VOLUME 52, NUMBER 10 LEGISLATIVE RESEARCH COMMISSION APRIL 1, 2026

ADMINISTRATIVE REGISTER OF KENTUCKY

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

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on April 13, 2026, at 1:00 p.m. in Annex Room 149
ARRS Tentative Agenda – 1631 Online agenda updated as needed

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

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PLEASE NOTE: Per KRS Chapter 13A, this agenda may be subject to change due to committee or promulgating agency request, or upon receipt of public comments.

Last updated: March 20, 2026 at 1:56 p.m.

Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Monday, April 13, 2026 at 1:00 p.m.
Annex Room 149

1. CALL TO ORDER AND ROLL CALL

2. REGULATIONS FOR FULL REVIEW

FINANCE AND ADMINISTRATION CABINET
Department of Revenue (DOR)
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103 KAR 019:010. Computation of income; estates and trusts.

Kentucky Public Pensions Authority (KPPA)
105 KAR 001:160. Sick leave plans.
105 KAR 001:170. Membership form requirements.
105 KAR 001:261. Repeal of 105 KAR 001:260.
105 KAR 001:330. Purchase of service credit.
105 KAR 001:380. Minimum distribution.
105 KAR 001:400. Federal taxation limitation year.
105 KAR 001:430. General compliance with federal tax laws.

BOARDS AND COMMISSIONS
Board of Optometric Examiners
201 KAR 005:021E. Licensure Compliance Review. (Filed with Ordinary) ("E" expires 11-2-2026)

Board of Medical Licensure
201 KAR 009:086. License renewal and registration; reregistration of inactive license for physician assistants.
201 KAR 009:305. License renewal and registration; reregistration of inactive licenses; and continuing education requirements for athletic trainers.

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)

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources (KDFWR)
Hunting and Fishing
301 KAR 003:012. Public use of Otter Creek Outdoor Recreation Area.
301 KAR 003:013. Peabody Wildlife Management Area use requirements and restrictions.

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

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)

EDUCATION AND LABOR CABINET

Department of Workforce Development

Office of Vocational Rehabilitation

781 KAR 001:001E. Definitions. (Filed with Ordinary) ("E" expires 09-27-2026) (Amended After Comments)

781 KAR 001:001. Definitions. (Filed with Emergency) ("E" expires 09-27-2026)

781 KAR 001:010E. Office of Vocational Rehabilitation appeal procedures. (Filed with Ordinary) ("E" expires 09-27-2026) (Amended After Comments)

781 KAR 001:010. Office of Vocational Rehabilitation appeal procedures. (Filed with Emergency) ("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) (Amended After Comments)

781 KAR 001:020. General provisions for operation of the Office of Vocational Rehabilitation. (Filed with Emergency) ("E" expires 09-27-2026)

781 KAR 001:030E. Order of selection. (Filed with Ordinary) ("E" expires 09-27-2026) (Not Amended After Comments)

781 KAR 001:030. Order of selection. (Filed with Emergency) ("E" expires 09-27-2026)

781 KAR 001:040E. Provision of Vocational Rehabilitation Services. (Filed with Ordinary) ("E" expires 09-27-2026) (Amended After Comments)

781 KAR 001:040. Provision of Vocational Rehabilitation Services. (Filed with Emergency) ("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) (Not Amended After Comments)

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) (Amended After Comments)

804 KAR 013:020. Tobacco, nicotine, or vapor product license application form. (Filed with Emergency) ("E" expires 08-25-2026) (Amended After Comments)

804 KAR 013:030. Causes for denial of tobacco, nicotine, or vapor product license. (Filed with Emergency) ("E" expires 08-25-2026) (Amended After Comments)

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) (Not Amended After Comments)

HORSE RACING AND GAMING CORPORATION (KHRG)

Licensing

810 KAR 003:020. Licensing of racing participants. (Not Amended After Comments)

CABINET FOR HEALTH AND FAMILY SERVICES (CHFS)

Department for Public Health

Local Health Departments

902 KAR 008:060. Salary adjustments for local health departments.

902 KAR 008:070. Recruitment, examination, and certification of eligible applicants for local health departments.

902 KAR 008:080. Initial probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments.

902 KAR 008:096. Local health department employee performance evaluation program.

902 KAR 008:120. Leave provisions applicable to employees of local health departments.

Department for Public Health (DPH)

Health Services and Facilities

902 KAR 020:150. Freestanding Birthing Centers. (Amended After Comments)

Controlled Substances

902 KAR 055:095. Prescription for Schedule II controlled substance - authorization of oral prescriptions for immediate administration, facsimile transmission, or partial filling.

902 KAR 055:110. Monitoring system for prescription controlled substances.

Department for Medicaid Services (DMS)

1915(c) Waivers

907 KAR 002:720. 1915(c) Kentucky's Community Health for Improved Lives and Development (CHILD) Waiver Program Requirements.

907 KAR 002:725. 1915(c) Kentucky's Community Health for Improved Lives and Development (CHILD) Waiver Reimbursement.

Payments and Services

907 KAR 003:005. Coverage of physicians' services.

907 KAR 003:010. Reimbursement for physicians' services.

3. REGULATIONS REMOVED FROM APRIL'S AGENDA

TRANSPORTATION CABINET

Department of Motor Vehicle Registration

Motor Carriers

601 KAR 001:114. Peer-to-peer services. (Amended After Comments)

Driver Licensing

601 KAR 012:130. Third-party issuance of identity documents. (Amended After Comments)

PUBLIC PROTECTION CABINET

Department of Insurance (DOI)

Health Insurance Contracts

806 KAR 017:595. Dental Benefits Assignment. (Comments Received; SOC ext. due 04-15-2026)

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.

NONE

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.

EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(Emergency Amended After Comments)

781 KAR 1:001E. Definitions.

EFFECTIVE: March 13, 2026
RELATES TO: KRS 151B.185, 151B.190, 151B.195, 151B.200, 34 C.F.R. Part 361, 29 U.S.C. 721, 722, 723
STATUTORY AUTHORITY: KRS 151B.185, 151B.195(1), 151B.200
NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.195(1) requires the Executive Director of the Office of Vocational Rehabilitation to promulgate regulations governing the services and administration of the State Vocational Rehabilitation Agency. KRS 151B.200 authorizes the office to comply with federal acts relating to vocational rehabilitation when these acts apply to joint state and federally funded vocational rehabilitation programs. KRS 151B.195(1) requires the Executive Director of the Office of Vocational Rehabilitation to promulgate administrative regulations governing services, personnel, and administration of the State Vocational Rehabilitation Agency. This administrative regulation establishes the definitions needed for the provision of rehabilitation services.

Section 1. Definitions.
(1) "Acute or emergency medical conditions" are accidents or illnesses with sudden onset and relatively short course.
(2) "Administrative hearing" is defined by KRS 13B.010(2).
(3) "Administrative review" means an informal process through which office personnel not involved in the initial office decision conduct a review of an office decision to ensure the decision complies with office policy.
(4) "Assistive technology specialist" means an individual who analyzes the needs of individuals with disabilities, assists in the selection of the appropriate assistive technology, and trains the eligible individual on how to properly use the specific equipment.
(5) "Attendant Factors" are factors not directly resulting from a disability that affect the individual's ability to obtain, maintain, or progress in employment.
(6) "Case record" means the official written or electronic record of the vocational rehabilitation case of an applicant, potentially eligible, or eligible individual.
(7) "Certified driver rehabilitation specialist" means a driver rehabilitation specialist who has obtained certification to provide services from the Association for Driver Rehabilitation Specialists.
(8) "Clear and convincing evidence" means a firm belief that a factual contention is highly probable.
(9) "Client Assistance Program" (CAP) is defined in 29 U.S.C. 732.
(10)[**(9)**] "Comparable services and benefits" is defined in 34 C.F.R. 361.5(c)(8).
(11)[**(10)**] "Comprehensive Transition and Postsecondary Program" (CTP) means a program designated by the United States Department of Education under 34 C.F.R. 668.231(a).
(12)[**(11)**] "Competitive integrated employment" is defined by 34 C.F.R. 361.5(c)(9).
(13)[**(12)**] "Content tutoring" means instruction to improve performance in a specific course or subject when the academic difficulty is not caused by a disability.
(14)[**(13)**] "Disability-related tutoring" means tutoring, instruction, or programs specifically designed to address academic limitations that result from a disability and that are necessary for the individual to benefit from training or to achieve the employment outcome.
(15)[**(14)**] "Driver evaluation" means a clinical and behind-the-wheel evaluation by a certified driver rehabilitation specialist to identify an eligible individual's driver rehabilitation needs to allow that person to drive independently.
(16)[**(15)**] "Driver training" means behind-the-wheel instruction required to teach an individual with a disability to drive with or without vehicle modifications.
(17)[**(16)**] "Educational assistance services" means reader services, note-taking assistance, page turning, typing, recording, securing reference materials, or similar support necessary for the individual to participate in training or education programs.
(18)[**(17)**] "Educational aide" means an approved vendor who provides educational assistance services under this section.
(19)[**(18)**] "Electronic communication" includes, but is not limited to email, fax, and Short Message Service, and text messaging.
(20)[**(19)**] "Eligible individual" is defined by 34 C.F.R. 361.5(c)(14).
(21)[**(20)**] "Employment outcome" is defined by 34 C.F.R. 361.5(c)(15).
(22)[**(21)**] "Executive director" means the Executive Director of the Office of Vocational Rehabilitation.
(23)[**(22)**] "Extended driver evaluation" means additional evaluation necessary in those cases in which an individual's ability to drive cannot be determined after a driver evaluation.
(24)[**(23)**] "Family member" is defined by 34 C.F.R. 361.5(c)(22).
(25)[**(24)**] "Financial participation" means the amount the eligible individual must pay for cost sharing between the office and the eligible individual for an authorized good or service.
(26)[**(25)**] "Functional capacity" means the capacity to perform tasks required in employment including:
(a) Mobility;
(b) Communication;
(c) Self-care;
(d) Self-direction;
(e) Interpersonal skills;
(f) Work tolerance; or
(g) Work skills.
(27)[**(26)**] "Hearing officer" is defined by KRS 13B.010(5).
(28)[**(27)**] "Household size" is calculated using the individual's most recent federal income tax return, and means:
(a) If the individual is not claimed as a tax dependent for purposes of filing federal taxes, the individual, the individual's spouse, if legally married, and the individual's tax dependents; or
(b) If the individual is claimed as a dependent for purposes of filing federal taxes, the individual, any persons claiming the individual as a dependent, and any other dependents the tax filer claims.
(29)[**(28)**] "Individual" is a disabled person who is applying, potentially eligible, or eligible for vocational rehabilitation services in Kentucky.
(30)[**(29)**] "Individual with a disability" is defined by 34 C.F.R. 361.5(c)(27) and 34 C.F.R. 361.5(c)(28).
(31)[**(30)**] "Individual with a most significant disability" is defined in 34 C.F.R. 361.5(c)(29).
(32)[**(31)**] "Individual with a significant disability" is defined in 34 C.F.R. 361.5(c)(30).

(33)[**(32)**] "Individualized plan for employment" means a written plan for a specific employment outcome as required by 34 C.F.R. 361.46.

(34)[**(33)**] "Informed choice" means the applicant, potentially eligible individual, and eligible individual's right to receive information and support that allows them to make informed decisions about their case throughout the vocational rehabilitation process including but not limited to the choice of service provider as set forth in 34 C.F.R. 361.52.

(35)[**(34)**] "In state service" means a vocational rehabilitation service that is provided in Kentucky.

(36)[**(35)**] "Mediation" is defined by 34 C.F.R. 361.5(c)(35).

[**(36)**] [**"Non-significant disability" means a disability that does not limit a functional capacity.**]

(37) "Office" means the Office of Vocational Rehabilitation and its staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.

(38) "Personal assistance services" is defined by 34 C.F.R. 361.5(c)(38).

(39) "Physical or mental impairment" is defined by 34 C.F.R. 361.5(c)(40).

(40) "Pre-employment transition services (Pre-ETS)" means the set of early career exploration services identified in 34 C.F.R. 361.48(a)(2).

(41) "Post-employment services" is defined by 34 C.F.R. 361.5(c)(41).

(42) "Post-secondary education" means academic or vocational training provided by an accredited post-secondary institution, including universities, colleges, community and technical colleges, and proprietary schools which leads to an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the Commonwealth of Kentucky or federal government, or an associate or baccalaureate degree.

(43) "Post-Secondary Transition Program" (PSTP) means a two (2) or three (3) year work-readiness and employment-skills training program operated by a post-secondary institution that is a CTP.

(44) "Potentially eligible student" means a student with a disability between the ages of 14 and 21 who has not applied for or been determined eligible for vocational rehabilitation services.

(45) "Remediation" means instruction intended to address basic educational deficiencies not caused by the individual's disability.

(46) "Secretary" means the Secretary of the Education and Labor Cabinet.

(47) "Serious limitation" means the individual frequently requires assistance from others, personal adaptations, assistive technology and/or accommodations not typically needed for other workers to participate in employment.

(48) "Service fee" means the standard rate of pay established by the office for vocational rehabilitation services and goods.

(49) "Service Fee Memorandum" means the document used to communicate the service fees to vendors.

(50) "Structural addition" means any improvement to real property that would increase the square footage or footprint of the property.

(51) "Student with a disability" means an individual who is 14-21 years of age and is eligible for and receiving special education or related services under the Individuals with Disabilities Education Act or is an individual with a disability for purposes of Section 504 of the Rehabilitation Act.

(52) "Substantial impediment to employment" is defined by 34 C.F.R. 361.5(c)(52).

(53) "Tutorial services" means individualized instruction provided to improve academic performance or address disability-related barriers to participation in a training or educational program.

(54) "Vendor" means a person or entity:

(a) The office has determined meets the service provider standards established by the office and has executed a vendor agreement with the office, or

(b) From which the office has agreed to purchase goods or services.

(55) "Vocational rehabilitation services" is defined by 34 C.F.R. 361.5(c)(57).

JAMIE LINK, Secretary, for
VICKIE WISE, Deputy Secretary
APPROVED BY AGENCY: March 12, 2026
FILED WITH LRC: March 13, 2026 at 8:45 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Brooke McDaniel
Subject Headings: Disability and Disabilities, Workforce Development, Education
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides the definitions for the operation of the Office of Vocational Rehabilitation (OVR) in compliance with the federal Rehabilitation Act and KRS 151B.180, et seq.
(b) The necessity of this administrative regulation: KRS 151B.195 requires OVR to promulgate administrative regulations outlining the administration of vocational rehabilitation services in Kentucky in compliance with the federal Rehabilitation Act and KRS 151B.180, et seq.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides the required definitions for the regulations which outline the operation of OVR.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists individuals seeking services from OVR in understanding the regulations governing the operation of the office.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This is a new regulation which takes the definitions from the other regulations and puts them in one place for consistency and ease of reference.
(b) The necessity of the amendment to this administrative regulation: See above.
(c) How the amendment conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statutes by providing the definitions needed.
(d) How the amendment will assist in the effective administration of the statutes: This amendment makes the definitions easier to find and more understandable.
(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 approximately 46,000 individuals served by the Office of Vocational Rehabilitation.
(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 person or entity is required to take action as a result of 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 are no new costs to any person or entity.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated individuals will have a better understanding of the other regulations.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional costs.
(b) On a continuing basis: No additional costs.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Federal vocational rehabilitation funds received by the Office of Vocational Rehabilitation and the required state match funds; however, there are no additional costs as a result of this proposed amendment.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees

or funding necessary to implement this amendment to the existing administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering is not required in this administrative regulation because it applies equally to all affected entities.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 29 U.S.C. § 721-723; 34 C.F.R. Part 361; KRS 13B.170, 151B.017(4), 151B.185, 151B.190, 151B.195(1), 151B.200.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This act is authorized by KRS 13B.170, 151B.017(4), 151B.185, 151B.190, 151B.195(1), 151B.200.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Vocational Rehabilitation is the promulgating agency, and no other agencies are affected.
(b)Estimate the following for each affected state unit part, or division identified in (3)(a):
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(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): 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: None.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This proposed amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: 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.

EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(Emergency Amended After Comments)

781 KAR 1:010E. Office of Vocational Rehabilitation appeal procedures.

EFFECTIVE: March 13, 2026
RELATES TO: KRS 151B.190, 151B.200, 34 C.F.R. Part 361, 29 U.S.C. 722
STATUTORY AUTHORITY: KRS 13B.170, 151B.195(1), 29 U.S.C. 722(c)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 13B.170 authorizes an agency to promulgate administrative regulations that are necessary to carry out the provisions of KRS Chapter 13B concerning administrative hearings. 29 U.S.C. 722(c) requires state procedures for the review of determinations made by rehabilitation personnel for basic rehabilitation services. Pursuant to KRS 151B.200, the Commonwealth of Kentucky, agreed to comply with all provisions relating to Federal Vocational Rehabilitation Acts. KRS 151B.195(1) authorizes the commissioner to promulgate administrative regulations for the department. This administrative regulation establishes hearing and appeal procedures for a person seeking vocational rehabilitation benefits.

Section 1. [~~Definitions.~~]
[~~(1)~~] [~~"Administrative hearing" is defined by KRS 13B.010(2).~~]
[~~(2)~~] [~~"Administrative review" means an informal process through which office personnel not involved in the initial decision conduct a review of an office decision to ensure the decision complies with office policy.~~]
[~~(3)~~] [~~"Appellant" means an applicant, potentially eligible, or eligible individual who requests an appeal of an office decision in accordance with this section.~~]
[~~(4)~~] [~~"Applicant" means an individual who submits an application for vocational rehabilitation services.~~]
[~~(5)~~] [~~"Branch manager" means the office staff who is responsible for the operations of an office branch.~~]
[~~(6)~~] [~~"Case record" means the official written or electronic record of the vocational rehabilitation case of an applicant, potentially eligible, or eligible individual.~~]
[~~(7)~~] [~~"Competitive integrated employment" is defined by 34 C.F.R. 361.5(c)(9).~~]
[~~(8)~~] [~~"Eligible individual" means an applicant for vocational rehabilitation services who the office determines is an individual with a disability who requires vocational rehabilitation services to prepare for, secure, retain, or regain employment.~~]
[~~(9)~~] [~~"Executive director" means the Executive Director of the Office of Vocational Rehabilitation.~~]
[~~(10)~~] [~~"Hearing officer" is an individual who meets the qualifications established in KRS 13B.010(7) and who has knowledge of the laws applicable to the office.~~]
[~~(11)~~] [~~"Office" means the Office of Vocational Rehabilitation.~~]
[~~(12)~~] [~~"Office Appeal Form" means the office form incorporated by referenced and used by an applicant, potentially eligible, or eligible individual to request an appeal of an office decision.~~]
[~~(13)~~] [~~"Potentially eligible individual" means an individual who might be eligible for vocational rehabilitation services, but whose eligibility has not yet been determined.~~]
[~~(14)~~] [~~"Secretary" means the Secretary of the Education and Labor Cabinet.~~]

[Section 2.] Right to Appeal.

(1) The office shall notify every[applicant, potentially eligible individual, or eligible] individual in writing:

(a) That they have[that the individual has] the right to appeal any determination made by the office that affects the provision, denial, reduction, suspension, or cessation of that individual's vocational rehabilitation services;[.]

(b) That they have the right to pursue mediation, which shall be conducted by a qualified mediator selected in accordance with 34 C.F.R. 361.57(d);

(c) The names and addresses of individuals with whom requests for mediation or hearings may be filed;

(d) That an impartial hearing officer shall be selected in accordance with 34 C.F.R. 361.57(e); and

(e) The availability of the client assistance program.

(2) This notice shall be provided:

(a) At the time an individual applies for vocational rehabilitation services;

(b) At the time the individual is assigned to a priority category in order of selection;

(c) At the time the individualized plan of employment is developed or amended; and

(d) Whenever **vocational**[**vocationals**] rehabilitation services for an individual are reduced, suspended, or terminated.[The office shall provide to every applicant, potentially eligible individual, or eligible individual:]

[(a)] [As established in the Kentucky Office of Vocational Rehabilitation Policies and Procedures Manual, the procedure for requesting an appeal, including the name and address of office staff to whom a request for appeal shall be submitted; and]

[(b)] [The Office Appeal Form.]

(3) A request for appeal shall be [submitted using the Office Appeal Form and shall be]submitted to the office within fourteen (14) days of receipt of written notice of an office decision[or receipt of verbal notice of an office decision, as determined by the date in the case record]. A timely request for appeal may be submitted via US Mail, email or **orally to the office, including by telephone or in person. A voicemail message shall not constitute a request for appeal**[**telephonically**].

(4) As required by 34 C.F.R. 370.3, an individual[An appellant] shall have the right to be represented by an advocate or attorney at all appellate proceedings, and the individual[appellant] shall bear all cost for representation.

(5) Upon receipt of an appeal[a request for an administrative hearing], the office shall:

(a) Conduct an informal administrative review of the decision on appeal;[prior to the administrative hearing; and]

(b) Offer the individual an opportunity to participate in mediation if the individual disagrees with the findings of the informal administrative review; and

(c)[(b)] If the matter is not resolved through the administrative review or mediation, convene[Convene] an administrative hearing within sixty (60) days **from the request for appeal**, except that an[a time] extension, not to exceed one (1) year, shall be granted upon **written** agreement by both parties.

(6) During an appeal, the office shall not suspend, reduce, or terminate services provided under the individualized plan for employment unless:

(a) It has evidence that the service was obtained through:

1. Misrepresentation;
2. Fraud;
3. Collusion; or
4. Criminal conduct; or

(b) The individual[appellant] requests the action **in writing, and the request is confirmed by the office**.

Section 2.[Section 3.] Informal Administrative Review.

(1) Upon receipt of an appeal[a notice of appeal, the office shall conduct an informal administrative review of the decision.]

[(2)] [The director or designee shall select] a branch manager not involved in the decision[action] in question [who]shall conduct the administrative review of the decision within ten (10) days.

(2)[(3)] The administrative review shall be conducted either in person or by teleconference, and the individual[appellant] shall be invited to participate.

(3)[(4)] A written determination shall be sent to the individual[The branch manager shall issue a written a determination] within five (5) business days **of the informal administrative review**[and notify the appellant]via electronic mail or U.S. Mail.

Section 3.[Section 4.] Mediation.

(1) The individual[appellant] shall have the right to participate in mediation before an administrative hearing is convened.

(2) [The office shall maintain a list of qualified mediators.]

[(3)] If mediation is requested, the office shall:

(a) Schedule[Choose a mediator from the list and schedule] the mediation for a date prior to an administrative hearing;

(b) Convene the mediation in a location convenient to the office and the individual, if in person, or virtually,[appellant] and provide reasonable accommodations if requested;

(c) Bear the cost of mediation; and

(d) Send a representative of the office to the mediation who is authorized to bind the office to an agreement.

(3)[(4)] The individual[appellant] shall attend the mediation.

(4)[(5)] Discussions or agreements arising from the mediation shall be confidential and shall not be used as evidence in any subsequent administrative hearing or civil proceeding.

(5)[(6)] An agreement reached by the parties through mediation shall be documented in writing and[,] signed by both parties[prior to the conclusion of the mediation, and a copy shall be issued to both parties].

(6) Mediation is voluntary and shall not be used to delay the scheduling of an impartial hearing.

Section 4.[Section 5.] Administrative Hearing. If the individual is not satisfied with the outcome of the informal administrative review process, did not choose to participate in mediation or if the mediation was unsuccessful, the[applicant, potentially eligible, or eligible, The] office shall conduct an administrative hearing in accordance with KRS Chapter 13B.[and Section 2 of this administrative regulation if the elects not to participate in mediation or if the mediation did not result in an agreement.]

[Section 6.] [Client Assistance Program. The office shall advise an applicant, potentially eligible individual, or eligible individual of:]

[(1)] [The existence of the Client Assistance Program;]

[(2)] [The services provided by the program; and]

[(3)] [How to contact a program representative.]

[Section 7.] [Findings and Decision.]

[(1)] [The hearing officer shall issue a recommended order in accordance with KRS 13B.110.]

[(2)] [Either party shall have the right to submit exceptions to the recommended order to the secretary as established in KRS 13B.110.]

[(3)] [The secretary or designee shall issue the final order in accordance with KRS 13B.120.]

[Section 8.] [Incorporation by Reference.]

[(1)] ["Kentucky Office of Vocational Rehabilitation Policies and Procedures Manual", June 2022, is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Vocational Rehabilitation, 500 Mero Street 4th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

[(3)] [This material is also available at kcc.ky.gov/vocational-rehabilitation.]

JAMIE LINK, Secretary for
VICKIE WISE, Deputy Secretary
APPROVED BY AGENCY: March 12, 2026
FILED WITH LRC: March 13, 2026 at 8:45 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Brooke McDaniel
Subject Headings: Administrative Hearings, Disability and Disabilities, Workforce Development
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for the Office of Vocational Rehabilitation's mediation and administrative hearing process as required by 29 U.S.C. § 722 and KRS 13B.
(b) The necessity of this administrative regulation: Changes to the regulation are needed to ensure individuals who apply for and receive vocational rehabilitation services understand their right to appeal a decision made by the Office and the administrative appeal process required to comply with 29 U.S.C. §722 and KRS 13B.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides information necessary for the Office of Vocational Rehabilitation to provide mediation and impartial due process rights as required by 29 U.S.C. § 722 and KRS 13B.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides information necessary for the Office of Vocational Rehabilitation to provide mediation and impartial due process rights as required by 29 U.S.C. § 722 and KRS 13B.
(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 proposed amendments are made to provide a better understanding to individuals who apply for and receive vocational rehabilitation services about their due process rights as set forth in 29 U.S.C. § 722 and KRS 13B.
(b) The necessity of the amendment to this administrative regulation: Changes to the regulation are needed to ensure individuals who apply for and receive vocational rehabilitation services understand their right to appeal a decision made by the Office of Vocational Rehabilitation and the administrative appeal process required to comply with 29 U.S.C. § 722 This administrative regulation provides information necessary for the Office of Vocational Rehabilitation to provide mediation and impartial due process rights as required by 29 U.S.C. § 722 and KRS 13B.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statute by outlining the requirements for the mediation and administrative hearing process required by 29 U.S.C. § 722 and KRS 13B.
(d) How the amendment will assist in the effective administration of the statutes: This amendment provides specific information to individuals who apply for and receive vocational rehabilitation services about their federally guaranteed due process rights and the procedures used by the Office of Vocational Rehabilitation to ensure compliance with the due process requirements of 29 U.S.C. § 722 and KRS 13B.
(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 approximately 46,000 individuals served by the Office of Vocational Rehabilitation.
(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 person or entity is required to take action as a result of 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 is no cost associated with this proposed amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated individuals will have a better understanding of their due process rights under state and federal law.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The proposed amendment does not result in additional costs.
(b) On a continuing basis: The proposed amendment does not result in additional costs.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Federal vocational rehabilitation funds received by the Office of Vocational Rehabilitation and the required state match funds; however, there are no additional costs as a result of this proposed amendment.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding necessary to implement this proposed amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This proposed amendment does not establish fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering is not required in this administrative regulation because it applies equally to all individuals who appeal a decision made by the Office of Vocational Rehabilitation.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 29 U.S.C. § 722, KRS 13B.170 and KRS 151B.195(1).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 13B.170 and KRS 151B.195(1).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Vocational Rehabilitation is the promulgating agency, and no other agencies are affected. (b) Estimate the following for each affected state unit part, or division identified in (3)(a):
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(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): 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: None.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This proposed amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: 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.

EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(Emergency Amended After Comments)

781 KAR 1:020E. General provisions for operation of the Office of Vocational Rehabilitation.

EFFECTIVE: March 13, 2026
RELATES TO: KRS 138.170, 151B.185, 151B.190, 151B.195, 151B.200, 34 C.F.R. Part 361[~~361.42,~~][~~361.49~~], 29 U.S.C. 721, 722, 723
STATUTORY AUTHORITY: KRS 151B.185, 151B.195(1), 151B.200
NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.200 authorizes the office to comply with federal acts relating to vocational rehabilitation when these acts apply to joint state and federally funded vocational rehabilitation programs. KRS 151B.195(1) requires the Executive Director of the Office of Vocational Rehabilitation to promulgate administrative regulations governing services, personnel, and administration of the State Vocational Rehabilitation Agency. This administrative regulation establishes general criteria for the provision of rehabilitation services and is necessary[~~, in order~~] to distribute limited funds available for that purpose.

Section 1. Application.
(1) An individual shall be considered an applicant for vocational services when the individual:
(a) Submits a request for vocational rehabilitation services, including completion of an OVR-2, Application for Services, or other expression of intent to apply;
(b) Provides the basic information necessary to initiate an eligibility determination, consistent with 34 C.F.R 361.41(b)(2); and
(c) Is available to participate in the assessment process required under 34 C.F.R. 361.41.
(2) The office shall make a reasonable effort to contact individuals referred for services and offer them the opportunity to apply.
(3) An application shall be dated as of the date the request for services is received by the office.
(4) Prior to determination of eligibility, the office may require verification of identity and of employment authorization sufficient to establish that the individual is legally permitted to work in the United States.
(a) If the individual cannot establish legal authorization to work, the office shall find the individual ineligible for services in accordance with this administrative regulation; and
(b) The office shall provide information and referral services to individuals who are ineligible on this basis, as required by federal law.
(5) The office may accept applications from individuals who reside outside of Kentucky if the individual is available to participate fully in the rehabilitation process, including assessment for eligibility and rehabilitation needs.
(6) Applications may be accepted from individuals who are incarcerated if the individual is reasonably expected to become available to participate in an eligibility determination and vocational rehabilitation services upon release.
(7) Electronic Communication. The office may communicate electronically with individuals, including by email or text message, if the individual has provided informed consent for that method of communication. The individual may revoke consent at any time. The individual's communication preferences shall be documented in the case record. If an individual changes their preferred email, they shall notify the office.
(8) The office shall provide each individual with information regarding program rights and responsibilities, including appeal procedures, consistent with 34 C.F.R. 361.38(b).
(9) If an individual has a guardian or legal representative, the individual shall inform the office and provide appropriate documentation. Any reference to individual in these regulations includes a guardian or legal representative, if applicable.

[~~Section 1.~~] [~~Definitions.~~]
[~~(1)~~] [~~"Applicant" means an individual who has signed a letter or document requesting vocational rehabilitation services and who is available to complete an assessment.~~]
[~~(2)~~] [~~"Eligible individual" means an individual with a disability who has been determined by the office to meet the basic conditions of eligibility for vocational rehabilitation services as defined in 34 C.F.R. 361.42.~~]
[~~(3)~~] [~~"Occupational equipment" means equipment essential to perform the job duties at the job site and required as a condition of employment.~~]
[~~(4)~~] [~~"Office" means the Office of Vocational Rehabilitation and its staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.~~]
[~~(5)~~] [~~"Relative" means an individual related to another individual by lineage, marriage, or adoption and includes a:~~]
[~~(a)~~] [~~Spouse;~~]
[~~(b)~~] [~~Parent;~~]
[~~(c)~~] [~~Grandparent;~~]
[~~(d)~~] [~~Brother;~~]
[~~(e)~~] [~~Sister;~~]
[~~(f)~~] [~~Son;~~]
[~~(g)~~] [~~Daughter;~~]
[~~(h)~~] [~~Grandchild;~~]
[~~(i)~~] [~~Aunt;~~]
[~~(j)~~] [~~Uncle;~~]
[~~(k)~~] [~~Niece;~~]
[~~(l)~~] [~~Nephew; and~~]
[~~(m)~~] [~~First cousin.~~]

Section 2. Eligibility.
(1) In accordance with 34 C.F.R. 361.42, an individual shall be eligible for vocational rehabilitation services if the office determines that:
(a) The individual has a physical or mental impairment that constitutes or results in a substantial impediment to employment;
(b) The individual requires rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
(c) The individual can benefit in terms of an employment outcome; and
(d) The individual intends to achieve an employment outcome.
(2) An individual who meets the criteria in subsection (1)(a)-(c) of this Section and who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act shall be presumed eligible for vocational rehabilitation services and considered an individual with a significant disability, so long as the individual intends to achieve an employment outcome. This presumption of eligibility may be overcome only if the individual participates in a period of trial work, as provided in Section 3 of this

administrative regulation, and upon clear and convincing evidence that the individual cannot benefit from vocational rehabilitation services in terms of an employment outcome. Because eligibility can generally be determined based solely on verification of benefits, the office shall determine eligibility as soon as practicable upon receipt of verification of benefits.

(3) Eligibility requirements shall be applied by the office without regard to race, color, national origin, sex, age, religion, type of disability, genetic information, marital status, sexual orientation, gender identity, citizenship, pregnancy, or veteran status.

(4) The individual shall meet legal age requirements for employment at the time rehabilitation services are provided. There shall be no maximum age at which an individual is ineligible for services.

(5) There shall be no residency requirements for eligibility purposes. However, the individual shall be available to participate in rehabilitation services.

