Office for Children with Special Health Care Needs (OCSHCN) and clinical providers in OCSHCN clinics.
(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 applicants to OCSHCN services will be required to apply with updated forms.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): OCSHCN does not anticipate additional costs as a result of this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The updated forms in this amendment will aid patients and families through the application process in addition, updated website references will ensure ease of access to web resources.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: None, services are currently in place and there is no additional cost
(b) On a continuing basis: None, services are currently in place and 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: State and federal funding through the Office for Children with Special Health Care Needs will be used to continue to provide services with the use of the amendments within 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: if new, or by the change if it is an amendment: There will not be a need for an increase of funding request to implement proposed changes.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees will be increased based on this amended administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied; the requirements of the regulation are equally applied to all applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 200.460, 200.470, 200.654(13), Chapters 311, 319, 334A, 42 U.S.C.9902(2), 42 C.F.R. 435.603, KRS 194A.030(5)
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office for Children with Special Health Care Needs within the Cabinet for Health and Family Services and the Kentucky Department of Medicaid Services.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation will not impact expenditures for the Office for Children with Special Health Care Needs.
Revenues: This administrative regulation will not impact revenues for the Office for Children with Special Health Care Needs.
Cost Savings: This administrative regulation will not impact cost saving for the Office for Children with Special Health Care Needs.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no difference as this administrative regulation does not change funding.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): The 11 statewide clinics operated by the Office for Children with Special Health Care Needs will be affected by the implementation of the regulation amendment.
(a) Estimate the following for the first year:
Expenditures: Not applicable.
Revenues: Not applicable.
Cost Savings: Not applicable.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? This amendment will not influence funding.
(4) Identify additional regulated entities not listed in questions (2) or (3): None.
(a) Estimate the following for the first year:
Expenditures: Not applicable.
Revenues: Not applicable.
Cost Savings: Not applicable.
(b) How will expenditures, revenues, or cost savings differ in

subsequent years? This amendment will not influence funding.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: The programs outlined in this administrative regulation are already in existence and there will be no additional fiscal impact on the proposed amendments.
(b) Methodology and resources used to determine the fiscal impact: The programs outlined in this administrative regulation are already in existence and there will be no additional fiscal impact on the proposed amendments.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) The programs outlined in this administrative regulation are already in existence and there will be no additional fiscal impact on the proposed amendments.
(b) The methodology and resources used to reach this conclusion: The programs outlined in this administrative regulation are already in existence and there will be no additional fiscal impact on the proposed amendments.

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
Office for Children with Special Health Care Needs
(Amendment)

911 KAR 1:085. Early Hearing Detection and Intervention Program.

RELATES TO: KRS 13B.050, 15.111(2)(g), 194A.030(5), 200.460
STATUTORY AUTHORITY: KRS 194A.030(5), 194A.050(1), 211.647(3), 216.2970(1)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet, to implement programs mandated by federal law, or to qualify for federal funds. KRS 194A.030 authorizes the Office for Children with Special Health Care Needs (OCSHCN) to promulgate administrative regulations as may be necessary to implement and administer its responsibilities under KRS 200.460 to 200.490. KRS 211.647(3)

Section 1. Definitions.
(1) "AAA Guidelines" means the "Clinical Guidance Document Assessment of Hearing in Infants and Young Children" published by the American Academy of Audiology.
(2) "ASHA Guidelines" means the "Guidelines for the Audiologic Assessment of Children from Birth to 5 Years of Age" published by the American Speech-Language-Hearing Association.
(3) "Audiologist" is defined by KRS 334A.020(5).
(4) "Audiology extern" means a student engaged in the clinical experience component of an audiology doctoral degree program.
(5) "Auditory brainstem response" or "ABR" means an objective electrophysiologic measurement of the brainstem's response to the ear when stimulated with a click sound or tone burst.
(6) "Automated auditory brainstem response" or "AABR" means an automatic ABR resulting in a pass/refer outcome.
(7) "JCIH Guidelines" means "Year 2019 Position Statement: Principles and Guidelines for Early Hearing Detection and Intervention Programs" published by the Joint Committee on Infant Hearing.
(8) "Office" or "OCSHCN" is defined by KRS 211.645(2).
(9) "Otoacoustic emissions" means an objective physiological test method for measuring responses elicited directly from the cochlea.

Section 2. Eligibility Criteria for Centers.
(1) In order to be eligible for designation as a Level 1 infant audiological assessment and diagnostic center, an entity located in Kentucky shall:
(a) Employ at least one (1) audiologist who:
1. Is currently licensed pursuant to KRS Chapter 334A;
2. Has experience testing children in the age range newborn to three (3) years; and
3.
a. Performs all evaluations; or
b. Directly supervises audiology externs performing evaluations;
(b) Possesses[~~Possessess~~] the capacity to complete the following tests:
1. Otoscopic examination;
2. Tympanometry;
3. Ipsilateral acoustic reflex measurement;
4. Contralateral acoustic reflex measurement;
5. Ear-specific behavioral observation audiometry;
6. Speech awareness threshold;
7. Speech recognition or reception threshold;
8. Play audiometry; and
9. Either:
a. Otoacoustic emissions with diagnostic or screening capabilities; or
b. ABR screening;
(c) Annually calibrate all measuring and testing equipment; and
(d) Submit a complete application and assurance packet in accordance with Section 3 of this administrative regulation.
(2) In order to be eligible for designation as a Level 2 infant audiological Assessment and diagnostic center, an entity located in Kentucky shall:
(a) Meet the requirements specified in subsection (1) of this section; and
(b) Possess the capacity to complete:
1. Otoacoustic emissions with diagnostic or screening capabilities;
2. Frequency-specific ABR;
3. Bone conduction ABR; and
4. Real ear measures.

Section 3. Application Process.
(1) An entity seeking designation as an infant audiological assessment and diagnostic center shall submit to OCSHCN a completed application packet containing:
(a) Completed and signed form OCSHCN-E106, Potential Infant Audiological Assessment and Diagnostic Center Questionnaire;
(b) Copies of current professional licenses for audiologists performing evaluations;
(c) Copies of current calibration certificates for audiological testing equipment; and
(d) Copies of policies and procedures for tests and measures requested on the OCSHCN-E106, Potential Infant Audiological Assessment and Diagnostic Center Questionnaire.
(2) OCSHCN shall review an entity's application within thirty (30) calendar days of receiving a complete packet submitted in accordance with subsection (1) of this Section.
(3) Upon review of an entity's application packet, OCSHCN's executive director or designee shall approve the entity as a Level 1 Infant Audiological Assessment and Diagnostic Center if:
(a) The entity meets the requirements specified in Section 2(1) of this administrative regulation; and
(b) OCSHCN determines that the entity's policies and procedures conform to best practice standards as described in JCIH Guidelines and:
1. AAA Guidelines; or
2. ASHA Guidelines.
(4) Upon review of an entity's application packet, OCSHCN's executive director or designee shall approve the entity as a Level 2 Infant Audiological Assessment and Diagnostic Center if:

(a) The entity meets the requirements specified in Section 2(2) of this Administrative regulation; and

(b) OCSHCN determines that the entity's policies and procedures conform to best practice standards as described in JCIH Guidelines and:

1. AAA Guidelines; or

2. ASHA Guidelines.

(5) If OCSHCN's executive director or designee determines that the entity does not meet the requirements specified in Section 2 of this administrative regulation, OCSHCN shall:

(a) Advise the entity and request clarifying information; or

(b) Deny the designation as an Infant Audiological Assessment and Diagnostic Center and notify the entity of appeal rights pursuant to Section 8 of this administrative regulation.

(6) Approvals shall expire on December 31 of odd-numbered years. All entities seeking continued approval shall re-apply by December 1 of that year in accordance with this section.

Section 4. Publication of Approved List.

(1) In accordance with KRS 211.647, OCSHCN shall maintain a current listing of all approved Infant Audiological Assessment and Diagnostic Centers, with contact information.

(2) OCSHCN shall make the listing public through the following methods:

(a) Posting on its agency Web site, https://chfs.ky.gov/agencies/ocshcn[~~http://chfs.ky.gov/agencies/ccshcn~~];

(b) Providing to the Cabinet for Health and Family Services, Office of Administrative and Technology Services, for inclusion on the KY-CHILD electronic information system used by birthing hospitals and centers;

(c) Enclosing as an attachment to correspondence with parents; and

(d) Mailing a listing to birthing hospitals and centers upon request.

Section 5. Removal from Approved List and Updates Required.

(1) OCSHCN shall remove an entity from the approved list and notify the entity of the removal if the entity requests removal.

(2) If OCSHCN receives a complaint that an entity no longer meets the requirements of Section 2 of this administrative regulation, OCSHCN shall:

(a) Advise the entity of the complaint;

(b) Request clarifying information from the entity;

(c) Review any information received; and

(d) Determine whether the entity meets the eligibility requirements of Section 2 of this administrative regulation.

(3) If OCSHCN determines that the entity no longer meets the eligibility requirements, the office shall:

(a) Notify the entity of appeal rights pursuant to Section 8 of this administrative regulation; and

(b) Remove the entity from the approved list.

(4) Following approval, an Infant Audiological Assessment and Diagnostic Center shall provide documentation via form OCSHCN-E107, Infant Audiological Assessment and Diagnostic Center Program Modification, if the changes in circumstances occur:

(a) Employment or termination of employment of an audiologist;

(b) Change in licensure status of an audiologist;

(c) Relocation of agency, name change, or addition of a location; or

(d) Modification to policy or procedure with regard to evaluations described in Section 2 of this administrative regulation.

Section 6. Reporting Requirements.

(1) Upon completion of diagnostic testing of an infant or child aged birth to three (3) years described in KRS 211.647(5), an approved Infant Audiological Assessment and Diagnostic Center shall report to OCSHCN via form OCSHCN-E3:

(a) Identifying and demographic information;

(b) Results of the follow-up audiological evaluation; and

(c) Documentation of the referral required by KRS 211.647(5).

(2) An approved Infant Audiological Assessment and Diagnostic Center shall submit information specified in subsection (1) of this section electronically via the KY-CHILD electronic information system for permanent hearing loss, within forty-eight (48) hours of evaluation, in accordance with KRS 211.647, via form OCSHCN-E3.

(3) Scheduled appointments which are not kept by families shall be marked in the KY-CHILD electronic information system as no-show within four (4) calendar days if not rescheduled.

Section 7. Resource and Informational Materials. OCSHCN shall make available to families of all newborns and children ages birth to three (3) years identified as having permanent hearing loss information provided by the Kentucky Commission on the Deaf and Hard of Hearing.

Section 8. Appeal Rights. An entity denied designation as an Infant Audiological Assessment and Diagnostic Center or which has been removed from the approved list may request an administrative hearing from the Office of Administrative Hearings within the Department of Law in accordance with KRS 15.111(2)(g) and KRS 13B.[~~in accordance with 911 KAR 1:090.~~]

Section 9. Approved Methods of Auditory Screening for Newborn Infants and Children Ages Birth to Three (3) Years.

(1) Auditory screenings pursuant to KRS 216.2970(1) shall include at least one (1) of the following physiological tests:

(a) AABR; or

(b) Otoacoustic emissions.

(2) Auditory screening reports shall:

(a) Document the results of physiological tests conducted;

(b) Document the presence of any risk factors pursuant to KRS 211.645(5); and

(c) Be submitted via the KY-CHILD electronic information system.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Clinical Guidance Document Assessment of Hearing in Infants and Young Children", 1/2020;

(b) "OCSHCN-E106, Potential Infant Audiological Assessment and Diagnostic Center Questionnaire", 03/2025[~~6/2022~~];

(c) "OCSHCN-E107, Infant Audiological Assessment and Diagnostic Center Program Modification",03/2025[~~6/2022~~];

(d) "Guidelines for the Audiologic Assessment of Children From Birth to 5 Years of Age" 2004 American Speech-Language-Hearing Association;

(e) "Year 2019 Position Statement: Principles and Guidelines for Early Hearing Detection and Intervention Programs" Joint Committee on Infant Hearing; and

(f) "OCSHCN-E3 Audiology Update Form (AUF) Worksheet", 03/2025[~~6/2022~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for Children with Special Health Care Needs, 310 Whittington Parkway, Suite 200, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. or online at the agency's Web site at https://chfs.ky.gov/agencies/ocshcn[~~https://chfs.ky.gov/agencies/ccshcn~~].

(3)

(a) The material in paragraph (a) is available online at https://www.audiology.org/practice-guideline/clinical-guidance-document-assessment-of-hearing-in-infants-and-young-children.

(b) The materials in paragraph (b), (c), (d), (e), and (f) is available online at the agency's website at https://www.chfs.ky.gov/agencies/ocshcn/Pages/Incorporated.aspx.