(6) Eligibility determinations shall be made within sixty (60) calendar days from the date of application, unless:

(a) There are unforeseen circumstances beyond the control of the office that prevent making the determination within the timeframe; or

(b) The individual and office agree to a one-time extension that reflects the minimum additional time needed to obtain the information necessary to determine eligibility and that specifies a date by which eligibility shall be determined. The sixty (60) day eligibility deadline shall not be extended if presumptive eligibility under subsection (2) of this section has been established.

(7) Any agreement to extend the eligibility determination period shall be documented in the case record.

(8) Services shall be provided only to address the employment needs of individuals with disabilities.

(9) Signing an application for services shall document the individual's intent to achieve an employment outcome.

(10) Limitations in functional capacity must be a direct result of the disability and not the result of attendant factors such as lack of training, labor market conditions, or transportation. Functional capacity includes self-care, work skills, interpersonal skills, communication, mobility, self-direction and work tolerance.

(11) A comprehensive assessment may be needed prior to developing an Individualized Plan for Employment and assigning a priority category.

(12) An individual requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment if the unique skills of a qualified vocational rehabilitation professional are required to assist the individual in achieving an employment outcome.

(13) Individuals are considered underemployed when a disability adversely affects the ability to obtain a position that could reasonably be expected:

(a) Considering education, experience, and capabilities,

(b) Prior to the onset or worsening of a disabling condition, or

(c) Considering current capabilities with or without accommodations.

(14) The eligibility determination shall result in one of the following categories: Eligible and Accepted, Eligible and Out-of-Selection, Ineligible, or Eligibility Unknown.

(15) If the determination is "Eligible and Accepted," the case should progress toward development of an Individualized Plan for Employment in accordance with Section 6 of this administrative regulation.

(16) If the determination is "Eligible and Out-of-Selection," the individual shall be assigned to a priority category and served in accordance with Section 5 of this administrative regulation and 781 KAR 1:030, including placement on any applicable waitlist and provision of information and referral services as required by federal law.

(17) All individuals with disabilities who are assigned to a closed priority category shall be provided information and referral services consistent with 34 C.F.R. 361.36.

(18) If an individual is determined ineligible for services, the individual, and as appropriate, the individual's authorized representative, shall be notified and advised of the reasons for the ineligibility decision and information regarding appeal rights.

(19) If eligibility cannot be determined based on existing information, the eligibility determination shall be classified as "Eligibility Unknown," and the individual shall be afforded an opportunity for trial work in accordance with Section 3 of this administrative regulation.

[~~Section 2.~~] [~~Employees' Request for Services.~~]

[~~(1)~~] [~~An employee of the office who wishes to request rehabilitation services shall advise the Director of Field Services or a designee.~~]

[~~(2)~~] [~~The Director of Field Services or a designee and the employee shall select a counselor to take the request for services. If practicable, the counselor shall be located in an adjacent district to the district in which the employee resides.~~]

Section 3. Trial Work.

(1) Trial Work Experience shall be provided when an individual's ability to benefit from vocational rehabilitation services in terms of an employment outcome cannot be determined based on existing information, as required by 34 C.F.R. 361.42(e).

(2) Before the office may determine that an individual is unable to benefit from vocational rehabilitation services due to the severity of disability, the office shall:

(a) Provide Trial Work Experience in realistic work settings, using appropriate supports; and

(b) Base any determination of ineligibility on clear and convincing evidence, consistent with 34 C.F.R. 361.42(e)–(f).

(3) Trial Work Experience shall be provided only when:

(a) The individual has applied for vocational rehabilitation services;

(b) Eligibility cannot be determined without direct observation of the individual's abilities, capabilities, and capacity to perform work; and

(c) The experience is necessary to obtain information required to make an eligibility determination.

(4) Trial Work Experience shall:

(a) Occur in one or more competitive, integrated, or community-based settings that reflect typical workplace demands;

(b) Include reasonable supports such as job coaching, assistive technology, or other services necessary for the individual to participate;

(c) Be individualized and adjusted as needed based on the individual's progress and functional needs; and

(d) Be conducted for a sufficient variety and duration to permit an informed eligibility decision.

(5) The office shall develop, in collaboration with the individual where possible, a written Trial Work Experience Plan that:

(a) Identifies the specific trial work activities, settings, and supports to be provided;

(b) Establishes the expected duration and review intervals;

(c) Identifies providers responsible for delivering supports.

(6) The office shall periodically assess the individual's performance, functional abilities, and support needs during Trial Work Experience with documentation of the individual's progress.

(7) Upon completion of Trial Work Experience, the office shall determine:

(a) The individual is eligible for vocational rehabilitation services because the individual can benefit in terms of an employment outcome; or

(b) The individual is ineligible for vocational rehabilitation services based on clear and convincing evidence obtained from Trial Work Experience.

(8) Limitations.

(a) Trial Work Experience shall not substitute for assessments or services provided under an Individualized Plan for Employment.

(b) Trial Work Experience shall not exceed the time necessary to obtain the information required to make an eligibility determination.

(c) Extended evaluation periods shall not be used in lieu of the requirements of this Section, consistent with 34 C.F.R. 361.42(f).

(9) Comparable services and benefits and financial participation requirements shall not apply to Trial Work Experience services, consistent with 34 C.F.R. 361.53(b)(2)(i), because these services occur prior to eligibility determination.

[~~Section 3.~~] [~~Employees' Relatives' Request for Services.~~]

[~~(1)~~)] [~~An employee of the office shall not take a request for services or provide vocational rehabilitation services to a relative.~~]

[~~(2)~~)] [~~The relative shall be referred to the Director of Field Services or a designee.~~]

[~~(3)~~)] [~~The Director of Field Services or a designee and the individual shall identify a staff member who is not a relative to take the request for services and to provide services as deemed appropriate.~~]

Section 4. Ineligibility.

(1) If any of the eligibility criteria are not met, the individual shall be determined ineligible for vocational rehabilitation services. Before issuing an ineligibility determination, the office shall provide the individual an opportunity for consultation regarding the proposed decision.

(2) If the consultation does not resolve the issue, the individual shall be informed in writing and in an accessible format of the ineligibility decision. This document shall contain the reason for the determination and information regarding the individual's appeal rights.

(3) If the individual is determined ineligible due to a finding that the individual cannot benefit in terms of an employment outcome following a period of trial work, the office shall:

(a) Consult with the individual;

(b) Issue written notice stating the reason for the determination and advising of the right to appeal under 781 KAR 1:010;

(c) Review the ineligibility decision within twelve (12) months of the initial decision; and

(d) Conduct additional reviews thereafter upon the request of the individual. Any review does not limit or replace the individual's right to appeal the ineligibility determination at any time.

(4) If the office determines that the individual is not eligible because the individual is unable to pursue competitive integrated employment or is otherwise unable to participate in such employment due to disability-related limitations, the office shall:

(a) Consult with the individual, consistent with 34 C.F.R. §§ 361.43 and 361.44;

(b) Issue written notice stating the reason for the determination and advising of the right to appeal under 781 KAR 1:010; and

(c) Provide information and referral services to assist the individual in obtaining services from other appropriate agencies.

(5) If an individual affirmatively states that they do not desire to continue pursuing competitive integrated employment at this time and chooses to withdraw from services, the office shall document the individual's voluntary decision and close the case. A voluntary withdrawal by the individual does not constitute an ineligibility determination and does not trigger appeal rights. In addition, the individual may reapply for services at any time.

[~~Section 4.~~] [~~Legal Fees. The office shall not be responsible for any fees incurred by an applicant or eligible individual for legal services.~~]

Section 5. Priority Categories.

(1) An individual determined eligible shall be assigned to one (1) of the following priority categories:

(a) Priority Category 1: Individual with a most significant disability is an individual with a disability who has been determined eligible for vocational rehabilitation services, requires multiple vocational rehabilitation services for a period of six (6) months or more, and experiences serious limitations in four (4) or more areas of functional capacity, in terms of an employment outcome.

(b) Priority Category 2: Individual with a significant disability is an individual with a disability who has been determined eligible for vocational rehabilitation services, requires multiple vocational rehabilitation services for a period of six (6) months or more and experiences serious limitations in three (3) areas of functional capacity, in terms of an employment outcome.

(c) Priority Category 3: Individual with a significant disability is an individual with a disability who has been determined eligible for vocational rehabilitation services, requires multiple vocational rehabilitation services for a period of six (6) months or more, and experiences serious limitations in one (1) to two (2) areas of functional capacity, in terms of employment outcome.

(d) Priority Category 4: Individual with a disability is an individual who has been determined eligible for vocational rehabilitation services and does not meet the criteria for priority categories 1, 2, or 3.

(2) If the assigned priority category is open, the individual shall be served.

(3) As set forth in 781 KAR 1:030, if the priority category is closed, the individual's case shall be held on a waitlist in their assigned priority category by date of application until funding is available to serve from the waitlist or the priority category assigned is opened or the order of selection is lifted.

(4) An individual who has been assigned to a priority category may be reassigned to a different category to correct an error; or if the office determines new information justifies the reclassification.

[~~Section 5.~~] [~~Payment Rates for Purchased Services.~~]

[~~(1)~~)] [~~A service vendor shall not charge or accept from the applicant, eligible individual, or a relative payment for services unless the amount of the charge or payment is first presented to the office.~~]

[~~(2)~~)] [~~Payment to out-of-state vendors shall be governed by the rates established by the vocational rehabilitation agency in the state where services shall be provided.~~]

Section 6. Individualized Plan for Employment.

(1) The Individualized Plan for Employment (IPE) shall be developed in accordance with the Rehabilitation Act of 1973, as amended, and the Workforce Innovation and Opportunity Act (WIOA), and 34 C.F.R. 361.45, and 361.46.

(2) The IPE, including any amendments, shall be jointly agreed upon by the office and the individual. The IPE shall be executed on office-approved forms.

(3) As required by 34 C.F.R. 361.45(c), a copy of the IPE, and any amendments, shall be provided to the individual in their native language or mode of communication that enables the full participation of the individual.

(4) The IPE implementation date shall be the date the office signs the IPE after all other required signatures have been obtained.

(5) The IPE shall be developed as soon as possible, but not later than ninety (90) days after the date of determination of eligibility, unless the office and individual agree in writing to a one-time extension that specifies a completion date.

(6) The individual may choose to develop all or part of the IPE independently, with the assistance of the office, or with the help of a representative or a disability advocacy organization, consistent with informed choice.

(7) The IPE shall specify:

(a) A specific employment outcome;

(b) The vocational rehabilitation services required to achieve the outcome;

(c) Providers of each service;

(d) Timelines for the initiation of services;

(e) Responsibilities of the individual and the office, including financial participation when applicable;

(f) Comparable services and benefits; and

(g) The need for post-employment services, if any.

(8) A complete copy of the signed IPE and any amendments shall be provided to the individual promptly after execution.

(9) Amendments to the IPE shall:

(a) Be made when any substantive changes in the employment outcome, services, or the provider are necessary; and

(b) Only be made when jointly agreed upon and signed by both the office and individual.

(10) The office may authorize incidental expenditures not exceeding $200 per authorization or five hundred dollars ($500) per fiscal year without obtaining the individual's signature if the expenditure is for maintenance, clothing, uniforms, transportation, licenses or permits, assistive technology devices, and specialized aids or appliances for the blind.

(11) The IPE shall be reviewed with the individual at least annually. The first annual review shall occur on or before the anniversary date of the IPE, and thereafter, on or before the most

recent annual review. If a significant change to the rehabilitation program is required, an IPE amendment shall be written.

(12) Prior to developing or amending an IPE, the office shall provide the individual with information necessary for informed choice regarding potential employment outcomes, services, service providers, and methods of procuring services. Alternative methods of service delivery shall be identified unless prohibited by law.

(13) Prior to developing or amending an IPE, individuals shall be given a description of services and providers, allowing individuals to have input into the services and providers selected. Except where otherwise provided by state or federal law or regulation, alternative methods to provide services shall be identified for the individual.

[Section 6.] [Potentially Terminal Illness. Services shall not be provided to individuals with a potentially terminal illness unless:]

[(1)] [There is a favorable medical prognosis for recovery; or]

[(2)] [There is a prospect of survival for a reasonable period of time, allowing a return to work for at least twelve (12) months (work life expectancy).]

[(a)] [If surgery, chemotherapy, nuclear medical treatment, or similar ancillary medical service is expected to cure the condition, it may be provided as with another medical problem.]

[(b)] [If the attending physician feels the prognosis is guarded, the office shall request a letter indicating the individual's work life expectancy. For those individuals with a twelve (12) month work life expectancy services may be considered.]

[Section 7.] [Second Opinions.]

[(1)] [The office may seek a second opinion from a qualified practitioner before determining eligibility or before authorizing services if the office has reason to believe that a second opinion would provide more information necessary to determine eligibility.]

[(2)] [If the office determines that eligibility is not met or does not authorize services, an individual may utilize the appeals process established in 782 KAR 1:010.]

Section 7.[Section 8.] Self-employment Enterprises. The requirements established in this section shall be met prior to planning for self-employment for an [eligible]individual.

(1) An eligible individual shall undergo an assessment to determine work skills interests, interpersonal skills, related functional capacities, and other pertinent characteristics. Self-employment shall be considered only if:

(a) The self-employment venture is expected to be the individual's primary source of employment; and

(b) The anticipated earnings are comparable to the earnings of individuals without disabilities who are self-employed in similar occupations with similar training, experience, and skills.

(2) Prior to approval of a self-employment goal, the office shall:

(a) Assess the individual's work skills interests, interpersonal skills, related functional capacities, and other pertinent characteristics to determine suitability for self-employment; and

(b) Require the individual to participate in prevocational and small business training prior to starting a new self-employment business, if necessary to support an informed choice for a self-employment outcome.

[(2)] [An eligible individual shall participate in prevocational and small business training as established in the Kentucky Office of Vocational Rehabilitation Policies and Procedures Manual, incorporated by reference in 781 KAR 1:010.]

(3) Prior to provision of services for a new self-employment venture, an[An eligible] individual shall obtain any required license, permit, certificate, or lease, and be in conformity with all federal and state laws and local ordinances to commence an enterprise. Proof of compliance with this subsection shall be provided upon request.

(4) An [eligible]individual seeking to develop a self-employment enterprise requiring start up costs of more than $1,000 shall:

(a) Complete a feasibility study of the proposed business; and

(b) Submit a written business plan and have it approved by the office[pursuant to the Kentucky Office of Vocational Rehabilitation Policies and Procedures Manual, incorporated by reference in 781 KAR 1:010, prior to provision of services]. The business plan shall address, at a minimum, the nature of the product or service, market and competition, marketing approach, management structure, projected costs, and projected revenues[consist of the following:]

[1.] [Executive summary;]

[2.] [Description of product or service;]

[3.] [Assessment of available consumers to be served;]

[4.] [Competitors currently in operation in the industry;]

[5.] [Marketing plan;]

[6.] [Costs of production;]

[7.] [Management details and structure; and]

[8.] [Detailed financial analysis].

(5) The office shall not be the sole source of capitalization for a self-employment enterprise with start up costs of $5,000 or more. The individual shall document other financial resources or in-kind contributions that will be used to support the venture.

[(a)] [In addition to requirements under subsection (4) of this section, an eligible individual seeking financial assistance with start up costs of $5000 to $10,000 shall contribute fifty (50) percent of the cost in excess of $5,000 either in capital or documented value of existing equipment used in the daily operation of the business and ninety (95) percent of the cost in excess of $10,000.]

[(b)] [An eligible individual shall provide documentation that the assets necessary for the required financial participation are in place prior to provision of services by the office.]

(6) In addition to requirements under subsection (5) of this section, an individual seeking financial assistance with start up costs shall contribute:

(a) Fifty (50) percent of the portion of start up costs between five thousand dollars ($5,000) and ten thousand dollars ($10,000); and

(b) Ninety-five (95) percent of that portion of start up costs that exceeds ten thousand dollars ($10,000).

[(6)] [The total office expenditures toward the start up costs for a self-employment enterprise shall not exceed $10,000 unless:]

[(a)] [All provisions of subsections (1) through (5) of this section are met; and]

[(b)]

[1.] [The nature of the individual's vocational rehabilitation needs make it necessary that the service be provided;]

[2.] [The denial of the service will prohibit the individual from achieving the vocational goal; or]

[3.] [The provision of the service will result in a cost savings to the office.]

(7) The individual's contribution may be made in cash or documented value of existing equipment used in the daily operation of the business.

(8) An individual shall provide documentation that the assets necessary for the required financial participation under subsection (6) of this Section are in place prior to provision of services by the office.

(9) The total office expenditures toward the start up costs for a self employment enterprise shall not exceed ten thousand dollars ($10,000).

(10) For an existing business in which the individual has been self-employed for at least one (1) year, the office may provide only those disability-related services or accommodations that are necessary for the individual to maintain competitive integrated employment in that business. The office shall not fund expansion of an existing business beyond disability-related needs.

(11) The office shall not provide start-up funding for self-employment ventures that are speculative in nature, organized as nonprofit entities, or that involve purchase of real estate, franchise fees, or payment of existing business debt. Additional limitations on the scope of services for self-employment shall comply with federal vocational rehabilitation requirements, including 34 C.F.R. Part 361, and all applicable state laws.

Section 8. Financial Participation.

(1) The Office may require financial participation from individuals for certain vocational rehabilitation services, consistent with 34 C.F.R. 361.53 and 361.54. Financial participation shall be determined through a financial participation assessment that evaluates the individual's adjusted income and applicable comparable services and benefits.

(2) Individuals who have been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act

shall be exempt from financial participation; however, comparable services and benefits shall still be applied consistent with 34 C.F.R. 361.53.

(3) Financial participation shall apply only to services subject to an economic need determination under this administrative regulation and 781 KAR 1:040, and shall not apply to services that are exempt under 34 C.F.R. 361.54(b).

(4) A financial participation assessment shall be completed prior to implementation of an IPE and when the IPE is amended to add services subject to financial participation.

(5) The financial participation assessment shall consider:

(a) The individual's adjusted gross income and household size;

(b) The amount by which adjusted income exceeds 250 percent of the federal poverty guideline for the household size; and

(c) Disability-related expenses paid directly by the individual that are necessary for the individual to achieve an employment outcome.

(6) The Office shall determine the individual's required contribution toward the cost of services based on the individual's adjusted excess income and the percentage of participation applicable to that income level. The percentage of participation shall be established by the office and shall be made publicly available. The amount of financial participation shall be reflected in the IPE.

(7) The individual shall be responsible to pay the amount of financial participation agreed to in the IPE. The Office shall not be responsible for any outstanding or unpaid balance for an authorized good or service owed to a vendor resulting from the individual's share of financial participation.

(8) The Office may request updated financial information when there is a reasonable basis to believe that the individual's financial circumstances or household composition has changed in a manner that may alter the amount of financial participation.

(9) An individual who experiences a significant change in financial circumstances may request a review of the financial participation assessment. If a change results in a revised contribution amount, the individualized plan for employment shall be amended accordingly.

Section 9. Confidentiality.

(1) The Office shall maintain the confidentiality of all personal information obtained from an individual. Each individual, or their representative, shall be informed of:

(a) The authority under which information is collected;

(b) The principal purposes for which the information will be used;

(c) Whether providing the requested information is mandatory or voluntary and the effects of not providing the requested information;

(d) The circumstances under which information may be released without informed written consent; and

(e) Identification of the agencies to which information is routinely released.

(2) The office may only communicate with individuals via text/SMS only when the individual has provided consent for that mode of communication and the consent is documented in the case record. If the individual revokes consent, the Office shall cease using that communication method.

(3) Except as provided in subsections (8) through (11) of this Section, personal information shall not be released without the individual's informed written consent, except to:

(a) The individual or their authorized representative; or

(b) A service provider or medical provider for purposes directly related to the individual's vocational rehabilitation services.

(4) Informed written consent is required to release information to any party not otherwise authorized in subsection (3) of this Section, including a parent of an individual who is 18 years of age or older.

(5) Informed written consent shall specify:

(a) The purpose for which the information is released;

(b) The specific information to be released;

(c) The date of expiration of the informed written consent;

(d) An assurance that information will not be re-released to the individual or others; and

(e) The dated signature of the individual or their legal representative.

(6) If personal information has been obtained from another agency or organization, including the individual's medical providers, it may only be released by or under the conditions established by the other agency or organization.

(7) An individual who believes information in their case record is inaccurate or misleading may request that the office amend the information. If the information is not amended, because the office determines the information is accurate, the request for the amendment shall be documented in the case record.

(8) Personal information may be released to other programs or authorities only for its program purposes under the same conditions that govern the release of information to an individual or that individual's representative, but only with the written consent of the individual.

(9) In compliance with 34 C.F.R 361.38, personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research shall only use de-identified information and shall not contain personal identifiers without the individual's informed written consent and only for purposes directly connected with administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for persons with disabilities and only if the organization, agency, or individual assures that:

(a) Information will be used only for the purposes for which it is being provided;

(b) Information will be released only to persons officially connected with the audit, evaluation, or research;

(c) Information shall not be released to the involved individual;

(d) Information shall be managed in a manner to safeguard confidentiality; and

(e) Final products shall not reveal any personal identifying information without the informed written consent of the involved individual or the individual's representative.

(10) Informed written consent is not required for release of information when the request is:

(a) For purposes directly related to the administration of the vocational rehabilitation program,

(b) Required by Federal or State law;

(c) In response to a court order, warrant, subpoena, or other similar legal requirement; or

(d) In response to investigations in connection with law enforcement, fraud, or abuse (except where expressly prohibited by Federal or State laws or regulations), and in response to an order issued by a judge, magistrate, or other authorized judicial officer.

(11) The Office may release personal information when necessary to protect the individual or others when the individual poses a direct threat to the individual's safety or the safety of others.

Section 10.[~~Section 9.~~] Gender Reassignment. Office funds shall not be used to pay for gender reassignment surgery.

[~~Section 10.~~] [~~Tools and Equipment. The eligible individual shall return tools, equipment, and supplies to the office if no longer used for the employment outcome.~~]

Section 11. Case Closure.

(1) A case shall be closed when no further services from the Office are justified, required, or anticipated in the immediate future.

(2) A case shall be closed as a competitive integrated employment outcome when:

(a) The individual has been determined eligible; and has received an assessment for determining eligibility and vocational rehabilitation needs;

(b) Services have been provided in accordance with the IPE; and

(c) The individual has maintained competitive integrated employment for at least ninety (90) consecutive days or for supported employment cases, 90 days after transition to extended services.

(3) For closures based on achievement of a competitive integrated employment outcome, the Office shall provide written notice of case closure to the individual summarizing the employment outcome and services provided. When a case is closed due to ineligibility, the Office shall provide written notice of the ineligibility determination. Ineligibility may result from:

(a) A determination that the individual does not meet the eligibility criteria in Section 2 of this administrative regulation;

(b) A determination, based on trial work experiences, that the individual is unable to benefit from vocational rehabilitation services in terms of an employment outcome due to the severity of disability; or

(c) A decision by the individual not to pursue competitive integrated employment at this time.

(4) An individual who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act shall not be determined ineligible:

(a) based on inability to benefit unless, after participating in trial work experiences, clear and convincing evidence establishes that the individual cannot benefit from vocational rehabilitation services in terms of an employment outcome; or

(b) Such an individual may be determined ineligible if they choose not to pursue competitive integrated employment.

(5) Before a determination of ineligibility, the Office shall consult with the individual or provide an opportunity for consultation. At the time of determination, referrals should be made to appropriate agencies and facilities.

(6) If an individual is determined ineligible based on a finding that the individual is incapable of benefiting in terms of an employment outcome, the Office shall review that determination within twelve (12) months and thereafter upon the request of the individual or representative. Consultation shall be provided unless the individual cannot be located, refuses services or review, is no longer present in the state, has a rapidly progressive or terminal condition, or is deceased.

(7) If an individual continues to seek competitive integrated employment but declines further services, or chooses not to pursue competitive integrated employment, the case may be closed as ineligible or unsuccessful, as appropriate.

(8) Cases may be closed as unsuccessful if an intervening reason, including but not limited to death, inability to locate the individual, individual institutionalized, transfer to another agency, failure to cooperate, refusal of services, transportation not feasible or available, referral to an independent living program, precludes a determination of eligibility or achievement of an employment outcome.

(9) For cases closed from Applicant status for a reason other than ineligibility, the Office shall document the rationale for closure in the case record.

(10) Prior to case closure, the Office shall provide information and referral services to the individual, as appropriate.

(11) For a student with a disability in potentially eligible status, the record shall be closed as soon as possible when the individual no longer meets the definition of a student with a disability, including when the individual reaches the maximum program age or is no longer enrolled in an education setting.

(12) For a student with a disability in application, accepted or IPE status, the case may be closed when eligibility or an IPE cannot be completed within applicable federal deadlines and reasonable efforts to contact the individual have been unsuccessful. Specific contact and documentation procedures shall be consistent with federal and state vocational rehabilitation requirements.

(13) Cases shall be closed from post-employment when one of the following criteria is met and documented in the case record:

(a) Employment appears secure following the provision of appropriate provision of post-employment services;

(b) A new or substantially revised program of rehabilitation services is required, in which situation, a new case may be opened; or

(c) Services have failed to maintain or return the individual to competitive integrated employment.

[~~Section 11.~~] [~~Training. Postsecondary training shall be provided for an eligible individual pursuant to this section.~~]

[~~(1)~~] [~~Except as provided in subsections (3) and (4) of this section, tuition and initial registration fees provided to the postsecondary training facility of the eligible individual's choice shall not exceed those of the highest rate charged by a state-supported training facility in Kentucky that offers similar vocational preparation. If there is no similar program in the state, the amount of support is determined by the current fee for service memo.~~]

[~~(2)~~] [~~The Director of Field Services or a designee shall make exceptions to the limitations provided by subsection (1) if it is clearly demonstrated that exceptions are necessary to achieve the employment outcome as defined in 34 C.F.R. 361.5(b)(16).~~]

[~~(3)~~] [~~The office shall provide tuition and initial registration fees for postsecondary programs for the deaf recognized by the U.S. Congress as national programs due to the provision of essential support services including:~~]

[~~(a)~~] [~~Interpreting services;~~]

[~~(b)~~] [~~Note-taking services; and~~]

[~~(c)~~] [~~Tutoring services.~~]

[~~(4)~~] [~~Other postsecondary programs for the deaf offering interpreting services, note-taking services, and tutoring services shall be used if the total cost of attendance does not exceed the total cost of tuition, fees and interpreting services, note-taking services, and tutoring services at the highest rate charged by a state-supported training facility in Kentucky that offers similar vocational preparation.~~]

[~~(5)~~] [~~Training shall be purchased only from training facilities that are accredited or licensed by accrediting or licensing bodies and that comply with all applicable state and federal requirements.~~]

[~~(6)~~] [~~An eligible individual planning to attend a postsecondary training facility shall apply for all financial assistance available through the training facility.~~]

[~~(7)~~] [~~An eligible post-secondary student shall:~~]

[~~(a)~~] [~~Maintain full-time status as defined by the institution;~~]

[~~(b)~~] [~~Maintain less than full-time status if full-time status is inconsistent with the consumer's unique strengths, abilities, and capabilities; or~~]

[~~(c)~~] [~~Maintain less than full-time status for one (1) semester if those hours are needed to graduate in the current year;~~]

[~~(d)~~] [~~All coursework shall facilitate the achievement of positive outcomes.~~]

[~~(e)~~] [~~By the end of the second term or semester and throughout each subsequent term or semester, the student shall achieve the higher of:~~]

[~~1.~~] [~~An overall "C" grade average; or~~]

[~~2.~~] [~~Standing required for admission, licensure, or certification.~~]

[~~(f)~~] [~~An exception to a requirement established in subsection (1) or (4) of this section shall:~~]

[~~1.~~] [~~Be granted if the student:~~]

[~~a.~~] [~~Has a need or circumstance that renders him unable to meet the requirement; and~~]

[~~b.~~] [~~Notifies the counselor of the need or circumstance prior to a change of standing at the institution.~~]

[~~2.~~] [~~Not be granted for the requirements established in subsection (9) of this section for a period beyond one (1) semester.~~]

[~~(8)~~] [~~The student shall provide the counselor with a copy of course grades as soon as possible after the end of each term or semester.~~]

[~~(9)~~] [~~If the student does not maintain the standards of this section, the counselor shall:~~]

[~~(a)~~] [~~Terminate services at the institution of higher education; and~~]

[~~(b)~~] [~~Simultaneously notify the student of the appeal procedure established in KRS 138.170.~~]

[~~(10)~~] [~~A service terminated under subsection (12) of this section shall be reinstituted if the student:~~]

[~~(a)~~] [~~Successfully appeals the counselors decision, in accordance with KRS 138.170; or~~]

[~~(b)~~] [~~Subsequently meets the standard under which the service was terminated.~~]

Section 12. Other.

[**~~(1)~~**] [**~~Gender Reassignment. Office funds shall not be used to pay for gender reassignment surgery.~~**]

~~(1)~~[**~~(2)~~**] Mandatory reporting. Office staff, upon request of a victim of any act of domestic violence and abuse or dating violence and abuse, shall personally report the alleged abuse to a law enforcement officer after discussing the report with the victim.

(2)[**{3}**] Individuals shall be informed that the Client Assistance Program (CAP) at Kentucky Protection and Advocacy is available to assist them in their relationship with OVR.

(3)[**{4}**] Electronic signatures are allowed.

(4)[**{5}**] Legal Fees. The Office shall not be responsible for any fees incurred by an individual for legal services, except as required by federal law. Nothing in this section prohibits the office from providing benefits counseling, advocacy training, or other vocational rehabilitation services permitted under 34 C.F.R. § 361.48, so long as those services do not include the payment of private legal fees.

[Section 12.] [Computer Hardware and Software Purchases.]

[(1)] [Except as provided in subsection (2) of this section or in Section 13 of this administrative regulation, the office shall not purchase a computer, microcomputer, or other hardware or software for the personal use of an applicant or eligible individual.]

[(2)] [The office shall consider the provision or upgrade or replacement of computer hardware and software if the equipment is:]

[(a)]

[1.] [Essential to compensate for the limitations caused by the disability; or]

[2.] [Required for the eligible individual to achieve or maintain a vocational objective of competitive integrated employment; and]

[(b)] [One (1) of the following criteria are met:]

[1.] [The equipment is required for vocational preparation;]

[2.] [The equipment is required to perform the job and no provision is made by the employer to supply the equipment; or]

[3.] [The equipment enables an eligible individual to become competitive in an integrated setting with nondisabled employees performing the same duties.]

Section 13. Service Fees.

(1) The office shall establish service fees in compliance with applicable state and federal procurement laws.

(2) The office may utilize multiple methods to establish service fees, including:

(a) Fixed predetermined rates;

(b) Fair market rates; and

(c) Value-based purchasing or a performance-based or milestone payment.

(3) OVR may procure a third party to conduct a rate study.

(4) The following factors shall be considered when establishing a service fee:

(a) Historical price of the good or service;

(b) The rate of inflation since last service fee change;

(c) Analysis of personnel costs to determine whether the service can be performed more economically by direct employment of office staff rather than utilizing a vendor;

(d) The professional qualifications required to render the service;

(e) Budgetary analysis to determine the impact on the federal award to ensure the office does not over obligate funds;

(f) A survey of multiple neighboring states;

(g) A survey of factors that may be unique to a geographic region such as availability of a service and transportation costs;

(h) A survey of other Kentucky agencies that provide the same service;

(i) A survey of community rehabilitation programs and other providers; and

(j) Cost analysis of the individual elements of the price.

(5) The office shall permit exceptions to the published service fee as necessary to ensure the individual receives approved services. A rate differential may be applied when the office determines a high level of provider effort or higher intensity for the service is required to meet the unique needs of the individual.

(6) The office shall maintain all documentation used to determine a service fee.

(7) The office shall revise service fee procedures and standards prior to the start of the fiscal year in which the revision will become effective.

(8) The executive director shall have final approval authority for all service fees and service fee memorandums.

(9) The office shall review service fees, service fee memoranda, and related rate schedules at least every other year and shall issue revised service fees or fee memoranda as necessary. Updated service fee schedules and memoranda shall be made publicly available.

[Section 13.] [Medical Treatment. A medical treatment or procedure that is experimental or that does not have a consistent record of significant improvement in vocational functioning in better than fifty (50) percent of the subjects shall not be provided by the office.]

Section 14. Exceptions.

(1) The Office may approve an exception to a requirement, condition, or limitation in this administrative regulation when permitted under federal law, including 34 C.F.R. 361.50(d), and when necessary to ensure that services are provided consistent with individualized assessments, informed choice, and the individual's vocational rehabilitation needs.

(2) Any exception granted under this Section shall be consistent with state and federal vocational rehabilitation requirements, including 34 C.F.R. Part 361 and 2 C.F.R. Part 200, and shall support the achievement of the individual's employment outcome.

[Section 14.] [Vehicle Purchase. The office shall not purchase a vehicle unless the occupation of the eligible individual requires a vehicle as occupational equipment.]

Section 15. Incorporation by Reference.

(1) "OVR-2", November 20, 2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Vocational Rehabilitation, 500 Mero Street 4th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available at kcc.ky.gov/vocational-rehabilitation.