JOHN R. LANGEFELD, MD, Commissioner

STEVEN J. STACK, MD, MBA., Secretary

APPROVED BY AGENCY: September 16, 2025

FILED WITH LRC: February 3, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026 at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior

to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Emily Allen, Krista Quarles
Subject Headings: Administrative Hearings, Audiology, Deaf and Hard of Hearing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation assists in providing guidance that follow the Early Hearing Detection and Invention Act and state authority.
(b) The necessity of this administrative regulation: This amended regulation is necessary to ensure that agencies receiving Early Hearing Detection and Intervention Act funding are adhering to the same guidance and identification process for infant hearing loss.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment uses the authorized statutes as a base to build the guidance provided in this regulation. This amended regulation allows Kentucky to provide more up-to-date forms for clarity, the removal of reference to a repealed administrative regulation 911 KAR 1:090. In addition, this regulation updates the referenced OCSHCN website.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amended regulation removes reference to 911 KAR 1:090 as this regulation is being repealed and the reference in this administrative regulation is no longer necessary. In addition, there will be updates to necessary forms in order to provide clarity in application when applying to become an audiological diagnostic center.
(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 to this administrative regulation updates the process in which to file an appeal to the Early Hearing Detection and Intervention program as well as, updating necessary forms changing First Steps to Kentucky Early Intervention System (KEIS).
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify the process of appeal for the Early Hearing Detection and Intervention Services.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statue to ensure there is a policy in place in the instance that an appeal is deemed necessary.
(d) How the amendment will assist in the effective administration of the statutes: The amendment of the administrative regulation will assist with effective administration of the statute outlining the appeal process.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2023, Senate Bill 48
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Office for Children with Special Health Care Needs; Children with special health care needs and their families; and 12 Kentucky assessment and diagnostic audiological centers.
(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 agencies above will need to ensure they meet the specified expectations in the updated reference materials. These amendments are to update practice reference materials that take into account newer procedural standards.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The proposed amended regulation will cost the agencies a minimal amount if not an actual reduction in costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This amended regulation should result in more updated practice references for providers.
(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 the cabinet to implement this administrative regulation.
(b) On a continuing basis: There will be no cost to the cabinet 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: Early Hearing Detection and Intervention Act funding, and 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: Not applicable
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are not fees associated with this administrative regulation.
(10) TIERING: Is tiering applied? There is no tiering for this program as there are no fees related to this program or 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. 42 U.S.C. 280g-1, KRS 194A.030(5), 194A.050(1), 211.647(3), 216.2970(1), 7.136(2).
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office for Children with Special Health Care Needs and the Early Detection and Intervention Services within the Cabinet for Health and Family Services.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation will not impact expenditures for the Office for Children with Special Health Care Needs.
Revenues: This administrative regulation will not impact revenues for the Office for Children with Special Health Care Needs.
Cost Savings: This administrative regulation will not impact on cost saving for the Office for Children with Special Health Care Needs.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no change in expenditures, revenues, or cost savings in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(a) Estimate the following for the first year:
Expenditures: Not applicable
Revenues: Not applicable
Cost Savings: Not applicable
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable
(4) Identify additional regulated entities not listed in questions (2) or (3): Kentucky assessment and diagnostic audiological centers.
(a) Estimate the following for the first year:
Expenditures: Not applicable
Revenues: Not applicable
Cost Savings: Not applicable
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative

regulation will not have a fiscal impact.
(b) Methodology and resources used to determine the fiscal impact: The programs outlined in the administrative regulation are already in existence and there will be no additional fiscal impact on the proposed amendments.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) : This administrative regulation does not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: The programs outlined in the administrative regulation are already in existence and there will be no additional fiscal impact on the proposed amendments.

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*.

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 OPTOMETRIC EXAMINERS
(New Administrative Regulation)

201 KAR 5:021. Licensure Compliance Review.

RELATES TO: KRS 320.220, 320.250, 320.280.
STATUTORY AUTHORITY: KRS 320.240
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.240(4) requires the Board of Optometric Examiners to promulgate administrative regulations for the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists. This administrative regulation is necessary to address the directive for the Board of Optometric Examiners to investigate and review certain licensures per the Opinion of the Attorney General, OAG 25-13 in a way best to protect public health and welfare.

Section 1. This administrative regulation shall be in effect until 2/28/2027.

Section 2. For all initial licenses approved by the Board for individuals who graduated optometry school between 2020-2023, the following examinations shall be taken and a passing score must be submitted and in the possession of the Board prior to license renewal for 2027:
(1) National Board of Examiners in Optometry (NBEO) Part 1 results or Optometry Examining Board of Canada (OEBC) Part 1 results;
(2) NBEO Part 2 and TMOD results; and
(3) NBEO Part 3 results or results of the American Board of Optometry (ABO) board certification exam.

Section 3. The ABO board certification exam shall be utilized for this limited purpose and for the specific review of licenses.

Section 4. Any licensee who has not met the requirements of Section 2 of this administrative regulation shall not perform the following procedures until all required results are submitted, reviewed and accepted by the Board:
(1) Argon Laser Trabeculoplasty (ALT);
(2) Selective Laser Trabeculoplasty (SLT);
(3) Laser Peripheral Iridotomy (LPI); or
(4) Yttrium Aluminum Garnet (YAG) capsulotomy.

Section 5. The Board shall provide written notice to the Office of the Attorney General when the investigation and review is complete.

MARY BETH MORRIS, OD, Board President
APPROVED BY AGENCY: February 5, 2026
FILED WITH LRC: February 5, 2026 at 3:45 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 24, 2026, at 1:00 p.m. EST, at 100 Consumer 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 April 30, 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: Christi LeMay, Executive Director, 100 Consumer Lane, Frankfort, Kentucky 40601, (502) 234-2114, christi.lemay@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christi LeMay
Subject Headings: Occupations and Professions, Optometry, Licensing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation prescribes the procedures to be followed in making application to the Board for a license to practice optometry.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for licensure, licensure by endorsement, and reinstatement of a license.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific authority provided in KRS 218A.205(3)(g), 320.240(7), 320.270(4).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation set forth the requirements for licensure so applicants, licensees, and the public are aware of the 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 the examinations that are required for licensure. The amendment also requires the board to notify licensees of any proposed change in licensure.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish the examinations required for licensure effective January 1, 2027.
(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes provide the board with authority to establish the licensing requirements, and require that the board establish these requirements in regulation.
(d) How the amendment will assist in the effective administration of the statutes: This amendment provides the examinations required for licensure effective January 1, 2027.
(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 affects all individuals seeking licensure starting January 1, 2027.
(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: All applicants are required to provide passing scores of the licensing examinations established in this amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants must continue to pay the licensing examinations for each required examination.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this amendment is necessary to be licensed to practice optometry. (6) Provide an

estimate of how much it will cost the administrative body to implement this amendment:
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: $350
(b) On a continuing basis: $0
(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 fees or funding 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 establishes fees for licensure. This amendment does not change any of these fees.
(10) TIERING: Is tiering applied? No, each group of applicants has the same requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280
(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: Kentucky Board of Optometric Examiners.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $350 expenditure increase with this amendment.
For subsequent years: $0 expenditure increase with this amendment.
2. Revenues:
For the first year: $0 revenue increase with this amendment.
For subsequent years: $0 revenue increase with this amendment.
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: N/A
(b) Methodology and resources used to reach this conclusion: N/A
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.
(b) The methodology and resources used to reach this conclusion: This amendment does not change any applicant fees paid to the Kentucky Board of Optometric Examiners.

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.

GENERAL GOVERNMENT CABINET
Board of Ophthalmic Dispensers
(New Administrative Regulation)

201 KAR 13:065. Complaint Management.

RELATES TO: KRS 326.090
STATUTORY AUTHORITY: KRS 326.020(3)(a) and (5), 326.030, 326.090, 326.100
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 326 authorizes the board to promulgate administrative regulations to carry out the purposes and provisions KRS 326.010 through 326.990. This administrative regulation establishes the procedures for filing, investigating and addressing a complaint filed against an ophthalmic dispenser, apprentice ophthalmic dispenser and a person or entity who operates an optical establishment contrary to this chapter.

Section 1. Receipt of Complaints.
(1) A complaint:
(a) May be submitted by an:
1. Individual;
2. Organization; or
3. Entity;
(b) Shall be:
1. In writing and provided on the Complaint Form, DPL-BOD-11;
2. Signed by the person submitting the complaint; and
3. Notarized.
(c) May be filed by the board based upon information in its possession.
(2)
(a) Upon receipt of a complaint, a copy of the complaint with the address, phone number and email address of the complainant redacted shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint.
(b) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.
(3)
(a) Upon receipt of the written response of the individual named in the complaint, a copy of his or her response shall be sent to the complainant.
(b) The complainant shall have seven (7) days from receipt to submit a written reply to the response.

Section 2. Initial Review.
(1) After the receipt of a complaint and the expiration of the period for the individual's response or reply, the complaints committee shall consider the complaint, the individual's response, the complainant's reply to the response, the preliminary recommendation of the board's attorney, and any other relevant material available to the board. The complaints committee shall determine whether there is enough evidence to warrant a formal investigation of the complaint.
(2) If the complaints committee determines before formal investigation that a complaint is without merit, it shall recommend to the board that the complaint be dismissed and that the complainant and respondent be notified of the board's decision.

(3) If the complaints committee determines that a complaint warrants a formal investigation, it shall recommend that the board authorize an investigation into the matter and for a report to be made to the complaints committee at the earliest opportunity.

Section 3. Results of Formal Investigation; Board Decision on Hearing.

(1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint. The committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS 326.010 to 326.990 or the administrative regulations promulgated thereunder, and further whether a formal complaint should be issued.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:

(a) Dismiss the complaint or take action pursuant to KRS 326.090; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint, which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B. The hearing shall be held in accordance with KRS Chapter 13B.

(4) If the board determines that a person, or an optical establishment as identified in KRS 326.030 and 201 KAR 13:080, may be in violation, it shall:

(a) Order the individual or the optical establishment, to cease and desist from further violations of KRS 326.030;

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 326.030 with a request that appropriate action be taken under KRS 326.990; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 326.030.

Section 4. Settlement by Informal Proceedings; Letter of Admonishment.

(1) The board, through counsel and the complaints committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter. Any agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair of the board or another member authorized by the board. The board may employ mediation as a method of resolving the matter informally.

(2) The board may, at any time during this process, issue a letter of admonishment to the individual who is named in the complaint as a means of resolving the complaint. The action may be taken if the board determines that this is an appropriate method of dispensing with the complaint. Such letter of admonishment shall be sent to the individual with a copy placed in the individual's permanent file. Within thirty (30) days of the date of the letter, the individual shall have the right to file a written response to the letter and have it attached to the letter of admonishment and placed in the permanent file. The individual shall also, within thirty (30) days of the date of the letter, have the right to appeal the letter of admonishment and be granted a full hearing on the complaint. If this appeal is requested, the board shall immediately file a formal complaint in regard to the matter and set a date for a hearing.

Section 5. Notice and Service of Process.

(1) Any notice required by the Act or this administrative regulation shall be in writing, dated and signed by the chair or another member authorized by the board.

(2) Service of notice and other process shall be made by hand-delivery or delivery by certified mail, return receipt requested, to the individual's last known address of which the board has record or, if known, by such service on the named individual's attorney of record, if appropriate. Refusal of service if by certified mail; or avoidance of service if hand-delivered shall not prevent the board from pursuing proceedings as may be appropriate.

(3) When notice of the initial date for the administrative hearing is given by either the board or the hearing officer, the notice shall be sent to the appropriate person at least twenty (20) days prior to the date of the hearing.

Section 6. Publication. The board shall make public:

(1) Its final order in a disciplinary action under KRS 319A.190 except for a written admonishment issued; and

(2) An action to restrain or enjoin a violation for the unauthorized practice of ophthalmic dispensing.

Section 7. Incorporation by Reference.

(1) "Complaint Form with Information Sheet and Authorization for Release of Medical and Client Records", DPL-BOD-10, December 2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 500 Mero St, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:00 p.m. This material is also available on the board's website at www.bod.ky.gov.

CURT DUFF, Board Chair

APPROVED BY AGENCY: February 11, 2026

FILED WITH LRC: February 12, 2026 at 1:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, April 21, 2026, at 2:00 PM, Eastern Time, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 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 by using the PPC public comment portal at the address listed below.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes, Staff Attorney III
Subject Headings: Ophthalmic Dispensing, Consumer Protection, Administrative Hearings
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the complaint, cease and desist, and administrative hearing process to address alleged violations brought before the board.
(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish a complaint, cease and desist, and administrative hearing process to address alleged violation brought before the board.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate administrative regulations regarding the requirements for enforcing KRS 326.010 through 326.990 and 201 KAR Title 13, including the complaint and administrative hearing process to address alleged violations brought before the board.
(d) How this administrative regulation currently assists or will

assist in the effective administration of the statutes: This regulation will assist in establishing the complaint, investigation, enforcement, and administrative hearing process of alleged violations brought before the board.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: 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? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 527 licensed ophthalmic dispensers and 174 licensed apprentice ophthalmic dispensers who will be 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: This regulation will codify the existing procedure utilized by the board in the instance of a complaint, and therefore a licensee will have to take no additional action to comply with the new regulation if a disciplinary action ensues against the licensee.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost associated with compliance with this new regulation unless the licensee elects to hire an attorney to defend in the disciplinary action.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will provide the benefit of ensuring the board has clear instructions and guidelines to facilitate disciplinary proceedings.
(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 to the administrative body to implement this administrative regulation.
(b) On a continuing basis: There is no continuing cost to the administrative body 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: 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 necessary 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: This administrative regulation does not establish any fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering is not applied because this regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 326.020(3)(a) and (5), 326.090, 326.100.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Ophthalmic Dispensers 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: 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 anticipated.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed.
(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: This administrative regulation will not generate revenue or have a fiscal impact on for state or local government.
(b) Methodology and resources used to reach this conclusion: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.
(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: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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
KENTUCKY BOARD OF OPHTHALMIC DISPENSERS
(Repealer)

201 KAR 13:071. Repeal of 201 KAR 13:070.

RELATES TO: KRS 326.020, 326.040 and 326:100
STATUTORY AUTHORITY: KRS 326.020(3)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3) authorizes the board to promulgate administrative regulations to carry out the purposes and provisions of KRS Chapter 326. 201 KAR 13:070 appears to conflict with KRS 326.100 which requires a KRS Chapter 13B hearing for license revocation, and KRS 326.080 which requires payment of the fee for license renewal. Further, 201 KAR 13:040. Section 4.(5) establishes license expiration upon failure to renew timely so 201 KAR 13:070 is unnecessary. This administrative regulation repeals 201 KAR 13:070.

Section 1. 201 KAR 13:070, License Revocation, is hereby repealed.

CURT DUFF, Board Chair
APPROVED BY AGENCY: February 11, 2026
FILED WITH LRC: February 12, 2026 at 1:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, April 21, 2026, at 2:00 PM, Eastern Time, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 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 by using the PPC public comment portal at the address listed below.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes
Subject Headings: Ophthalmic Dispensing, Occupations and Professions, Licensing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation repeals 201 KAR 13:070.
(b) The necessity of this administrative regulation: The existing administrative regulation appears to .conflict with KRS 326.100 which requires a hearing for license revocation, and KRS 326.080 which requires payment of the fee for license renewal. Additionally, 201 KAR 13:040. Section 4.(5) establishes license expiration upon failure to timely renew so 201 KAR 13:070 is unnecessary
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 326.020(3) gives the board the authority to promulgate regulations.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of this administrative regulation will eliminate the conflict 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: 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? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: No entities will be affected by this repealer since licenses expire for failure to timely renew with payment of the fee and there are no licenses revoked for this reason.
(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 entities will be affected by this repealer.
(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 cost to repeal this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): There is no financial benefit to repeal this administrative regulation; however, the entities will benefit from the repeal of conflicting regulatory procedures upon failure to pay the required renewal fees.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No new costs will be incurred by the repeal of this administrative regulation.
(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: The board's operations are funded by fees paid by credential holders and applicants. However, there is no funding used to implement and enforce the repeal of 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 repeal this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The repeal of this administrative regulation does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No tiering is applied because this amendment repeals an earlier regulation that equally applied to all regulated 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 326.020, 326.040, 326.100.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Ophthalmic

Dispensers 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):
(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 anticipated.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed.
(b) Estimate the following for each affected local entity identified in (4)(a):
(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: This administrative regulation will not generate revenue or have a fiscal impact on for state or local government.
(b) Methodology and resources used to reach this conclusion: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.
(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: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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.

GENERAL GOVERNMENT CABINET
BOARD OF OPHTHALMIC DISPENSERS
(New Administrative Regulation)

201 KAR 13:075. Administrative hearings.

RELATES TO: KRS 326.100
STATUTORY AUTHORITY: KRS 326.020(3)(a) and (5), 326.090, 326.100
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3)(a) requires the board to promulgate administrative regulations necessary to carry out the purposes and provisions KRS 326.010 through 326.990. KRS 326.100 requires the board to conduct administrative hearings in accordance with KRS Chapter 13B. This administrative regulation sets forth the procedures by which such hearings are to be conducted.

Section 1. Right of Administrative Hearing to Appeal the Denial of License or Refusal to Renew or Reinstate a License.
(1) If the board denies an application for licensure, or refuses to renew or reinstate a license for failure to meet the regulatory requirements for renewal or reinstatement, the board shall issue a notice of denial informing the applicant of the specific reason for the board's action, including:
(a) The statutory or regulatory authority the application fails to meet for issuance, renewal or reinstatement of the license;
(b) The factual basis on which the denial is based; and
(c) The right to an appeal through an administrative hearing pursuant to KRS Chapter 13B.
(2) Requirements for Appeal. A written request for an administrative hearing shall be made in writing to the board within twenty (20) calendar days after receipt of this notification, excluding the day the applicant receives notice, or the date that the notification is returned to the board as unclaimed. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.
(3) If the request for an appeal is not timely filed, the notice of denial shall be effective upon the expiration of the time for the applicant to request an appeal.
(4) If a request for an appeal is made, the board, through counsel, shall prepare the notice of administrative hearing in accordance with KRS Chapter 13B.
(5) The administrative hearing shall be conducted in accordance with KRS Chapter 13B.
(6) The documentary evidence shall be limited to the application and supporting documents submitted to the board during the application process and what was considered as part of the application denial.
(7) A renewal applicant may petition the board, in writing, for a stay of the license denial until completion of the administrative hearing process.

Section 2. Administrative Hearing For Denial, Refusal to Renew or Reinstate, Suspension, Revocation, or Imposition of Probationary Conditions upon a License Due to Unprofessional Conduct.
(1) All administrative hearings for the board's denial, refusal to renew or reinstate, suspension, revocation, or imposition of probationary conditions upon a license shall be conducted in accordance with KRS Chapter 13B.
(2) The board, through counsel, shall prepare the formal administrative complaint and notice of administrative hearing in accordance with KRS Chapter 13B.

Section 3. Revocation of Probation.

(1) If the board moves to revoke probation, the board shall issue written notice of the revocation to the last known address on file with the board for the licensee and inform the licensee:

(a) Of the factual basis on which the revocation is based;

(b) Of each probation term violated;

(c) Of the sanction to be imposed; and

(d) That the licensee may appeal the revocation to the board within twenty (20) calendar days after receipt of this notification, excluding the day he or she receives notice, or the date that the notification is returned to the board as unclaimed.

(2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days after receipt of this notification, excluding the day the licensee receives notice, or the date that the notification is returned to the board as unclaimed. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

(3) If the request for an administrative hearing is not timely filed, the revocation shall be effective upon the expiration date for the licensee to request an appeal.

Section 4. A request for an administrative hearing shall be sent to the Kentucky Board of Ophthalmic Dispensers by mail to P.O. Box 1360, Frankfort, Kentucky 40602, by hand-delivery to 500 Mero Street, Frankfort, Kentucky 40601, or by email to bod@ky.gov.

Section 5. If the final order of the board is adverse to a licensee or applicant, or if the hearing is scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by the board, the costs in an amount equal to the cost of stenographic services, the cost of the hearing officer, and the board's attorney fees may be assessed against the licensee or applicant. In a case of financial hardship, the board may waive all or part of the fee.

CURT DUFF, Board Chair

APPROVED BY AGENCY: February 11, 2026

FILED WITH LRC: February 12, 2026 at 1:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, April 21, 2026, at 2:00 PM, Eastern Time, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 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 by using the PPC public comment portal at the address listed below.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes, Staff Attorney III

Subject Headings: Ophthalmic Dispensing, Occupations and Professions, Administrative Hearings

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the due process procedures for a denial of, refusal to renew, or reinstatement of a license and revocation of a probated sanction. It also sets out the scope of what a hearing officer may consider and imposes costs on an individual who fails to reverse the decision of the board on a denial of, refusal to renew, or reinstatement of a license or revocation of a probated sanction.

(b) The necessity of this administrative regulation: The necessity of this regulation is to establish due process procedures.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity with KRS 326.100 which requires the board to conduct a hearing under KRS Chapter 13B before suspending, revoking, imposing probationary or supervisory conditions upon, imposing an administrative fine, issuing a written reprimand, or taking any combination of these things; and, after denying an application if the applicant requests one.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing and clarifying the procedure and requirements for the KRS Chapter 13B hearing.

(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? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 527 licensed ophthalmic dispensers and 174 licensed apprentice ophthalmic dispensers who will be 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: A licensee will have to take no additional action to comply with the regulation.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Stakeholders will have a better understanding of the KRS Chapter 13B administrative hearing process.

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

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(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 to implement the changes made by this regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes no new fee.

(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 326.100

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the

act: KRS 326.020(3) gives the board the authority to promulgate regulations regarding the requirements for licensure.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Ophthalmic Dispensers 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):
(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 anticipated.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed.
(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: This administrative regulation will not generate revenue or have a fiscal impact on for state or local government.
(b) Methodology and resources used to reach this conclusion: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.
(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: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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
Office for Children with Special Health Care Needs
(Repealer)

911 KAR 1:091. Repeal of 911 KAR 1:090.

RELATES TO: KRS 194A.030
STATUTORY AUTHORITY: KRS 13A.310
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 13A.310 allows a promulgating agency to repeal an existing administrative regulation. This administrative regulation repeals 911 KAR 1:090 which is no longer needed due to the reorganization of the Cabinet for Health and Family Services outlined in KRS 194A.030.

Section 1. 911 KAR 1:090, Appeals, is hereby repealed.

JOHN R. LANGEFELD, MD, Commissioner
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: September 16, 2025
FILED WITH LRC: February 5, 2026 at 11:12 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through April 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Emily Allen, Krista Quarles
Subject Headings: Administrative Hearings, Disability and Disabilities, Public Health
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation repeals 911 KAR 1:090 Appeals.
(b) The necessity of this administrative regulation: This regulation repeals 911 KAR 1:090. The process of appeals outlined in 911 KAR 1:090 is no longer relevant.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 13A.310 authorizes an administrative body to repeal an administrative regulation when it desires that it no longer be effective.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation assists in the administration of the statutes by removing the current administrative regulation that is no longer relevant due to KRS 194A.030.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This administrative regulation repeals 911 KAR 1:090 Appeals.
(b) The necessity of the amendment to this administrative regulation: This is a repealer regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This is a repealer regulation.
(d) How the amendment will assist in the effective administration of the statutes: This is a repealer regulation.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2023, Senate Bill 48
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The repealer administrative regulation will not affect any individuals, businesses, organizations or state and local governments. The appeal process is outlined for OCHSCN patients in 911 KAR 1:085 and 911 KAR 1:010.
(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: There will be 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): This administrative regulation will not result in a cost to the regulated entities.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The repeal of this administrative regulation eliminates reference to an appeal process that is no longer valid.
(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 the cabinet to implement this administrative regulation.
(b) On a continuing basis: There will be no cost to the cabinet 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: This administrative regulation does not require 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: Not applicable.
(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. This is a repealer administrative regulation and it will impact all parties 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 13A.310, 194A.050, and KRS 309.432.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Cabinet for Health and Family Services Department for Public Health, and the Office for Children with Special Health Care Needs be affected by this administrative regulation.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation will not impact expenditures for the Office for Children with Special Health Care Needs.
Revenues: This administrative regulation will not impact revenues for the Office for Children with Special Health Care Needs.
Cost Savings: This administrative regulation will not fiscally impact for the Office for Children with Special Health Care Needs
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no change in expenditures, revenues, or cost savings in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(a) Estimate the following for the first year:
Expenditures: Not applicable.
Revenues: Not applicable.
Cost Savings: Not applicable.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable.
(4) Identify additional regulated entities not listed in questions (2) or (3):
(a) Estimate the following for the first year:
Expenditures: Not applicable
Revenues: Not applicable
Cost Savings: Not applicable
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation will have no fiscal impact.
(b) Methodology and resources used to determine the fiscal impact: The is no fiscal impact to the repeal of 911 KAR 1:090.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation will not have an overall negative or adverse economic impact.
(b) The methodology and resources used to reach this conclusion: Not applicable.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of February 9, 2026

Call to Order and Roll Call
The February meeting of the Administrative Regulation Review Subcommittee was held on Monday, February 9, 2026, 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; Senator Julie Raque Adams; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

LRC Staff: Karen Howard, Emily Harkenrider, Carrie Nichols, Laura Begin, Ange Darnell, Anna Latek, and Callie Lewis.