VICKIE WISE, Deputy Secretary
APPROVED BY AGENCY: March 12, 2026
FILED WITH LRC: March 13, 2026 at 8:45 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Brooke McDaniel
Subject Headings: Disability and Disabilities, Workforce Development, Education
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation outlines the requirements for the determination of eligibility for the receipt of goods and services from the Office of Vocational Rehabilitation (OVR) in compliance with the federal Rehabilitation Act and KRS 151B.180, et seq.
(b) The necessity of this administrative regulation: KRS 151B.195 requires OVR to promulgate administrative regulations outlining the administration of vocational rehabilitation services in Kentucky in compliance with the federal Rehabilitation Act and KRS 151B.180, et seq.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation governs the eligibility determination process and the assignment of a priority category for the Order of Selection.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists individuals seeking services from OVR in understanding the application and eligibility determination process.
(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 proposed amendments are made to comply with federal requirements regarding the Order of Selection categories and the changes made to KRS 151B.195 by SB 103 RS 25 for establishing service fees and a preference for in state services.
(b) The necessity of the amendment to this administrative regulation: Changes to the regulation are necessary to comply with

amendments made to KRS 151B.195 in SB 103 RS 25 and federal requirements regarding the Order of Selection categories.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by outlining the specific requirements for eligibility and financial participation determinations and the assignment of priority categories for the Order of Selection.
(d) How the amendment will assist in the effective administration of the statutes: This amendment makes the eligibility determination, financial participation, and assignment of priority categories process more clear to the regulated individuals.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this proposed amendment implements Senate Bill 103 RS25.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The approximately 46,000 individuals served by the Office of Vocational Rehabilitation.
(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 person or entity is required to take action as a result of 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 are no new costs to any person or entity.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated individuals will have a better understanding of how eligibility and financial participation determinations are made and how individuals are assigned to priority categories.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional costs are expected.
(b) On a continuing basis: No additional costs are expected.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Federal vocational rehabilitation funds received by the Office of Vocational Rehabilitation and the required state match funds; however, there are no additional costs as a result of this proposed amendment.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding necessary to implement this amendment to the existing administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering is not required in this administrative regulation because it applies equally to all affected entities.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 29 U.S.C. § 721-723; 34 C.F.R. Part 361; KRS 13B.170, 151B.017(4), 151B.185, 151B.190, 151B.195(1), 151B.200.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This act is authorized by KRS 13B.170, 151B.017(4), 151B.185, 151B.190, 151B.195(1), 151B.200.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Vocational Rehabilitation is the promulgating agency, and no other agencies are affected. (b) Estimate the following for each affected state unit part, or division identified in (3)(a):
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(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): 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: None.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This proposed amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: 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.

EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(Emergency Amended After Comments)

781 KAR 1:040E. Provision of Vocational Rehabilitation Services[~~Assistive technology services~~].

EFFECTIVE: March 13, 2026
RELATES TO: KRS 151B.190, 29 U.S.C. 705(30), 723, 34 C.F.R. 361.5(c)(9), 361.42, 361.45, 361.46, 361.48, 361.50, 361.53, 361.54
STATUTORY AUTHORITY: KRS 151B.185, 151B.195
NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.195 requires the Executive Director of the Office of Vocational Rehabilitation to promulgate administrative regulations governing

the services, personnel, and administration of the State Vocational Rehabilitation Agency. This administrative regulation establishes the requirements for the provision of vocational rehabilitation services, including assistive technology and other goods and services necessary for individuals with disabilities to prepare for, secure, retain, advance in, or regain competitive integrated employment[~~in order to distribute limited funds more equitably over the entire population of otherwise eligible individuals~~].

Section 1. General Provisions.[~~Definitions.~~]

(1) Services under this administrative regulation shall be provided to individuals for diagnostic and assessment services necessary to determine eligibility or priority for services, and to enable an individual to prepare for, secure, retain, advance in, or regain competitive integrated employment as permitted by 34 C.F.R. 361.42.

(2) Comparable services and benefits, including private insurance, Medicaid, Medicare, and other third-party payers, shall be used to the maximum extent allowable prior to the expenditure of office funds, unless the service is exempt under federal regulations or unless the use of the comparable service or benefit would result in unreasonable delay in the progress of the individual, consistent with 34 C.F.R. 361.53.

(3) Financial participation requirements shall apply in accordance with 781 KAR 1:020 when permitted under federal law.

(4) All services shall be provided consistent with the individual's informed choice and shall be aligned with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests as required under 34 C.F.R. 361.46 and 361.52. Informed choice does not obligate the office to provide higher-cost or non-essential services, equipment, or options when a less costly alternative meets the disability-related vocational rehabilitation needs.

(5) All goods and services shall be purchased in accordance with the Kentucky Model Procurement Code and federal procurement standards.

(6) The office shall not purchase general household or personal items not directly related to disability-related vocational need unless the item is necessary for the individual to participate in a vocational rehabilitation service or to achieve an employment outcome.

(7) The office shall not impose fixed or arbitrary limits on the cost, type, or duration of services and shall allow for individualized exceptions consistent with 781 KAR 1:020.

(8) Service fees, rate schedules, and maximum allowable costs for services shall comply with 781 KAR 1:020.

(9) The office shall comply with applicable cost principles set forth in 2 C.F.R. Part 200 when making expenditures.

(10) Direct payments to individuals.

(a) The office may issue a direct payment to an individual when necessary for the individual to obtain, maintain, or advance in employment or to participate in a vocational rehabilitation service under an IPE, and when no qualified vendor is reasonable available to provide or accept payment for the service.

(b) For purposes of this processing a direct payment under subsection (a), an individual may be required to register as a vendor solely to facilitate payment. Vendor registration under this subsection shall not classify the individual as a commercial vendor or service provider for any other purpose.

(c) Nothing in this subsection shall exempt the office from complying with state and federal procurement requirements.[~~Definitions.~~]

[~~(1)~~] [~~"Assistive technology specialist" means an individual who analyzes the needs of individuals with disabilities, assists in the selection of the appropriate assistive technology, and trains the eligible individual on how to properly use the specific equipment.~~]

[~~(2)~~] [~~"Certified driver rehabilitation specialist" means a driver rehabilitation specialist who has obtained certification to provide services from the Association for Driver Rehabilitation Specialists.~~]

[~~(3)~~] [~~"Driver evaluation" means a clinical and behind-the-wheel evaluation by a certified driver rehabilitation specialist to identify an eligible individual's driver rehabilitation needs to allow that person to drive independently.~~]

[~~(4)~~] [~~"Driver rehabilitation specialist" means an individual who plans, develops, coordinates, and implements driver rehabilitation services for individuals with disabilities.~~]

[~~(5)~~] [~~"Driver training" means behind-the-wheel instruction required to teach an individual with a disability to drive with or without vehicle modifications.~~]

[~~(6)~~] [~~"Eligible individual" means an individual who has been determined by the office to meet the basic conditions of eligibility for vocational assistive services as defined in 34 C.F.R. 361.42.~~]

[~~(7)~~] [~~"Extended driver evaluation" means additional evaluation necessary in those cases in which an individual's ability to drive cannot be determined after a driver evaluation.~~]

[~~(8)~~] [~~"Family" means spouse, children, parents, grandparents, or siblings.~~]

[~~(9)~~] [~~"Individualized plan for employment" means a written plan for a specific employment outcome as required by 34 C.F.R. 361.46.~~]

[~~(10)~~] [~~"Office" means the Office of Vocational Rehabilitation and its staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.~~]

[~~(11)~~] [~~"Structural addition" means any improvement to real property that would increase the square footage or footprint of the property.~~]

Section 2. Specialized Eligibility and Assessment Requirements.

(1) Terminal Illness Affecting Ability to Benefit.

(a) For individuals with medical conditions that may be terminal, eligibility and service decisions shall be based on documented functional limitations and the individual's ability to benefit from vocational rehabilitation services in terms of achieving an employment outcome, consistent with 34 C.F.R. 361.42.

(b) The office may provide services when the individual's prognosis supports a reasonable expectation of achieving or maintaining competitive integrated employment for a sufficient period to prepare for, obtain, maintain, or advance from services.

(c) When the attending physician identifies a guarded prognosis, the office may require documentation regarding anticipated work capacity or work life expectancy to support eligibility or service decisions.

(d) When documentation indicates that the individual is unlikely to benefit from services due to imminent medical decline, the counselor shall consult with the Branch Manager prior to an eligibility determination or denial of services.

(2) Visual Impairments.

(a) Verification of a visual impairment shall be based on medical documentation from an ophthalmologist or optometrist that identifies the nature and extent of the visual condition and any resulting functional limitations relevant to vocational rehabilitation.

(b) When medical information is outdated or insufficient for eligibility or service planning, the office may require a current visual examination.

(c) When visual impairment co-occurs with hearing loss or when dual sensory loss is suspected, referral for audiological evaluation may be required to determine functional limitations and service needs.

(d) Individuals determined eligible for Social Security benefits based on statutory blindness shall be presumed eligible for vocational rehabilitation services consistent with 34 C.F.R. 361.42(a)(3).

(3) Rapidly Progressive Visual Conditions.

(a) A rapidly progressive visual disorder may be determined to constitute a disability prior to the onset of functional limitations when supported by medical documentation indicating that the condition:

1. Is progressive in nature;

2. Requires timely intervention; and

3. Is expected, if untreated, to result in functional limitations affecting employment.

(b) Eligibility and service planning for individuals with progressive visual conditions shall be based on documented functional limitations, anticipated vocational impact, and the individual's informed choice.

Section 3. Assistive Technology Services.

(1) Assistive technology services may be provided at any stage of the rehabilitation process when necessary to address disability-related functional limitations and enable participation in vocational

rehabilitation services or achievement of the employment outcome identified in the individualized plan for employment (IPE).

(2) Assessment and Recommendation.

(a) Prior to authorization and purchase of any assistive technology device, an assessment shall be completed by the office.

(b) Recommendations shall identify the most cost-effective device or service necessary to meet disability-related vocational needs and shall be documented in the case record.

(3) Assistive technology may be purchased consistent with federal and state procurement requirements and any applicable fee schedules established under 781 KAR 1:020.

(4) Ownership and Recovery.

(a) Assistive technology that is recoverable shall remain the property of the office until reassigned or disposed.

(b) Non-recoverable assistive technology shall become the property of the individual upon delivery and is not subject to recovery. Ownership status shall be communicated to the individual in writing at the time of delivery.

Section 4. Hearing Assistive Technology.

(1) Hearing aids and assistive listening or alerting devices shall be considered assistive technology devices for purposes of this administrative regulation.

(2) Prior to purchase authorization, an audiological evaluation and hearing assistive technology assessment shall be completed by a licensed audiologist or other qualified professional communication specialist consistent with current professional standards.

(3) Recommendations for hearing aids or related technology shall identify the device type and features required to address vocationally relevant communication needs and shall be consistent with the most cost-effective device that meets those needs.

(4) Cochlear implants (CI) and bone-anchored hearing systems (BAHS) shall be considered medical restoration services subject to the requirements of Section 7 of this administrative regulation.

Section 5. Services for Individuals Who Are Deaf, Hard of Hearing, or Deafblind.

(1) For individuals who are deaf, hard of hearing, or late-deafened, the office shall obtain:

(a) A comprehensive audiological evaluation; and

(b) A communication assessment addressing functional communication needs relevant to home, training, community, and employment settings.

(2) When an individual has a diagnosis or indication of dual sensory loss, the office shall obtain a visual examination by a licensed optometrist or a physician skilled in diseases of the eye.

(3) When visual pathology or restricted visual fields are identified, referral to an ophthalmologist shall be made.

(4) Hearing Assistive Technology and Medical Referral.

(a) Hearing aids and other assistive listening devices shall be authorized in accordance with Section 4 of this administrative regulation.

(b) A recommendation for hearing aids shall be made by a qualified audiologist or other licensed professional authorized under state law to perform hearing aid evaluations.

(c) Individuals presenting symptoms of ear pathology or conductive hearing loss shall be referred to a physician skilled in diseases of the ear.

(5) Coordination of Services.

(a) Interpreter and communication access services shall be provided in accordance with Section 14 of this administrative regulation.

(b) Assistive technology, rehabilitation technology, or environmental communication supports shall be considered when required to enable the individual to participate in assessments, training, or employment.

(c) The office shall collaborate with educational programs, community agencies, and employers to identify appropriate communication supports needed for participation in vocational rehabilitation services or for successful performance of job functions.

Section 6. Wheelchairs and Mobility Devices.

(1) Wheelchairs, scooters, seating systems, and other wheeled mobility devices may be provided as assistive technology services when necessary for an individual to participate in vocational rehabilitation services or to prepare for, obtain, maintain, or advance in competitive integrated employment.

(2) Wheelchair services may be provided only to individuals who:

(a) Have been accepted for services by the office in accordance with 781 KAR 1:020;

(b) the need for wheeled mobility is identified on the IPE; and

(c) wheeled mobility is necessary for the individual to access home, community, training, transportation, or work settings related to the employment outcome.

(3) An assistive technology specialist employed or contracted by the office shall participate in all wheelchair and mobility device assessments, recommendations, and purchasing decisions authorized under this Section.

(4) Wheelchair and mobility device services shall be based on an assessment conducted by an assistive technology specialist or other qualified provider that considers:

(a) The individual's functional limitations and seating and positioning needs;

(b) The tasks the individual must perform in home, training, community, and employment settings; and

(c) The environments in which the wheelchair will be used, including access to and within the home, workplace, and vehicle.

(5) When a wheelchair or mobility device will be used in conjunction with adapted transportation or a vehicle modification, the Driver Rehabilitation Technology Program shall be consulted prior to authorization. The office shall not authorize a device that is incompatible with the individual's current or planned transportation unless an alternative transportation plan is approved.

(6) The office may authorize wheelchair components, seating systems, accessories, or features not covered by comparable services and benefits when documented by the assistive technology specialist as necessary to meet disability-related vocational needs.

(7) The office shall not reimburse for any wheelchair, mobility device, or related component purchased or delivered prior to authorization unless approved through the exception process described in 781 KAR 1:020.

(8) Ownership and recovery of wheelchair equipment shall be governed by Section 3(4) of this administrative regulation.

(9) The office may consider typical life expectancies of wheelchair bases and components when determining eligibility for replacement, however, replacement decisions shall be based on vocational necessity, documentation of the equipment's condition, and the individual's functional or medical status. Typical life expectancies shall not serve as hard caps; individual need governs.

(10) The individual shall be responsible for routine maintenance, upkeep, and replacement of consumable items, including but not limited to tires, batteries, cushions, and brakes, unless an exception is approved in accordance with 781 KAR 1:020.

(11) The office may authorize repairs when necessary for the individual to participate in vocational rehabilitation services or to maintain competitive integrated employment.

(12) The office shall not authorize repairs necessitated primarily by misuse, abuse, neglect, or lack of reasonable maintenance unless approved through the exception process in 781 KAR 1:020.

Section 7. Physical and Mental Restoration Services.

(1) Physical and mental restoration services may be provided when necessary to correct, substantially modify, or stabilize a physical or mental condition that constitutes a substantial impediment to employment, and when required for the individual to prepare for, obtain, maintain, or advance in competitive integrated employment.

(2) Allowable physical and mental restoration services may include diagnostic and treatment services, prosthetic and orthotic devices, medication management, mental health services, and other restoration services permitted under 34 C.F.R. 361.5, when vocationally necessary.

(3) Physical and mental restoration services shall be authorized only when:

(a) The condition is stable, slowly progressive, or expected to improve with treatment in a manner relevant to the employment outcome;

(b) Services are prescribed, provided, and supervised by licensed or otherwise qualified medical or mental health professionals; and

(c) The service is documented as vocationally necessary for the specific employment outcome identified in the IPE.

(4) Limitations. The office shall not authorize:

(a) Elective or cosmetic medical or surgical procedures, unless medical documentation demonstrates the procedure is necessary for the individual to achieve or maintain the employment outcome;

(b) Medical or surgical procedures, implants, transplants, or devices that are not approved by the United States Food and Drug Administration (FDA) for the intended use; or

(c) Procedures, equipment, or treatments that lack evidence of effectiveness in improving functional capacities related to the individual's vocational needs.

(5) Out-of-State Services.

(a) Out-of-state physical or mental restoration services may be authorized only when:

1. The provider is in a geographic area that is routinely used and reasonably accessible for the individual;

2. The out-of-state service is more economical to the office; or

3. The procedure, mode of treatment, or qualified provider is not reasonably available in the Commonwealth.

(b) The maximum amount authorized for out-of-state services shall be governed by the rates established by the vocational rehabilitation program in the state where the services are provided, unless approved under the exception process in 781 KAR 1:020.

Section 8. Chiropractic Services.

(1) Chiropractic services may be provided when necessary to address a neuromusculoskeletal condition that constitutes a substantial impediment to employment and when treatment is expected to improve functional limitations that are vocationally relevant.

(a) Chiropractic services shall be time-limited and oriented toward achieving specific, vocationally relevant functional goals.

(b) Long-term maintenance, wellness, or preventive care that is not directly necessary for the employment outcome shall not be funded.

(2) Chiropractic services may be authorized only when:

(a) The need is identified in medical or chiropractic documentation and linked to the IPE; and

(b) The provider is licensed in the jurisdiction where services are delivered.

Section 9. Convalescent Care.

(1) Convalescent care may be provided as a physical restoration service when medically necessary to support short-term recovery following surgery, illness, or treatment, and when required for the individual to prepare for, obtain, maintain, or advance in competitive integrated employment.

(2) Conditions for Provision. Convalescent care may be authorized only when:

(a) Recommended by the attending physician;

(b) Provided in a facility appropriately licensed in the jurisdiction; and

(c) The service is time-limited and necessary for recuperation directly related to achieving the employment outcome identified in the IPE.

(3) Convalescent care may be approved when one (1) or more of the following conditions are documented:

(a) The individual's home environment is not conducive to safe or adequate recuperation; or

(b) Use of a convalescent facility will reduce the cost of hospitalization, private duty care, or alternative forms of recovery support.

(4) Limitations.

(a) Convalescent care shall be short-term and shall not be authorized as long-term custodial care or maintenance care.

(b) Convalescent care shall not be authorized for conditions unrelated to the individual's disability-related vocational rehabilitation needs.

(c) The level of care shall not exceed that which is medically necessary for recuperation and return to vocational rehabilitation services or employment.

Section 10. Mental Restoration.

(1) Mental restoration services may be provided when necessary to correct, improve, or stabilize a mental or behavioral health condition that constitutes a substantial impediment to employment and when required for the individual to prepare for, obtain, maintain, or advance in competitive integrated employment or to participate in vocational rehabilitation services.

(2) Mental restoration services may be authorized only when:

(a) The services are directly related to the disability and vocational rehabilitation needs identified in the IPE or trial work plan;

(b) Services are prescribed, recommended, or supported by a qualified mental health professional; and

(c) The service provider meets the credentialing requirements established in subsection (5) of this Section.

(3) Mental restoration services shall be time-limited and oriented toward enabling the individual to participate in vocational rehabilitation services or to achieve or maintain the employment outcome.

(4) Long-term maintenance therapy, including ongoing counseling or medication management not directly tied to the vocational rehabilitation plan, shall not be authorized except when an exception pursuant to 781 KAR 1:020 is approved.

(5) Provider Qualifications: Mental restoration services shall be provided only by licensed psychiatrists and psychologists; licensed clinical social workers; certified psychologists with autonomous functioning; licensed psychological practitioner; licensed marriage and family therapists; licensed professional clinical counselors; or advanced practice registered nurses certified in psychiatric or mental health nursing. Mental restoration services may also be provided by associate-level licensed mental health professionals practicing under required state supervision.

(6) Psychosocial rehabilitation programs, including partial hospitalization, shall not be funded unless necessary for short-term stabilization essential to participating in vocational rehabilitation services and shall require prior approval by the office.

Section 11. Conditions Requiring Specialized Assessment.

(1) For individuals whose primary or secondary disabilities include learning disorders, morbid obesity, or addiction, the office may authorize assessment or restoration services only when necessary for participation in vocational rehabilitation services or to achieve the employment outcome identified in the IPE.

(2) Learning Disorders.

(a) Assessment or documentation of a learning disorder may be used to determine functional limitations relevant to the vocational goal.

(b) Existing educational documentation, including psychoeducational evaluations, individualized education programs, or other school-based assessments, may be accepted when sufficient to identify disability-related functional limitations.

(c) Additional diagnostic evaluations shall be authorized only when necessary to determine vocational rehabilitation needs.

(d) Services for individuals with learning disorders shall be limited to vocationally necessary interventions, including assistive technology, disability-related tutoring, or other restoration services permitted under Section 7.

(3) Morbid Obesity.

(a) Morbid obesity may be considered a disabling condition when it results in functional limitations that constitute a substantial impediment to employment.

(b) Eligibility and service decisions shall be based on current, documented functional limitations and not solely on weight, body-mass index, or medical diagnosis.

(c) Physical restoration services may be provided only when necessary to address disability-related functional limitations affecting participation in vocational rehabilitation services or achievement of the employment outcome.

(d) Services shall not include elective weight-loss procedures unless medically necessary to achieve or maintain the employment outcome and consistent with Section 7 of this administrative regulation.

(4) Addiction.

(a) Addiction may constitute a substantial impediment to employment when associated functional limitations affect the individual's ability to prepare for, obtain, maintain, or advance in competitive integrated employment.

(b) Mental health or addiction treatment services may be authorized as mental restoration services only when necessary for the employment outcome and when provided by licensed professionals meeting Section 7 requirements.

(c) The office may require documentation from a treatment or recovery provider sufficient to demonstrate that the individual can participate safely and effectively in training, job placement, or employment support.

(d) Participation in treatment or recovery programs may be required when necessary for the individual to benefit from vocational rehabilitation services, and any such requirement shall be documented in the case record.

(e) The office may suspend or amend services when the individual is unable to participate in vocational rehabilitation services due to relapse or instability, consistent with informed choice and case documentation requirements.

Section 12. Nursing Services.

(1) Nursing services, including private duty nursing home health aide services, or similar supports, may be provided as a physical restoration service when medically necessary to enable the individual to participate in vocational rehabilitation services or to prepare for, obtain, maintain, or advance in competitive integrated employment.

(2) Nursing services shall be authorized only when:

(a) A written recommendation is provided by the attending physician or other licensed medical provider;

(b) Services are time-limited and necessary to support recovery or stabilization related to the employment outcome identified in the IPE; and

(c) Services are delivered by nursing personnel or aides who are appropriately licensed or credentialed in the jurisdiction where services are provided.

(3) Limitations.

(a) Nursing services shall be short-term in nature and shall not be authorized as long-term custodial maintenance, or attendant care.

(b) When nursing or attendant care is expected to extend beyond a short-term recuperative period, the service shall be considered under convalescent care in Section 9 of this administrative regulation or referral to appropriate community or public programs.

(c) Nursing services shall not be provided for conditions that are unrelated to the individual's disability-related vocational rehabilitation needs.

(4) Nursing services may be authorized in combination with other physical or mental restoration services, maintenance, or transportation when necessary to support participation in vocational rehabilitation services.

Section 13. Acute or Emergency Medical Conditions.

(1) Acute or emergency medical condition services may be provided when necessary to prevent an immediate or direct risk to the achievement of the employment outcome identified in the IPE, and only when the individual is already receiving vocational rehabilitation services at the time of onset of the condition.

(2) For purposes of this administrative regulation, an acute or emergency medical condition means an accident, illness, or health event with sudden onset and relatively short duration that requires urgent attention and that, if left untreated, would pose a serious hazard to the individual's ability to prepare for, obtain, maintain, or advance in competitive integrated employment.

(3) Acute or emergency medical treatment may be authorized only when all the following conditions are met:

(a) The individual was determined eligible for vocational rehabilitation services and had an approved IPE prior to the onset of the acute condition;

(b) The untreated condition would constitute a direct hazard to the individual's ability to achieve, maintain, or regain the employment outcome identified in the IPE; and

(c) The service is prescribed, provided, or supervised by a licensed medical professional appropriate to the condition.

(4) Acute or emergency medical services authorized under this Section are intended to be short-term and shall not exceed sixty (60) consecutive days for any single accident, illness, or episode, including necessary follow-up examinations or treatment, postoperative care, and any medically required intensive care during the acute period consistent with 781 KAR 1:020.

(5) Services under this Section shall not be provided when:

(a) The condition is chronic, stable, or requires ongoing medical management unrelated to the vocational objective;

(b) The service constitutes general health care or long-term maintenance; or

(c) The condition does not present a demonstrable risk to the employment outcome.

Section 14. Interpreter and Communication Access Services.

(1) Interpreter and communication access services may be provided to an eligible individual when necessary to ensure effective communication between the office and an individual, or to enable participation in vocational rehabilitation services or activities required to prepare for, obtain, maintain, or advance in competitive integrated employment.

(2) Interpreter and communication access services shall be delivered by providers who possess the certification, licensure, or credentialing appropriate to the assignment and the individual's communication needs.

(3) The office shall provide the individual with information necessary to make an informed choice regarding interpreter qualifications, style, skill level, and certification appropriate to the assignment and communication preference of the individual.

(4) Interpreters and communication access providers shall comply with applicable professional codes of ethics, including requirements related to confidentiality and impartiality.

Section 15. Transportation Services.

(1) Transportation services may be provided to an individual when necessary for the individual to participate in a vocational rehabilitation service and shall not be provided as the sole service on the IPE.

(2) Transportation shall be the most reasonable and cost-effective option available that meets the individual's disability-related vocational needs.

(3) Transportation shall be time-limited and restricted to the period in which the individual is actively participating in the related vocational rehabilitation service, training, or activity.

(4) The office does not reimburse for travel when the individual uses a personal vehicle owned by someone else unless required for vocational reasons.

Section 16.[~~Section 2.~~] Driver Rehabilitation Technology Services.

(1) Driver rehabilitation technology services may be provided if personal[~~:~~]

[~~(a)~~] [~~Personal~~] transportation is required to meet the job goals specified on the IPE or is necessary to participate in other services required to achieve the employment objective identified on the IPE[~~individualized plan for employment;~~]

[~~(b)~~] [~~The individual meets the economic need qualifications established in 781 KAR 1:030; and~~]

[~~(c)~~] [~~The individual is within a category that is presently being served in the Order of Selection as established in 781 KAR 1:030~~].

(2) Driver training and extended driver evaluation may be provided if:

(a) The services are recommended by a qualified medical or rehabilitation professional, which may include a physician, an occupational therapist with driver rehabilitation training, a certified driver rehabilitation specialist, or another provider who meets

applicable state licensure or certification requirements for driver rehabilitation services;

(b) If vehicle modification is required, the [~~applicant or eligible~~]individual meets the criteria for vehicle modification, as established in Section 18[~~3~~] of this administrative regulation;

(c) The [~~applicant or eligible~~]individual agrees to obtain additional practice as recommended by a certified driver rehabilitation specialist; [~~and~~]

(d) The [~~applicant or eligible~~]individual owns or has access to an appropriate vehicle both during and upon completion of driver's training;[~~.~~]

(e) The individual possesses, at a minimum, a valid driver's permit before any referral for driver evaluation is provided; and

(f) A qualified medical or rehabilitation professional, which may include a physician, an occupational therapist with driver rehabilitation training, a certified driver rehabilitation specialist, or another provider who meets applicable state licensure or certification requirements for driver rehabilitation services, has completed a driver evaluation and identified the type and amount of driver training and any needed adaptive driving equipment or vehicle modification.

(3) Driver rehabilitation technology services may be provided to an [~~applicant or eligible~~]individual who does not meet the requirements of subsection (2) of this section if the office[~~the Director of Field Services or designee~~] determines:

(a) That documentation exists that failure to provide the services will preclude the successful completion of the individualized plan for employment; or

(b) The provision of the service would result in a substantial cost savings to the office.

(4) Driver rehabilitation technology services shall not include general driver education or permit-preparation courses that are not directly related to the individual's disability and vocational rehabilitation needs.

(5) Transport evaluations may be provided when an individual will not drive but requires evaluation of safe entry to, exit from, or transport in a private vehicle to participate in vocational rehabilitation services or to obtain or maintain competitive integrated employment.

(6) Services requiring access to a vehicle for evaluation or training may be authorized only when the office determines that the vehicle to be used is safe and appropriate for the recommended evaluation, training, or adaptive equipment.

(7) The office shall not purchase, lease or otherwise provide a motor vehicle for any individual. Vehicle purchase is not an allowable rehabilitation service and shall not be authorized as assistive technology, transportation, or as any other good or service under this administrative regulation. For purposes of this section, the term vehicle does not include wheelchairs, scooters, or any other mobility devices used as personal medical equipment under Section 6.

Section 17. Bioptic Driving Services.

(1) Bioptic driving services may be provided when independent transportation is vocationally necessary, the individual meets the visual and statutory requirements of KRS 186.576 to 186.579, and bioptic driving is identified as part of the employment strategy in the IPE.

(2) Bioptic driver rehabilitation services may include, as appropriate:

(a) Instruction in the use of the bioptic telescopic device;

(b) Preparatory or pre-driver training consistent with statutory and regulatory requirements;

(c) Behind-the-wheel driver rehabilitation training provided by a certified driver rehabilitation specialist or a qualified employee of the office; and

(d) On-road evaluation to determine readiness for driving skills testing and licensing.

(3) The office shall review annual comprehensive visual examination reports for licensed bioptic drivers as required by KRS 186.579(3)(b). If the report indicates instability or deterioration of visual function, the office may:

(a) Require additional visual assessment; and.

(b) Notify the Kentucky Transportation Cabinet Medical Review Board if the individual no longer meets statutory visual requirements.

(4) When a qualified vision specialist recommends removal of a daytime-only driving restriction, the office shall:

(a) Arrange the nighttime driving evaluation required by KRS 186.579(3)(b);

(b) Coordinate scheduling of any required nighttime road test with the Kentucky State Police; and

(c) Transmit evaluation results to the Kentucky Transportation Cabinet for licensing determination.

(5) The office may authorize bioptic driving services through programs that meet applicable state licensure or certification requirements. Individuals may also obtain bioptic services at their own expense, provided all statutory licensing requirements are met.

Section 18.[~~Section 3.~~] Vehicle Modification Services.

(1) Modification of a private vehicle shall be authorized if the[~~eligible~~] individual:

(a) Completes a driver evaluation and vehicle modification assessment by a rehabilitation technology specialist; and

(b) Obtains a vehicle modification prescription from a certified driver rehabilitation specialist.

(2) Modification of a private vehicle shall be provided on the most cost-effective vehicle necessary for the individual's personal transportation for employment, using the most cost-effective means of modification as documented in the rehabilitation technology assessment.

(3) Recoverable, nonpermanent modifications shall be provided for private vehicles if available and cost-effective. Permanent modifications shall be considered only when recoverable options cannot meet the individual's disability-related vocational needs.

(4) A vehicle modification shall not be performed on a vehicle other than that recommended by the office or qualified vendor[~~a certified driver rehabilitation specialist~~], unless:

(a) The vehicle can be modified to meet the individual's needs; and

(b) The individual assumes all costs associated with the modification of the vehicle in excess of the cost of modification of the recommended vehicle.

(5) Before a non-recoverable, permanent vehicle modification will be approved, an [~~eligible~~] individual shall obtain a valid Kentucky operator's license or, for nondriver passenger modification, documentation demonstrating vocational necessity for safe transportation.

(6) A non-recoverable, permanent vehicle modification costing in excess of $5,000 shall not be delivered to the [~~eligible~~]individual unless the [~~eligible~~]individual provides proof of insurance for the replacement cost of the vehicle and vehicle modifications.

(7) A vehicle modification costing in excess of $10,000 shall not be provided unless the [~~eligible~~]individual:

(a) Has a vocational objective of competitive integrated employment;

(b) Is employed, actively seeking work, or has a reasonable expectation of beginning work within six (6) months; and

(c) The office[~~Director of Field Services or designee~~] determines that the modification has a direct relationship to the employment objective and that failure to provide the modification would prevent the successful achievement of the employment objective or would result in a significant cost savings to the office.

(8) Vehicle modifications in excess of $10,000 shall not be provided on a used vehicle unless:

(a) The vehicle is no more than two (2) years old;

(b) The odometer on the vehicle reads no more than 50,000 miles; and

(c) An assistive technology specialist inspects the vehicle and determines that it is appropriate for the required modification.

(9) Vehicle modifications shall not be performed on a leased vehicle unless:

(a) An assistive technology specialist inspects the vehicle and determines that it is appropriate for the required modification;

(b) Written permission for the specific modification is obtained from the leasing company; and

(c) Recoverable, nonpermanent equipment is used.

(10) The [~~eligible~~]individual shall be solely responsible for providing maintenance, repair, and upkeep to the modifications as established in any relevant warranties.

(11) The [~~eligible~~]individual shall pay for any maintenance, service, and repairs for modifications not under warranty except as provided in Sections 19 and 20[~~Section 4(2)~~])] of this administrative regulation.

Section 19.[~~Section 4.~~] Upgrade and Repair of Vehicle Modifications.