Guests: Cassie Trueblood, Policy Advisor/Counsel, Education Professional Standards Board (EPSB); Steve Humphress, Office of the Attorney General (OAG); Carole Catalfo, Policy Specialist, Public Pensions Authority (KPPA); Nathan Goodrich, Staff Attorney Supervisor, KPPA; John Park, DVM, Chair, Board of Veterinary Examiners (KBVE); Michelle Shane, Executive Director, KBVE; Kelly Jenkins, President, Board of Nursing (KBN); Jeff Prather, Executive Director/General Counsel, KBN; Lilly Coiner, Executive Advisor/Counsel, Board of Licensure for Occupational Therapy (KBLOT); Jill Phelps, Executive Director, KBLOT; Elizabeth Morgan, RT, Executive Director, Board of Medical Imaging and Radiation Therapy (KBMIRT); Steve Fields, Staff Attorney, Department of Fish and Wildlife Resources (KDFWR); Jenny Gilbert, Legislative Liaison, KDFWR; Matthew Wingate, Executive Director/General Counsel, Economic Development Finance Authority (KEDFA); Chad Zimlich, Deputy Counsel, KEDFA; Ann Blaylock, General Counsel, Justice and Public Safety Cabinet (JPSC); Nathan Goens, Assistant General Counsel, JPSC; Brian Lock, Executive Advisor, JPSC; Greg Higgins, Commissioner, Department of Workforce Development (DWD); Bernadette Leveridge, Attorney, DWD; Joshua Newton, General Counsel, Department of Alcoholic Beverage Control (ABC); Wesley Duke, General Counsel, Cabinet for Health and Family Services (CHFS); Julie Brooks, Regulations Coordinator, Department for Public Health (DPH); Lisa Lee, Commissioner, Department for Medicaid Services (DMS); Jonathan Scott, Chief Legislative and Regulatory Officer, DMS; Shannon Baker, Director of Advocacy, American Lung Association (ALA); James Beckman, DVM, President, Kentucky Veterinary Medical Association (KVMA); Mark Chick, DVM, Member, KVMA; Zachary Crouch, Presentation Coordinator, #ICANENDTHETREND, Taylor County Youth Coalition (TCYC); Katryna Fleer, Medical Director, VIP Petcare; Kristin Jimison, Advocacy Director, Campaign for Tobacco-Free Kids (CTFK); Ksenia Miller, Youth Ambassador, CTFK; and Shannon Stiglitz, Senior Vice President of Government Affairs, Kentucky Retail Federation (KRF).

Approval of January 12, 2026, Minutes
A motion was made by Representative Marzian and seconded by Representative Gordon to approve the minutes of the January 12, 2026, meeting. Minutes were approved by voice vote without objection.

The subcommittee determined that the following administrative regulations are deficient pursuant to KRS 13A.030(2)(a):

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

804 KAR 013:020E. Tobacco, nicotine, or vapor product license application forms.

In response to Chair West, Joshua Newton, General Counsel, ABC, stated the agency filed an additional emergency regulation after the December 8th informational review, establishing a provisional license for retailers who applied for a tobacco, nicotine, or vapor product license prior to January 1, 2026 but whose application is still pending. This assists retailers in meeting the statutory deadline.

In response to Chair West, Shannon Stiglitz, Senior Vice President of Government Affairs, KRF, stated there are retailers who still need to apply. On October 31, 2025, ABC sent notice to alcohol licensees. The portal opened November 14th, and the application deadline was January 1, 2026. Several KRF members are in dry territory, did not receive the notice, and did not have prior interaction with ABC. The timing of this implementation process is concerning.

In response to a question by Co-Chair Lewis, Ms. Stiglitz stated the KRF has a diverse membership, including grocery stores, gas stations, and pharmacies. 2025 RS SB 100 treats tobacco like alcohol, but some retailers are different.

In response to Chair West, Ms. Stiglitz explained ABC had at least six months to implement the bill. KRF reached out to ABC to inquire about the status of implementation and to offer assistance. According to ABC's numbers, around 2,000 retailers have not yet applied. Lack of communication with the retailers is the biggest problem.

In response to Chair West, Mr. Newton stated ABC is required to follow the statutory deadline.

In response to Chair West, Ksenia Miller, Youth Ambassador, CTFK, stated electronic cigarettes and nicotine pouches target youth, creating addictions that result in health problems. The Campaign for Tobacco-free Kids supports these administrative regulations, which should move forward to put Kentucky students first.

In response to Chair West, Zachary Crouch, Presentation Coordinator, TCYC, stated surveys demonstrate that some students are using tobacco products as early as third grade. Because of loopholes and poor oversight, underage students have access to tobacco products. Nicotine can be a gateway drug, leading to further substance abuse.

In response to Chair West, Shannon Baker, Director of Advocacy, ALA, stated these administrative regulations should not be further delayed. Tobacco protections passed six years ago lack adequate enforcement. There are many unknown retailers selling these products. These administrative regulations are needed for all retailers to be identified and regulated. Inspections should be unannounced.

In response to Chair West, Kristin Jimison, Advocacy Director, CTFK, stated Kentucky is being used as a model. These administrative regulations will prevent sales of tobacco products to minors, while protecting responsible and compliant retailers. Enforcement should begin immediately. The Campaign for Tobacco-free Kids supports these administrative regulations.

In response to Chair West, Ms. Baker stated existing underage tobacco protections are not fully enforced because data regarding tobacco retailers is incomplete.

Chair West stated that businesses need to be made aware and given time to comply with these requirements.

Chair West made a motion to find 804 KAR 13:020E and 804 KAR 13:030E deficient, and Co-Chair Lewis seconded the motion. A roll-call vote was conducted. With five votes to find these regulations deficient and one pass vote, 804 KAR 13:020E and 804 KAR 13:030E, as amended, were found deficient.

Chair West explained his yes vote by stating 2025 RS SB 100 is a major bill with many different components, and this is the first time some businesses are required to be licensed in this way. There may be bills this session that will address the problem, but he wants to provide more time for compliance.

Compiler's Note: Pursuant to KRS 13A.335(3)(a), a new Section 8 was added to this administrative regulation to reflect the finding of deficiency.

804 KAR 013:030E. Causes for denial of tobacco, nicotine, or vapor product license.

A motion was made and seconded to approve the following amendment: to amend Section 1(2) to limit automatic denials based on false material statements to those made "knowingly" by the applicant, because it was added by the department in the Statement

of Consideration but inadvertently omitted from the filed version of the regulation. Without objection, and with agreement from the agency, the amendment was approved.

Compiler's Note: Pursuant to KRS 13A.335(3)(a), a new Section 3 was added to this administrative regulation to reflect the finding of deficiency.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of the Inspector General: Outpatient Pharmacy Program

907 KAR 023:010. Outpatient Pharmacy Program.

In response to Chair West, Lisa Lee, Commissioner, DMS, stated the proposed amendment does not cover a GLP-1 drug for obesity or cosmetic purposes alone. Coverage eligibility requires an underlying medical condition, such as diabetes or cardiovascular disease.

In response to Representative Marzian, Commissioner Lee stated the Pharmacy and Therapeutics Advisory Committee at CHFS has input on the full eligibility criteria. Other underlying medical conditions may be added in the future.

In response to Co-Chair Lewis, Commissioner Lee stated projected costs and savings are determined by considering current expenditures and the health status of current enrollees. DMS only covers the drug if it is subject to rebates, and federal money covers about 70% of the cost.

In response to Co-Chair Lewis, Jonathan Scott, Chief Legislative and Regulatory Officer, DMS, stated the Office of Data Analytics conducted a fiscal review, considering anticipated actual utilization and cost savings from disease prevention.

In response to Co-Chair Lewis, Commissioner Lee explained each state is different on the covered populations and the criteria used. DMS criteria is Kentucky-specific, addressing prevalent health conditions. Kentucky recently moved from 41st to 43rd place in America's health rankings.

Co-Chair Lewis stated he has seen lives improved with the use of this drug but is concerned about the costs and the timing given the impending Medicaid cuts. He understands and appreciates the department's work, even if he disagrees with this amendment.

In response to Senator Raque Adams, Commissioner Lee stated these drugs are approved for diabetes, but the regulation excludes use for obesity. All current GLP-1 users have an underlying health condition. Removal of the weight loss exclusion allows for other health conditions to be treated with GLP-1.

Senator Raque Adams stated it is important to determine health outcomes with this type of drug. This issue will be addressed at an upcoming Medicaid Oversight and Advisory Board (MOAB) meeting.

In response to Representative Bridges, Mr. Scott stated a cost number could appear significant unless real world utilization is taken into account.

In response to Chair West, Commissioner Lee stated these drugs are already in the formulary, which DMS routinely changes. She explained DMS is establishing guardrails to ensure the medication is only given to those that truly need it. This drug is another tool to improve health status.

Representative Marzian stated she is a former kidney disease nurse. She explained the cost of dialysis and other health treatments for diabetics, expressing that prevention saves money.

Chair West stated this regulation should be found deficient because the legislature needs to have more input, and MOAB needs to study and clarify the cost. Chair West made a motion, seconded by Co-Chair Lewis, to find this administrative regulation deficient. A roll-call vote was conducted. With five votes to find this regulation deficient and one no vote, 907 KAR 023:010, as amended, was found deficient by the subcommittee.

Senator Raque Adams explained her yes vote by stating those with diabetes and other health conditions can already access these drugs.

Representative Bridges explained his yes vote by stating the most acute situations are already being addressed, and he would like to see hard numbers on the cost.

A motion was made and seconded to approve the following amendment: to amend Sections 2 and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

Compiler's Note: Pursuant to KRS 13A.335(3)(a),a new Section 22 was added to this administrative regulation to reflect the finding of deficiency.

Administrative Regulations Reviewed by this Subcommittee:

EDUCATION AND LABOR CABINET: Education Professional Standards Board

016 KAR 004:090. Reissuance.

DEPARTMENT OF LAW: Office of Regulatory Relief

040 KAR 012:440. Health Spas.

A motion was made and seconded to approve the following amendment: to amend Sections 1 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

040 KAR 012:520. Transient Merchant Permit Bonds.

KENTUCKY PUBLIC PENSIONS AUTHORITY: General Rules

105 KAR 001:020. Reciprocal program between CERS, KERS, SPRS, TRS, JRP and LRP.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph and Sections 1 through 5, 7, and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

105 KAR 001:150. Installment purchase procedures.

A motion was made and seconded to approve the following amendment: to amend Sections 1 through 7, 9, and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

105 KAR 001:300. Determination of service credit for local school board classified employees.

105 KAR 001:340. Rollovers and transfers of contributions in other plans.

105 KAR 001:350. Collection of account under $1000 by next of kin.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph and Sections 1 and 4 to comply with the drafting requirements of KRS Chapter 13A and to update the title of incorporated material. Without objection, and with agreement from the agency, the amendment was approved.

105 KAR 001:445. Trustee elections.

A motion was made and seconded to approve the following amendment: to amend Sections 1, 3 through 8, 10, and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

BOARDS AND COMMISSIONS: Board of Veterinary Examiners

201 KAR 016:730. Approved allied animal professional (AAHP) programs; education requirements.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

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.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs, and Sections 1 through 3, and 5, and incorporated material, to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 016:737. Responsibilities for AAHP providers; limitations on practice.

201 KAR 016:772. Application requirements for AAHP facility registration; AAHP managers; Registered responsible parties.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1, 2, 4 through 7, and 9, and incorporated material, to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

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

A motion was made and seconded to approve the following amendment: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs, Sections 2, 4 through 6, and incorporated material, to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

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

A motion was made and seconded to approve the following amendment: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs, Sections 1, 3, and 7, and incorporated material, to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

Board of Nursing

201 KAR 020:476. Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement.

201 KAR 020:490. Licensed practical nurse infusion therapy scope of practice.

Board of Licensure for Occupational Therapy

201 KAR 028:240E. Occupational Therapy Licensure Compact.

Board of Medical Imaging and Radiation Therapy

201 KAR 046:020. Fees.

201 KAR 046:030. Education for medical imaging technologists, advanced imaging professionals, nuclear medicine technologists, radiographers, and radiation therapists.

201 KAR 046:045. Temporary license application for medical imaging technologists, advanced imaging professionals, nuclear medicine technologists, radiation therapists, and student radiographers.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

TOURISM, ARTS & HERITAGE CABINET: Department of Fish and Wildlife Resources: Water Patrol

301 KAR 006:001. Definitions for 301 KAR Chapter 6.

A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

301 KAR 006:015. Boat and motor restrictions.

A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

301 KAR 006:020. Boating safety equipment.

CABINET FOR ECONOMIC DEVELOPMENT: Kentucky Economic Development Finance Authority

307 KAR 001:006. Applications and Fee Structure for Kentucky Incentive Programs under the Kentucky Economic Development Finance Authority.

A motion was made and seconded to approve the following amendment: to amend Sections 3, 6, and 11, and incorporated material to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections: Office of the Secretary

501 KAR 006:420E. Corrections policies and procedures: inmate rules and discipline.

501 KAR 006:460E. Corrections policies and procedures: inmate work programs.

501 KAR 006:470E. Corrections policies and procedures: inmate education and training.

501 KAR 006:510E. Corrections policies and procedures: release preparation and temporary release.

501 KAR 006:530E. Corrections policies and procedures: programs and sentence credits.

Department of Juvenile Justice: Child Welfare

505 KAR 001:140E. Department of Juvenile Justice Policies and Procedures Manual: detention services.

505 KAR 001:140. Department of Juvenile Justice Policies and Procedures Manual: detention services.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

505 KAR 001:410E. Restrictive housing and protective custody.

505 KAR 001:410. Restrictive housing and protective custody.

A motion was made and seconded to approve the following amendment: to amend Sections 1 through 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

EDUCATION AND LABOR CABINET: Office of Unemployment Insurance

787 KAR 001:370E. Professional Employer Organization Contributions and Reporting Requirements.

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

804 KAR 013:010E. Tobacco enforcement and administration.

804 KAR 013:040E. Notice of intention to apply for tobacco, nicotine, or vapor product transitional license.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of the Inspector General: Controlled Substances

902 KAR 055:015. Schedules of controlled substances.

Department for Medicaid Services: Payment & Services

907 KAR 003:320. Beneficiary Advisory Council and modifications to the Advisory Council for Medical Assistance to establish the Kentucky Medicaid Advisory Committee.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1, 2, 4, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

The following administrative regulations were DEFERRED OR REMOVED from the February 9, 2026, 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.

COMMISSION ON HUMAN RIGHTS: Human Rights

104 KAR 001:010. Posting, distribution and availability of notices and pamphlets.

BOARDS AND COMMISSIONS: Board of Licensure for Long-Term Care Administrators

201 KAR 006:030. Temporary permits.

201 KAR 006:061. Fees.

201 KAR 006:071. Continuing education requirements.

BOARDS AND COMMISSIONS: Board of Veterinary Examiners

201 KAR 016:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers.

In response to Chair West, Michelle Shane, Executive Director, KBVE, stated the board withdrew 201 KAR 16:762 because of significant stakeholder feedback. KBVE is not prohibiting "pop-up" veterinary clinics but intends to establish appropriate standards to protect pets and the public. Low-cost rabies vaccination clinics authorized through the DPH are not affected. John Park, DVM, Chair, KBVE, stated the "Dedicated AAH Services Space" (DASS) requirements provide safety for the public and pets, especially for animals that might be anxious and scratch or bite. Ms. Shane stated there had been complaints about the "pop-up" clinics, and investigations uncovered multiple problems. Dr. Park stated the veterinary manager requirements are a compromise between stakeholders and the board. After the public comment period, KBVE was not approached by stakeholders with any ongoing concerns.

In response to Chair West, James Beckman, DVM, President, KVMA, stated he is a mobile veterinary practitioner and supports 201 KAR 16:767 because veterinary manager provisions help ensure pet and public safety. Tracking diseases, medical records, human exposure to disease, and drug security is vital to the practice of veterinary medicine. All facilities, including "pop-up" veterinary clinics, need to comply with all standards.

In response to Chair West, Mark Chick, DVM, Member, KVMA, stated he is a small animal veterinarian. He explained the difficulties of managing large numbers of veterinary clinics and the importance of aftercare for the pets. Sufficient knowledge and control of facilities is necessary for compliance and recordkeeping.

In response to Chair West, Katryna Fleer, Medical Director, VIP Petcare, stated mobile clinics provide care to Kentucky's pets. Over the last decade, VIP Petcare provided preventative care to over 83,000 Kentucky pets without incident, at a rate of approximately 7,500 pet-care visits per year. The proposed amendments would have devastating impacts to VIP Petcare in Kentucky, including cessation of most operations during a time of veterinary shortage. Most VIP Petcare veterinarians are contracted. Unlike many Kentucky veterinary facilities, VIP Petcare provides services on weekends, usually for short durations.

In response to Senator Raque Adams, Ms. Fleer stated VIP Petcare had not reached out to the board but would do so.

In response to Chair West, Ms. Shane stated the board is not trying to prevent services to Kentucky pet owners. There are many low-cost veterinary options that are independent of "pop-up" facilities. Currently, there is an expansion of services beyond rabies and vaccine clinics. Diagnoses and treatment require more active oversight. Contracted veterinarians usually do not have control over service and drug protocols. There are 25 patients with complaints related to "pop-up" clinics, and four of those pets died.

The subcommittee agreed to the board's request to defer consideration of 201 KAR 16:767 to the March subcommittee meeting. Without objection, and with agreement from the subcommittee, the administrative regulation was deferred.

Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 018:072. Experience.

Board of Licensed Professional Counselors

201 KAR 036:100E. Counseling compact.

Board of Licensed Diabetes Educators

201 KAR 045:110. Supervision and work experience.

201 KAR 045:120. Renewal, reinstatement, and inactive status.

201 KAR 045:130. Continuing education.

201 KAR 045:150. Complaint procedures.

201 KAR 045:170. Application procedures.

201 KAR 045:180. Diabetes Education Courses.

201 KAR 045:190. Telehealth diabetes education.

TRANSPORTATION CABINET: Department of Vehicle Registration: Division of Motor Vehicle Licensing

601 KAR 009:120E. Accessible online insurance verification

system.

EDUCATION AND LABOR CABINET: Board of Education: Department of Education:
Pupil Transportation

702 KAR 005:130. Non-school bus passenger vehicles.

Office of Instruction

704 KAR 003:410. Preschool education program for four (4) year old children.

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

804 KAR 013:010. Tobacco enforcement and administration.

804 KAR 013:020. Tobacco, nicotine, or vapor product license application form.

804 KAR 013:030. Causes for denial of tobacco, nicotine, or vapor product license.

804 KAR 013:040. Notice of intention to apply for tobacco, nicotine, or vapor product transitional license.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of the Inspector General: Health Services and Facilities

902 KAR 020:150. Freestanding Birthing Centers.

Department for Community Based Services: Child Welfare

922 KAR 001:565. Service array for a relative or fictive kin caregiver.

The subcommittee adjourned at 3:15 PM. The next meeting of this subcommittee is tentatively scheduled for March 9, 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*.

SENATE STANDING COMMITTEE ON HEALTH SERVICES
Meeting of February 11, 2026

The following administrative regulations were available for consideration and placed on the agenda of the Senate Standing Committee on Health Services for its meeting of February 11, 2026, having been referred to the Committee on February 4, 2026, pursuant to KRS 13A.290(6):

Referred on February 4, 2026

201 KAR 026:118 Proposed
201 KAR 026:155 Proposed
201 KAR 026:160 Proposed
201 KAR 026:171 Proposed
201 KAR 026:175 Proposed
201 KAR 026:190 Proposed
201 KAR 026:280 Proposed

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 11, 2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

HOUSE STANDING COMMITTEE ON HEALTH SERVICES
Meeting of February 12, 2026

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Health Services for its meeting on February 12, 2026, having been referred to the Committee on February 4, 2026, pursuant to KRS 13A.290(6):

Referred on February 4, 2026

201 KAR 026:118 Proposed
201 KAR 026:155 Proposed
201 KAR 026:160 Proposed
201 KAR 026:171 Proposed
201 KAR 026:175 Proposed
201 KAR 026:190 Proposed
201 KAR 026:280 Proposed

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the 02/12/2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

CUMULATIVE SUPPLEMENT

Unless otherwise noted, information contained in these indexes relates only to administrative regulations printed in this, the 52nd year of the *Administrative Register of Kentucky*, from July 2025 through June 2026.

Locator Index - Effective Dates **I – 2**

Lists all administrative regulations published or continuing through the KRS Chapter 13A review process during this Register year. It also lists the page number on which each regulation is published, the effective date of the regulation after it has completed the review process, and other actions that may affect the regulation.

NOTE: Regulations 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 **I – 12**

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 **I – 25**

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index **I – 38**

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 **I – 39**

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

Administrative regulations published in previous Register years may appear in this index if a regulation had not completed the KRS Chapter 13A review process by the beginning of this *Register* year. The "*Register* number" or "Ky.R. number" is listed the first time a regulation is published during that Register year. Once the regulation has been published in another *Register* year, the new Ky.R. number will appear next to the page number entry. To view versions of regulations published in prior *Registers*, please visit 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) 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.

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
104 KAR 001:010E	52 Ky.R.	683	9-19-2025
201 KAR 002:416E	51 Ky.R.	1359	12-17-2024
Replaced	52 Ky.R.	173	8-27-2025
201 KAR 005:020E	52 Ky.R.	1266	12-31-2025
Withdrawn			2-5-2026
201 KAR 005:021E	52 Ky.R.	1501	2-5-2026
201 KAR 017:120E	51 Ky.R.	1237	11-26-2024
As Amended		1643	2-10-2025
Replaced		1775	6-18-2025
Resubmitted	52 Ky.R.	537	8-26-2025
As Amended		935	11-10-2025
Replaced		1119	1-22-2026
201 KAR 023:012E	51 Ky.R.	1838	4-15-2025
Replaced		1914	8-27-2025
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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

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(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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317A.090	201 KAR 012:082
317A.100	201 KAR 012:030
317A.120	201 KAR 012:010
317A.130	201 KAR 012:100
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317A.140	201 KAR 012:060
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317A.145	201 KAR 012:010
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319.010	907 KAR 003:210
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319.050	201 KAR 026:160
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319.053	201 KAR 026:175
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319.054	201 KAR 026:118
319.056	907 KAR 003:210
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320.250	201 KAR 005:020
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320.270	201 KAR 005:010
320.280	201 KAR 005:020
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321.185	301 KAR 002:075
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321.257	201 KAR 016:732
321.443	810 KAR 003:020
322.010	201 KAR 018:096
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322.047	201 KAR 018:060
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322.050	201 KAR 018:060
322.060	201 KAR 018:040
322.090	201 KAR 018:040
322.100	201 KAR 018:040
322.110	201 KAR 018:040
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322.120	201 KAR 018:040
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322.170	201 KAR 018:040
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322.220	201 KAR 018:081
322.290	201 KAR 018:096
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323A.040	201 KAR 010:040
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323A.050	201 KAR 010:040
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323A.060	201 KAR 010:040
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323A.100	201 KAR 010:050
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323A.105	201 KAR 010:040
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323A.110	201 KAR 010:030
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323A.120	201 KAR 010:090
323A.210	201 KAR 010:010
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326.035	201 KAR 013:040
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326.040	201 KAR 013:040
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326.080	201 KAR 013:040
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326.090	201 KAR 013:065
326.100	201 KAR 013:075
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327.010	907 KAR 003:210
	201 KAR 022:020
	201 KAR 022:045
327.050	201 KAR 022:020
327.060	201 KAR 022:020
327.070	201 KAR 022:045
327.075	201 KAR 022:020
327.080	201 KAR 022:020
327.310	201 KAR 022:020
334.010	907 KAR 001:039
334.040	907 KAR 001:039
334.200	907 KAR 001:039
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334A.020	907 KAR 001:039
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335B.020	045 KAR 001:090
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338.051	803 KAR 002:404
338.061	803 KAR 002:404
338.071	803 KAR 002:250
338.091	803 KAR 002:260
338.121	803 KAR 002:181
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344.030	101 KAR 002:102
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344.130	104 KAR 001:010
344.190	104 KAR 001:010
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365.680	040 KAR 012:520
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367.401	040 KAR 012:430
367.403	040 KAR 012:430
367.805	040 KAR 012:410
367.807	040 KAR 012:410
367.815	040 KAR 012:410
367.828	201 KAR 002:416
367.900	040 KAR 012:440
367.905	040 KAR 012:440
367.906	040 KAR 012:440
367.937	040 KAR 012:120
367.940	040 KAR 012:120
367.946	040 KAR 012:110
367.952	040 KAR 012:110
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367.972	040 KAR 012:110
367.93101	040 KAR 012:100
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367.93113	040 KAR 012:100
367.93115	040 KAR 012:100
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367.93117	040 KAR 012:100
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424.260	702 KAR 003:130
431.213-431.270	501 KAR 016:310
438.305-438.350	804 KAR 013:010
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438.310	804 KAR 013:020
438.3063	804 KAR 013:020
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438.3065	804 KAR 013:020
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438.3067	804 KAR 013:020
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439.268	501 KAR 006:470
439.590	501 KAR 006:510
439.600	501 KAR 006:510
439.610	501 KAR 006:510
439.3110	501 KAR 006:510
439.3405	501 KAR 006:510
440.010	501 KAR 006:510
441.146	501 KAR 006:510
441.148	501 KAR 006:510
500.080	907 KAR 002:720
527.100	922 KAR 001:565
527.110	922 KAR 001:565
532.135	501 KAR 016:310
532.140	501 KAR 016:310
532.200-532.262	501 KAR 006:510
600.020	922 KAR 001:565
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605.120	922 KAR 001:565
610.110	922 KAR 001:565
620.020	922 KAR 001:565
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620.030	907 KAR 003:210
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620.055	907 KAR 002:720
620.090	922 KAR 001:565
620.140	922 KAR 001:565
620.142	922 KAR 001:565
620.170	922 KAR 001:565
2 C.F.R.	907 KAR 003:062
7 C.F.R.	902 KAR 018:011
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21 C.F.R.	201 KAR 002:165
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24 C.F.R.	907 KAR 016:005
26 C.F.R.	045 KAR 001:090
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29 C.F.R.	101 KAR 002:102
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34 C.F.R.	907 KAR 003:100
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40 C.F.R.	401 KAR 060:005
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42 C.F.R.	907 KAR 001:039
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45 C.F.R.	907 KAR 003:210
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46 C.F.R.	301 KAR 006:020
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47 C.F.R.	807 KAR 005:015
49 C.F.R.	702 KAR 005:130
50 C.F.R.	301 KAR 002:075
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5 U.S.C.	803 KAR 002:260
7 U.S.C.	803 KAR 002:260
15 U.S.C.	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
	907 KAR 002:720
21 U.S.C.	902 KAR 055:015
	012 KAR 002:041
	012 KAR 003:037
	907 KAR 015:022
	902 KAR 018:011
	902 KAR 018:040
	902 KAR 018:050
	902 KAR 018:061
	902 KAR 018:071
	902 KAR 018:081
	902 KAR 018:090