(1) An upgrade to a vehicle modification shall not be provided unless:

(a) The upgrade is required due to a medically documented change in status or function that necessitates a change in driving equipment or vehicle chassis;

(b) The [~~eligible~~]individual is employed in a competitive integrated employment setting; and

(c) The [~~eligible~~]individual completes a driver evaluation or non-recoverable, permanent vehicle modification assessment[~~ as established in the Kentucky Office of Vocational Rehabilitation Policies and Procedures Manual, incorporated by reference in 781 KAR 1:010~~].

(2) If the vehicle upgrade involves the purchase of a driving system, the vehicle shall be inspected by the office[~~an assistive technology specialist~~] and found:

(a) To be appropriate for the proposed modification; and

(b) To meet all manufacturer requirements for the proposed driving system.

(3) A repair to a vehicle modification shall be provided if:

(a) The [~~eligible~~]individual is currently competitively employed in an integrated setting, as defined in 34 C.F.R. 361.5(c)(9);

(b) The repair is not required as a result of the [~~eligible~~]individual's negligence, misuse, abuse of the equipment, or failure to provide proper maintenance of the equipment;

(c) The [~~eligible~~]individual provides the office with maintenance records for the vehicle and vehicle modifications;

(d) The office[~~An assistive technology specialist~~]:

1. Inspects the maintenance records of the vehicle and vehicle modifications;

2. Determines that the maintenance has met manufacturer requirements;

3. Inspects the vehicle and modifications;[~~and~~]

4. Determines that is reasonable to repair the modification; and

5. Determines that the vehicle will be safe to operate once repaired; and

(e) The [~~eligible~~]individual completes a driver evaluation by a certified driver rehabilitation specialist and obtains a non-recoverable, permanent vehicle modification prescription from the specialist, if requested by the office[~~ as established in the Kentucky Office of Vocational Rehabilitation Policies and Procedures Manual, incorporated by reference in 781 KAR 1:010~~].

(4) An upgrade or repair to a vehicle modification costing in excess of $10,000 shall not be provided unless the office[~~Director of Field Services or designee~~] determines that failure to provide the update or repair would prevent the successful maintenance of competitive integrated employment or would result in a significant cost savings to the office.

(5) An upgrade or repair may be provided to an [~~eligible~~]individual who does not meet the requirements of this section if the office[~~Director of Field Services or designee~~] determines:

(a) That documentation exists that failure to provide the services will preclude the successful achievement or maintenance of competitive integrated employment under[~~completion of~~] the individualized plan for employment; or

(b) The provision of the service would result in a substantial cost savings to the office.

Section 20.[~~Section 5.~~] Repeat Vehicle Modifications.

(1) Except as provided in this section, or as approved under the exception process in 781 KAR 1:020, the office shall not provide more than one (1) vehicle modification per [~~eligible~~]individual.

(2) The office shall provide a repeat vehicle modification if:

(a) The [~~eligible~~]individual is currently working in a competitive integrated employment setting, as defined in 34 C.F.R. 361.5(c)(9);

(b) The [~~eligible~~]individual has a five (5) year work history since the last modification and has been working consistently for a minimum of two (2) years;

(c) The previously modified vehicle has at least 105,000 additional miles on it since the last modification;

(d) An assistive technology specialist inspects the vehicle and modifications and recommends replacement of the vehicle or modifications;

(e) The [~~eligible~~]individual provides the office with a maintenance record for the vehicle and modifications that demonstrates that the maintenance has been provided according to manufacturer requirements;

(f) The [~~eligible~~]individual completes a driver evaluation by a certified technology specialist and obtains a vehicle modification prescription from the specialist; and

(g) The office[~~Director of Field Services or designee~~] determines that failure to provide the repeat modification will prevent successful maintenance of competitive integrated employment or would result in a significant cost savings for the office.

Section 21.[~~Section 6.~~] Property Modification.

(1) Permanent, nonrecoverable modification to a private home, business, or property may be provided if:

(a) The office[~~A qualified rehabilitation counselor~~] determines the property modification[~~is it~~] is essential to achieve the employment objective of the [~~eligible~~]individual;

(b) [~~The eligible individual meets economic needs qualifications established in 781 KAR 1:030 for services;~~]

[~~(c)~~] The office[~~A qualified rehabilitation counselor~~] determines that failure to provide the modification will preclude the successful achievement of the employment goal;

(c)[~~(d)~~] A property modification assessment identifying the most effective and lowest-cost modification that will meet the individual's disability-related needs is completed by the office[~~an assistive technology specialist~~];

(d)[~~(e)~~] The [~~eligible~~]individual or family member owns the property to be modified and is current on any mortgage payments, and has owned the property for at least two (2) years unless an exception is approved under subsection (4) of this section; and

(e)[~~(f)~~] The [~~eligible~~]individual has not received permanent, nonrecoverable modifications to a home from the office in the past.[~~; and~~]

[~~(g)~~] [~~The eligible individual is within a category that is presently being served in the order of selection as established in 781 KAR 1:030~~].]

(2) Property modifications in excess of $30,000 or twenty (20) percent of the Property Value Administrator (PVA) assessment value of the home or property, whichever is less, shall not be provided.

(3) Property modifications shall be limited to the most cost effective means of safely addressing the disability needs of the [~~eligible~~]individual as required for employment and shall:

(a) Be recoverable, nonpermanent modifications[~~, if possible~~];

(b) Be cost effective;

(c) Provide access to one (1) entrance to and exit from the home, business, or property;

(d) Provide access to entrance to and exit from one (1) bathroom area and use of the facilities in that bathroom;

(e) Provide access to entrance to and exit from one (1) bedroom area; and

(f) Allow access to corridors necessary to access the bathroom and entrance and exit area of the property.

(4) A property modification shall not be provided when a qualified contractor determines that the existing structure cannot safely support the modification without structural reinforcement, reconstruction, or other improvements prohibited under subsection (5) or requiring upgrades to underlying systems or structures as described in subsection (6).

(5)[~~(4)~~] Property modifications shall not be provided to homes or properties purchased within the last two (2) years unless there is medical documentation to support a finding that there has been a significant change in status or function of the [~~eligible~~]individual that has occurred since the initial purchase of the property, and that finding could not have been anticipated when the home or property was purchased.

(6)[~~(5)~~] Property modifications shall not include structural additions to existing properties or the purchase of new property.

Structural additions include any improvement that increases the footprint or square footage of the structure.

(7)[(6)] The office shall not restore modified property to its original condition or upgrade areas of the property not affected by the modification into compliance with current local building codes.

(8) All work funded by the office shall comply with applicable building codes, but the property owner shall be responsible for upgrades required to bring underlying structures or systems into compliance before a modification is undertaken.

(9)[(7)]

(a) A request from the individual to make changes or additions to the recommendation of the office[assistive technology specialist] shall be approved in writing by the office[specialist] prior to being implemented in order to ensure that the modification does not affect the accessibility of the project; and

(b) The cost of all changes or additions shall be assumed by the [eligible]individual.

(10)[(8)] The [eligible]individual shall provide maintenance, repair, and upkeep to the modifications as required for relevant warranties.

(11)[(9)] The [eligible]individual shall be solely responsible for maintenance, service, and repairs for modifications not under warranty.

(12)[(10)] Property modifications may[shall] be provided to an [eligible]individual that does not meet all the requirements of this section if the office[Director of Field Services or designee] determines that failure to provide the modification would prevent the successful achievement of the vocational objective or would result in a significant cost savings to the office. Exceptions shall not be granted for modifications requiring structural reinforcement, additions, or upgrades to underlying structures or systems prohibited under subsections (5) or (6).

Section 22. Community Rehabilitation Program ("CRP") and Supported Employment Services.

(1) The office may purchase community rehabilitation services from a community rehabilitation program when such services are necessary for an individual to prepare for, obtain, maintain, or advance in competitive integrated employment.

(2) CRP services shall be consistent with the IPE and shall be provided only when they address disability-related vocational needs.

(3) CRP services may include, as appropriate:

(a) Comprehensive vocational evaluation;

(b) Limited assessment services;

(c) Adjustment services;

(d) Employment and retention services; and

(e) Supported employment services for individuals with the most significant disabilities.

(4) Adjustment services shall be time-limited and shall not be used as long-term or permanent employment. The expected duration generally shall not exceed six (6) months from the authorization date unless an exception is approved in accordance with 781 KAR 1:020.

(5) Employment and retention services may include job development, job placement, initial job coaching, and time-limited follow-up supports when necessary to achieve or maintain a competitive integrated employment outcome.

(6) Supported employment services may be provided to individuals with the most significant disabilities through community rehabilitation programs or other qualified providers, consistent with 34 C.F.R. 361.5(c), 361.48(b), 361.55, and 34 C.F.R. Part 363.

(7) Supported employment services shall be:

(a) Provided in competitive integrated employment and shall be designed to achieve and maintain a competitive integrated employment outcome;

(b) Time-limited; and

(c) Provided in conjunction with ongoing support services and extended services to be provided by another public or private entity after vocational rehabilitation services are concluded.

(8) Community Rehabilitation Program Eligibility and Payment. To receive payment as a community rehabilitation program under this section, an entity shall:

(a) Meet the federal definition of a community rehabilitation program in 34 C.F.R. 361.5(c);

(b) Be approved by the office as a vendor in accordance with state procurement requirements; and

(c) Receive authorization for the services provided.

(9) CRPs shall provide written reports and documentation sufficient to support case decisions and payment.

Section 23. Post-Secondary Training and Transition Services.

(1) Post-secondary education and post-secondary transition program services may be provided when required to achieve the employment outcome identified in the IPE and when consistent with the individual's strengths, interests, abilities, and informed choice.

(2) Post-secondary transition program services may be provided if:

(a) The individual meets age and eligibility criteria; and

(b) Participation in the program is necessary to achieve the employment outcome identified in the IPE.

(3) Allowable services may include, as appropriate:

(a) Tuition, required fees, books, and supplies;

(b) Training-related transportation and maintenance consistent with Sections 15 and 31(2) of this administrative regulation;

(c) Classroom accommodations and auxiliary aids, including interpreters, note-takers, adaptive materials, and assistive technology;

(d) Tutorial services and educational assistance consistent with Section 29 of this administrative regulation; and

(e) Disability-related supports necessary for participation and progress.

(4) The office shall coordinate post-secondary education funding with federal student aid and other available funding sources before authorizing payment for post-secondary education.

(5) Support for post-secondary training shall be limited to the most cost-effective program that meets the individual's vocational needs and shall not be authorized when training is not clearly linked to an employment outcome.

(6) The individual shall maintain satisfactory academic or training progress consistent with institutional standards and expectations documented in the IPE. The office may authorize continued support for one (1) additional term when justified and documented.

(7) Recognized secondary or post-secondary credentials and measurable skill gains for individuals receiving training services shall be documented, in accordance with 34 C.F.R. 361.155.

Section 24. Job Placement Services.

(1) Job placement services may be provided when necessary to achieve the employment outcome in the IPE.

(2) Job placement services may be delivered by office staff, community rehabilitation programs, supported employment providers, on-the-job training providers, or other qualified vendors, consistent with informed choice.

(3) Job placement services may include, as appropriate:

(a) Job development and job leads;

(b) Assistance with job applications and interviews;

(c) Identification of reasonable accommodations;

(d) Coordination of supports needed to begin employment; and

(e) Other services necessary to obtain competitive integrated employment.

(4) Employment obtained through job placement services shall occur in the most integrated setting appropriate and shall meet the definition of competitive integrated employment in 34 C.F.R. 361.5.

(5) Self-employment may be considered a suitable employment outcome if it meets the definition of competitive integrated employment in 34 C.F.R. 361.5 and is developed and approved in accordance with 781 KAR 1:020.

(6) Home-based employment, including telework or remote work, may be considered suitable if it meets competitive integrated employment requirements. Home-based work shall not be considered self-employment unless the individual owns and operates the business.

Section 25. Post-Employment Services.

(1) Eligibility and status.

(a) Post-employment services may be provided only to individuals who:

1. Have been determined eligible for vocational rehabilitation services;

2. Have achieved an employment outcome; and

3. Require limited vocational rehabilitation services to maintain, regain, or advance in competitive integrated employment.

(b) A re-determination of eligibility is not required for post-employment services.

(c) Post-employment services shall be provided under an amended IPE, developed and implemented in accordance with 34 C.F.R. 361.45 and 361.46.

(2) Post-employment services shall:

(a) Consist of one (1) or more vocational rehabilitation services permitted under 34 C.F.R. 361.48(b);

(b) Be limited in scope and duration; and

(c) Address rehabilitation needs that do not require a complex or comprehensive provision of services.

(3) Post-employment services may include, as appropriate, maintenance of assistive technology, short-term training or support to address changes in job duties, or other time-limited services necessary to maintain, regain, or advance in competitive integrated employment.

(4) Post-employment services shall not be used to provide a comprehensive new sequence of services equivalent to initial vocational rehabilitation services. If comprehensive services are required, the office shall:

(a) Conclude post-employment services;

(b) Close the existing case in accordance with federal requirements; and

(c) Assist the individual to apply for a new case, including assessment to determine eligibility and development of a new IPE, if appropriate.

(5) Post-employment services shall be provided only under an IPE amendment that:

(a) Identifies the employment outcome being maintained, regained, or advanced;

(b) Specifies the post-employment services to be provided; and

(c) Describes how the services are necessary to maintain, regain, or advance in competitive integrated employment.

(6) Post-employment services should be initiated and completed, when feasible, prior to case closure and reporting of the employment outcome to the Rehabilitation Services Administration.

(a) A case that has been closed in competitive integrated employment and reported to the Rehabilitation Services Administration shall not be re-opened solely for the purpose of providing post-employment services.

(b) If an individual whose case has been closed in competitive integrated employment later requires vocational rehabilitation services to maintain, regain, or advance in employment, the individual shall apply for services and be evaluated for eligibility in accordance with 781 KAR 1:020 and federal requirements.

Section 26. On-The-Job Training Services.

(1) On-the-job training (OJT) services may be provided when:

(a) The individual has been determined eligible for vocational rehabilitation services;

(b) The training is necessary to achieve the employment outcome identified in the IPE; and

(c) The employer agrees to hire the individual as an employee for the duration of the training.

(2) An OJT agreement shall be executed between the office, the employer, and the individual and shall describe the duties, duration, supervision, and reimbursement terms.

(3) The office may:

(a) Reimburse the employer for a portion of wages paid during training, consistent with allowable reimbursement rates and conditions;

(b) Authorize training for the period reasonably required to learn the essential job duties; and

(c) Provide related vocational rehabilitation services needed to support successful completion of the training.

(4) The employer shall.

(a) Comply with all applicable wage, hour, and nondiscrimination laws;

(b) Provide wage and benefit parity with similarly situated employees; and

(c) Provide regular progress evaluations as required by the office.

(5) OJT shall lead to competitive integrated employment and shall not be authorized when that outcome is not expected.

Section 27. Work Experience Program Services.

(1) Work Experience Program (WEP) services may be provided when necessary to:

(a) Determine vocational potential;

(b) Develop work behaviors, skills, or tolerances; or

(c) Support the employment outcome identified in the IPE.

(2) WEP Services may include, as appropriate:

(a) Orientation in work readiness or work behaviors;

(b) Slot placement in a community worksite for supervised work experience; and

(c) Job placement assistance needed to secure competitive integrated employment.

(3) WEP positions shall be temporary, shall not displace existing employees, and shall comply with applicable wage and labor requirements.

(4) WEP stipends are paid to participants and shall not constitute wages or create an employer–employee relationship with the office.

(5) WEP services shall be limited to the level and duration necessary to accomplish the objectives identified in the IPE and may be extended only as approved in accordance with 781 KAR 1:020.

Section 28. Pre-Employment Transition Services.

(1) Pre-employment transition services (Pre-ETS) shall be provided to students with disabilities in accordance with 29 U.S.C. § 733; 34 C.F.R. 361.48; and in coordination with state and local educational agencies responsible for the provision of special education or related services under the Individuals with Disabilities Education Act **and Section 504 of the Rehabilitation Act.**

(2) The office shall provide or arrange for the provision of Pre-ETS to students with disabilities who are eligible or potentially eligible for vocational rehabilitation services. Pre-ETS may be provided individually or in groups.

(3) Pre-ETS shall include the following required activities:

(a) Job exploration counseling;

(b) Counseling on opportunities for enrollment in comprehensive transition and post-secondary programs;

(c) Workplace readiness training to develop social skills and independent living skills;

(d) Instruction in self-advocacy, including peer mentoring; and

(e) Work-based learning experiences in competitive, integrated settings to the maximum extent possible.

(4) Potentially eligible students may receive only the required Pre-ETS described in subsection (3) of this Section and auxiliary aids or services necessary to enable participation in those activities.

(5) Additional vocational rehabilitation services, including maintenance, transportation, job coaching, or rehabilitation technology, may be provided only after the student applies for and is determined eligible for vocational rehabilitation services and has an approved IPE.

(6) Work-based learning experiences shall occur in competitive integrated settings to the maximum extent possible and shall comply with applicable child labor, wage, and safety requirements.

(7) Pre-ETS funds may be used to provide stipends directly to students when the payment is part of a structured work-based learning experience or program delivery by the office, and when the payment does not replace wages otherwise due from an employer or create an employer-employee relationship with the office.

(8) A potentially eligible student who has not applied for vocational rehabilitation services shall not be subject to the order of selection. A student who applies for services shall be subject to the order of selection consistent with federal requirements.

(9) The office shall attend, when invited, person-centered meetings for individuals receiving services under Title XIX of the Social Security Act.

Section 29. Tutorial Services and Educational Assistance.

(1) Tutorial services and educational assistance may be provided when necessary for an individual to participate in or benefit from training or education required for the employment outcome identified in the IPE.

(2) Disability-related tutoring may be authorized when:

(a) The individual has a documented disability that results in functional limitations affecting learning or academic performance; and

(b) The tutoring is designed to address those limitations or to teach compensatory strategies needed to succeed in the training program.

(3) Remedial instruction and content tutoring may be authorized when:

(a) the individual requires basic skill development or assistance in a specific course to complete training necessary for the employment outcome; and

(b) comparable services and benefits, such as adult education or institutional tutoring services, are unavailable, inadequate, or would result in unreasonable delay.

(4) Educational assistance services may be provided when non-instructional support is required for the individual to access or participate in training, post-secondary education, or other vocational services included on the IPE. Educational assistance may include, as appropriate:

(a) reading or recording of course materials;

(b) typing or transcription of assignments;

(c) note-taking or page-turning;

(d) locating or organizing reference materials; or

(e) similar supports required for full participation.

(5) Tutorial and educational assistance services shall be coordinated, to the maximum extent appropriate, with accommodations and auxiliary aids provided by the training institution or other comparable services and benefits.

Section 30. Independent Living Services and Older Individuals Who Are Blind Services.

(1) Independent Living (IL) and Older Individuals Who Are Blind (OIB) services may be provided to assist individuals who are blind or visually impaired to improve or maintain their ability to function independently. An employment outcome shall not be required for eligibility for IL or OIB services.

(2) Eligibility, service categories, and allowable expenditures for IL and OIB shall be consistent with applicable federal grant requirements. IL and OIB services must be non-duplicative and coordinated with vocational rehabilitation services.

(3) For individuals who receive both vocational rehabilitation and IL or OIB services, the Rehabilitation Counselor for the Blind and the IL or OIB counselor shall coordinate assessment, planning, and service delivery.

(4) Bioptic-related services provided solely for independent living purposes shall comply with KRS 186.576 to 186.579 and applicable federal program requirements. Payment for bioptic devices, private driver training, licensing fees, or other driving-related costs under the IL or OIB programs shall be at the discretion of the office, consistent with available program funds and allowable cost categories under 34 C.F.R. Part 367.

(5) Services and adaptive devices under IL and OIB programs shall be subject to the availability of funds and any federal grant conditions governing those programs.

Section 31. Other Allowable Services.

(1) Personal Assistance Services.

(a) Personal assistance services may be provided when necessary for participation in vocational rehabilitation services or to maintain competitive integrated employment.

(b) Personal assistance services shall be provided only while the individual is receiving other vocational rehabilitation services or is engaged in employment consistent with the IPE.

(c) Long-term ongoing personal assistance needs shall be referred to appropriate community or Medicaid-funded programs.

(d) Personal assistance services shall be excluded from financial participation but remain subject to comparable services and benefits.

(2) Maintenance.

(a) Maintenance may not be used to fund an individual's normal living expenses.

(b) Maintenance may include short-term room and board, or other subsistence costs required to participate in vocational rehabilitation services.

(c) Payments in such circumstances may not exceed three months.

(3) Medication.

(a) Medication, as used in this Section, means prescribed pharmaceutical agents and related medical supplies provided for a limited duration to support the individual's participation in other vocational rehabilitation services.

(b) Medication may be provided when necessary for the individual to participate in or benefit from a substantial vocational rehabilitation service, and when comparable services and benefits are unavailable or would result in unreasonable delay.

(c) Medication shall not be provided as a stand-alone service or for long-term maintenance treatment of chronic conditions.

(4) Occupational Licenses, Examinations, Tools, Equipment, and Supplies.

(a) The office may purchase occupational licenses, certification or board examinations, required permits, and related documentation necessary for an individual to enter or maintain employment consistent with the IPE.

(b) The office may purchase tools, equipment, supplies, or initial stock when essential for participation in training or for initial employment, and when such items are not routinely provided by the employer or training program. "Initial stock" means the minimum consumable materials required to begin the job or training activity and does not include ongoing inventory or replenishment.

(c) The office shall pay only initial fees for licensure, certification, or union membership unless additional payments are necessary to complete the vocational rehabilitation plan.

(d) The office shall not purchase voluntary or optional memberships unless they are required for the specific employment outcome.

(5) Ownership and Recovery of Tools and Equipment.

(a) Items purchased by the office under subsection (4) shall remain the property of the office until the individual successfully completes training or retains employment and closed as successfully employed.

(b) If items are no longer needed or the individual does not complete the training or employment objective, the office may recover items in reusable condition and reassign them to other individuals.

(c) The office shall not purchase deluxe, optional, or premium versions of tools or equipment when a standard model is adequate.

(d) The office shall not replace lost, stolen, or damaged items except where loss occurred through no fault of the individual and with supporting documentation.

(6) Services to Family Members.

(a) Services to family members may be provided when necessary for the individual to participate in assessments, vocational rehabilitation services, or to carry out the IPE.

(b) Such services shall be provided only when failure to provide them would reasonably be expected to delay, interrupt, or prevent achievement of the employment outcome of the individual, and when they are not otherwise readily available through existing community resources.

(7) Other Goods and Services.

(a) The office may authorize goods and services not specifically listed in this administrative regulation when necessary for an individual to participate in vocational rehabilitation services or to achieve the employment outcome identified in the IPE, consistent with 34 C.F.R. 361.48(b).

(b) Goods or services that are personal in nature, unrelated to vocational rehabilitation, or primarily for general health, wellness, or household support shall not be authorized.

(c) The office shall not provide goods or services that constitute long-term maintenance or supports more appropriately provided through other public programs or community resources.

(d) Goods and services authorized under this subsection shall be documented in the case record and must be directly related to the individual's vocational rehabilitation needs.

VICKIE WISE, Deputy Secretary
APPROVED BY AGENCY: March 12, 2026
FILED WITH LRC: March 13, 2026 at 8:45 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Brooke McDaniel
Subject Headings: Disability and Disabilities, Workforce Development, Education
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation outlines the requirements for receiving goods and services from the Office of Vocational Rehabilitation (OVR) in compliance with the federal Rehabilitation Act and KRS 151B.180, et seq.
(b) The necessity of this administrative regulation: KRS 151B.195 requires OVR to promulgate administrative regulations outlining the administration of vocational rehabilitation services in Kentucky in compliance with the federal Rehabilitation Act KRS 151B.180, et seq.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation governs the provisions of goods and services to individuals by OVR.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists individuals seeking goods and services from OVR in understanding the requirements to obtain the different types of goods and services.
(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 proposed amendments are made to clearly outline the requirements regarding each type of good or service provided by OVR.
(b) The necessity of the amendment to this administrative regulation: Changes to the regulation are necessary so that individuals will understand the requirements regarding each type of good or service provided by OVR. c) How this administrative regulation conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by outlining the specific requirements for each good or service provided by OVR.
(c) How the amendment conforms to the content of the authorizing statutes:
(d) How the amendment will assist in the effective administration of the statutes: This amendment clearly outlines the requirements regarding each type of good or service provided by OVR.
(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 approximately 46,000 individuals served by the Office of Vocational Rehabilitation.
(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 person or entity is required to take action as a result of 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 are no new costs to any person or entity.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated individuals will have a better understanding of the requirements to obtain goods and services.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional costs are expected.
(b) On a continuing basis: No additional costs are expected.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Federal vocational rehabilitation funds received by the Office of Vocational Rehabilitation and the required state match funds; however, there are no additional costs as a result of this proposed amendment.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding necessary to implement this amendment to the existing administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering is not required in this administrative regulation because it applies equally to all affected entities.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 29 U.S.C. § 721-723; 34 C.F.R. Part 361; KRS 13B.170, 151B.017(4), 151B.185, 151B.190, 151B.195(1), 151B.200.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This act is authorized by KRS 13B.170, 151B.017(4), 151B.185, 151B.190, 151B.195(1), 151B.200.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Vocational Rehabilitation is the promulgating agency, and no other agencies are affected. (b) Estimate the following for each affected state unit part, or division identified in (3)(a):
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(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): 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: None.

(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This proposed amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: Not applicable.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

AGRICULTURE EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 2:006. Definitions for 12 KAR Chapter 2.

RELATES TO: KRS 250.491-250.631
STATUTORY AUTHORITY: KRS 250.501(4), 250.571(1)(a)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1)(a) requires the Director of the Agricultural Experiment Station to promulgate an administrative regulation adopting the official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials. KRS 250.501(4) defines "commercial feed" and authorizes the director to promulgate an administrative regulation exempting commodities meeting established criteria. This administrative regulation incorporates by reference the definitions adopted by the Association of American Feed Control Officials and exempts certain commodities from the definition of commercial feed.

Section 1. The names and definitions for commercial feeds shall be the "Official Definition of Feed Ingredients" adopted by the Association of American Feed Control Officials and published in its Official Publication, except as exempted by this administrative regulation.

Section 2. The terms used in reference to commercial feeds shall be the official feed terms adopted by the Association of American Feed Control Officials and published in its Official Publication, except as exempted by this administrative regulation.

Section 3. Pursuant to KRS 250.501(4), ***if not mixed or intermixed with other materials and not adulterated as established in KRS 250.541(1),*** the following commodities shall be exempt from the definition of commercial feed:
(1) Raw meat***, whether ground or unground;***
(2) ***Unground***[; and] hay, straw, stover, silages, cobs, husks, and hulls[***when unground if the ingredient is not:***]
[***(1)***] [***Mixed or intermixed with other materials; or***]
[***(2)***] [***Adulterated within the meaning of KRS 250.541(1)***].

Section 4. "Quantity statement" means the net weight (mass), net volume (liquid or dry), or count.

Section 5. Incorporation by Reference.
(1) "2025 Official Publication", 2025[2018] Edition, Association of American Feed Control Officials, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.

FILED WITH LRC: March 9, 2026

CONTACT PERSON: G. Alan Harrison, Feed & Milk Director, University of Kentucky Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546, phone (859) 257-2785, fax (859) 323-9931, email alan.harrison@uky.edu.

AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 2:011. Label format.

RELATES TO: KRS 250.491-250.631
STATUTORY AUTHORITY: KRS 250.571(1)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631, regarding commercial feeds. This administrative regulation establishes a uniform format for presentation of labeling to the purchaser of animal feeds.

Section 1. A commercial feed, other than customer formula feed, shall be labeled with the information ***established***[***prescribed***] in this administrative regulation on the principal display panel of the product and in the following format:
(1) Product name and brand name, if any, in ***compliance***[***conformance***] with 12 KAR 2:016;
(2) If a drug is used, the word "medicated" shall appear directly following and below the product name in type size no smaller than one-half (1/2) the type size of the product name;
(3) Product purpose statement as required by 12 KAR 2:017;
(4) If a drug is used:
(a) The purpose of medication (claim statement); and
(b) An active drug ingredient statement listing the active drug ingredients by their established names and the amounts in accordance with 12 KAR 2:021, Section 4;
(5) The guaranteed analysis of the feed as required by KRS 250.521(1)(b) and 12 KAR 2:018;
(6) The listing of feed ingredients as required by 12 KAR 2:026;
(7) Directions for use and precautionary statements as required by 12 KAR 2:031 and 12 KAR 2:036;
(8) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code[***;*** ***however***], ***except*** the street address may be omitted if it is shown in a readily accessible, widely published, and publically available resource, including ***for example,***[***but not limited to***] a printed directory, electronic database, or website[the current city directory or telephone directory of the city or county where the manufacturer or distributor maintains his principal place of business]; and
(9) The quantity statement of the net weight, net volume, or count.

Section 2.
(1) The information required by Section 1 of this administrative regulation shall appear in its entirety on one (1) side of the label or container, except the information required by Section 1(7) of this administrative regulation may be placed on a different side of the label or container if ***the information***[***it***] is displayed in a prominent place on the label or container. If the information is placed on a different side, ***the information***[***it***] shall be referenced on the front side with a statement indicating where the information is located.
(2) The information required by Section 1 of this administrative regulation shall not be subordinated or obscured by other statements or designs.

Section 3. Customer-formula feed shall be accompanied by a label, invoice, delivery ticket, or other shipping document bearing the following information:
(1) The name and address of the manufacturer;
(2) The name and address of the purchaser;

(3) The date of sale or delivery;
(4) The customer-formula feed name and brand name, if any;
(5) The product name and net quantity of each registered commercial feed and each other ingredient used in the mixture;
(6) The directions for use and precautionary statements as required by 12 KAR 2:031 and 12 KAR 2:036; and
(7) If a drug-containing product is used:
(a) The purpose of the medication (claim statement); and
(b) The established name of each active drug ingredient and the level of each drug used in the final mixture as required by 12 KAR 2:021.

FILED WITH LRC: March 9, 2026

CONTACT PERSON: G. Alan Harrison, Feed & Milk Director, University of Kentucky Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546, phone (859) 257-2785, fax (859) 323-9931, email alan.harrison@uky.edu.

AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 2:018. Guaranteed analysis.

RELATES TO: KRS 250.491-250.631
STATUTORY AUTHORITY: KRS 250.521(1)(b), 250.571(1)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631, regarding commercial feeds. KRS 250.521(1)(b) requires that a commercial feed label contain a guaranteed analysis stated in terms the director by administrative regulation determines are required to advise the user of the composition of the feed or to support claims made in the labeling. This administrative regulation establishes a uniform format for the nutritional guarantees required as a part of the commercial feed label.

Section 1. The nutritional guarantees shall be listed in the following order: crude protein, equivalent crude protein from non-protein nitrogen, amino acids, crude fat, crude fiber, acid detergent fiber, neutral detergent fiber, calcium, phosphorus, salt, and sodium. Other guarantees shall follow in a general format with the units of measure used to express guarantees (***for example,*** percentage, parts per million, ***and*** international units[~~, etc.~~]) listed in a sequence that provides a consistent grouping of the units of measure.

Section 2. Required Guarantees for Swine Formula Feeds.
(1) The animal classes for swine shall be:
(a) Prestarter - two (2) to eleven (11) pounds;
(b) Starter - eleven (11) to forty-four (44) pounds;
(c) Grower - forty-four (44) to 110 pounds;
(d) Finisher - 110 pounds to market weight;
(e) Gilts, sows, and adult boars; and
(f) Lactating gilts and sows.
(2) The guaranteed analysis for swine complete feeds and supplements (all animal classes) shall include the:
(a) Minimum percentage of crude protein;
(b) Minimum percentage of lysine;
(c) Minimum percentage of crude fat;
(d) Maximum percentage of crude fiber or acid detergent fiber (ADF);
(e) Minimum and maximum percentage of calcium;
(f) Minimum percentage of phosphorus;
(g) Minimum and maximum percentage of salt (if added);
(h) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[~~***furnished***~~] by the maximum salt guarantee; and
(i) Minimum selenium in parts per million (ppm).