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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		
	105 KAR 001:330		
	105 KAR 001:380		
	105 KAR 001:400		
	105 KAR 001:430		
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		
	781 KAR 001:001		
	781 KAR 001:010		
	781 KAR 001:020		
	781 KAR 001:030		
	781 KAR 001:040		
	907 KAR 002:720		
38 U.S.C.	017 KAR 003:042		
	105 KAR 001:150		
	902 KAR 008:096		
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		
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47 U.S.C.	807 KAR 005:015		
52 U.S.C.	031 KAR 003:041		
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CERTIFICATION LETTER SUMMARIES

The certification process is established in KRS 13A.3104. If the certification letter states the regulation shall be amended, the administrative body shall file an amendment to the regulation within 18 months of the date the certification letter was filed. If the certification letter states that the regulation shall remain in effect without amendment, the last effective date of the regulation is changed to the date the regulations compiler received the letter.

* KRS 13A.010(6) - “Effective” or “eff.” means that an administrative regulation has completed the legislative review process established by KRS 13A.290, 13A.330, and 13A.331.

Regulation Number	Letter Filed Date	Action
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
031 KAR 004:100	12-31-2025	To be amended; filing deadline 10-14-2025
032 KAR 001:090	01-20-2026	Remain in Effect without Amendment
032 KAR 002:070	01-20-2026	Remain in Effect without Amendment
032 KAR 002:080	01-20-2026	Remain in Effect without Amendment
032 KAR 002:110	01-20-2026	Remain in Effect without Amendment
032 KAR 002:170	01-20-2026	Remain in Effect without Amendment
032 KAR 002:190	01-20-2026	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
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 001:040	01-07-2026	Remain in Effect without Amendment
103 KAR 001:130	01-07-2026	Remain in Effect without Amendment
103 KAR 001:130	01-07-2026	To be amended; filing deadline 7-7-2027
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 016:060	01-07-2026	Remain in Effect without Amendment
103 KAR 016:090	01-07-2026	Remain in Effect without Amendment
103 KAR 016:230	01-07-2026	Remain in Effect without Amendment
103 KAR 016:240	01-29-2026	Remain in Effect without Amendment
103 KAR 016:290	01-07-2026	Remain in Effect without Amendment
103 KAR 016:330	01-07-2026	To be amended; filing deadline 7-7-2027
103 KAR 016:340	01-07-2026	Remain in Effect without Amendment
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 001:145	01-13-2026	Remain in Effect without Amendment
105 KAR 001:147	01-13-2026	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
200 KAR 021:010	02-19-2026	Remain in Effect without Amendment
200 KAR 021:010	02-19-2026	Remain in Effect without Amendment
200 KAR 021:020	02-19-2026	Remain in Effect without Amendment
200 KAR 021:040	02-19-2026	Remain in Effect without Amendment
200 KAR 021:050	02-19-2026	Remain in Effect without Amendment
200 KAR 023:010	02-19-2026	Remain in Effect without Amendment
201 KAR 002:070	01-27-2026	To be amended; filing deadline 7-27-2027
201 KAR 002:100	01-27-2026	To be amended; filing deadline 7-27-2027
201 KAR 002:160	12-12-2025	To be amended; filing deadline 6-12-2027
201 KAR 002:180	12-12-2025	To be amended; filing deadline 6-12-2027
201 KAR 002:185	12-12-2025	To be amended; filing deadline 6-12-2027
201 KAR 002:190	12-12-2025	To be amended; filing deadline 6-12-2027

201 KAR 002:215	12-05-2025	Remain in Effect without Amendment
201 KAR 002:250	12-12-2025	To be amended; filing deadline 6-12-2027
201 KAR 002:260	12-12-2025	To be amended; filing deadline 6-12-2027
201 KAR 002:280	12-12-2025	To be amended; filing deadline 6-12-2027
201 KAR 002:300	12-12-2025	To be amended; filing deadline 6-12-2027
201 KAR 002:330	12-12-2025	To be amended; filing deadline 6-12-2027
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 014:010	01-21-2026	Remain in Effect without Amendment
201 KAR 020:062	01-08-2026	Remain in Effect without Amendment
201 KAR 020:340	01-08-2026	Remain in Effect without Amendment
201 KAR 020:350	01-08-2026	Remain in Effect without Amendment
201 KAR 020:360	01-08-2026	Remain in Effect without Amendment
201 KAR 020:362	01-08-2026	Remain in Effect without Amendment
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
302 KAR 016:040	02-02-2026	Remain in Effect without Amendment
302 KAR 016:091	02-02-2026	Remain in Effect without Amendment
302 KAR 016:101	02-02-2026	Remain in Effect without Amendment
302 KAR 016:121	02-02-2026	Remain in Effect without Amendment
302 KAR 016:131	02-02-2026	Remain in Effect without Amendment
302 KAR 075:130	02-02-2026	Remain in Effect without Amendment
302 KAR 076:100	02-02-2026	Remain in Effect without Amendment
302 KAR 080:010	02-02-2026	Remain in Effect without Amendment
302 KAR 081:010	02-02-2026	Remain in Effect without Amendment
302 KAR 085:010	02-02-2026	Remain in Effect without Amendment
302 KAR 101:010	02-02-2026	Remain in Effect without Amendment
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
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
401 KAR 047:136	10-01-2025	Remain in Effect without Amendment
401 KAR 047:140	10-01-2025	Remain in Effect without Amendment
401 KAR 047:150	10-01-2025	Remain in Effect without Amendment
401 KAR 047:160	10-01-2025	Remain in Effect without Amendment
401 KAR 047:170	10-01-2025	Remain in Effect without Amendment
401 KAR 047:180	10-01-2025	Remain in Effect without Amendment
401 KAR 047:190	10-01-2025	Remain in Effect without Amendment
401 KAR 047:205	10-01-2025	Remain in Effect without Amendment
401 KAR 047:207	10-01-2025	Remain in Effect without Amendment
401 KAR 048:005	07-22-2025	Remain in Effect without Amendment
401 KAR 048:050	07-22-2025	Remain in Effect without Amendment
401 KAR 048:060	07-22-2025	Remain in Effect without Amendment
401 KAR 048:070	07-22-2025	Remain in Effect without Amendment
401 KAR 048:080	07-22-2025	Remain in Effect without Amendment
401 KAR 048:090	07-22-2025	Remain in Effect without Amendment
401 KAR 048:170	07-22-2025	Remain in Effect without Amendment
401 KAR 048:200	08-06-2025	To be amended; filing deadline 2-8-2027
401 KAR 048:205	07-22-2025	Remain in Effect without Amendment
401 KAR 048:206	07-22-2025	Remain in Effect without Amendment
401 KAR 048:207	07-22-2025	Remain in Effect without Amendment

401 KAR 048:208	07-22-2025	Remain in Effect without Amendment
401 KAR 048:300	07-22-2025	Remain in Effect without Amendment
401 KAR 048:310	07-22-2025	Remain in Effect without Amendment
401 KAR 049:005	08-29-2025	Remain in Effect without Amendment
401 KAR 049:011	08-29-2025	Remain in Effect without Amendment
401 KAR 049:080	08-29-2025	Remain in Effect without Amendment
401 KAR 049:100	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 050:010	11-06-2025	Remain in Effect without Amendment
401 KAR 050:012	11-06-2025	Remain in Effect without Amendment
401 KAR 050:015	11-06-2025	Remain in Effect without Amendment
401 KAR 050:020	11-06-2025	Remain in Effect without Amendment
401 KAR 050:025	11-06-2025	Remain in Effect without Amendment
401 KAR 050:038	11-06-2025	To be amended; filing deadline 5-6-2027
401 KAR 050:040	11-06-2025	Remain in Effect without Amendment
401 KAR 050:042	11-06-2025	Remain in Effect without Amendment
401 KAR 050:045	11-06-2025	Remain in Effect without Amendment
401 KAR 050:047	11-06-2025	Remain in Effect without Amendment
401 KAR 050:050	11-14-2025	Remain in Effect without Amendment
401 KAR 050:055	11-14-2025	Remain in Effect without Amendment
401 KAR 050:060	11-14-2025	Remain in Effect without Amendment
401 KAR 050:065	11-14-2025	To be amended; filing deadline 5-14-2027
401 KAR 050:066	11-14-2025	Remain in Effect without Amendment
401 KAR 051:001	06-12-2025	Remain in Effect without Amendment
401 KAR 051:005	06-12-2025	Remain in Effect without Amendment
401 KAR 051:017	06-27-2025	To be amended; filing deadline 12-27-2026
401 KAR 051:052	06-27-2025	To be amended; filing deadline 1-3-2027
401 KAR 051:150	06-05-2025	Remain in Effect without Amendment
401 KAR 051:160	06-05-2025	Remain in Effect without Amendment
401 KAR 051:170	06-27-2025	Remain in Effect without Amendment
401 KAR 051:180	06-27-2025	Remain in Effect without Amendment
401 KAR 051:190	06-27-2025	Remain in Effect without Amendment
401 KAR 051:195	06-27-2025	Remain in Effect without Amendment
401 KAR 051:210	06-12-2025	Remain in Effect without Amendment
401 KAR 051:220	06-12-2025	Remain in Effect without Amendment
401 KAR 051:230	06-12-2025	Remain in Effect without Amendment
401 KAR 051:240	06-27-2025	Remain in Effect without Amendment
401 KAR 051:250	06-27-2025	Remain in Effect without Amendment
401 KAR 051:260	06-27-2025	Remain in Effect without Amendment
401 KAR 052:001	08-28-2025	Remain in Effect without Amendment
401 KAR 052:020	08-28-2025	Remain in Effect without Amendment
401 KAR 052:030	08-28-2025	Remain in Effect without Amendment
401 KAR 052:040	08-28-2025	Remain in Effect without Amendment
401 KAR 052:050	01-20-2026	Remain in Effect without Amendment
401 KAR 052:060	08-28-2025	Remain in Effect without Amendment
401 KAR 052:070	01-20-2026	Remain in Effect without Amendment
401 KAR 052:090	08-28-2025	Remain in Effect without Amendment
401 KAR 053:005	08-28-2025	Remain in Effect without Amendment
401 KAR 053:010	08-28-2025	Remain in Effect without Amendment
401 KAR 055:005	08-28-2025	Remain in Effect without Amendment
401 KAR 055:010	08-28-2025	Remain in Effect without Amendment
401 KAR 055:015	08-28-2025	Remain in Effect without Amendment
401 KAR 055:020	08-28-2025	Remain in Effect without Amendment
401 KAR 057:002	08-28-2025	Remain in Effect without Amendment
401 KAR 058:010	06-27-2025	To be amended; filing deadline 12-27-2026
401 KAR 058:025	06-12-2025	Remain in Effect without Amendment
401 KAR 059:001	11-18-2025	Remain in Effect without Amendment
401 KAR 059:005	11-18-2025	Remain in Effect without Amendment
401 KAR 059:010	11-18-2025	Remain in Effect without Amendment
401 KAR 059:020	11-18-2025	Remain in Effect without Amendment
401 KAR 059:021	11-18-2025	Remain in Effect without Amendment
401 KAR 059:023	11-18-2025	Remain in Effect without Amendment
401 KAR 059:046	11-18-2025	Remain in Effect without Amendment
401 KAR 059:050	11-18-2025	Remain in Effect without Amendment
401 KAR 059:080	11-18-2025	Remain in Effect without Amendment
401 KAR 059:085	11-20-2025	Remain in Effect without Amendment
401 KAR 059:090	11-05-2025	Remain in Effect without Amendment
401 KAR 059:095	11-05-2025	Remain in Effect without Amendment
401 KAR 059:101	11-05-2025	Remain in Effect without Amendment
401 KAR 059:105	11-05-2025	Remain in Effect without Amendment
401 KAR 059:174	11-05-2025	Remain in Effect without Amendment

401 KAR 059:175	11-05-2025	Remain in Effect without Amendment
401 KAR 059:185	11-05-2025	Remain in Effect without Amendment
401 KAR 059:190	11-05-2025	Remain in Effect without Amendment
401 KAR 059:210	11-05-2025	Remain in Effect without Amendment
401 KAR 059:212	11-05-2025	Remain in Effect without Amendment
401 KAR 059:214	11-20-2025	Remain in Effect without Amendment
401 KAR 059:225	11-20-2025	Remain in Effect without Amendment
401 KAR 059:230	11-20-2025	Remain in Effect without Amendment
401 KAR 059:240	11-20-2025	Remain in Effect without Amendment
401 KAR 059:260	11-20-2025	Remain in Effect without Amendment
401 KAR 059:315	11-20-2025	Remain in Effect without Amendment
401 KAR 059:760	11-20-2025	Remain in Effect without Amendment
401 KAR 061:001	01-20-2026	Remain in Effect without Amendment
401 KAR 061:005	01-20-2026	Remain in Effect without Amendment
401 KAR 061:010	01-20-2026	Remain in Effect without Amendment
401 KAR 061:011	01-20-2026	To be amended; filing deadline 7-20-2027
401 KAR 061:013	01-20-2026	To be amended; filing deadline 7-20-2027
401 KAR 061:020	01-20-2026	Remain in Effect without Amendment
401 KAR 061:025	01-20-2026	Remain in Effect without Amendment
401 KAR 061:030	01-20-2026	Remain in Effect without Amendment
401 KAR 061:035	01-20-2026	Remain in Effect without Amendment
401 KAR 061:040	01-20-2026	Remain in Effect without Amendment
401 KAR 061:045	01-20-2026	Remain in Effect without Amendment
401 KAR 061:050	01-20-2026	Remain in Effect without Amendment
401 KAR 061:055	01-20-2026	Remain in Effect without Amendment
401 KAR 061:056	01-20-2026	Remain in Effect without Amendment
401 KAR 061:060	01-20-2026	Remain in Effect without Amendment
401 KAR 061:065	01-20-2026	Remain in Effect without Amendment
401 KAR 061:070	01-20-2026	Remain in Effect without Amendment
401 KAR 061:075	01-20-2026	Remain in Effect without Amendment
401 KAR 061:080	01-20-2026	Remain in Effect without Amendment
401 KAR 061:085	01-20-2026	Remain in Effect without Amendment
401 KAR 061:090	01-20-2026	Remain in Effect without Amendment
401 KAR 061:095	01-20-2026	To be amended; filing deadline 7-21-2027
401 KAR 061:100	01-20-2026	Remain in Effect without Amendment
401 KAR 061:105	01-20-2026	Remain in Effect without Amendment
401 KAR 061:110	01-20-2026	Remain in Effect without Amendment
401 KAR 061:120	01-20-2026	Remain in Effect without Amendment
401 KAR 061:122	01-20-2026	Remain in Effect without Amendment
401 KAR 061:124	01-20-2026	Remain in Effect without Amendment
401 KAR 061:125	01-20-2026	Remain in Effect without Amendment
401 KAR 061:130	01-20-2026	Remain in Effect without Amendment
401 KAR 061:132	01-20-2026	Remain in Effect without Amendment
401 KAR 061:135	01-20-2026	Remain in Effect without Amendment
401 KAR 061:137	01-20-2026	Remain in Effect without Amendment
401 KAR 061:140	01-20-2026	Remain in Effect without Amendment
401 KAR 061:145	01-20-2026	Remain in Effect without Amendment
401 KAR 061:150	01-20-2026	Remain in Effect without Amendment
401 KAR 061:155	01-20-2026	Remain in Effect without Amendment
401 KAR 061:160	01-20-2026	Remain in Effect without Amendment
401 KAR 061:165	01-20-2026	Remain in Effect without Amendment
401 KAR 061:170	01-20-2026	Remain in Effect without Amendment
401 KAR 061:175	01-20-2026	Remain in Effect without Amendment
401 KAR 063:001	08-28-2025	Remain in Effect without Amendment
401 KAR 063:005	08-28-2025	Remain in Effect without Amendment
401 KAR 063:015	08-28-2025	Remain in Effect without Amendment
401 KAR 063:020	08-28-2025	Remain in Effect without Amendment
401 KAR 063:021	08-28-2025	Remain in Effect without Amendment
401 KAR 063:025	08-28-2025	Remain in Effect without Amendment
401 KAR 063:031	08-28-2025	Remain in Effect without Amendment
401 KAR 065:001	09-09-2025	Remain in Effect without Amendment
401 KAR 065:005	09-09-2025	Remain in Effect without Amendment
401 KAR 068:010	09-09-2025	Remain in Effect without Amendment
401 KAR 068:020	09-09-2025	Remain in Effect without Amendment
401 KAR 068:048	09-09-2025	Remain in Effect without Amendment
401 KAR 068:065	09-09-2025	Remain in Effect without Amendment
401 KAR 068:090	09-09-2025	Remain in Effect without Amendment
401 KAR 068:100	09-09-2025	Remain in Effect without Amendment
401 KAR 068:150	09-09-2025	Remain in Effect without Amendment
401 KAR 068:200	09-09-2025	Remain in Effect without Amendment

401 KAR 100:030	08-06-2025	To be amended; filing deadline 2-6-2027
401 KAR 101:001	07-22-2025	Remain in Effect without Amendment
401 KAR 101:010	07-22-2025	Remain in Effect without Amendment
401 KAR 101:020	07-22-2025	Remain in Effect without Amendment
401 KAR 101:030	07-22-2025	Remain in Effect without Amendment
401 KAR 101:040	07-22-2025	Remain in Effect without Amendment
401 KAR 102:005	07-22-2025	Remain in Effect without Amendment
401 KAR 102:010	07-22-2025	Remain in Effect without Amendment
401 KAR 102:020	07-22-2025	Remain in Effect without Amendment
402 KAR 003:010	06-17-2025	Remain in Effect without Amendment
402 KAR 003:020	06-17-2025	Remain in Effect without Amendment
402 KAR 003:030	06-17-2025	Remain in Effect without Amendment
402 KAR 003:040	06-17-2025	Remain in Effect without Amendment
402 KAR 003:050	06-17-2025	Remain in Effect without Amendment
405 KAR 002:010	06-17-2025	Remain in Effect without Amendment
405 KAR 005:015	06-17-2025	Remain in Effect without Amendment
405 KAR 005:021	06-17-2025	Remain in Effect without Amendment
405 KAR 005:036	06-17-2025	Remain in Effect without Amendment
405 KAR 005:040	06-17-2025	Remain in Effect without Amendment
405 KAR 005:042	06-17-2025	Remain in Effect without Amendment
405 KAR 005:050	06-17-2025	Remain in Effect without Amendment
405 KAR 005:055	06-17-2025	Remain in Effect without Amendment
405 KAR 005:062	06-17-2025	Remain in Effect without Amendment
405 KAR 005:065	06-17-2025	Remain in Effect without Amendment
405 KAR 005:070	06-17-2025	Remain in Effect without Amendment
405 KAR 005:078	06-17-2025	Remain in Effect without Amendment
405 KAR 005:082	06-17-2025	Remain in Effect without Amendment
405 KAR 005:085	06-17-2025	Remain in Effect without Amendment
405 KAR 007:001	06-10-2025	Remain in Effect without Amendment
405 KAR 007:015	06-10-2025	Remain in Effect without Amendment
405 KAR 007:030	06-10-2025	Remain in Effect without Amendment
405 KAR 007:035	06-10-2025	Remain in Effect without Amendment
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405 KAR 007:070	06-10-2025	Remain in Effect without Amendment
405 KAR 007:080	06-10-2025	Remain in Effect without Amendment
405 KAR 007:095	06-10-2025	Remain in Effect without Amendment
405 KAR 007:097	06-10-2025	Remain in Effect without Amendment
405 KAR 007:100	06-10-2025	Remain in Effect without Amendment
405 KAR 007:110	06-10-2025	Remain in Effect without Amendment
405 KAR 008:001	06-10-2025	Remain in Effect without Amendment
405 KAR 008:020	06-10-2025	Remain in Effect without Amendment
405 KAR 008:040	06-10-2025	Remain in Effect without Amendment
405 KAR 008:050	06-10-2025	Remain in Effect without Amendment
405 KAR 010:025	06-30-2025	Remain in Effect without Amendment
405 KAR 010:030	06-30-2025	Remain in Effect without Amendment
405 KAR 010:035	06-30-2025	Remain in Effect without Amendment
405 KAR 010:040	06-30-2025	Remain in Effect without Amendment
405 KAR 010:070	06-30-2025	Remain in Effect without Amendment
405 KAR 010:080	06-30-2025	Remain in Effect without Amendment
405 KAR 010:090	06-30-2025	Remain in Effect without Amendment
405 KAR 012:001	06-10-2025	Remain in Effect without Amendment
405 KAR 012:010	06-10-2025	Remain in Effect without Amendment
405 KAR 012:020	06-10-2025	Remain in Effect without Amendment
405 KAR 012:030	06-10-2025	Remain in Effect without Amendment
405 KAR 016:001	06-10-2025	Remain in Effect without Amendment
405 KAR 016:010	06-10-2025	Remain in Effect without Amendment
405 KAR 016:020	06-10-2025	Remain in Effect without Amendment
405 KAR 016:030	06-10-2025	Remain in Effect without Amendment
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405 KAR 016:070	06-10-2025	Remain in Effect without Amendment
405 KAR 016:080	06-10-2025	Remain in Effect without Amendment
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405 KAR 016:170	06-10-2025	Remain in Effect without Amendment
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405 KAR 018:001	06-26-2025	Remain in Effect without Amendment
405 KAR 018:010	06-26-2025	Remain in Effect without Amendment
405 KAR 018:020	06-26-2025	Remain in Effect without Amendment
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405 KAR 018:090	06-26-2025	Remain in Effect without Amendment
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405 KAR 018:150	06-26-2025	Remain in Effect without Amendment
405 KAR 018:160	06-26-2025	Remain in Effect without Amendment
405 KAR 018:170	06-26-2025	Remain in Effect without Amendment
405 KAR 018:180	06-26-2025	Remain in Effect without Amendment
405 KAR 018:190	06-26-2025	Remain in Effect without Amendment
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405 KAR 018:210	06-26-2025	Remain in Effect without Amendment
405 KAR 018:230	06-26-2025	Remain in Effect without Amendment
405 KAR 018:260	06-26-2025	Remain in Effect without Amendment
405 KAR 020:001	06-30-2025	Remain in Effect without Amendment
405 KAR 020:010	06-30-2025	Remain in Effect without Amendment
405 KAR 020:030	06-30-2025	Remain in Effect without Amendment
405 KAR 020:050	06-30-2025	Remain in Effect without Amendment
405 KAR 020:060	06-30-2025	Remain in Effect without Amendment
405 KAR 020:070	06-30-2025	Remain in Effect without Amendment
405 KAR 020:080	06-30-2025	Remain in Effect without Amendment
405 KAR 020:090	06-30-2025	Remain in Effect without Amendment
405 KAR 024:001	06-26-2025	Remain in Effect without Amendment
405 KAR 024:020	06-26-2025	Remain in Effect without Amendment
405 KAR 024:030	06-26-2025	Remain in Effect without Amendment
405 KAR 024:040	06-26-2025	Remain in Effect without Amendment
405 KAR 030:010	06-30-2025	Remain in Effect without Amendment
405 KAR 030:015	06-30-2025	Remain in Effect without Amendment
405 KAR 030:020	06-30-2025	Remain in Effect without Amendment
405 KAR 030:025	06-30-2025	Remain in Effect without Amendment
405 KAR 030:035	06-30-2025	Remain in Effect without Amendment
405 KAR 030:040	06-30-2025	Remain in Effect without Amendment
405 KAR 030:050	06-30-2025	Remain in Effect without Amendment
405 KAR 030:060	06-30-2025	Remain in Effect without Amendment
405 KAR 030:070	06-30-2025	Remain in Effect without Amendment
405 KAR 030:080	06-30-2025	Remain in Effect without Amendment
405 KAR 030:090	06-30-2025	Remain in Effect without Amendment
405 KAR 030:100	06-30-2025	Remain in Effect without Amendment
405 KAR 030:110	06-30-2025	Remain in Effect without Amendment
405 KAR 030:121	06-30-2025	Remain in Effect without Amendment
405 KAR 030:125	06-30-2025	Remain in Effect without Amendment
405 KAR 030:130	06-30-2025	Remain in Effect without Amendment
405 KAR 030:140	06-30-2025	Remain in Effect without Amendment
405 KAR 030:150	06-30-2025	Remain in Effect without Amendment
405 KAR 030:160	06-30-2025	Remain in Effect without Amendment
405 KAR 030:170	06-30-2025	Remain in Effect without Amendment
405 KAR 030:180	06-30-2025	Remain in Effect without Amendment
405 KAR 030:210	06-30-2025	Remain in Effect without Amendment
405 KAR 030:220	06-30-2025	Remain in Effect without Amendment
405 KAR 030:230	06-30-2025	Remain in Effect without Amendment
405 KAR 030:240	06-30-2025	Remain in Effect without Amendment
405 KAR 030:250	06-30-2025	Remain in Effect without Amendment
405 KAR 030:260	06-30-2025	Remain in Effect without Amendment
405 KAR 030:270	06-30-2025	Remain in Effect without Amendment
405 KAR 030:280	06-30-2025	Remain in Effect without Amendment