Section 3. Required Guarantees for Formula Poultry Feeds (Chicken and Turkey).
(1) The animal classes for layer chickens that are grown to produce eggs for food shall be:
(a) ***Starting or growing***[~~***Starting/ growing***~~] - from day of hatch to approximately ten (10) weeks of age;
(b) Finisher - from approximately ten (10) weeks of age to time first egg is produced (approximately twenty (20) weeks of age);
(c) Laying - chickens from time first egg is laid throughout the time of egg production; and
(d) Breeders - chickens that produce fertile eggs to hatch replacement layers that produce eggs for food.
(2) The animal classes for broiler chickens that are grown for human food shall be:
(a) ***Starting or growing***[~~***Starting/ growing***~~] - from day of hatch to approximately five (5) weeks of age;
(b) Finisher - from approximately five (5) weeks of age to market, (forty-two (42) to fifty-two (52) days); and
(c) Breeders - hybrid strains of chickens whose offspring are grown for human food (broilers), any age and either sex.
(3) The animal classes for breeder chickens whose offspring (broilers) are grown for human food shall be:
(a) ***Starting or growing***[~~***Starting/ growing***~~] - from day of hatch until approximately ten (10) weeks of age;
(b) Finishing - from approximately ten (10) weeks of age to time first egg is produced, approximately twenty (20) weeks of age; and
(c) Laying - fertile egg producing chickens (broilers/roasters) from day of first egg throughout the time fertile eggs are produced.
(4) The animal classes for turkeys shall be:
(a) ***Starting or growing***[~~***Starting/ growing***~~] - turkeys that are grown for human food from day of hatch to approximately thirteen (13) weeks of age (females) and sixteen (16) weeks of age (males);
(b) Finisher - turkeys that are grown for human food, females from approximately thirteen (13) weeks of age to approximately seventeen (17) weeks of age, males from sixteen (16) weeks of age to twenty (20) weeks of age, or desired market weight;
(c) Laying - female turkeys that are producing eggs, from time first egg is produced, throughout the time they are producing eggs; and
(d) Breeder - turkeys that are grown to produce fertile eggs, from day of hatch to time first egg is produced (approximately thirty (30) weeks of age), both sexes.
(5) The guaranteed analysis for poultry complete feeds and supplements (all animal classes) shall include the:
(a) Minimum percentage of crude protein;
(b) Minimum percentage of lysine;
(c) Minimum percentage of methionine;
(d) Minimum percentage of crude fat;
(e) Maximum percentage of crude fiber or acid detergent fiber (ADF);
(f) Minimum and maximum percentage of calcium;
(g) Minimum percentage of phosphorus;
(h) Minimum and maximum percentage of salt (if added); and
(i) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[~~***furnished***~~] by the maximum salt guarantee.

Section 4. Required Guarantees for Beef Cattle Formula Feeds.
(1) The animal classes for beef cattle shall be:
(a) Calves (birth to weaning);
(b) Cattle on pasture (may be specific as to production stage ***– for example***[~~***; e.g.***~~], stocker, feeder, replacement heifers, brood cows, ***and*** bulls[~~***, etc.***~~]); and
(c) Feedlot cattle.
(2) The guaranteed analysis for beef complete feeds and supplements (all animal classes) shall include the:
(a) Minimum percentage of crude protein;
(b) Maximum percentage of equivalent crude protein from non-protein nitrogen (if added);
(c) Minimum percentage of crude fat;
(d) Maximum percentage of crude fiber or acid detergent fiber (ADF);
(e) Minimum and maximum percentage of calcium;
(f) Minimum percentage of phosphorus;

(g) Minimum and maximum percentage of salt (if added);
(h) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[~~***furnished***~~] by the maximum salt guarantee;
(i) Minimum percentage of potassium; and
(j) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).
(3) The guaranteed analysis for beef mineral feeds (if added) shall include the:
(a) Minimum and maximum percentage of calcium;
(b) Minimum percentage of phosphorus;
(c) Minimum and maximum percentage of salt;
(d) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[~~***furnished***~~] by the maximum salt guarantee;
(e) Minimum percentage of magnesium;
(f) Minimum percentage of potassium;
(g) Minimum copper in parts per million (ppm);
(h) Minimum selenium in parts per million (ppm);
(i) Minimum zinc in parts per million (ppm); and
(j) Minimum vitamin A, other than precursors of vitamin A, in international units per pound.

Section 5. Required Guarantees for Dairy Formula Feeds.
(1) The animal classes for dairy cattle shall be:
(a) Veal milk replacer - milk replacer fed to calves for veal production;
(b) Herd milk replacer - milk replacer fed to calves for herd replacement and other uses;
(c) Starter - calf from approximately three (3) days to three (3) months of age;
(d) Non-lactating dairy cattle: replacement dairy heifers, dairy bulls, and dairy calves;
(e) Lactating dairy cows; and
(f) Dry dairy cows.
(2) The guaranteed analysis for veal and herd milk replacer shall include the:
(a) Minimum percentage of crude protein;
(b) Minimum percentage of crude fat;
(c) Maximum percentage of crude fiber;
(d) Minimum and maximum percentage of calcium;
(e) Minimum percentage of phosphorus; and
(f) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).
(3) The guaranteed analysis for dairy cattle complete feeds and supplements shall include the:
(a) Minimum percentage of crude protein;
(b) Maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) (if added);
(c) Minimum percentage of crude fat;
(d) Maximum percentage of crude fiber;
(e) Maximum percentage of acid detergent fiber (ADF);
(f) Minimum and maximum percentage of calcium;
(g) Minimum percentage of phosphorus;
(h) Minimum selenium in parts per million (ppm); and
(i) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).
(4) The guaranteed analysis for dairy mixing and pasture mineral (if added) shall include the:
(a) Minimum and maximum percentage of calcium;
(b) Minimum percentage of phosphorus;
(c) Minimum and maximum percentage of salt;
(d) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[~~***furnished***~~] by the maximum salt guarantee;
(e) Minimum percentage of magnesium;
(f) Minimum percentage of potassium;
(g) Minimum selenium in parts per million (ppm); and
(h) Minimum vitamin A, other than the precursors of vitamin A, in international units per pound.

Section 6. Required Guarantees for Equine Complete Feeds and Supplements (All Classes).
(1) The equine animal classes shall be:
(a) Growing;
(b) Broodmare;
(c) Maintenance; and
(d) Performance (including stallions).
(2) The guaranteed analysis for equine complete feeds and supplements (all animal classes) shall include the:
(a) Minimum percentage of crude protein;
(b) Minimum percentage of crude fat;
(c) Maximum percentage of crude fiber;
(d) Maximum percentage of Acid Detergent Fiber (ADF);
(e) Maximum percentage of Neutral Detergent Fiber (NDF);
(f) Minimum and maximum percentage of calcium;
(g) Minimum percentage of phosphorus;
(h) Minimum copper in parts per million (ppm) (if added);
(i) Minimum selenium in parts per million (ppm);
(j) Minimum zinc in parts per million (ppm); and
(k) Minimum vitamin A, other than the precursors of vitamin A, in international units per pound (if added).
(3) The guaranteed analysis for equine mineral feed shall include the:
(a) Minimum and maximum percentage of calcium;
(b) Minimum percentage of phosphorus;
(c) Minimum and maximum percentage of salt (if added);
(d) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[~~***furnished***~~] by the maximum salt guarantee;
(e) Minimum copper in parts per million (ppm) (if added);
(f) Minimum selenium in parts per million (ppm);
(g) Minimum zinc in parts per million (ppm); and
(h) Minimum vitamin A, other than the precursors of vitamin A, in international units per pound (if added).

Section 7. Required Guarantees for Goat Formula Feeds.
(1) The animal classes for goats shall be:
(a) Starter;
(b) Grower;
(c) Finisher;
(d) Breeder; and
(e) Lactating.
(2) The guaranteed analysis for goat complete feeds and supplements (all animal classes) shall include the:
(a) Minimum percentage of crude protein;
(b) Maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) (if added);
(c) Minimum percentage of crude fat;
(d) Maximum percentage of crude fiber;
(e) Maximum percentage of acid detergent fiber;
(f) Minimum and maximum percentage of calcium;
(g) Minimum percentage of phosphorus;
(h) Minimum and maximum percentage of salt (if added);
(i) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[~~***furnished***~~] by the maximum salt guarantee;
(j) Minimum and maximum copper in parts per million (ppm) (if added);
(k) Minimum selenium in parts per million (ppm); and
(l) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).

Section 8. Required Guarantees for Sheep Formula Feeds.
(1) The animal classes for sheep shall be:
(a) Starter;
(b) Grower;
(c) Finisher;
(d) Breeder; and
(e) Lactating.
(2) The guaranteed analysis for sheep complete feeds and supplements (all animal classes) shall include the:
(a) Minimum percentage of crude protein;
(b) Maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) (if added);
(c) Minimum percentage of crude fat;
(d) Maximum percentage of crude fiber or acid detergent fiber (ADF);

(e) Minimum and maximum percentage of calcium;
(f) Minimum percentage of phosphorus;
(g) Minimum and maximum percentage of salt (if added);
(h) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[***furnished***] by the maximum salt guarantee;
(i) Minimum and maximum copper in parts per million (ppm) (if added, or total copper exceeds 20 ppm);
(j) Minimum selenium in parts per million (ppm); and
(k) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).

Section 9. Required Guarantees for Ducks and Geese Formula Feeds.
(1) The duck animal classes shall be:
(a) Starter - zero to three (3) weeks of age;
(b) Grower - three (3) to six (6) weeks of age;
(c) Finisher - six (6) weeks to market;
(d) Breeder developer - eight (8) to nineteen (19) weeks of age; and
(e) Breeder - twenty-two (22) weeks to end of lay.
(2) The geese animal classes shall be:
(a) Starter - zero to four (4) weeks of age;
(b) Grower - four (4) to eight (8) weeks of age;
(c) Finisher - eight (8) weeks to market;
(d) Breeder developer - ten (10) to twenty-two (22) weeks of age; and
(e) Breeder - twenty-two (22) weeks to end of lay.
(3) The guaranteed analysis for duck and geese complete feeds and supplements (for all animal classes) shall include the:
(a) Minimum percentage of crude protein;
(b) Minimum percentage of crude fat;
(c) Maximum percentage of crude fiber or acid detergent fiber (ADF);
(d) Minimum and maximum percentage of calcium;
(e) Minimum percentage of phosphorus;
(f) Minimum and maximum percentage of salt (if added); and
(g) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[***furnished***] by the maximum salt guarantee.

Section 10. Required Guarantees for Fish Complete Feeds and Supplements.
(1) The following animal species shall be declared in lieu of an animal class:
(a) Trout;
(b) Catfish; and
(c) Species other than trout or catfish.
(2) The guaranteed analysis for all fish complete feeds and supplements shall include the:
(a) Minimum percentage of crude protein;
(b) Minimum percentage of crude fat;
(c) Maximum percentage of crude fiber or acid detergent fiber (ADF); and
(d) Minimum percentage of phosphorus.

Section 11. Required Guarantees for Rabbit Complete Feeds and Supplements.
(1) The rabbit animal classes shall be:
(a) Grower - four (4) to twelve (12) weeks of age; and
(b) Breeder - twelve (12) weeks of age and over.
(2) The guaranteed analysis for rabbit complete feeds and supplements (all animal classes) shall include the:
(a) Minimum percentage of crude protein;
(b) Minimum percentage of crude fat;
(c) Minimum and maximum percentage of crude fiber or acid detergent fiber (ADF) (the maximum shall not exceed the minimum by more than five (5.0) units);
(d) Minimum and maximum percentage of calcium;
(e) Minimum percentage of phosphorus;
(f) Minimum and maximum percentage of salt (if added);
(g) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[***furnished***] by the maximum salt guarantee; and
(h) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).

Section 12. The required guarantees of grain mixtures and formula feeds and ingredients that are not specifically ***established***[***described***] in Sections 2 through 11 of this administrative regulation[,] or exempted under Section 13 of this administrative regulation, shall include the following items in the order listed:
(1) Minimum percentage of crude protein;
(2) Minimum or maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) as required in 12 KAR 2:021 (if added);
(3) Minimum percentage of crude fat;
(4) Maximum percentage of crude fiber or acid detergent fiber (ADF);
(5) Minerals in formula feeds in the following order:
(a) Minimum and maximum percentage of calcium;
(b) Minimum percentage of phosphorus;
(c) Minimum and maximum percentage of salt (if added);
(d) Minimum and maximum percentage of total sodium, if the total sodium exceeds that ***provided***[***furnished***] by the maximum salt guarantee; and
(e) Other minerals;
(6) Minerals in feed ingredients as ***established***[***specified***] by the official definition of the Association of American Feed Control Officials***, incorporated by reference in 12 KAR 2:006***;
(7) Vitamins in the terms required by 12 KAR 2:021;
(8) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;
(9) Viable lactic acid producing microorganisms if used in silage products and direct fed microbial products guaranteed in terms ***established***[***specified***] in 12 KAR 2:021; and
(10) If the item is a commercial feed (***for example***[***e.g.***], vitamin and mineral premix ***and***[,] base mix[~~, etc.~~]) intended to provide a specialized nutritional source for use in the manufacture of other feeds, ***the item's***[***its***] intended purpose and guarantee of those nutrients relevant to the stated purpose.

Section 13. Exemptions.
(1) A mineral guarantee for feed, excluding those feeds manufactured as complete feeds and for feed supplements intended to be mixed with grain to produce a complete feed for swine, poultry, fish, or veal and herd milk replacers, shall not be required if:
(a) The feed or feed ingredient is not intended or represented or does not serve as a principal[~~principle~~] source of that mineral to the animal; or
(b) The feed or feed ingredient is intended for nonfood producing animals and contains less than six and five-tenths (6.5) percent total mineral.
(2) Guarantees for vitamins shall not be required if the commercial feed is neither formulated for nor represented as a vitamin supplement.
(3) Guarantees for crude protein, crude fat and crude fiber shall not be required if the commercial feed is intended for purposes other than to ***provide***[***furnish***] these substances or ***if these substances***[***they***] are of minor significance relating to the primary purpose of the product, such as a Type A drug article, mineral or vitamin supplements, or molasses.
(4) Guarantees for microorganisms and enzymes shall not be required if***:***
(a) The commercial feed is intended for a purpose other than to ***provide***[***furnish***] these substances***;*** or
(b)
1. These substances[***they***] are of minor significance relating to the primary purpose of the product***;*** and
2. [***no***] Specific label claims are ***not*** made.
(5) The indication for animal class and species ***shall not be***[***is not***] required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal class or species.

[***Section 14.***] [***Incorporation by Reference.***]

[***(1)***] [***"***][***2025 ***][***Official Publication", ***][***2025***][2018][***Edition, Association of American Feed Control Officials, is incorporated by reference.***]

[***(2)***] [***This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.***]

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AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 2:026. Ingredients.

RELATES TO: KRS 250.491-250.631

STATUTORY AUTHORITY: KRS 250.521(1)(c), 250.571(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631, regarding commercial feeds. KRS 250.521(1)(c) requires that a commercial feed label list the common or usual name of each ingredient used in the manufacture of the commercial feed, unless the director promulgates an administrative regulation permitting the use of a collective term for a group of ingredients. This administrative regulation establishes the requirements for listing the ingredients on the commercial feed label.

Section 1. Commercial feeds, other than customer-formula feeds, shall have an ingredient statement listing the feed ingredients, collective terms for the grouping of feed ingredient, or other appropriate statement pursuant to KRS 250.521(1)(c).

(1) The name of each ingredient or collective term for the grouping of ingredients, if required to be listed, shall be the name as defined in the [***"***]Official Common and Usual Names and Definitions of Feed Ingredients[***"***] as published in the Official Publication of the Association of American Feed Control Officials, ***incorporated by reference in 12 KAR 2:006,*** the common or usual name, or one approved by the director.

(2) The ingredient statement may list the collective terms for the grouping of feed ingredients as defined in the official definitions of feed ingredients published in the Official Publication of the Association of American Feed Control Officials rather than the individual ingredients.

(a) If a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.

(b) The manufacturer shall provide the Director of Regulatory Services, upon written or oral request, with a listing of individual ingredients within a defined group that are or have been used in manufacturing facilities distributing in Kentucky. The manufacturer shall be specific in its response ***to***[***when***] the request [***is ***]made of a particular facility or production.

Section 2. The name of each ingredient shall be shown in letters or type of the same size.

Section 3. A reference to quality or grade of an ingredient shall not appear in the ingredient statement of a feed.

Section 4. The term "dehydrated" may precede the name of a product that has been artificially dried.

Section 5. A single ingredient product defined by the Association of American Feed Control Officials shall not be required to have an ingredient statement.

Section 6. Tentative definitions for ingredients shall not be used until ***established***[***adopted***] as official by the Association of American Feed Control Officials unless an official definition does not exist or the ingredient has a common accepted name that requires no definition, (***for example,***[***i.e.***] sugar).

Section 7. If the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007 percent iodine, uniformly distributed.

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

[***(1)***] [***"***][***2025 ***][***Official Publication", ***][***2025***][2018][***Edition, Association of American Feed Control Officials, is incorporated by reference.***]

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AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 2:041. Drug and feed additives.

RELATES TO: KRS 250.501, 250.511, 250.541(1)(a), (b), (c), (d), (e), (f), (j), (2)(c), (d), (e), 21 C.F.R. 570.3(1), 570.30, 582, 21 U.S.C. 151-158, 360(b)

STATUTORY AUTHORITY: KRS ***250.541, 250.551(1), (2),*** 250.571(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631 regarding commercial feeds. KRS 250.541 provides that a commercial feed or a material exempted from the definition of commercial feed shall be considered adulterated if it meets the conditions established in KRS 250.541. KRS 250.551(1) and (2) prohibit the manufacture or distribution of an adulterated product as animal feed. This administrative regulation establishes the requirements to ensure the safe and effective use of commercial feeds containing additives.

Section 1. Before approval of a registration application or approval of a label for a commercial feed containing an additive, including a drug, another special purpose additive, or non-nutritive additive, the distributor shall, upon request by the director, submit evidence to prove the safe and effective use of the commercial feed ***if***[***when***] used according to the directions furnished on the label.

Section 2. Satisfactory evidence of safe and effective use of a commercial feed shall be one (1) of the following:

(1) [***When the ***]Commercial feed ***that*** contains [***such ***]additives, the use of which conforms to the requirements of the applicable regulation in Title 21, Code of Federal Regulations, or ***that***[***which***] are "prior sanctioned," [***or ***]"informal review sanctioned," or "generally recognized as safe" for [***such ***]use;

(2) [***A***]Commercial feed that is a drug as defined ***by***[***in***] KRS 250.501(7) and is generally recognized by the Food and Drug Administration as safe and effective for its labeled use or is marketed

pursuant[***subject***] to an application approved by the Food and Drug Administration under ***21 U.S.C. 360b***[***Section 512 of the Federal Food, Drug, and Cosmetic Act***];

(3) [***When one (1) of the purposes for a***]Commercial feed***, one (1) purpose of which*** is to impart immunity (that is to act through some immunological process) ***if*** the constituents imparting immunity have been approved for the purpose ***under 21 U.S.C. 151 – 159***[***through the Federal Virus, Serum and Toxins Act of 1913 as amended***];

(4) [***When the***]Commercial feed ***that*** is a direct-fed microbial product ***if***[***and***]:

(a) The product is defined as a ***"***fermentation product***"*** in the Official Publication of the Association of American Feed Control Officials***, incorporated by reference in 12 KAR 2:006***; and

(b) The microbial content statement:

1. Appears on the label;[***and***]

2. States "Contains a source of live (viable), naturally occurring microorganisms"; and

3. ***includes*** the source [***is***]stated with a corresponding guarantee expressed in accordance with 12 KAR 2:021, Section 7; or

(5) ***If***[***When***] the commercial feed is an enzyme product and is:

(a) Defined as an ***"***enzyme***" by***[***in***] the Official Publication of the Association of American Feed Control Officials; and

(b) Guaranteed according to the provisions of 12 KAR 2:021, Section 8.

[***Section 3.***] [***Incorporation by Reference.***]

[***(1)***] [***"***][***2025***][***Official Publication",***][***2025***][2018][***Edition, Association of American Feed Control Officials, is incorporated by reference.***]

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AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 2:046. Poisonous or deleterious substances.

RELATES TO: KRS 250.501(4), (5), (6), (7), (8), (24), 250.541, 250.551(1), (2), (3)

STATUTORY AUTHORITY: KRS 250.571(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631, regarding commercial feeds. This administrative regulation establishes the requirements for the safe use of substances that might have deleterious effects if not fed according to the [***following***]standards ***established in this administrative regulation***.

Section 1. For the purpose of KRS 250.541(1)(a), poisonous or deleterious substances shall include***, for example***[***but are not limited to the following***]:

(1) Fluorine and a mineral or mineral mixture that is fed directly to a domestic animal if the fluorine exceeds:

(a) 0.20 percent for breeding or dairy cattle;

(b) 0.30 percent for slaughter cattle;

(c) 0.30 percent for sheep;

(d) 0.35 percent for lambs;

(e) 0.45 percent for swine; and

(f) 0.60 percent for poultry***;***[.]

(2) A fluorine-bearing ingredient if used in an amount that raises the fluorine content of the total ration, excluding roughage, above:

(a) 0.004 percent for breeding or dairy cattle;

(b) 0.009 percent for slaughter cattle;

(c) 0.006 percent for sheep;

(d) 0.01 percent for lambs;

(e) 0.015 percent for swine; and

(f) 0.03 percent for poultry***;***[.]

(3) A fluorine-bearing ingredient mixed in feed that:

(a) Is fed directly to cattle, sheep, or goats that consume roughage regardless of the amount of grain consumed; and

(b) Results in a daily intake of more than fifty (50) milligrams of fluorine per 100 pounds of body weight***;***[.]

(4) Soybean meal, flakes***,*** or pellets or another vegetable meal, ***flakes, or pellets***[***flake, or pellet***] that have been extracted with trichloroethylene or other chlorinated solvent***;***[.]

(5) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid that are used in or on feeds or feed ingredients that are considered or labeled a significant source of vitamin B_1 (thiamine)***; and***[.]

(6) Raw leather residue from tanning or leather manufacturing.

Section 2. A screening or by-product of grains and seeds containing weed seeds used in commercial feed or sold as commercial feed to the ultimate consumer shall be ground fine enough or otherwise treated to destroy the viability of the weed seeds so the finished product contains:

(1) No viable prohibited noxious weed seeds; and

(2) Not more than 480 viable restricted weed seeds per pound.

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AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 2:051. Manufacturing conditions.

RELATES TO: KRS 250.501, 250.511, 250.541, 250.551, 250.581(1), 21 C.F.R. 225.1-225.202, 226.1-226.115

STATUTORY AUTHORITY: KRS 250.541***(2)***(c), 250.571(1), 21 C.F.R. 225.1-225.202, 226.1-226.115

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631, regarding commercial feeds. KRS 250.541(2)(c) requires the promulgation of an administrative regulation that establishes the current good manufacturing practices for the manufacturing, processing, and packaging of commercial feed. This administrative regulation establishes current good manufacturing practices, hazard analysis, and risk-based preventive controls for facilities engaged in holding and distribution of animal feed.

Section 1. The current good manufacturing practices [***published in the Code of Federal Regulations***]for Type B and Type C medicated feeds ***shall be*** [are]governed by 21 C.F.R. 225.1 through 225.202[***are adopted by reference***].

Section 2. The current good manufacturing practices [***published in the Code of Federal Regulations***]for Type A medicated articles ***shall be*** [are]governed by 21 C.F.R. 226.1 through 226.115[][***are adopted by reference***].

Section 3. The current good manufacturing practices, hazard analysis, and risk-based preventive controls for food for animals [***published in the Code of Federal Regulations***]for facilities engaged in the holding and distribution of animal food ***shall be*** [~~are~~]governed by 21 C.F.R. 507.1 through 507.215[][***~~are adopted by reference~~***].

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AGRICULTURE EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 3:012. Label format and labeling.

RELATES TO: KRS 250.501, 250.521, 15 U.S.C. 1451-1461

STATUTORY AUTHORITY: KRS 250.521(2)(e), (f), 250.571

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631. KRS 250.521 requires that pet foods be labeled and establishes the information that shall be stated on the label. This administrative regulation establishes a uniform format for labeling information for pet foods and specialty pet foods and delineates criteria for product claims.

Section 1. Definitions.

(1) "All life stages" means gestation or lactation, growth, and adult maintenance life stages for dogs, cats, and other mammals or adult (including breeding animals) and juvenile life stages for non-mammalian species.

(2) "Daily food" means a specialty pet food product, other than a treat, food mixer, or food supplement, for specialty pet species with no recognized nutritional authority.

(3) "Family" means a group of products that are nutritionally adequate for any or all life stages based on the *products*[~~*products*~~] nutritional similarity to a lead product that has been successfully test-fed according to an AAFCO feeding protocol.

(4) "Familiar household unit" means a typical feeding unit in volume or count (*for example*[~~*e.g.*~~], can, measuring cup, treat, or piece*)*.

(5) "Food mixer" means a pet or specialty pet food product that is intended to top, accompany, or contribute to a complete diet but is not generally intended to be *a* complete diet.

(6) "Food supplement" means a pet or specialty pet food product that is intended to supply *a* specific *nutrient or nutrients*[~~*nutrient(s)*~~] or other food component but is not a complete diet.

(7) "Immediate container":

(a) Means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers; and

(b) Does not mean containers used as shipping containers.

(8) "Ingredient statement[~~statements~~]" means a collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed.

(9) "Pet nutrition facts" means a graphic box located on the label containing nutritional information for a pet food product.

(10) "Principal display panel" means the part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

(11) "Specialty pet nutrition facts" means a graphic box located on the label containing nutritional information for a specialty pet food product.

(12) "Veterinary diet" means a pet or specialty pet food product that is intended to be used under veterinary supervision only.

[~~(13)~~] Unless a pet food and specialty pet food is identified on the principal display panel as a stew, gravy, sauce, broth, aspic, juice, milk replacer, or other [~~*such*~~]name, the maximum moisture declared on a pet food or specialty pet food label shall not exceed 78.00% or the natural moisture content of the ingredients, whichever is higher.

Section 3.[~~***Section 2.***~~][~~**Section 1.**~~] Pet food and specialty pet food shall be labeled with:

(1) Product name and brand name, if any, on the principal display panel as established in 12 KAR 3:017;

(2) A statement **that includes**[~~**specifying**~~] the species name of pet or specialty pet for which the food is intended, conspicuously designated on the principal display panel;

(3) "Quantity statement", as defined by KRS 250.501(22) and as established in 12 KAR 2:011, Section 1(9), by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;

(4) Guaranteed analysis as established in 12 KAR 3:022;

(5) Ingredient statement as established in 12 KAR 3:027;

(6) A statement of nutritional adequacy or purpose if required pursuant to 12 KAR 3:039;

(7) A statement of calorie content if required pursuant to 12 KAR 3:042;

(8) Feeding directions if required pursuant to 12 KAR 3:032; and

(9) Name and address of the manufacturer or distributor as established in Sections 10 and 11 of this administrative regulation.

Section 4.[~~***Section 3.***~~][~~**Section 2.**~~] If a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper.

Section 5.[~~***Section 4.***~~] [~~Section 3~~][~~.~~] A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package.

Section 6.[~~***Section 5.***~~][~~**Section 4.**~~] The word "proven," in connection with a label claim for a pet food or specialty pet food, shall not be used unless the claim is substantiated by scientific or other empirical evidence.

Section 7.[~~***Section 6.***~~][~~**Section 5.**~~] A statement shall not appear upon the label or labeling of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product.

Section 8.[~~***Section 7.***~~][~~**Section 6.**~~] A personal or commercial endorsement may be used on a pet food or specialty pet food label if the endorsement is not false or misleading.

Section 9.[~~***Section 8.***~~][~~**Section 7.**~~] A statement on a pet food or specialty pet food label stating "improved," "new," or similar designation shall be substantiated and limited to six (6) months of production.

Section 10.[~~***Section 9.***~~][~~**Section 8.**~~] A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.

Section 11.[~~***Section 10.***~~][~~**Section 9.**~~]

(1) Raw milk distributed as pet food or specialty pet food shall bear the following statement "WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA."

(2) This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the federal Fair Packaging and Labeling Act 15 U.S.C. 1451-1461, for the quantity statement as shown in the following table:

Panel Size	Minimum Warning Statement Type Size
≤5 in.^{2}	1/16 in.
>5-≤25 in.^{2}	1/8 in.
>25-≤100in.^{2}	3/16 in.
>100-≤400in.^{2}	1/4 in.
>400 in.^{2}	1/2 in.

Section 12.[***~~Section 11.~~***][**~~Section 10.~~**] The label of a pet food or specialty pet food shall ***state***[***~~specify~~***] the business or corporate name and address of the manufacturer or distributor. This information shall appear under the header "Manufactured for ___", or "Distributed by ___", or any other wording that expresses the facts, if the business whose name appears on the label is not the manufacturer.

(1) Except as established in subsection (2) of this section, the statement of the place of business shall include the street address, city, state, and zip code.

(2) The street address may be omitted if the street address is shown in a readily accessible, widely published, and publicly available resource, including **for example,** [**~~but not limited to~~**]a printed[~~current city~~] directory, electronic database, or website[~~or telephone directory for the city listed on the label~~]**,**[**.**]current city directory**,** or telephone directory for the city listed on the label.

Section 13.[***~~Section 12.~~***][**~~Section 11.~~**] If a person manufactures or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.[**~~Incorporation by Reference.~~**]

[**~~(1)~~**] [**~~"20232018Official Publication", (20232018 Edition), Association of American Feed Control Officials, is incorporated by reference.~~**]

[**~~(2)~~**] [**~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.~~**]

Section 14.[***~~Section 13.~~***] **Pet food and specialty pet food shall be labeled with:**

(1) Product name and brand name, if any, on the principal display panel as established in 12 KAR 3:017;

(2) A statement *of*[*specifying*] the intended use of the products as established in 12 KAR 3:017;

(3) "Quantity statement", as defined by KRS 250.501(22) and as established in 12 KAR 2:011, Section 1(9), by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;

(4) Pet Nutrition Fact or Specialty Pet Nutrition Facts as established in 12 KAR 3:022;

(5) Ingredient statement as established in 12 KAR 3:027;

(6) Feeding directions as[if] required pursuant to 12 KAR 3:032; and

(7) Name and address of the manufacturer or distributor as established in Sections *11 and 12*[*~~10 and 11~~*] of this administrative regulation.

Section 15.[***~~Section 14.~~***] **If a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper.**

Section 16.[***~~Section 15.~~***] **A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package.**

Section 17.[***~~Section 16.~~***] **The word "proven," in connection with a label claim for a pet food or specialty pet food, shall not be used unless the claim is substantiated by scientific or other empirical evidence.**

Section 18.[***~~Section 17.~~***] **A statement shall not appear upon the label or labeling of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product.**

Section 19.[***~~Section 18.~~***] **A personal or commercial endorsement may be used on a pet food or specialty pet food label if the endorsement is not false or misleading.**

Section 20.[***~~Section 19.~~***] **A statement on a pet food or specialty pet food label stating "improved," "new," or similar designation shall be substantiated and limited to six (6) months of production.**

Section 21.[***~~Section 20.~~***] **A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.**

Section 22.[***~~Section 21.~~***]

(1) Raw milk distributed as pet food or specialty pet food shall bear the following statement "WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA."

(2) This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the federal Fair Packaging and Labeling Act, 15 U.S.C. 1451-1461, for the quantity statement as shown in the following table:

Panel Size	Minimum Warning Statement Type Size
≤5 in.^{2}	1/16 in.
>5-≤25 in.^{2}	1/8 in.
>25-≤100in.^{2}	3/16 in.
>100-≤400in.^{2}	1/4 in.
>400 in.^{2}	1/2 in.

Section 23.[***~~Section 22.~~***] **The label of a pet food or specialty pet food shall *state*[*~~specify~~*] the business or corporate name and address of the manufacturer or distributor. This information shall appear under the header "Manufactured for ___", or "Distributed by ___", or any other wording that expresses the facts, if the business whose name appears on the label is not the manufacturer.**

(1) Except as established in subsection (2) of this section, the statement of the place of business shall include the street address, city, state, and zip code.

(2) The street address may be omitted if the street address is shown in a readily accessible, widely published, and publicly available resource, including *for example,*[*~~but not limited to~~*] a printed directory, electronic database, or website.

Section 24.[***~~Section 23.~~***] **If a person manufactures, packs, or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.**

Section 24. Incorporation by Reference.

(1) "Official Publication", (2025 Edition), Association of American Feed Control Officials, is incorporated by reference for Sections 1 and 13 through 23.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.

FILED WITH LRC: March 9, 2026

CONTACT PERSON: G. Alan Harrison, Feed & Milk Director, University of Kentucky Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546, phone (859) 257-2785, fax (859) 323-9931, email alan.harrison@uky.edu.

AGRICULTURE EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 3:022. Expression of guarantees.

RELATES TO: KRS 250.501, 250.521
STATUTORY AUTHORITY: KRS 250.521(1)(b), 250.571(1)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 259.491 to 250.631. KRS 250.521(1)(b) requires that a commercial feed label contain a guaranteed analysis that advises the purchaser of the composition of the feed or to support claims made in the labeling. This administrative regulation establishes a uniform format for expressing guarantees for pet foods and specialty pet foods.