405 KAR 030:290	06-30-2025	Remain in Effect without Amendment
405 KAR 030:300	06-30-2025	Remain in Effect without Amendment
405 KAR 030:310	06-30-2025	Remain in Effect without Amendment
405 KAR 030:320	06-30-2025	Remain in Effect without Amendment
405 KAR 030:330	06-30-2025	Remain in Effect without Amendment
405 KAR 030:340	06-30-2025	Remain in Effect without Amendment
405 KAR 030:350	06-30-2025	Remain in Effect without Amendment
405 KAR 030:360	06-30-2025	Remain in Effect without Amendment
405 KAR 030:370	06-30-2025	Remain in Effect without Amendment
405 KAR 030:390	06-30-2025	Remain in Effect without Amendment
405 KAR 030:400	06-30-2025	Remain in Effect without Amendment
405 KAR 030:410	06-30-2025	Remain in Effect without Amendment
500 KAR 008:010	12-09-2025	Remain in Effect without Amendment
500 KAR 008:010	12-17-2025	Remain in Effect without Amendment
500 KAR 008:020	12-17-2025	Remain in Effect without Amendment
500 KAR 008:020	12-09-2025	Remain in Effect without Amendment
500 KAR 008:030	12-05-2025	Remain in Effect without Amendment
500 KAR 008:030	12-17-2025	Remain in Effect without Amendment
501 KAR 006:170	06-27-2025	To be amended; filing deadline 12-27-2026
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
600 KAR 006:080	01-09-2026	Remain in Effect without Amendment
601 KAR 001:018	01-09-2026	To be amended; filing deadline 7-9-2027
601 KAR 001:019	01-09-2026	Remain in Effect without Amendment
601 KAR 001:146	01-09-2026	Remain in Effect without Amendment
601 KAR 001:147	01-09-2026	Remain in Effect without Amendment
601 KAR 001:201	01-09-2026	Remain in Effect without Amendment
601 KAR 002:020	01-09-2026	Remain in Effect without Amendment
601 KAR 009:012	01-09-2026	Remain in Effect without Amendment
601 KAR 009:080	01-09-2026	Remain in Effect without Amendment
601 KAR 009:085	01-09-2026	Remain in Effect without Amendment
601 KAR 009:200	01-09-2026	Remain in Effect without Amendment
601 KAR 011:010	01-09-2026	Remain in Effect without Amendment
601 KAR 011:020	01-09-2026	Remain in Effect without Amendment
601 KAR 011:030	01-09-2026	Remain in Effect without Amendment
601 KAR 011:035	01-09-2026	Remain in Effect without Amendment
601 KAR 011:050	01-09-2026	Remain in Effect without Amendment
601 KAR 011:080	01-09-2026	Remain in Effect without Amendment
601 KAR 012:020	01-09-2026	Remain in Effect without Amendment
601 KAR 012:050	01-09-2026	Remain in Effect without Amendment
601 KAR 012:060	01-09-2026	Remain in Effect without Amendment
601 KAR 012:070	01-09-2026	Remain in Effect without Amendment
601 KAR 013:025	01-09-2026	Remain in Effect without Amendment
601 KAR 013:031	01-09-2026	Remain in Effect without Amendment
601 KAR 013:040	01-09-2026	Remain in Effect without Amendment
601 KAR 013:070	01-09-2026	Remain in Effect without Amendment
601 KAR 013:110	01-09-2026	Remain in Effect without Amendment
601 KAR 014:020	02-23-2026	Remain in Effect without Amendment
601 KAR 014:030	02-23-2026	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 004:035	02-23-2026	Remain in Effect without Amendment
603 KAR 004:040	02-23-2026	Remain in Effect without Amendment
603 KAR 004:050	02-23-2026	Remain in Effect without Amendment
603 KAR 004:055	12-05-2025	Remain in Effect without Amendment
603 KAR 005:061	02-23-2026	Remain in Effect without Amendment
603 KAR 005:070	02-23-2026	Remain in Effect without Amendment
603 KAR 005:071	12-05-2025	Remain in Effect without Amendment
603 KAR 005:072	02-23-2026	Remain in Effect without Amendment
603 KAR 005:077	02-23-2026	Remain in Effect without Amendment
603 KAR 005:115	02-23-2026	Remain in Effect without Amendment
603 KAR 005:120	12-05-2025	Remain in Effect without Amendment
603 KAR 005:220	02-23-2026	Remain in Effect without Amendment

603 KAR 005:230	02-23-2026	Remain in Effect without Amendment
603 KAR 005:250	02-23-2026	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
603 KAR 009:010	02-23-2026	Remain in Effect without Amendment
603 KAR 009:020	02-23-2026	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
735 KAR 002:010	08-05-2025	Remain in Effect without Amendment
735 KAR 002:010	08-05-2025	Remain in Effect without Amendment
735 KAR 002:020	08-05-2025	Remain in Effect without Amendment
735 KAR 002:030	08-05-2025	Remain in Effect without Amendment
735 KAR 002:040	08-05-2025	Remain in Effect without Amendment
735 KAR 002:050	08-05-2025	Remain in Effect without Amendment
735 KAR 002:060	08-05-2025	Remain in Effect without Amendment
750 KAR 001:010	05-29-2025	Remain in Effect without Amendment
750 KAR 002:010	05-29-2025	Remain in Effect without Amendment
780 KAR 002:030	06-09-2025	Remain in Effect without Amendment
780 KAR 002:110	06-09-2025	Remain in Effect without Amendment

780 KAR 003:010	06-09-2025	Remain in Effect without Amendment
780 KAR 003:040	06-09-2025	Remain in Effect without Amendment
780 KAR 003:060	06-09-2025	Remain in Effect without Amendment
780 KAR 003:065	06-09-2025	Remain in Effect without Amendment
780 KAR 003:075	06-09-2025	Remain in Effect without Amendment
780 KAR 003:090	06-09-2025	Remain in Effect without Amendment
780 KAR 003:110	08-11-2025	Remain in Effect without Amendment
780 KAR 003:150	08-11-2025	Remain in Effect without Amendment
780 KAR 003:160	08-11-2025	Remain in Effect without Amendment
780 KAR 006:005	08-11-2025	Remain in Effect without Amendment
780 KAR 006:030	08-11-2025	Remain in Effect without Amendment
780 KAR 006:040	08-11-2025	Remain in Effect without Amendment
780 KAR 006:050	08-11-2025	Remain in Effect without Amendment
780 KAR 006:062	08-11-2025	Remain in Effect without Amendment
780 KAR 006:065	08-11-2025	Remain in Effect without Amendment
780 KAR 006:070	08-11-2025	Remain in Effect without Amendment
780 KAR 006:080	10-02-2025	Remain in Effect without Amendment
780 KAR 006:090	06-09-2025	Remain in Effect without Amendment
780 KAR 006:100	10-02-2025	Remain in Effect without Amendment
780 KAR 007:020	10-02-2025	Remain in Effect without Amendment
780 KAR 007:040	10-02-2025	Remain in Effect without Amendment
804 KAR 013:010	02-20-2026	To be amended; filing deadline 8-20-2027
805 KAR 001:210	09-30-2025	Remain in Effect without Amendment
805 KAR 001:220	05-21-2025	Remain in Effect without Amendment
805 KAR 003:100	02-02-2026	Remain in Effect without Amendment
805 KAR 003:110	02-02-2026	Remain in Effect without Amendment
805 KAR 004:005	06-02-2025	Remain in Effect without Amendment
805 KAR 004:010	06-02-2025	Remain in Effect without Amendment
805 KAR 004:020	06-02-2025	Remain in Effect without Amendment
805 KAR 004:030	06-02-2025	Remain in Effect without Amendment
805 KAR 004:040	06-02-2025	Remain in Effect without Amendment
805 KAR 004:060	06-02-2025	Remain in Effect without Amendment
805 KAR 004:075	06-02-2025	Remain in Effect without Amendment
805 KAR 004:080	06-02-2025	Remain in Effect without Amendment
805 KAR 004:085	06-02-2025	Remain in Effect without Amendment
805 KAR 004:087	06-02-2025	Remain in Effect without Amendment
805 KAR 004:090	06-02-2025	Remain in Effect without Amendment
805 KAR 004:093	06-02-2025	Remain in Effect without Amendment
805 KAR 004:095	06-02-2025	Remain in Effect without Amendment
805 KAR 004:100	06-02-2025	Remain in Effect without Amendment
805 KAR 004:105	06-02-2025	Remain in Effect without Amendment
805 KAR 004:110	06-02-2025	Remain in Effect without Amendment
805 KAR 004:115	06-02-2025	Remain in Effect without Amendment
805 KAR 004:120	06-02-2025	Remain in Effect without Amendment
805 KAR 004:125	06-02-2025	Remain in Effect without Amendment
805 KAR 004:130	06-02-2025	Remain in Effect without Amendment
805 KAR 004:135	06-02-2025	Remain in Effect without Amendment
805 KAR 004:140	06-02-2025	Remain in Effect without Amendment
805 KAR 004:145	06-02-2025	Remain in Effect without Amendment
805 KAR 004:150	06-02-2025	Remain in Effect without Amendment
805 KAR 004:155	06-02-2025	Remain in Effect without Amendment
805 KAR 004:160	06-02-2025	Remain in Effect without Amendment
805 KAR 004:165	06-02-2025	Remain in Effect without Amendment
805 KAR 007:080	02-02-2026	Remain in Effect without Amendment
806 KAR 017:020	10-29-2025	Remain in Effect without Amendment
806 KAR 017:360	10-29-2025	Remain in Effect without Amendment
815 KAR 002:010	11-24-2025	To be amended; filing deadline 5-24-2027
815 KAR 002:020	11-24-2025	To be amended; filing deadline 5-24-2027
815 KAR 002:030	11-24-2025	Remain in Effect without Amendment
815 KAR 002:040	11-24-2025	Remain in Effect without Amendment
815 KAR 007:070	12-04-2025	To be amended; filing deadline 6-4-2027
815 KAR 008:030	12-04-2025	Remain in Effect without Amendment
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
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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 52nd 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).

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103 KAR 017:010	01-29-2026		
103 KAR 017:060	01-29-2026		
105 KAR 001:190	10-03-2025		
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