Section 1. The "Guaranteed Analysis" shall be listed in the following order and format unless otherwise established in 12 KAR Chapter 3:
(1) A pet food or specialty pet food label shall list the following required guarantees;
(a) Minimum percentage of crude protein;
(b) Minimum percentage of crude fat;
(c) Maximum percentage of crude fat, if required by 12 KAR 3:028;
(d) Maximum percentage of crude fiber;
(e) Maximum percentage of moisture; and
(f) Additional guarantees, if applicable, shall follow moisture;
(2) If ash is listed in the guaranteed analysis on a pet food or specialty pet food label, ash shall be guaranteed as a maximum percentage and shall immediately follow moisture;
(3) If listed on the label of a dog or cat food product, guarantees for dietary starch and sugars shall be stated as maximum percentages. Neither guarantee shall be listed without the other. The guarantee for dietary starch shall follow ash, if also listed, or moisture, if ash is not listed. The guarantee for sugars shall follow dietary starch;
(4) A dog or cat food label shall list other required or voluntary guarantees in the same order and units of the nutrients in the **Association of American Feed Control Officials (AAFCO), incorporated by reference in 12 KAR 3:012,**[**AAFCO**] Dog (or Cat) Food Nutrient Profiles. Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in 12 KAR Chapter 3, shall immediately follow the listing of the recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the AAFCO Dog (or Cat) Food Nutrient Profiles." The disclaimer shall appear immediately after the last guarantee in the same size type as the guarantees; and
(5)
(a) Except as established in paragraph (b) of this subsection, a specialty pet food label shall list other required or voluntary guarantees in the same order and units for the nutrients in an AAFCO-recognized nutrient profile for the specific species.

(b) If no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile.
(c)[~~(c)~~] Guarantees for substances not listed in an AAFCO recognized nutrient profile for the specific species of animal shall immediately follow the listing of recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the _____." The blank shall be completed by listing the specific AAFCO recognized nutrient profile. This disclaimer shall appear immediately after the last guarantee in the same size type as the guarantees. The disclaimer shall not be required unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

Section 2. The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label (for example, "Minimum crude protein 15-18%") shall not be used.

Section 3. The label of a pet food or a specialty pet food that is formulated as and represented to be a mineral supplement shall include:
(1)
(a) Minimum guarantees for all minerals from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed as the element in units **stated**[**~~specified~~**] in the nutrient profile; or
(b) Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units **stated**[**~~specified~~**] in the AAFCO Cat Food Nutrient Profiles if **a**[**~~no~~**] species-specific nutrient profile has not been recognized by AAFCO;
(2) Mineral guarantees required by subsection (1) of this section **shall**[**~~may~~**] be expressed in milligrams (mg) per unit (**for example**[**~~e.g.~~**], tablets, capsules, granules, or liquids) consistent with those **stated**[**~~employed~~**] in the quantity statement and directions for use; and
(3) A weight equivalent (**for example**[**~~e.g.~~**], 1 fl. oz. = 28 grams) for liquid products.

Section 4. The label of a pet food or a specialty pet food that is formulated as and represented to be a vitamin supplement shall include:
(1)
(a) Minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed in units ***stated***[***~~specified~~***] in the nutrient profile; or
(b) Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units ***stated***[***~~specified~~***] in the AAFCO Cat Food Nutrient Profiles if ***a***[***~~no~~***] species-specific nutrient profile has ***not*** been recognized by AAFCO;
(2) Vitamin guarantees required by subsection (1) of this section ***shall***[***~~may~~***] be expressed in approved units (***for example***[***~~e.g.~~***], IU, mg, ***or*** g) per unit (***for example***[***~~e.g.~~***], tablets, capsules, granules, or liquids) consistent with those ***stated***[***~~employed~~***] in the quantity statement and directions for use; and
(3) A weight equivalent (***for example***[***~~e.g.~~***], 1 fl. oz. = 28 grams) for liquid products.

Section 5. If the label of a pet food or specialty pet food includes a comparison of the nutrient content of the food with levels established by an AAFCO-recognized nutrient profile, such as a table of comparison, a percentage, or any other designation referring to an individual nutrient or all of the nutrient levels, the following shall apply:
(1) The product shall meet the AAFCO-recognized nutrient profile;
(2)
(a) Except as established in paragraph (b) of this subsection, the statement of comparison shall be preceded by a statement that the product meets the AAFCO-recognized profile.
(b) The statement that the product meets the AAFCO-recognized nutrient profile shall not be required if the nutritional adequacy statement as ***established in***[***~~per~~***] 12 KAR 3:039, Section 1(1) or Section 2(2)(a) appears elsewhere on the product label;

(3) The statement of comparison of the nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis; and

(4) The statement of comparison may appear on the label separate and apart from the guaranteed analysis.

Section 6.

(1) Except as established in subsection (2) of this section, the maximum moisture declared on a pet food or specialty pet food label shall not exceed seventy-eight (78) percent or the natural moisture content of the ingredients, whichever is higher.

(2) Pet food and specialty pet food such as those consisting principally of stew, gravy, sauce, broth, aspic, juice, or a milk replacer, and that are so labeled, may contain moisture in excess of seventy-eight (78) percent.

Section 7. Guarantees for crude protein, crude fat, and crude fiber shall not be required if the pet food or specialty pet food is intended for purposes other than to **provide**[**furnish**] these substances or if **these substances**[**they**] are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

Section 8. Guarantees for microorganisms and enzymes shall be stated in the format as established in 12 KAR 2:021, Sections 7 and 8.

Section 9. *The requirements established in*[*Regulations*] in Sections 1 through 8 *of this administrative regulation* shall remain in effect until June 30, 2030.

Section 10. Pet Nutrition Facts shall be displayed in a prominent place on the label of all pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or *one (1) color*[*one-color*] type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Pet Nutrition Facts," *which shall be*[*that is*] centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Pet Nutrition Facts" from the next line of text. The box *shall contain*[*contains*] the following required elements with all text the same size and style in the following order:

(1) The stated whole familiar household unit (*for example*[*e.g.*], can, measuring cup, treat, or piece), consistent with the feeding directions, and *the product's*[*its*] weight in grams shall be right justified. This *shall be*[*is*] set off by a bold line centered between this and the next line of text;[.]

(2) A statement of Calorie content, determined as *established*[*specified*] in KAR 12 3:042, shall include the following:

(a) The calorie content of the product shall be stated after the left justified heading:

1. "Calories per familiar household unit" *if*[*when*] the calorie content is determined in accordance with KAR 12 3:042, Section 1(1); or

2. "Calories per familiar household unit" *if*[*when*] the calorie content is determined in accordance with KAR 12 3:042, Section 1(2)*; and*[.]

(b) Below the calorie content statement, the number of calories contributed by protein, fat, and carbohydrate shall be declared, in that order, after "From:". The "From:" line shall be indented to reflect that it is a component of the total calories on the line above. If the total Calorie content of the product is determined by feeding trial in accordance with KAR 12 3:042, Section 1(2), then ME (kcal/kg) shall be declared immediately after the number of calories from carbohydrates. The determination of calories from protein, fat, and carbohydrate are as *established*[*described*] in KAR 12 3:042, Section 1(2). This *shall be*[*is*] set off by a bold line centered between this and the next line of text;[.]

(3) The nutrient guarantees shall appear under the headers "Nutrients," *which shall be*[*that is*] left justified to the edge of the box, "Guaranteed," *which shall be*[*that is*] right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient value, and "per *{*[*]familiar household unit,*}*[*]" *which shall be*[*that is*] right justified to the edge of the box. The amount "per *{*[*]familiar household unit*}*[*]" for each nutrient *shall be*[*is*] determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of *the*[*such*] amount (*for example*[*e.g.*], grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(a) A pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

1. "Protein" is minimum percentage of crude protein;

2. "Fat" is minimum percentage of crude fat;

3. "Total carbohydrate†" is maximum percentage equal to *{*[*]100 – (crude protein + crude fat + moisture + ash)*}*[*];

4. "Dietary fiber" is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above;

5. "Moisture" is maximum percentage of moisture;[*and*]

6. Maximum percentage of crude fat ("fat") shall be listed between the minimum percentage of crude fat and the maximum percentage "total carbohydrate," if required by KAR 12 3:042; *and*

7. Additional required or voluntary guarantees shall follow moisture or ash, if listed;[.]

(b) *If*[*When*] "ash" is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture;[.]

(c) *If*[*When*] listed on the label of a dog or cat food product, guarantees for "dietary starch" and "sugars" shall be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation;[.]

(d) The "calculated value" shall appear immediately after the last guarantee below a bold line;[.]

(e) Other additional required or voluntary guarantees shall appear in accordance with the following:

1. Guarantees for nutrients *shall be*[*are*] in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles following ash, if also listed, or moisture, if ash is not listed*; and*[.]

2. Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in *12 KAR Chapter 3*[*these Regulations*], shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

a. For any *of these*[*such*] guarantees, a hairline shall be centered between the last and the next line of text; *and*

b. The disclaimer "*not recognized as an essential nutrient by the AAFCO Dog *{*[*]or Cat*}*[*] Food Nutrient Profiles" shall appear immediately after "†calculated value"*; and*[.]

(f) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the disclaimers *that*[*which*] follow the guarantees:

1. A statement that the dog or cat food meets the requirements of one *(1)* or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. It shall be stated verbatim as one *(1)* of the following:

a. "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for ." (Blank is to be completed by using the stage or stages of the pet's life, such as gestation/ lactation, growth, maintenance, or the words "All Life Stages".) For a dog food, *if*[*when*] the blank includes the words "Growth" or "All Life Stages," one *(1)* of the following phrases *shall*[*must*] also be added verbatim to the end of the claim:

***(i)*[*i.*] "Including growth of large size dogs (70 lb. or more as an adult)" if the product has been formulated to meet the levels**

of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs*; or*[.]

(ii)[~~ii.~~] "Except for growth of large size dogs (70 lb. or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs;[~~or~~]

b. "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for" (Blank is to be completed by using the stage or stages of the pet's life tested, such as, gestation/lactation, growth, maintenance, or the words "All Life Stages"); or

c. "(Name of Product) provides complete and balanced nutrition for (Blank is to be completed by using the stage or stages of the pet's life, such as gestation, lactation, growth, maintenance, or the words "All Life Stages") and is comparable in nutritional adequacy to a product *that*[*which*] has been substantiated using AAFCO feeding tests[.]";

2. A nutritional or dietary statement for purposes other than those listed in 12 KAR 3:039*, Sections 2 and*[~~Section 2 and Section~~] 3 if the statement is scientifically substantiated; or

3. The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of 12 KAR 3:039*, Sections 2 or*[~~ Section 2 or Section~~] 3 or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

Section 11. Specialty Pet Nutrition Facts shall be displayed in a prominent place on the label of all specialty pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or *one (1) color*[~~one-color~~] type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Specialty Pet Nutrition Facts," *which shall be*[~~that is~~] centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Specialty Pet Nutrition Facts" from the next line of text. The box *shall contain*[~~contains~~] the following required elements with all text the same size and style in the following order:

(1) The stated whole familiar household unit (*for example*[~~e.g.~~], can, measuring cup, treat, or piece), consistent with the feeding directions, and *the product's*[~~its~~] weight in grams shall be right justified. This *shall be*[~~is~~] set off by a bold line centered between this and the next line of text;[.]

(2) The nutrient guarantees shall appear under the headers "Nutrients," *which shall be*[~~that is~~] left justified to the edge of the box, "Guaranteed," *which shall be*[~~that is~~] right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient values, and "per *{*[~~{~~]familiar household unit,*}*[~~}~~]" *which shall be*[~~that is~~] right justified to the edge of the box. The amount "per *{*[~~{~~]familiar household unit*}*[~~}~~]" for each nutrient is determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of *the*[~~such~~] amount (*for example*[~~e.g.~~], grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(a) A specialty pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

1. "Protein" is minimum percentage of crude protein;

2. "Fat" is minimum percentage of crude fat;

3. "Total Carbohydrate†" is maximum percentage equal to *{*[~~{~~]100 – (Crude Protein + Crude Fat + Moisture + Ash)*}*[~~}~~];

4. "Dietary fiber" is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above;[~~and~~]

5. "Moisture" is maximum percentage of moisture; *and*

6. Additional required or voluntary guarantees shall follow moisture or ash, if listed;[.]

(b) *If*[~~When~~] "ash" is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture;[.]

(c) *If*[~~When~~] listed on the label of a specialty pet food product, guarantees for "dietary starch" and "sugars" shall be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation;[.]

(d) The "†calculated value" shall appear immediately after the last guarantee below a bold line;[.]

(e) Other additional required or voluntary guarantees shall appear in accordance with the following:

1. These guarantees shall follow ash, if also listed, or moisture, if ash is not listed;

2. Guarantees for nutrients *shall be*[~~are~~] in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the intended animal species *except*[~~; however~~], if no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile; *and*

3. For those specialty pet species with an AAFCO-recognized nutrient profile for the intended animal species, guarantees for substances not listed in that profile, or not otherwise provided for in *12 KAR Chapter 3*[~~these regulations~~], shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

a. For any such guarantees, a hairline shall be centered between the last and the next line of text.[;]

b. The disclaimer "*not recognized as an essential nutrient by the" (Blank *shall*[~~is to~~] be completed by listing the specific AAFCO-recognized nutrient profile) shall appear immediately after the last [~~such~~]guaranteed amounts.

c. *A*[~~No such~~] disclaimer shall *not* appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet*; and*[.]

(f) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the guarantees as one *(1)* of the following:

1. For daily foods for those specialty pet species where no recognized nutritional authority exists, the statement: "This product is intended to be a daily food[.]"*;*

2. For all other specialty pet foods:

a. A statement substantiating that the specialty pet food meets the requirements for nutritional adequacy in 12 KAR 3.039: Section 2 or 3 by an AAFCO-recognized nutritional authority. It shall be stated verbatim as the following: "(Name of product) is formulated to meet the nutritional levels established by (the AAFCO-recognized authority for)." (Blank *shall*[~~is to~~] be completed by stating the species and the stage or stages of the specialty pet's life[.]);

b. A nutritional or dietary claim for purposes other than those listed in 12 KAR 3.039, Section 2 or 3 if the claim is scientifically substantiated; or

c. The statement: "This product is intended for intermittent or supplemental feeding only," if a product is suitable only for limited or intermittent or supplementary feeding.

Section 12. The Pet Nutrition Facts or Specialty Pet Nutrition Facts box of a pet food or a specialty pet food *that*[~~which~~] is formulated as and represented to be a food supplement shall include all of the information required in Section 1 or 2 of this regulation except that guarantees shall only be displayed on a per feeding unit (*for example*[~~e.g.~~], tablets, capsules, granules, or liquids) basis:

(1) For a food supplement that is intended to be a source of nutrients, guarantees shall appear for all nutrients that the product is intended to provide under the headers "nutrients," *which shall be*[~~that is~~] left justified to the edge of the box and "per (feeding unit,)" *which shall be*[~~that is~~] right justified to the edge of the box:

(a)

1. For nutrients with an established requirement by an AAFCO- recognized nutrient profile, minimum guarantees shall be declared in the same order and units (*for example*,[*i.e.*], g, mg, or IU) specified in the AAFCO- recognized nutrient profile for the intended species; or

2. If a[~~*(b)When no*~~] species-specific nutrient profile has *not* been recognized by AAFCO, minimum guarantees shall be declared in the same order and units (*for example*[*i.e.*], g, mg, or IU) specified in the AAFCO Cat Food Nutrient Profiles; and

(b)[~~*(c)*~~] Guarantees for substances not listed in an AAFCO-recognized nutrient profile for the intended animal species, or not otherwise provided for in *12 KAR Chapter 3*[~~these regulations~~], shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

1. For any *of these*[~~*such*~~] guarantees, a hairline shall be centered between the last and the next line of text; *and*

2. The disclaimer "*not recognized as an essential nutrient by the" (Blank *shall*[~~*is to*~~] be completed by listing the specific AAFCO- recognized nutrient profile) shall appear immediately after the last [~~*such*~~]guaranteed amounts. *A*[~~*No such*~~] disclaimer shall *not* appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet*; and*[*.*]

(2) For a food supplement that is intended to supply microorganisms *or*[~~*and/or*~~] enzymes, guarantees shall be declared as *established*[~~*stipulated*~~] in 12 KAR 3.039, Section 7 or 8 on a per feeding unit (*for example*[*e.g.*], tablets, capsules, granules, or liquids) basis. The enzyme activity unit meaning *shall*[~~*should*~~] follow the disclaimer within the box.

Section 13. The sliding scale method of expressing a guaranteed amount on a pet food or specialty pet food label (for example, "Protein 15–18% Min") *shall be*[*is*] prohibited.

Section 14. Protein, fat, calculated total carbohydrate, or dietary fiber *shall not be*[~~*are not*~~] required *if*[~~*when*~~] the pet food or specialty pet food is intended for purposes other than to *provide*[~~*furnish*~~] these substances or *if the substances*[*they*] are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

Section 15. For small packages with a total printable area of more than *twelve (12)*[~~*12*~~] square inches and less than or equal to *forty (40)*[~~*40*~~] square inches, all information required in Section 1, 2, or 3 of this *administrative* regulation shall appear, but may appear in a linear format. This information shall appear in one *(1)* place without other intervening material. In the linear format, the required information shall:

(1) Appear in the same order as required by Section 1, 2, or 3 of this *administrative* regulation but without the formatting described;

(2) Text shall be all black or *one (1) color*[~~*one-color*~~] type, and all text shall be the same size and style, except that the heading "Pet Nutrition Facts" or "Specialty Pet Nutrition Facts" shall be bolded;

(3) The text shall be sufficiently large so as to be conspicuous and *shall*[~~*must*~~] not be smaller than 1/16 inch;

(4) The guaranteed amount shall appear immediately after the amount "per *{*[familiar household unit*}*[*.*]" for each nutrient with the guaranteed amount enclosed in parentheses, and all units *shall be* clearly identified; *and*

(5) The following abbreviations may be used: total carbohydrate as "Carb†," dietary fiber as "Fiber".

Section 16. For very small packages with a total printable area of less than or equal to *twelve (12)*[*12*] square inches, the information required [~~*elsewhere*~~]in this *administrative* regulation *shall*[~~*is*~~] not *be* required to appear on the label. [~~*However,*~~]All information *required*[~~*specified elsewhere*~~] in this *administrative* regulation for the particular product type shall be determined and shall be submitted to the *{*[*}*regulatory authority*}*[*.*] upon request. The following limited information *shall be*[~~*is*~~] required to appear on the label:

(1) This information shall appear in one *(1)* place without other intervening material;

(2) Text shall be all black or *one (1) color*[~~*one-color*~~] type, and all text shall be the same size and style, except that the heading "Nutrition Facts" shall be bolded;

(3) The text shall be sufficiently large so as to be conspicuous and *shall*[~~*must*~~] not be smaller than 1/16 inch;

(4) For pet foods, only total calories *shall be*[~~*are*~~] required and shall be stated as:

(a) "Cal (calc): *{*[*}*#*}*[*.*]"*if*[~~*when*~~] the calorie content is determined in accordance with 12 KAR 3.042, Section 1(1); or

(b) "Cal (fed): *{*[*}*#*}*[*.*]"*if*[~~*when*~~] the calorie content is determined in accordance with 12 KAR 3.042, Section 1(2)*; and*[*.*]

(5) Guaranteed amounts shall be stated in weight per entire contents (*for example*[~~*e.g.*~~], grams per pouch). The following required guaranteed amounts stated as a maximum or minimum, as appropriate:

(a) "Protein" is crude protein;

(b) "Fat" is crude fat;

(c) "Carb" is calculated from *{*[*}*100 – (% Crude Protein + % Crude Fat +

(d) % Moisture + % Ash)*}*[*.*];

(e) "Fiber" is total dietary fiber;

(f) "Moisture" is moisture; and

(g) Additional required or voluntary guarantees shall follow moisture or ash, if listed, and shall comply with the requirements for [~~*such*~~]guarantees in Section 1(3) or Section 2(2) of this *administrative* regulation, as appropriate, except that they shall be stated in only in weight per entire contents.

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

[~~(1)~~] [~~"2023 Official Publication," (2023[2018] Edition), Association of American Feed Control Officials, is incorporated by reference.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

FILED WITH LRC: March 9, 2026

CONTACT PERSON: G. Alan Harrison, Feed & Milk Director, University of Kentucky Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546, phone (859) 257-2785, fax (859) 323-9931, email alan.harrison@uky.edu.

AGRICULTURE EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 3:027. Ingredients.

RELATES TO: KRS 250.501, 250.521*, 7 C.F.R. Part 205, C.F.R. Title 9, 21*

STATUTORY AUTHORITY: KRS 250.521(1)(c), 250.571(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 250.491 to 250.631. KRS 250.521(1)(c) requires that a commercial feed label list the common or usual name of each ingredient used in the manufacture of a commercial feed, unless the director promulgates an administrative regulation permitting the use of a collective term for a group of ingredients. This administrative regulation establishes the required format for listing ingredients on the label of pet foods and specialty pet foods.

Section 1. Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as established in subsections (1) through (4) of this section.

(1) The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size, style, and color**, *unless*[*~~except where~~*] the defined name of the ingredient includes genus and species, (*for example*[*~~e.g.~~*], microorganisms) which may be shown in italics.**[**~~;~~**][**~~.~~**]**

(2) The ingredients shall be listed in descending order by their predominance by weight in non-quantitative terms**, *unless*[*~~except if~~*] the ingredient is a vitamin *and, if applicable,*[*~~and/or~~*] mineral premix, *in which case* the premix may be declared in order of predominance by the name "vitamins" or "minerals," as appropriate, followed by a parenthetical listing of all the vitamins *and, if applicable,*[~~and/or~~] minerals in the premix, each in their order of predominance by weight as listed on the ingredient statement of the premix label.[~~;~~][~~.~~]**

(3) Ingredients shall be listed and identified by the name and definition established by **the Association of American Feed Control Officials (AAFCO) Official Common or Usual Names and Definitions of Feed Ingredients, incorporated by reference in 12 KAR 3:012, *unless the*[*~~except any~~*] ingredient *is not included in the*[*~~for which no~~*] AAFCO ingredient name *list, in which case the ingredient*[*~~exists~~*] shall be identified by the common or usual name;[**AAFCO.**]

(4) Any ingredient **suitable for use in pet food or specialty pet food for which there is a codified standard of identity in Title 9 or 21 of the Code of Federal Regulations shall be declared in accordance with the applicable *federal* regulation, which *shall include*[*~~includes~~*] the name of the standardized food followed by a parenthetical listing of its ingredients, if necessary, as *established*[*~~provided~~*] in the *federal* regulation;[~~for which no name and definition have been so established shall be identified by the common or usual name of the ingredient.~~]

**(5) The ingredients "meat," "poultry," "poultry by-products," or "meat by-products" shall be qualified to designate the animal from which the ingredients are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination thereof,[~~, *or*~~] the poultry or poultry meal [~~*are* ~~]derived from chickens, turkeys, ducks, geese, guineas, ratites, or squabs;[~~;~~] or any combination thereof. For example, ingredients derived from deer shall be listed as "venison" or "venison by-products."[~~;~~]

**(6) For ingredients consisting of fish, "fish meal," or "fish by-products," the name of the ingredient may include "fish" without further specification of the type of the fish or if *the fish*[*~~it~~*] bears a name descriptive of its kind (*for example*[*~~e.g.~~*], "ocean whitefish" or by using the acceptable market *name or names*[*~~name(s)~~*] or common name (but not any vernacular or slang names) of the individual fish species in the ingredient as established by the FDA Seafood List), it *shall*[*~~must~~*] correspond thereto.[~~; *and*~~]

(7) For purposes of ingredient labeling of pet food or specialty pet food, the ingredient "sugar" shall refer to sucrose, which *shall be*[*~~is~~*] obtained from sugar cane or sugar beets in accordance with the provisions in Title 21 of the Code of Federal Regulations. For all other labeling purposes outside the ingredient list, the term "sugar" shall be synonymous with "sugars" as defined in the Official Feed Terms.

[**~~Section 2.~~**] [~~**The ingredients "meat" or "meat by-products" shall be qualified to designate the animal from which the meat or meat by-products are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination thereof. For example, ingredients derived from horses shall be listed as "horsemeat" or "horsemeat by-products".**~~]

Section 2.

(1) [**~~Section 3.~~**] Brand or trade names shall not be used in the ingredient statement.

(2) **Reference to quality or grade of the ingredient shall not appear in the ingredient statement.**

[**~~Section 4.~~**] [~~**The quality, nature, form, or other attribute of an ingredient may be referenced if:**~~]

[~~**(1)**~~] [~~**The designation is not false or misleading;**~~]

[~~**(2)**~~] [~~**The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and**~~]

[~~**(3)**~~] [~~**A reference to quality or grade of the ingredient does not appear in the ingredient statement.**~~]

Section 3. If properly used as *established*[*~~specified~~*] by the USDA National Organic Program (7 *C.F.R.*[*~~CFR~~*] Part 205), the term "organic" *shall*[*~~does~~*] not apply to Section 3 of this *administrative* regulation.

Section 4. A reference to the nature, form, or other attribute of an ingredient *may*[*~~shall~~*] be *included*[*~~allowed~~*] in the ingredient statement *if*[*~~when~~*] that attribute imparts a distinctive characteristic to the pet food or specialty pet food.

Section 5. Any reference to the percentage or combination of ingredients, by symbol or word, in the brand or product name or elsewhere on a pet food or specialty pet food, shall be based in relation to the total weight of all ingredients in the product.

(1) The names of the *ingredient or ingredients*[*~~ingredient(s)~~*] shall appear in order of predominance by weight in the product, *and the*[*~~provided that~~*] names of flavors due to their varying intensity *may*[*~~can~~*] be in any order.

(2) *If*[*~~Where~~*] water sufficient for processing is excluded from the declared percentage, the exclusion of water shall be indicated in words juxtaposed to, the same style and color print, and at least one-half the print size of the stated percentage (*for example*[*~~e.g.~~*], "95% beef exclusive of water" or "95 percent chicken and liver exclusive of water").

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

[~~**(1)**~~] [~~**"2023][2018][][Official Publication", ([2023][2018] Edition), Association of American Feed Control Officials, is incorporated by reference.**~~]

[~~**(2)**~~] [~~**This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.**~~]

FILED WITH LRC: March 9, 2026

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AGRICULTURE EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 3:032. Feeding directions.

RELATES TO: KRS 250.491-250.631
STATUTORY AUTHORITY: KRS 250.571
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631. This administrative regulation establishes requirements for feeding directions to ensure that pet food and specialty pet food products have adequate labeling to provide for safe and effective use.

Section 1. All pet foods and specialty pet foods shall state feeding directions consistent with the intended use statement.

Section 2.[~~**Section 1.**~~]

[~~**(1)**~~] Dog or cat food, including snacks or treats, labeled as complete and balanced for any or all life stages, as established in 12 KAR 3:039, Section **2**[**3**](1) **or Section 3**, except those pet foods

labeled in accordance with 12 KAR 3:039, Section 4, shall list feeding directions on the product label.

[~~(2)~~] [~~These directions shall be consistent with the intended uses indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared elsewhere (for example, "adult formula").~~]

(1)[~~(3)~~] These directions shall be expressed in common terms and shall appear prominently on the label.

(2)[~~(4)~~] Feeding directions shall, at a minimum[~~, state~~]:

(a) **Include the amount of familiar household unit of product weight of dog (or cat)*; and***[~~,~~][~~"Feed (weight/unit of product) per (weight) of dog (or cat)."; and~~]

(b) The frequency of feeding.

Section 3.[~~**Section 2.**~~] If a dog or cat food is intended for use by or under the supervision or direction of a veterinarian, the statement: "Use only as directed by your veterinarian" may be used in lieu of feeding directions.

Section 4.[~~**Section 3.**~~]

[~~(1)~~] Specialty pet food, including snacks or treats, labeled as complete and balanced for any or all life stages, as established in 12 KAR 3:039, Section **2** [~~***Section 3***~~]**or as a daily food**[~~1~~], shall list feeding directions on the product label.

(1)[~~(2)~~] These feeding directions shall be adequate to meet the nutritional requirements of the intended species of specialty pet[~~ as recommended by the AAFCO-recognized nutritional authority~~].

(2)[~~(3)~~] These directions shall be expressed in common terms and shall appear prominently on the label.

(3)[~~(4)~~] The frequency of feeding shall also be **stated**[~~**specified**~~].

[~~**Section 4.**~~] [~~**Incorporation by Reference.**~~]

[~~(1)~~] [~~**"[2018]Official Publication", ([2023][2018] Edition), Association of American Feed Control Officials, is incorporated by reference.**~~]

[~~(2)~~] [~~**This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.**~~]

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AGRICULTURE EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 3:037. Drugs and pet food additives.

RELATES TO: KRS 250.501, 250.511, 250.541(1)(a), (b), (c), (d), (e), (f), (j), (2)(c), (d), (e), 21 C.F.R. Parts 70, 71, 73, 74, 80, 81, 82, 501.22, 570.3(1), 570.30, 582, 21 U.S.C. 360(b)

STATUTORY AUTHORITY: KRS ***250.541, 250.551(1),*** 250.571(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 250.491 to 250.631. KRS 250.541 defines adulterated commercial feeds and states how they may be adulterated by additives. KRS 250.551(1) and (2) prohibits the manufacturing and distribution of adulterated products as animal feeds. This administrative regulation establishes requirements to ensure that a drug or additive used in pet food or specialty pet food is safe and effective for its intended purpose.

Section 1. An artificial color may be used in a pet food or specialty pet food only if **the artificial color**[~~**it**~~] has been shown to be harmless to pets or specialty pets. The permanent or provisional listing of an artificial color in 21 C.F.R. Part 70, 71, 73, 74, 80, 81, or 82, or 501.22 as safe for use, together with the conditions, limitations, and tolerances, if any, shall constitute evidence that the color is harmless to pets or specialty pets.

Section 2. Before approval of a label and a registration application, the distributor of a pet food, containing an additive including a drug, another special purpose additive, or a nonnutritive additive shall, upon request of the director, submit evidence to prove the safety and efficacy of the pet food if used according to label directions. Evidence of the safety and efficacy of a pet food or specialty pet food shall be:

(1) If the pet food or specialty pet food contains an additive that conforms to 21 C.F.R. 570.3(1), 570.30, or Part 582; or

(2) If the pet food or specialty pet food is a drug as defined by KRS 250.501(7) and is generally recognized by the Food and Drug Administration as safe and effective for its labeled use or is marketed **pursuant**[~~**subject**~~] to an application approved by the Food and Drug Administration under 21 U.S.C. 360(b).

Section 3. If a drug is included in a pet food or specialty pet food, the medicated labeling format recommended by the Association of American Feed Control Officials **(AAFCO), incorporated by reference in 12 KAR 3:012,**[~~**in its** ~~][**2023**][~~2018~~] Official Publication shall be used to **ensure**[~~**insure**~~] that adequate labeling is provided.

[~~**Section 4.**~~] [~~**Incorporation by Reference.**~~]

[~~(1)~~] [~~"~~][**2023**][**2018**][~~ **Official Publication", (**~~][**2023**][**2018**][~~ **Edition), Association of American Feed Control Officials, is incorporated by reference.**~~]

[~~(2)~~] [~~**This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.**~~]

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AGRICULTURE EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 3:039. Nutritional adequacy.

RELATES TO: KRS 250.501, 250.521, ***16 C.F.R. 500.21,*** 15 U.S.C. 1451-1461

STATUTORY AUTHORITY: KRS 250.521(2)(e), (f), 250.571

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631. KRS 250.521 requires that pet foods and specialty pet foods be labeled and establishes the information that shall be stated on the label. This administrative regulation establishes a uniform format for establishing nutritional adequacy in labeling information for pet foods and specialty pet foods and **the**[~~**delineates**~~] criteria for product claims.

Section 1. The label of a pet food or specialty pet food that is intended for all life stages and sizes of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if at least one (1) of the following apply:

(1) The product complies with the nutrient requirements for all life stages and sizes established by **the**[**an**] **Association of American Feed Control Officials (AAFCO), incorporated by reference in 12 KAR 3:012**[**AAFCO-recognized**] nutrient profile;

(2) The product complies with the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocols; or

(3) The product is a member of a product family that is nutritionally similar to a lead product that contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, if:

(a) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;

(b) The family product complies with the criteria for all life stages; and

(c) Under circumstances of reasonable doubt, the director requires the manufacturer to perform additional testing of the family product and substantiates the claim of nutritional adequacy.

Section 2. The label of a pet food or specialty pet food that is intended for a limited purpose (such as size of dog) or a specific life stage, but not for all life stages and sizes, may include a qualified claim such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if the product and claim meet all of the following:

(1) The claim is qualified with a statement of the limited purpose of specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies (or kittens)." The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style, and color print; and

(2) The product complies with at least one (1) of the following:

(a) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile;

(b) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol; or

(c) The requirements of a product family that is nutritionally similar to a lead product that contains a combination of ingredients that, if fed for the limited purpose, will satisfy the nutrient requirements for the limited purpose and **the**[**has had its**] capabilities **of the product** in this regard demonstrated by adequate testing, and if:

1. The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;

2. The family product meets the criteria for the limited purpose; and

3. Under circumstances of reasonable doubt, the director requires the manufacturer to perform additional testing for the family product and substantiates the claim of nutritional adequacy.

Section 3. Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except if the dog or cat food is clearly and conspicuously identified on the principal display panel as "snack," "treat," or "supplement." The statement shall consist of one (1) of the following:

(1) A claim that the dog or cat food complies with the requirements of one (1) or more of the recognized categories of nutritional adequacy: gestation or lactation, growth, maintenance, and all life stages. The claim shall be stated verbatim as one (1) of the following:

(a) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for _____." (The blank shall be completed by using the stage or stages of the pet's life, such as gestation or lactation, growth, maintenance, or the words "All Life Stages."). For a dog food, if the blank includes the words "growth" or "all life stages," one (1) of the following phrases shall also be added verbatim to the end of the claim:

1. "including growth of large size dogs (70 lb. or more as an adult)" if the product has been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs; or

2. "except for growth of large size dogs (70 lb. or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs;

(b) "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for _____." (The blank shall be completed by using the stage or stages of the pet's life tested, such as gestation **and** [*/*]lactation, growth, maintenance, or the words "all life stages."); or

(c) "(Name of Product) provides complete and balanced nutrition for _____ (The blank shall be completed by using the stage or stages of the pet's life, such as gestation and lactation, growth, maintenance, or the words "all life stages") and is comparable in nutritional adequacy to a product that has been substantiated using AAFCO feeding test.";

(2) A nutritional or dietary claim for purposes other than those established in Sections 1 and 2 of this administrative regulation if the claim is scientifically substantiated; or

(3) The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not comply with the requirements of Sections 1 and 2 of this administrative regulation or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

Section 4. A product intended for use by, or under the supervision or direction of a veterinarian shall make a statement in accordance with Section 3(1) or (3) of this administrative regulation.

Section 5. A signed affidavit attesting that the product complies with the requirements of Sections 1 or 2(2) of this administrative regulation shall be submitted to the director upon request.

Section 6. If the nutrient content of a product does not comply with those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO recognized nutritional authority for the life stages of the intended species, the claimed nutritional adequacy or purpose of the product shall be scientifically substantiated.

Section 7. The following AAFCO-recognized nutritional authority, nutrient profile, or animal feeding protocol shall be acceptable as the basis for a claim of nutritional adequacy:

(1) As an AAFCO-recognized nutrient profile or nutritional authority:

(a) For dogs, the AAFCO Dog Nutrient Profiles;

(b) For cats, the AAFCO Cat Nutrient Profiles; and

(c) For specialty pets, the nutrient recommendation approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, if this nutrient recommendation is recognized only for the specific specialty pet of which the profile is intended; and

(2) As an AAFCO-recognized animal feeding protocol, the AAFCO Dog and Cat Food Feeding Protocols.

(3) *Requirements*[*~~Regulations~~*] in Sections 1 through 7 *of this administrative regulation* shall remain in effect until June 30, 2030.

Section 8. A statement identifying the intended use of a pet food or specialty pet food *shall be*[*~~is~~*] required on the principal display panel of the label in accordance with the following:

(1) The intended use of a pet food or specialty pet food shall be stated as:

(a) "Complete *([*/*]*species*)[*/*]* food" – for food products intended to be the complete diet for all life stages and sizes of a pet or specialty pet in accordance with the unqualified claims in 12 KAR 3:039, Section 2;

(b) For food products intended to be the complete diet for a limited life stage and size of a pet or specialty pet in accordance with the qualified claims in 12 KAR 3:039, Section 3, one *(1)* of the following statements shall be used:

1. "Complete food for *([*/*]*blank*), in which case*[*~~, where~~*] the blank shall be filled with one *(1)* or more of the following:

a. "Adult *([*/*]*species*)[*/*]";

b. "Puppies, "kittens", or "juvenile *([*/*]*species other than dog or cat*)[*/*]";

c. "Puppies (<70 lb. as an adult)";[,] or
d. "Dogs (except puppies>70 lb. as an adult)"; or
2. "Complete *([f]*blank*)[f]* food*, in which case*[~~*where*~~] the blank shall be filled with one *(1)* or more of the following:
a. "Adult *([f]*species*)[f,]*";
b. "Puppies, "kittens", or "juvenile *([f]*species other than dog or cat*)[f,]*";
c. "Puppies (<70 lb. as an adult)";[,] or
d. "Dogs (except puppies>70 lb. as an adult)"; or
(c) "Veterinary diet for *([f]*species*)[f]*" – for food products intended to be used under veterinary supervision only in accordance with 12 KAR 3:039, Section 4;
(d) "*([f]*Species*)[f]* treat" – for food products for pets or specialty pets, provided occasionally for enjoyment, training, entertainment, or other purposes, and not generally intended or represented to be a complete food or nutritional supplement;
(e) "*([f]*Species*)[f]* food supplement" – for food products for pets or specialty pets that are intended to supply specific *nutrient or nutrients*[~~*nutrient(s)*~~] or other food components but are not a complete diet;
(f) "*([f]*Species*)[f]* food mixer" – for food products for pets or specialty pets that are intended to top, accompany, or contribute to a complete diet; or
(g) "Daily *([f]*specialty pet species*)[f]* food" – for food products that are intended to be the dairy diet for specialty pets *in cases without*[*where*] no recognized nutritional authority[~~*exists*~~]. A limited life stage may be indicated, *for example*[~~*i.e.,*~~] "daily *([f]*specialty pet species*)[f]* food for *([f]*juveniles or adults*)[f]*."
(2) This intended use statement shall:
(a)
1. Except as established in subparagraph 2. of this paragraph, appear within the bottom *thirty (30) percent*[~~*30%*~~] of the area of the label principal display panel in lines generally parallel to the base on which the package rests as *the package*[~~*it*~~] is designed to be displayed and shall be repeated on the alternate principal display panel, if present.
2. [~~*However,*~~]On packages having a principal display panel of *five (5)*[5] square inches or less, the requirement for placement within the bottom *thirty (30) percent*[~~*30%*~~] of the area of the label panel shall not apply;
(b) Be at least as large as the statement of net quantity, consistent with 16 C.F.R. 500.21;
(c) Appear in the same color and style as the statement of net quantity and on the same background color as the statement of net quantity; and
(d) Be separated by at least a space equal to the height of the letter "N" used in the statement of net quantity from other printed label information appearing above or below it and by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of it.

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

[~~(1)~~)] [~~"20232018 Official Publication", (20232018 Edition), Association of American Feed Control Officials, is incorporated by reference.~~]

[~~(2)~~)] [~~This material may be inspected, copied, or obtained. Subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

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AGRICULTURE EXPERIMENT STATION
(As Amended at ARRS, March 9, 2026)

12 KAR 3:042. Statements of calorie content.

RELATES TO: KRS 250.501, 250.521
STATUTORY AUTHORITY: KRS 250.571(1)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 250.491 to 250.631. This administrative regulation establishes a uniform procedure for determining the caloric content of dog and cat foods and expressing it on product labels.

Section 1. The label of a dog or cat food, including snacks, treats, and supplements, shall **include**[**bear**] a statement of calorie content and comply with the requirements established in subsections (1) through (5) of this section.
(1) The statement shall be separate and distinct from the "Guaranteed Analysis" and shall appear under the heading "Calorie Content".
(2) The statement shall be measured in terms of metabolizable energy (ME) on an "as fed" basis and **shall**[**must**] be expressed both as "kilocalories per kilogram" ("kcal/kg") of product, and as kilocalories per familiar household measure (for example, cans or cups) or unit of product (for example, treats or pieces).
(3) The calorie content shall be determined by one (1) of the following methods:
(a) By calculation using the following "Modified Atwater" formula:

$$ME(kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$$

where ME = metabolizable energy,
CP = % crude protein "as fed,"
CF = % crude fat "as fed,"
NFE = % nitrogen-free extract (carbohydrate) "as fed," and the percentages of CP and CF are the average values of these components in the product as determined by sound scientific methods, such as scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product. The NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture and ash (determined in the same manner as CP and CF); or

(b) In accordance with a testing procedure established by **the Association of American Feed Control Officials (AAFCO), incorporated by reference in 12 KAR 3:012**[**AAFCO**].
(4) An affidavit shall be provided upon request of the director, substantiating that the calorie content was determined by:
(a) Subsection (3)(a) of this section, in which case the summary data used in the calculation shall be included in the affidavit; or
(b) Subsection (3)(b) of this section, in which case the summary data used in the determination of calorie content shall accompany the affidavit.
(5) The caloric content statement shall appear as one (1) of the following:
(a) The heading "calorie content" on the label or other labeling shall be followed parenthetically by the word "calculated" if the caloric content is determined in accordance with subsection (3)(a) of this section; or
(b) The heading "calorie content" on the label or other labeling shall be followed parenthetically by the word "fed" if the calorie content is determined in accordance with subsection (3)(b) of this section.

Section 2. A comparative claim shall:

(1) Not be false, misleading, or given undue emphasis; and

(2) Be based on the same methodology for all products compared.

Section 3. ***Requirements***[***Regulations***] **in Sections 1 *and*[*through*] 2 *of this administrative regulation* shall remain in effect until June 30, 2030.**

Section 4. The statement shall be determined in terms of metabolizable energy (ME) on an "as fed" moisture basis by one *(1)* of the following methods then converted to calories (kcal) per the familiar household unit (*for example*[*i.e.*], can, measuring cup, treat, or piece):

(1) By calculation (indicated with a "†"in the Pet Nutrition Facts) using the following "Modified Atwater" formula:[*ME (kcal/kg) = 10[(3.5 × CP) + (8.5 × CF) + (3.5 × NFE)],*] Where ME = metabolizable energy, CP = % crude protein "as fed," CF = % crude fat "as fed," NFE = % nitrogen-free extract (carbohydrate) "as fed," and the percentages of CP and CF are the average values of these components in the product as determined by sound scientific methods, such as[,—][*but not limited to*]scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product. The NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF); or

(2) In accordance with testing procedures determined by the Association of American Feed Control Officials (AAFCO) and indicated as "fed" in the Pet Nutrition Facts (12 KAR 3:022, Section 10).

Section 5. An affidavit shall be provided upon the request of *([f]*regulatory authority*)*[*.*], substantiating that the Calorie content was determined by:

(1) [***Regulation***]**12 KAR 3:042, Section 4(1), in which case the summary data used in the calculation shall be included in the affidavit; or**

(2) [***Regulation***]**12 KAR 3:042, Section 4(2), in which case the summary data used in the determination of calorie content shall accompany the affidavit.**

Section 6. The calories from protein, fat, and carbohydrate as required in the Pet Nutrition Facts *shall be*[*are*] determined using the following calculation, then converted to calories (kcal) per the familiar household unit (*for example*[i.e.], can, measuring cup, treat, or piece):

(1) Protein: ME (kcal/kg) = 10(3.5 × CP), where ME = metabolizable energy, CP = % crude protein "as fed" and the percentage of CP is the average value in the product as determined by sound scientific methods, such as[*, but not limited to*] scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product;[.]

(2) Fat: ME (kcal/kg) = 10(8.5 × CF), where ME = metabolizable energy, CF = % crude fat "as fed" and the percentage of CF is the average value in the product as determined by sound scientific methods, such as[*, but not limited to*] scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product*; or*[.]

(3) Carbohydrate: ME (kcal/kg) = 10(3.5 × NFE), where ME = metabolizable energy, NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash; CP = % crude protein "as fed," CF = % crude fat "as fed" and the percentages are the average values of these components in the product as determined by sound scientific methods, such as[*, but not limited to*] scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

Section 7. Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for the products compared.[**Incorporation by Reference.**]

[**(1)**] [**"2023[2018] Official Publication", (2023 Edition), Association of American Feed Control Officials, is incorporated by reference.**]

[**(2)**] [**This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.**]

FILED WITH LRC: March 9, 2026

CONTACT PERSON: G. Alan Harrison, Feed & Milk Director, University of Kentucky Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546, phone (859) 257-2785, fax (859) 323-9931, email alan.harrison@uky.edu.

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

40 KAR 12:410. Business opportunity sellers[forms].

RELATES TO: KRS 367.805, 367.807, 367.815[367.816, 367.990(13)]

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.805(4)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.805 requires business opportunity sellers to register with the Attorney General and provide certain information and documents. KRS 367.805 requires registered business opportunity sellers to renew registrations annually. KRS 367.805 and 367.815 require business opportunity sellers to submit surety bonds or cash certificates of deposit to the Attorney General. KRS 367.807 exempts certain offerors from the provisions of KRS 367.801 to 367.819. This administrative regulation establishes an online registration application process, an online renewal registration application process, a surety bond, and a cash bond/certificate of assignment for use by business opportunity sellers; and an online notice submission process for exempt offerors.[To provide forms which allow for the review of a prospective seller's offering of business opportunities for conformity with the business opportunity act and for the registration of the seller as such is needed.]

Section 1. Business Opportunity Sellers Registration Application.

(1)

(a) A business opportunities seller shall not make sales to Commonwealth of Kentucky residents unless the Attorney General approves the[***The Attorney General must approve a***] business opportunity seller's registration application ***in accordance with this administrative regulation***[***before a seller may sell business opportunities to Commonwealth of Kentucky residents***].

(b) An applicant[***A business opportunity seller***] shall submit an online registration application using the [***"***]Business Opportunity Seller registration application portal[***"***] available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) ***To complete***[***When completing***] an online application, an applicant shall submit:

(a) Payment of the $150.00 registration fee;

(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky;

(c) A completed Business Opportunity Seller Surety Bond, form A-1; a completed Business Opportunity Seller Cash Bond/Certificate of Deposit Assignment, form A-2; a completed surety bond complying with KRS 367.815; or a completed cash bond/certificate of deposit assignment complying with KRS 367.815;

(d) A copy of applicant's current audited financial statement;

(e) Copies of all materials provided by the applicant to prospective consumers or investors; and

(f) Copies of all contracts used by the applicant.

[~~(1)~~] [~~A seller of business opportunities shall register with the Attorney General pursuant to KRS 367.805 if the seller's proposed activity meets the definition of a business opportunity set out in KRS 367.801.~~]

[~~(2)~~] [~~The Attorney General shall make the business opportunity determination pursuant to subsection (1) of this section consistent with the following information which shall be provided by the seller in affidavit form:~~]

[~~(a)~~] [~~The name of the business opportunity;~~]

[~~(b)~~] [~~The complete address and telephone number of the principle office;~~]

[~~(c)~~] [~~The address and telephone number of the principal office in Kentucky;~~]

[~~(d)~~] [~~A list of trade names, assumed names and all trademarks by which the offeror or the prospective consumer or investor will be doing business;~~]

[~~(e)~~] [~~A list of all officers and directors and salesmen of the offeror along with their home addresses, home telephone numbers and Social Security numbers;~~]

[~~(f)~~] [~~A description of the product or service to be offered;~~]

[~~(g)~~] [~~A description of any sales commission or other remuneration to be paid to anyone in connection with offers and sales of the business opportunities, including a list of persons and positions to receive commissions;~~]

[~~(h)~~] [~~A list of states in which the business opportunities have been or are being offered for sale;~~]

[~~(i)~~] [~~The proposed beginning date and length of time for offering this business opportunity in Kentucky;~~]

[~~(j)~~] [~~Information relating to the definition of a business opportunity found in KRS 367.801(5);~~]

[~~(k)~~] [~~A statement of whether the registrant or any of its officers, directors, or sales representatives has been a defendant or is currently a defendant in any litigation or declares bankruptcy within the last seven (7) years.~~]

[~~(3)~~]

[~~(a)~~] [~~The information required pursuant to subsection (2) of this section shall be supplied by the seller on a "Determination of Registration for Sale of Business Opportunity Form A-1" (July 1994 edition) which is incorporated by reference.~~]

[~~(b)~~] [~~Copies of the "Determination of Registration for Sale of Business Opportunity Form A-1" may be inspected, copied, or obtained at the Office of Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Frankfort, Kentucky 40602, between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.~~]

(3) ***An applicant***[~~***Applicants***~~] shall submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an applicant fails to timely complete the application by not paying the application fee or not submitting requested missing information or required documents.

Section 2. Business Opportunity Seller Renewal Application.

(1) An approved business opportunity seller registration ***or renewal*** application shall be valid for one (1) year from ***the date of*** written confirmation of registration ***or renewal*** approval provided by the Attorney General.[~~If the Attorney General determines that a seller of business opportunities must register pursuant to KRS 367.805, the seller shall complete a "Business Opportunity Annual Registration Statement Form A-2" which shall contain the following information in affidavit form:~~]

(2) Thirty (30) days prior to the expiration of a current registration, a registrant may renew its registration***. Registration renewal shall be accomplished***[~~***for another annual period***~~] by submitting an online renewal application using the [***"***]Business Opportunity Sellers Renewal application portal[***"***] available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) ***To complete***[~~***When completing***~~] the online renewal application portal, a registrant shall submit:

(a) Payment of the $50.00 renewal fee;

(b) A copy of the registrant's audited financial statement for the preceding year;

(c) A completed Business Opportunity Seller Surety Bond, form A-1; a completed Business Opportunity Seller Cash Bond/Certificate of Deposit Assignment, form A-2; a completed surety bond complying with KRS 367.815; or a completed cash ***bond or certificate***[~~***bond/certificate***~~] of deposit complying with KRS 367.815; ***if***[~~***when***~~] the registrant's prior filed security is not current.

(d) Copies of any new materials provided by the registrant to prospective ***consumers or investors***[~~***consumers/investors***~~] since last application; and

(e) Copies of any new contracts used by registrant since last application.

(4) A registrant shall submit additional information or documents for its renewal application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any renewal application if a registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested missing information or required documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against the registrant.

[~~(2)~~]

[~~(a)~~] [~~The name of the business opportunity;~~]

[~~(b)~~] [~~The complete address and telephone number of the principle office;~~]

[~~(c)~~] [~~The address and telephone number of the principal office in Kentucky;~~]

[~~(d)~~] [~~A list of trade names, assumed names and all trademarks by which the offeror or the prospective consumer or investor will be doing business;~~]

[~~(e)~~] [~~A list of all officers and directors and salesmen of the offeror along with their home addresses, home telephone numbers and Social Security numbers;~~]

[~~(f)~~] [~~The length of time, the business opportunity has been offered for sale;~~]

[~~(g)~~] [~~A statement of whether the registrant or company or any of its officers, directors, or sales representatives have been involved in or is currently involved in any legal proceeding as set forth in KRS 367.805(1)(d);~~]

[~~(h)~~] [~~A statement of whether the registrant or any of its officers, directors, or sales representatives has been a defendant or is currently a defendant in any litigation or declares bankruptcy within the last seven (7) years;~~]

[~~(i)~~] [~~A statement of whether the registrant or the company offering the business opportunity or its officers, directors, or sales representatives has been a party to any legal cause of action brought by a consumer/investor of the business opportunity within the last seven (7) years and, if so, the name and address of individual bringing such action;~~]

[~~(j)~~] [~~The names and addresses, and telephone numbers for people buying a business opportunity from offeror during the past two (2) years;~~]

[~~(k)~~] [~~The names and addresses of individuals requesting a return of money from the purchase of a business opportunity during the past three (3) years;~~]

[~~(l)~~] [~~A complete description of the training to be provided to the consumer-investor;~~]

[~~(m)~~] [~~A complete description of the actual services the offeror of the business opportunity will provide for the consumer-investor.~~]

[~~(3)~~]

[~~(a)~~] [~~The information required pursuant to subsection (1) of this section shall be supplied by the seller on a "Business Opportunity Annual Registration Statement Form A-2" (September 1994 edition) which is incorporated by reference.~~]

[~~(b)~~] [~~Copies of the "Business Opportunity Annual Registration Statement Form A-2" (September 1994 edition) may be inspected,~~

~~copied, or obtained at the Office of Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Frankfort, Kentucky 40602, between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.~~]

Section 3. Exempt Offerors.

(1) A business claiming a KRS 367.807 exemption from the provisions of KRS 367801 to 367.819 shall submit a notice of exemption using the [~~"~~]Franchise Exemption Notice portal[~~"~~] available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) ***To complete***[~~***When completing***~~] the online exemption notice portal, the offeror shall submit:

(a) The offeror's certificate of existence; authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and

(b) A copy of the offeror's Federal Trade Commission (FTC) Franchise Disclosure Document (FDD) ***if***[~~***when***~~] the KRS 367.807(1)(a) franchise exemption is claimed.

Section 4. Written notification of material changes. A registered business opportunity seller and offeror submitting an exemption notice shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, or application attachments.

Section 5. Record Requests. A business opportunity seller or offeror submitting an exemption notice shall make ***business***[~~***requested***~~] records, documents, and information ***related to an investigation or inquiry*** readily available to the Attorney General for inspection and copying upon request.

Section 6. Incorporation by Reference.

(1) The following materials are incorporated by reference:

(a) "Business Opportunity Seller Surety Bond", Form A-1, Dec. 2025;

(b) "Business Opportunity Seller Cash Bond/CD Assignment", Form A-2, Dec. 2025;

(c) "Business Opportunity Seller Registration application portal," Dec. 2025;[.]

(d) "Business Opportunity Sellers Renewal application portal," Dec. 2025***; and***[.]

(e) "Franchise Exemption Notice portal," Dec. 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Attorney General, Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40602, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. This material is also available on the Office's website, https://ag.ky.gov/Pages/default.aspx.

FILED WITH LRC: March 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.

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

40 KAR 12:430. Buying clubs and vacation clubs.

RELATES TO: KRS 367.395, 367.401, 367.403

STATUTORY AUTHORITY: KRS 15.180, 367.150(4)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.403 requires buying club sellers and vacation club sellers to file bonds with the Attorney General. KRS 367.407 permits non-profit organizations to file applications with the Attorney General to seek exemption from the requirements of KRS 367.397 to KRS 367.403. This administrative regulation establishes an online bond submission process for buying club sellers and vacation club sellers, establishes an online application process for nonprofit organizations seeking exemption status, and establishes a surety bond form for use by buying club sellers and vacation club sellers.

Section 1. Buying and Vacation Club Seller Surety Bond Submission.

(1)

(a) A buying club seller or a vacation club seller that has a membership fee exceeding thirty-five (35) dollars shall not make sales[~~***Before selling club memberships***~~] to Commonwealth of Kentucky residents, ***unless the seller submits***[~~***a buying club seller or a vacation club seller that has a membership fee exceeding thirty-five (35) dollars shall submit***~~] a surety bond ***to the Attorney General in accordance with this administrative regulation,.***

(b) A buying club seller or a vacation club seller shall submit a surety bond using the [~~"~~]Buying/Vacation Club Seller Surety Bond submission portal[~~"~~] available at https://www.ag.ky.gov/Resources/Pages/forms.aspx.

(2) ***To complete***[~~***When completing***~~] the online bond submission portal, a buying club seller or a vacation club seller shall submit:

(a) The seller's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and[;]

(b) A completed Buying and Vacation Club Seller Surety Bond, form BV-1, or other completed surety bond complying with KRS 367.403.

Section 2. Buying and Vacation Club Seller Exemption Application.

(1) A nonprofit organization may submit an online application to be exempted from the requirements of KRS 367.397 to 367.403 by using the [~~"~~]Buying and Vacation Club Seller Application portal[~~"~~] available at https://www.ag.ky.gov/Resources/Pages/forms.aspx.

(2) ***To submit***[~~***When submitting***~~] the online application, an applicant shall submit the applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky.

(3) ***An applicant***[~~***Applicants***~~] shall submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an applicant fails to timely complete the application by not providing requested missing information or required documents.

Section 3. Record Requests. A buying club seller, vacation club seller or exempted non-profit organization shall make ***business***[~~***requested***~~] records, documents, and information ***related to an investigation or inquiry*** readily available to the Attorney General for inspection and copying upon request.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Buying and Vacation Club Seller Surety Bond", Form BV-1, Dec. 2025;

(b) "Buying/Vacation Club Seller Surety Bond submission portal", Dec. 2025; and

(c) "Buying and Vacation Club Seller Exemption Application portal", Dec. 2025.[;]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to

4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

FILED WITH LRC: March 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.

AUDITOR OF PUBLIC ACCOUNTS
(As Amended at ARRS, March 9, 2026)

45 KAR 1:090. Employee Access to Federal Tax Information (FTI).

RELATES TO: KRS 18A.095, 43.010, 43.032, 43.035, 43.040, 335B.010, 335B.020, 26 U.S.C. 6103, 26 C.F.R. 301.6103(p)(7)-1

STATUTORY AUTHORITY: KRS 43.032

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 43.032 requires[~~***each employee of***~~] the Auditor of Public Accounts ***to promulgate administrative regulations establishing requirements relating to criminal background checks for prospective and current employees***, including contract staff, with access to or use of federal tax information (FTI)**.**[~~***to submit to a criminal background investigation by means of fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation. KRS 43.032 requires the Auditor to promulgate administrative regulations to implement this requirement.***~~] This administrative regulation establishes requirements ***to implement these***[***for fingerprint-based state and national***] criminal background checks[~~***for prospective and current employees, including contract staff whose job duties include access to or use of FTI***~~].

Section 1. Definitions.

(1) "Auditor" is defined by KRS 43.010***(1)***.

(2) "Disqualifying offense" means a conviction, plea of guilty, Alford plea, or plea of nolo contendere to**:**

(a) Any ***felony or***[**,**] misdemeanor during the preceding seven (7) years**;**[**,**] or

(b) Offense the nature of which indicates that the employee constitutes an unreasonable and immediate risk to the security of federal tax information[**,** ~~***as determined by the Auditor***~~].

(3) "Federal tax information" or "FTI" means federal tax returns and return information that may:

(a) Contain personally identifiable information; and

(b) Include information created by the recipient that is:

1. Derived from federal return or return information; and

2. Received directly from the Internal Revenue Service (IRS) or obtained through an authorized secondary source, which may include:

a. Social Security Administration (SSA);

b. Federal Office of Child Support Enforcement (OCSE);

c. Bureau of the Fiscal Service (BFS);

d. Centers for Medicare and Medicaid Services (CMS); or

e. Another entity acting on behalf of the IRS.

(4) "Rap back service" means a notification program in which the Auditor or responsible agency, upon approval to participate in the program, will be informed if an individual who has undergone a fingerprint-based criminal background check in accordance with the requirements of this administrative regulation, and whose fingerprints are retained by the Department of Kentucky State Police or the Federal Bureau of Investigation, is subsequently arrested.

(5) "Responsible agency" means an office or division of the Auditor, or an entity under contract with the Auditor, that employs or offers a job to an individual in a position for which the job duties include access to or use of FTI.

Section 2. Requirement for Criminal Background Checks.

(1) As a condition of initial application for employment or continued employment either directly or by contract in a position for which the job duties include access to or use of FTI, the Auditor or responsible agency shall require a prospective or current employee, including contract staff, to submit to a fingerprint-based state and national criminal background check:

(a) After the individual is offered a job but before he or she begins working; and

(b) At least one (1) time during each five (5) year period for a current employee or contract staff.

(2) The responsible agency that requests a fingerprint-based state and national criminal background check on behalf of a prospective or current employee shall incur all fees included in the actual cost of each background check requested, including the rap back service***, in accordance with KRS 43.032(1)(d)***.

(3) The Auditor or responsible agency shall not employ directly or by contract an individual in a position for which the job duties include access to or use of FTI if the individual:

(a) Refuses to consent to a fingerprint-based state and national criminal background check; or

(b) Is found to have a disqualifying offense.

(4) The Auditor or responsible agency shall notify each prospective or current employee determined to have a disqualifying offense.

Section 3. Disqualification of Other Criminal Offenses or Factors. The Auditor or responsible agency shall not be obligated to employ or offer employment to an individual with a criminal offense not specifically listed in Section 1(2) of this administrative regulation or other factor that bears upon the fitness of the individual to work in a position for which the job duties include access to or use of FTI.

Section 4. Challenges to Criminal History Record Information. An individual subject to a criminal background check required by KRS 43.032 and this administrative regulation shall have the right to request and inspect his or her criminal history record and to request correction of any inaccurate information.

Section 5. Rehabilitation Review.

(1) A prospective or current employee of the Auditor found to have a disqualifying offense upon completion of the criminal background check shall be eligible for consideration of rehabilitation under an independent review process.

(2) A prospective or current employee of the Auditor may submit a written request for a rehabilitation review to the Division of Human Resource Administration no later than fourteen (14) calendar days from the date of notice of a disqualifying offense issued pursuant to Section 2(4) of this administrative regulation.

(3) A current employee of the Auditor who requests a rehabilitation review may be retained on staff if the employee is assigned duties that do not include access to or use of FTI.

(4) The request for a rehabilitation review shall include[~~***the following information:***~~] a written explanation of each disqualifying offense, including:

(a) A description of the events related to the disqualifying offense;

(b) The number of years since the occurrence of the disqualifying offense;

(c) The age of the offender at the time of the disqualifying offense;

(d) Evidence that the individual has pursued or achieved rehabilitation with regard to the disqualifying offense; and

(e) Any other circumstances surrounding the offense**:**[**;**]

1. Official documentation showing that all fines, including court-imposed fines or restitution, have been paid or documentation showing adherence to a payment schedule, if applicable;

2. The date probation or parole was satisfactorily completed, if applicable; and

3. Employment and character references, including any other evidence demonstrating the ability of the individual to perform the employment responsibilities and duties competently.

(5) A rehabilitation review shall be conducted by a committee of three (3) employees of the Division of Human Resource Administration or the Office of Legal and Records Services.

(6) The committee shall consider the information required under subsection (4) of this section, and shall also consider mitigating circumstances including:

(a) The amount of time that has elapsed since the disqualifying offense***;***

(b) The lack of a relationship between the disqualifying offense and the:

1. Position for which the prospective employee has applied; or

2. The employee's current position; and

(c) Evidence that the prospective or current employee of the Auditor has pursued or achieved rehabilitation with regard to the disqualifying offense.

(7) No later than thirty (30) calendar days from receipt of the written request for the rehabilitation review, the Division of Human Resource Administration shall send the committee's determination on the rehabilitation waiver to the prospective or current employee.

(8) The prospective or current employee may appeal the results of a rehabilitation review to the Personnel Board in accordance with KRS 18A.095.

Section 6. Pardons and Expungement. An applicant or current employee who has received a pardon for a disqualifying offense or has had the record expunged may be employed in a position with job duties that include access to or use of FTI.

FILED WITH LRC: March 9, 2026

CONTACT PERSON: Jeremy J. Sylvester, Principal Deputy General Counsel, Auditor of Public Accounts, 209 St. Clair Street, Frankfort, Kentucky 40601; phone 502-564-5841; fax 502-564-2912; e-mail: Jeremy.Sylvester@ky.gov.

BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, March 9, 2026)

201 KAR 2:050. Licenses and permits; fees.

RELATES TO: KRS 218A.205(3)(g), 315.035(1), (2), (4), 315.0351(1), 315.036(1), 315.050(5), 315.060, 315.110, 315.120, 315.191, 315.402

STATUTORY AUTHORITY: KRS 218A.205(3)(g), 315.035(1), (2), (4), 315.036(1), 315.050(5), 315.060, 315.110(1), 315.120(4), 315.191(1)(i), 315.402(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(i) authorizes the board to assess reasonable fees for services rendered to perform its duties and responsibilities. This administrative regulation establishes reasonable fees for the board to perform all the functions for which it is responsible.

Section 1. The following fees shall be paid in connection with pharmacist examinations and licenses, pharmacy permits, intern certificates, and the issuance and renewal of licenses and permits:

(1) Application for initial pharmacist license - $150;

(2) Application and initial license for a pharmacist license by license transfer - $250;

(3) Annual renewal of a pharmacist license - ninety-five (95) dollars;

(4) Delinquent renewal penalty for a pharmacist license - ninety-five (95) dollars;

(5) Annual renewal of an inactive pharmacist license - ten (10) dollars;

(6) Pharmacy intern certificate valid six (6) years - twenty-five (25) dollars;

(7) Duplicate of original pharmacist license wall certificate - seventy-five (75) dollars;

(8) Application for a permit to operate a pharmacy - $200[~~$150~~];

(9) Renewal of a permit to operate a pharmacy - $175[~~$150~~];

(10) Delinquent renewal penalty for a permit to operate a pharmacy - $175[~~$150~~] dollars;

(11) Change of location, name or [~~change of~~]ownership of a pharmacy or manufacturer permit - $175[~~$150~~];

(12) Application for a permit to operate as a manufacturer - $175[~~$150~~];

(13) Renewal of a permit to operate as a manufacturer - $175[~~$150~~];

(14) Delinquent renewal penalty for a permit to operate as a manufacturer - $175[~~$150~~];

(15) Change of location, name or [~~change of~~]ownership of a wholesale distributor license - $175[~~$150~~];

(16) Application for a license to operate as a wholesale distributor - $175[~~$150~~];

(17) Renewal of a license to operate as a wholesale distributor - $175[~~$150~~];

(18) Delinquent renewal penalty for a license to operate as a wholesale distributor - $175[~~$150~~]; and

(19) Query to the National Practitioner Data Bank of the United States Department of Health and Human Services - twenty-five (25) dollars.

Section 2. A pharmacy permit applicant shall submit:

(1) An initial or renewal application for a pharmacy permit on either the:

(a)

1. Application for Permit to Operate a Pharmacy in Kentucky; or

2. Application for Resident Pharmacy Permit Renewal; or

(b)

1. Application for Non-Resident Pharmacy Permit, as incorporated by reference into 201 KAR 2:465; or

2. Application for Non-Resident Pharmacy Permit Renewal, as incorporated by reference into 201 KAR 2:465; and

(2) As appropriate, the:

(a) Initial application fee established by Section 1(8) of this administrative regulation; or

(b) Renewal fee established by Section 1(9) of this administrative regulation.

Section 3. All fees shall be non-refundable.

Section 4. Applications shall expire one (1) year after the date the application is received by the board.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Permit to Operate a Pharmacy in Kentucky", Form 1, ***3/2026***[~~***6/2023***~~]; and

(b) "Application for Resident Pharmacy Permit Renewal", Form 2, ***3/2026***[~~***6/2023***~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's ***website***[~~***Web site***~~] at ***https://pharmacy.ky.gov/statutesandregulations/Pages/default.aspx***[~~***https://pharmacy.ky.gov/Businesses/Pages/Pharmacy.aspx***~~].

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BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, March 9, 2026)

201 KAR 2:116. Substitution of drugs, biologics, and biosimilar products.

RELATES TO: KRS 217.819***, 217.822***
STATUTORY AUTHORITY: KRS 217.814(5), (6), (7), (8), 217.819(1)***, 315.191***
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 217.819(1) requires the Kentucky Board of Pharmacy to prepare by administrative regulation a ***nonequivalent*** drug product formulary of drugs which should not be interchanged by pharmacists. ***KRS 217.822 authorizes pharmacists to dispense interchangeable drug products and biological products.*** This administrative regulation references drug products with active ingredients or dosage forms that are interchangeable***, and***[.] all other products not referenced as interchangeable are non-interchangeable.

Section 1. The following have been determined by the board to be interchangeable:
(1) Drugs, drug products, or dosage formulations considered by the United States Food and Drug Administration to be therapeutically equivalent as published in the Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book);[***and***]
(2) Biologics drugs, biologics drug products, or biologics dosage formulations considered by the United States Food and Drug Administration to be therapeutically equivalent as published in the ***Database***[***Lists***] of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations (Purple Book)***available at https://purplebooksearch.fda.gov/; and***
(3) Animal drug products considered by the United States Food and Drug Administration to be therapeutically equivalent as published in the Approved Animal Drug Products (Green Book) updated monthly, and available at https://animaldrugsatfda.fda.gov/adafda/views/#/search.

Section 2. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Approved Drug Products with Therapeutic Equivalence Evaluations," (Orange Book), U.S. Food and Drug Administration, ***46th***[***45***][***th***] Edition, ***2026***[***2025***][39th Edition, 2019];[***and***]
(b) "***Database***[***Lists***] of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations" (Purple Book), United States Food and Drug Administration, ***2026***[***June 27, 2025***]***; and***[June 2019][.]
(c) "Approved Animal Drug Products," (Green Book), U.S. Food and Drug Administration, ***2026***[***2025***].
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, Frankfort, Kentucky 40601-8204, Monday through[throught] Friday, 8 a.m. to 4:30 p.m. and is available online at http://www.fda.gov.

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BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, March 9, 2026)

201 KAR 2:160. Licensees; inactive status.

RELATES TO: KRS Chapter 315
STATUTORY AUTHORITY: KRS 315.065, 315.110, 315.120, 315.191(1)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 315.191(1) authorizes the board to promulgate administrative regulations to regulate and control all matters set forth in KRS Chapter 315 relating to pharmacists. KRS 315.120(4) authorizes an inactive pharmacist to apply for inactive license upon application provided for by the board in administrative regulations.***[***Senate Bill 241 of the General Assembly, Commonwealth of Kentucky, Regular Session 1982, provided for changes in KRS Chapter 315.***] This ***administrative regulation establishes***[***necessitated***] requirements for licensees to be issued inactive status and for those who desire to apply for renewal of a license to return to active practice.

Section 1. A pharmacist may apply for inactive status by:
(1) Completing ***the*** annual renewal application***, as incorporated by reference in 201 KAR 2:020***; and
(2) Paying ***the*** annual fee for inactive status ***established by 201 KAR 2:050, Section 1(5)***.

Section 2. Pharmacists maintaining an active license to practice in another state or jurisdiction ***shall not be eligible***[***are ineligible***] for inactive status in Kentucky.

Section 3. Pharmacists seeking relicensure from[form] inactive to active status ***shall***[***must***] fulfill the following requirements:
(1) If the pharmacist has been inactive for no more than five (5) consecutive years, the pharmacist[he]***shall***[***must***]:
(a) Provide written notice to the board requesting their consideration to active status. The board shall act upon ***the***[***such***] request within sixty (60) days***;***[.]
(b) Satisfy the board's continuing education requirements for each year of inactive status***;***[.]
(c) Successfully complete a jurisprudence examination given by the board***; and***[.]
(d) Pay all cumulative annual renewal fees required for active licensees ***established by 201 KAR 2:050, Section 1(3)***.
(2) If a pharmacist has had inactive status for more than five (5) consecutive years, the pharmacist[he]***shall***[***must***]:
(a) Provide written notice to the board requesting their consideration to active status. The board shall act upon ***the***[***such***] request within sixty (60) days***;***[.]
(b) Successfully complete any[a] satisfactory examinations***; and***[examination before the board][.]
(c) Pay all cumulative annual renewal fees required of active licensees ***established by 201 KAR 2:050, Section 1(3)***.

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BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, March 9, 2026)

201 KAR 2:180. Pharmacy[~~Pharmacies~~] sanitation.

RELATES TO: KRS Chapter 315
STATUTORY AUTHORITY: KRS 315.035(6), 315.191(1)[~~, (5)~~]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 315.035(6) authorizes***[~~***There is no existing uniform administrative regulation for which***~~] the Kentucky Board of Pharmacy ***to promulgate administrative regulations to assure reasonable health and sanitation standards for areas within pharmacies that are not subject to the standards established by the Kentucky Cabinet for Health and Family Services or a local health department***[~~***can monitor a pharmacy for cleanliness***~~]. ***KRS 315.191(1) authorizes the board to promulgate administrative regulations to regulate and control all matters relating to the practice of pharmacy, including the establishment of minimum standards for pharmacy sanitation and equipment.***[~~***Existing administrative regulations pertain only to food handling facilities. The purpose of***~~] This administrative regulation ***establishes the minimum sanitation standards for pharmacies in Kentucky***[~~***is to provide the board with the authority to require standards for compliance***~~].

Section 1. The designated pharmacy ***area or areas***[~~***area(s)***~~] shall be used exclusively for the compounding and dispensing of drugs and other usual procedures incidental to compounding and dispensing of drugs. This area shall be maintained in a clean and sanitary condition, adequately lighted and ventilated.

Section 2. [~~***No***~~]Compounding or dispensing of drugs shall ***not occur***[~~***be carried on***~~] in any room used as a dwelling or for usual household purposes.

Section 3. Hot and cold water shall be readily accessible. Adequate facilities, separate and distinct from toilets and washrooms, shall be provided for maintaining clean and sanitary conditions.

Section 4. All equipment used in the storage, compounding, and dispensing of drugs or medicines shall be kept in a clean and sanitary manner.

Section 5. Maintaining Proper Temperature.
(1) Proper temperatures and humidity shall be maintained for compounding and dispensing of drugs and medicines.
(2) Controlled room temperatures shall be fifteen (15) to thirty (30) degrees Centigrade, fifty-nine (59) to eighty-six (86) degrees Fahrenheit. Refrigeration temperatures shall be two (2) to eight (8) degrees Centigrade, thirty-six (36) to forty-six (46) degrees Fahrenheit. Freezer temperatures shall be minus twenty (-20) to minus ten (-10) degrees Centigrade, minus four (-4) to fourteen (14) degrees Fahrenheit.
(3) Absent a United States Pharmacopeia (USP) standard or package insert information for a specific prescription medication,[~~Under nonspecific conditions, it is to be understood that~~] the proper storage conditions ***shall*** include protection from moisture, freezing, and excessive heat.

Section 6. Violation of any provision of this administrative regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

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BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, March 9, 2026)

201 KAR 2:190. Return of prescription drugs[~~ prohibited.~~]

RELATES TO: KRS Chapters 217 and 315
STATUTORY AUTHORITY: KRS 217.055, 217.215,[~~315.010(5),~~] 315.191(1), ***315.404(4)***[~~***(5)***~~]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 315.191(1) authorizes the board to promulgate administrative regulations to control all matters set forth in KRS Chapter 315 relating to pharmacies and pharmacists. KRS 315.191(1)(f) authorizes the board to promulgate administrative regulations for the retrieval of prescription drugs. KRS 315.404(4) authorizes pharmacies to accept returns of prescription drugs. This administrative regulation establishes procedures for pharmacists accepting returned prescription drugs and prohibits pharmacists from accepting returned prescription drugs for sale or reuse except for in specific circumstances***[~~***To prevent the dispensing of drugs that have been adulterated, contaminated or misbranded***~~].

Section 1. ***A***[~~***No***~~] pharmacy, pharmacist, or agent thereof shall ***not*** accept ***a prescription drug*** for reuse or resale[~~ ***a prescription drug***~~]. This administrative regulation shall not apply to ***sealed or unopened***[~~***sealed/unopened***~~]prescription drugs in the original standard unit[~~ dose, unit~~] of dispensing.[~~use or tamper resistant drug packaging.~~]

Section 2. Drug Integrity ***Shall***[~~***Must***~~] Be Verified Before Accepting Return.
(1) ***A***[~~***No***~~] pharmacist shall ***not*** accept the return of a prescription drug unless:
(a) The drug is in a sealed container by which it ***may***[~~***can***~~] be readily determined by a pharmacist employed by the dispensing pharmacy that entry or attempted entry by any means has not been made;
(b) The drug container meets the standards of the United States ***Pharmacopeia***[~~***Pharmacopoeia***~~] for storage conditions including temperature, light sensitivity, moisture, chemical, and physical stability;
(c) The drug labeling and packaging has not been altered or defaced and the identity of the drug, its potency, lot number, and expiration date are legible;
(d) The drug does not require refrigeration; and
(e) The drug is returned to a pharmacist employed by the dispensing pharmacy within fourteen (14) days.
(2) Subsection (1)(d) and (e) ***of this section*** shall be waived if all other conditions are met and if:
(a) The drug was dispensed for a patient in a health care facility licensed by the Cabinet for ***Health and Family Services***[~~***Human Resources***~~];
(b) The drug has not come into the physical possession of the person for whom it was prescribed;
(c) The drug has been under the continuous control of personnel in the health care facility who are trained and knowledgeable in the storage and administration of drugs;
(d) The drug has been properly stored in an area which is regularly inspected by a pharmacist; and
(e) The drug is not expired.
(3) Drugs dispensed within an acute care facility shall be exempt from the provisions of subsection 1(a), (d), and (e) of this section.
(4) Nothing in this administrative regulation shall be construed to require a pharmacist to accept the return of a prescription drug.

Section 3. Violation of any provision of this administrative regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

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BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, March 9, 2026)

201 KAR 2:205. Pharmacist-in-charge.

RELATES TO: KRS 315.020, 315.035, 315.0351, 315.191, 315.300, 315.335, 21 C.F.R. 1301.76(b)
STATUTORY AUTHORITY: KRS 315.020(1), 315.0351, 315.191(1)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the board to promulgate administrative regulations pursuant to KRS Chapter 13A necessary to regulate and control all matters relating to pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, and manufacturers. KRS 315.020(1) and 315.0351(1)(g) require applicants for pharmacy permits to place a pharmacist in charge as a prerequisite to compounding and dispensing privileges granted by the Kentucky Board of Pharmacy. This administrative regulation establishes the requirements relating to a pharmacist-in-charge.

Section 1. Definition. "Pharmacist-in-charge" means a pharmacist licensed in the Commonwealth of Kentucky, who accepts responsibility for the operation of a pharmacy in conformance with all laws and administrative regulations pertinent to the practice of pharmacy and the distribution of prescription drugs and who is personally in full and actual charge of the pharmacy.

Section 2. Duties and Responsibilities.
(1) The pharmacist-in-charge shall be so designated in the Application for Permit to Operate a Pharmacy in Kentucky and in the Application for Non-Resident Pharmacy Permit, and in each Application for Resident Pharmacy Renewal and Application for Non-Resident Pharmacy Permit Renewal, as incorporated by reference in 201 KAR 2:050 ***and 201 KAR 2:465***, and submitted for the renewal of that permit thereafter.
(2) A pharmacist shall not serve as a pharmacist-in-charge:
(a) For more than one (1) pharmacy at a time, except upon written approval from the Kentucky Board of Pharmacy; and
(b) Unless he or she is physically present in that pharmacy for a minimum of ten (10) hours per week or the amount of time appropriate to provide supervision and control.
(3) The pharmacist-in-charge shall be responsible for:
(a) Quality assurance programs for pharmacy services designed to objectively and systematically monitor care***, including:***[,]
1. Pursuing[~~pursue~~] opportunities for improvement***;***[,]
2. Resolving[~~resolve~~] identified problems as ***those*** may exist***;***[,] and
3. Detecting[~~detect~~] and ***preventing***[~~prevent~~] drug diversion;
(b) The procurement, storage, security, and disposition of drugs and the provision of pharmacy services;
(c) ***Ensuring***[~~Assuring~~] that all pharmacists and interns employed by the pharmacy are currently licensed;
(d) Providing notification in writing to the Board of Pharmacy within fourteen (14) calendar days of any change in the:
1. Employment of the pharmacist-in-charge;
2. Employment of staff pharmacists; or
3. Schedule of hours for the pharmacy;
(e) Making or filing of any reports required by state or federal laws and regulations;
(f) Responding to the Kentucky Board of Pharmacy regarding identified violations or deficiencies;[~~and~~]
(g) Filing of any report of a theft or loss to:
1. The U. S. Department of Justice Drug Enforcement Administration as required by 21 C.F.R. 1301.76(b);
2. The Department of the Kentucky State Police as required by KRS 315.335;
3. The board by providing a copy to the board of each report submitted; and
4. The Cabinet for Health and Family Services***;***[.]
(h) Ensuring appropriate equipment is available and in working order ***and allowing***[~~to allow~~] within the pharmacy area ***equipment***[.] such as the following:
1. A prescription balance with sensitivity not less than that of a Class 3 balance;
2. Weights-metric or apothecary-complete set;
3. Graduates capable of accurately measuring from one (1) ml to 250 ml;
4. Mortars and pestles-glass, porcelain, or Wedgewood;
5. Spatulas-steel and nonmetallic;
6. A heating unit;
7. Suitable refrigeration unit for proper storage of drugs; and
8. Ointment slab or ointment papers***; and***
(i) Ensuring proper reference material as required by 201 KAR 2:090 is made available to pharmacy employees.

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BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, March 9, 2026)

201 KAR 2:250. Pharmacist Recovery Network Committee.

RELATES TO: KRS 315.121(1)(d)
STATUTORY AUTHORITY: KRS 61.810(k), 315.126(3), (6),(7), 315.191(1)(a)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.126(1) requires the Board of Pharmacy to establish a pharmacy recovery network committee (PRNC). ***KRS 315.126(3) authorizes the board to promulgate administrative regulations to implement KRS 315.126.*** This administrative regulation establishes minimum requirements for the establishment and operation of the PRNC ***and***[~~. This administrative regulation~~] specifies ***how***[~~the manner by which~~] the board's PRNC consultant works with the board in intervention, evaluating***,*** and treating a pharmacist or ***pharmacist*** intern, and providing for continuing care and monitoring by the consultant through a treatment provider.

Section 1. The Board of Pharmacy's[~~board's~~] Pharmacist Recovery Network Committee (PRNC) consultant shall be a pharmacist licensee of the board. The consultant shall assist the Case Review Panel (CRP)[~~Committee (CRC)~~] and the PRNC in carrying out their respective responsibilities. This shall include working with the board's inspectors and investigators to determine ***if***[~~whether~~] a pharmacist or pharmacist intern is in fact impaired.

Section 2. If a pharmacist or pharmacist intern self-reports[~~self reports~~] impairment as a result of the misuse or abuse of alcohol or drugs, or both; or if the board receives a legally sufficient complaint alleging that a pharmacist or pharmacist intern is impaired as a result of the misuse or abuse of alcohol or drugs, or both, and ***if***[~~where~~] there is no other alleged violation of state pharmacy law[~~complaint~~] against the pharmacist or ***pharmacist*** intern other than impairment exists, the reporting of any impairment information to the board shall be forwarded to the consultant and shall not constitute grounds for discipline, if the PRNC finds the pharmacist or pharmacist intern has:
(1) Acknowledged the impairment problem;
(2) Voluntarily enrolled in an appropriate, approved treatment program;

(3) Voluntarily withdrawn from practice or limited the scope of practice as required by the consultant, in each case, until the PRNC is satisfied the licensee has successfully completed an approved treatment program; and

(4) Executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall not make copies or reports of records that do not regard the issue of the licensee's impairment and his or her participation in a treatment program.

Section 3.

(1) A treatment provider shall disclose to the consultant or board if applicable all information in its possession regarding the issue of a pharmacist's or pharmacist intern's impairment and participation in the treatment program. Failure of the treatment provider to provide information to the consultant shall be a basis for the withdrawal of the use of the program or provider.

(2) If in the opinion of the consultant or PRNC, an impaired pharmacist or pharmacist intern has not progressed satisfactorily in a treatment or recovery program, all information regarding the issue of a pharmacist's or ***pharmacist*** intern's impairment and participation in a treatment or recovery program in the consultant's possession shall be disclosed to the board. That disclosure shall constitute a complaint.

Section 4. All information concerning a pharmacist or ***pharmacist*** intern held by the consultant, PRNC, CRP[~~CRC~~], or board shall remain confidential.

Section 5.

(1) The PRNC shall be comprised of eleven (11) members. The members shall include:

(a) The President of the Board of Pharmacy;

(b) The Chair, who shall be the consultant of the PRNC;

(c) The Executive Director of the Board of Pharmacy; and

(d) Eight (8) other members, of which seven (7) shall be pharmacists and one (1) shall be a citizen member.

(2)

(a) All members shall have the same rights, which include voting privileges.

(b) A member of the PRNC shall not be on the board, except the President of the Board.

(c) Any criminal conviction or disciplinary action by a licensure board against a proposed member shall be reported to the board prior to consideration for appointment.

(d) There may be no more than four (4) members in successful recovery on the PRNC.

(e) A pharmacist under a Pharmacist Recovery Network Agreement shall not serve on the PRNC.

(3)

(a) A ***board-approved***[~~***board-approved***~~]PRNC member may be appointed[~~ by the board~~] a maximum of three (3), four (4) year terms or a total of twelve (12) years.

(b) A PRNC member shall not serve more than (2) terms consecutively.

(c) After serving two (2) consecutive terms a PRNC member shall rotate off the PRNC for at least two (2) years.

[~~(d)~~] [~~A committee member shall serve no more than twelve (12) years on the PRNC.~~]

(d)[~~(e)~~] The President of the Board, the PRNC Consultant, and the Executive Director of the Board shall be permanent members of the PRNC[~~membership on the PRNC shall not constitute a twelve (12) year term~~].

(e)[~~(f)~~] Membership of the PRNC shall be selected by the board from a list of qualified candidates submitted by an interested individual or entity.

(4) A member of the PRNC who becomes impaired, relapses, has any criminal conviction, or has any disciplinary action by a licensure board shall immediately resign from the PRNC.

(5) The board by majority vote, with the recusal of the President of the Board, may remove a member of the PRNC for any of the following reasons:

(a) Refusal or inability of a committee member to perform duties as a member of the committee in an efficient, responsible, and professional manner;

(b) Misuse of the committee by a member to obtain personal, pecuniary, or material gain or advantage for the member or others; and

(c) Violation of any provision of KRS Chapter 315.

Section 6.

(1) PRNC meetings are confidential. All PRNC information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the PRNC, all communications to or from the committee, and all proceedings, findings, and conclusions of the committee, including those relating to intervention, treatment, or rehabilitation, that in any way pertain or refer to a pharmacist or pharmacist intern who is or may be impaired shall be privileged and confidential pursuant to KRS 315.126. In accordance with KRS 61.810(k), any meeting which is required by state (or federal) law to be conducted in private is an exception to the open meetings requirements. ***The***[~~***Thus,***~~] PRNC ***shall***[~~***will***~~] publish its meeting schedule and a redacted meeting agenda, but the meetings ***shall*** remain confidential and ***shall***[~~***are***~~] not ***be*** open to the public.

(2) Meeting records are confidential. Pursuant to KRS 315.126(7), all PRNC records and proceedings that pertain or refer to a pharmacist or pharmacist intern who is or may be impaired shall be privileged and confidential, used by the committee and its members only in the exercise of the proper function of ***the*** PRNC, ***shall***[~~***are***~~] not ***be*** considered public records and ***shall*** not ***be*** subject to court subpoena, discovery, or introduction as evidence in any civil, criminal, or administrative hearing, except as required by the ***KRS 315.126(8)***[~~***statute***~~].

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BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, March 9, 2026)

201 KAR 2:260. Automated Pharmacy System in residential hospice facilities.

RELATES TO: KRS 216B.195, 315.010(9), 315.020, 315.035, 315.295, 315.300

STATUTORY AUTHORITY: KRS 315.035, 315.191(1)(a), 315.295***(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 ***315.020***[~~***335.020***~~](1) requires that prescription drugs, medicines, and pharmaceuticals be dispensed or manufactured by a licensed pharmacist. KRS 315.295***(4) requires***[~~ ***authorizes***~~] the board to ***promulgate administrative regulations to implement requirements relating to***[~~***regulate***~~] an automated pharmacy system in a residential hospice facility. This administrative regulation establishes the standards for the operation of this type of system.

Section 1. Definitions.

(1) "Automated Pharmacy System" is defined by KRS 315.295(1)(a).

(2) "Residential Hospice Facility" is defined by KRS 315.295(1)(b).

Section 2. Responsibility. The pharmacist-in-charge of a pharmacy utilizing an automated pharmacy system shall be responsible for[~~ ***all of the following***~~]:

(1) ***Ensuring***[~~***Assuring***~~] that the automated pharmacy system is in good working order and accurately dispenses the correct

strength, dosage form, and quantity of drug prescribed and complying with the recordkeeping and security safeguards pursuant to Section 3 of this administrative regulation;

(2) ***Ensuring***[~~***Assuring***~~] medications are reviewed by a pharmacist prior to access;

(3) Implementing an ongoing quality assurance program that monitors performance of the automated system, which is evidenced by written policies and procedures;[~~ ***and***~~]

(4) Notifying the board with prior written notice of the installation or removal of an automated pharmacy system. This notification shall include the[~~ **following**~~]:

(a) Name and address of pharmacy;

(b) Initial location of the automated pharmacy system. The automated pharmacy system may thereafter be relocated within the pharmacy or health care facility without providing subsequent notification to the board; and

(c) Pharmacist-in-charge;[~~.~~]

(5) Assigning, discontinuing, or changing personnel access to the system;

(6) ***Ensuring***[~~***Assuring***~~] that access to the medications comply with state and federal laws; and

(7) ***Ensuring***[~~***Assuring***~~] that the automated pharmacy system is stocked accurately and that the automated pharmacy system stock is checked monthly in accordance with established written policies and procedures, including the[~~ ***following***~~]:

(a) Accuracy;

(b) Integrity; and

(c) Expiration date.

Section 3. Standards. An automated pharmacy system shall comply with the following provisions:

(1) A pharmacy shall maintain on-site the following documentation relating to an automated pharmacy system:

(a) Name and address of the pharmacy or inpatient health care facility where the system is being used;

(b) The automated pharmacy system manufacturer's name, model, and serial number;

(c) Description of how the system is used;

(d) Written quality assurance procedures to determine continued appropriate use of the system; and

(e) Written policies and procedures for system operation, safety, security, accuracy, access, and malfunction.

(2) All written policies and procedures shall be maintained in the pharmacy responsible for the automated pharmacy system.

(3) An automated pharmacy system shall maintain adequate security systems and procedures, evidenced by written policies and procedures to prevent unauthorized access to maintain patient confidentiality and to comply with federal and state laws.

(4) Records and data kept by the automated pharmacy system shall meet the following requirements:

(a) All events involving the contents of the automated pharmacy system shall be recorded electronically; and

(b) Records shall be maintained by the pharmacy and be available to the board and shall include the [***following***]:

1. The time and location of the system accessed;
2. Identification of the individual accessing the system;
3. Type of transaction;
4. Name, strength, dosage form, and quantity of drug accessed;
5. Name of the patient for whom the drug was ordered;
6. The prescription number;
7. The name of the prescriber; and
8. All events involving user database modifications shall be recorded electronically and maintained.

(5) The stocking of all medications in the automated pharmacy system shall be done by a pharmacist, pharmacist intern, or pharmacy technician pursuant to 201 KAR 2:045.[~~, who shall be under the general supervision of a pharmacist on-site.~~]

(6) A record of medications stocked into an automated pharmacy system shall be maintained for five (5) years and shall include identification of the person stocking and pharmacist checking for accuracy.

(7) All containers of medications stored in the automated pharmacy system shall be packaged and labeled in accordance with federal and state laws.

(8) The automated pharmacy system shall provide a mechanism for securing and accounting for medications removed from and subsequently returned to the automated pharmacy system, in accordance with federal and state laws.

(9) The automated pharmacy system shall provide a mechanism for securing and accounting for medications returned to the system and accounting for wasted medications in accordance with federal and state laws.

FILED WITH LRC: March 9, 2026

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

BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, March 9, 2026)

201 KAR 2:330. Emergency pharmacy powers.

RELATES TO: KRS 39A.100, 315.500

STATUTORY AUTHORITY: KRS ***217.215,*** 315.191, ***315.500,*** 315.505[~~, ***217.215***~~]

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.500 establishes the conditions under which a pharmacy may operate temporarily in an area not designated on the pharmacy permit ***and for pharmacists dispensing emergency supplies of medication*** pursuant to an executive order issued by the Governor ***under***[~~***pursuant to***~~] KRS 39A.100. ***KRS 315.505 authorizes the Board of Pharmacy to promulgate administrative regulations to allow pharmacists to effectuate the authority granted in KRS 315.500(1). KRS 217.215(3) authorizes pharmacists to dispense prescription refills of medication without prior authorization from the provider during emergency situations as authorized by KRS 315.500 and requires the board to promulgate administrative regulations for implementation. KRS*** 315.191***(1)*** authorizes the board[~~ ***of Pharmacy***~~] to promulgate administrative regulations governing pharmacists and pharmacies. This administrative regulation ***establishes***[~~***sets out***~~] the conditions ***that authorize***[~~***whereby***~~] a prescription ***refill***[~~***may be refilled pursuant to an executive order issued by the Governor as authorized by KRS 315.500***~~] when the prescriber is unavailable ***and for***[~~***. This administrative regulation sets out the conditions whereby***~~] a pharmacy ***to***[~~***may***~~] operate temporarily in an area not designated on the pharmacy permit pursuant to an executive order issued by the Governor ***under***[~~***as authorized by***~~] KRS 315.500.

Section 1. If a pharmacist receives a request for a prescription refill with no refill authorized and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense an emergency refill of up to a thirty (30) day supply of the medication ***pursuant to KRS 217.215*** if:

(1) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located;

(2) The pharmacist obtains prescription information from:

(a) A prescription label;

(b) A prescription record within the pharmacy;

(c) A prescription record from another pharmacy;

(d) A common database;

(e) The patient; or

(f) Any other healthcare record;

(3) The prescription refill is not for a controlled substance;

(4) The prescription is for a maintenance medication;

(5) In the pharmacist's professional judgment, the interruption of therapy may produce undesirable consequences or may be detrimental to the patient's welfare and cause physical or mental discomfort; and

(6) The pharmacist notes on the prescription record the date, the quantity dispensed, and the pharmacist's name or initials.

Section 2.

(1) A pharmacy may temporarily relocate to and operate at a new location if:

(a) It is not safe or practicable to operate a pharmacy at the address listed on the permit; and

(b) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located.

(2) The pharmacy owner shall:

(a) Maintain confidentiality of patient records;

(b) Secure all drugs; and

(c) Notify the board of the temporary address as soon as practicable.

(3) The following regulatory requirements shall not apply for this temporary location:

(a) The requirement to maintain references as listed in 201 KAR 2:090, Section 1;

(b) The requirement to maintain equipment as listed in 201 KAR ***2:205***[~~***2:090***~~], Section 2; and

(c) The requirement that the pharmacy be enclosed by a floor to ceiling partition if it is located within a larger establishment which is open to the public for business when a pharmacist is not present.

FILED WITH LRC: March 9, 2026

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

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

BOARDS AND COMMISSIONS
Board of Licensure for Long-term Care Administrators
(As Amended at ARRS, March 9, 2026)

201 KAR 6:030. Temporary permits.

RELATES TO: KRS 12.357, 216A.070(4)

STATUTORY AUTHORITY: KRS 12.357, 216A.070(3), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.070(4) authorizes the board to promulgate administrative regulations concerning the issuance of a temporary permit to an individual to practice the art of long-term care administration ***if warranted by emergency conditions***. KRS 12.357 requires administrative bodies who issue licenses to issue temporary licenses or certificates to the spouses of active-duty military members of the Armed Services of the United States within thirty (30) days if the spouse meets the statutory requirements and applies in a format promulgated in administrative regulation. This administrative regulation establishes the requirements for issuance of a temporary permit for Long-term Care Administrators.

Section 1. Temporary Permits Issued to Fill Emergency Vacancies.

(1) The Department of Professional Licensing may, following consultation with a board member, issue a temporary permit to practice as a long-term care administrator to an applicant if:

(a) The applicant has submitted an Application for Licensure, Form [~~***KBLTCA-***~~]1, incorporated by reference in 201 KAR 6:***020***[~~***040***~~];

(b) The applicant has completed all of the requirements established in 201 KAR 6:020 except the examination required pursuant to 201 KAR 6:020, Section 2(2), and the management experience required by 201 KAR 6:020, Section 2(3)***(c)***;

(c) The facility where the applicant is to be employed as the administrator is without a licensed administrator; and

(d) The facility owner, or a duly authorized representative of the facility, provides a written request and supporting information to the board indicating that an emergency situation exists.

(2) An emergency situation shall exist if:

(a) The facility is without a licensed long-term care administrator; and

(b) A licensed long-term care administrator is not available to fill the position.

(3) The request for temporary permit shall include payment of the temporary permit fee established in 201 KAR 6:***061***[~~***060***~~], Section 3.

Section 2. Temporary Permits Issued to Spouses of Active Military Members.

(1) The spouse of an active-duty military member of the Armed Forces of the United States may apply for a temporary permit at any time.

(2) The Department of Professional Licensing shall, following consultation with a board member, issue a temporary permit to practice as a long-term care administrator to the spouse of an active-duty military member within thirty (30) days of receipt of the Application for Licensure, Form [~~***KBLTCA-***~~]1, incorporated by reference in 201 KAR 6:***020***[~~***040***~~], requesting a temporary permit if:

(a) The applicant has completed all of the requirements established in 201 KAR 6:020 except the examination required pursuant to 201 KAR 6:020, Section 2(2), and the management experience required by 201 KAR 6:020, Section 2[~~***1***~~](3)***(c)***;

(b) The applicant has provided proof they are married to an active-duty member of the Armed Services of the United States;

(c) The applicant has provided proof that the applicant holds a valid license or certificate for the profession issued by another state, the District of Columbia, or any possession or territory of the United States;

(d) The applicant has provided proof that the applicant's spouse is assigned to a duty station in this Commonwealth pursuant to the spouse's official active-duty military orders; and

(e) The applicant has paid the temporary permit fee established in 201 KAR 6:***061***[~~***060***~~], Section 3***, unless KRS 12.357(1) is applicable***.

Section 3. Restrictions on Temporary Permits.

(1) A temporary permit shall not be transferred to another individual.

(2) A temporary permit shall, in accordance with KRS 216A.070(4) or [~~***KRS***~~]12.357:

(a) Be effective for no longer than***:***

1. Nine (9)[~~six (6)~~] months from the date it was granted ***if issued on an emergency basis pursuant to KRS 216A.070(4)***; and

2. Six (6) months from the date it was granted if issued to the spouse of an active-duty member of the Armed Forces of the United States pursuant to KRS 12.357(3); and

(b) Not be renewed by the permit holder.

(3) The holder of a temporary permit issued pursuant to Section 1 of this administrative regulation may be relocated to another location if an emergency exists at that location during the period in which the permit is effective and a separate request for a declaration of emergency is filed and approved by the board pursuant to Section 1(1)(d) of this administrative regulation.

(4) An individual shall not be granted a temporary permit more than once during a five (5) year period.

(5) A temporary permit shall not authorize the individual to whom the permit was issued to manage more than one (1) facility at the same time.

(6) All temporary permits shall be subject to review by the board at the meeting immediately following issuance of the permit. The board shall revoke a temporary permit that does not satisfy the requirements of KRS 216A.070(4), [~~***KRS***~~]12.357, or this administrative regulation.

FILED WITH LRC: March 9, 2026

CONTACT PERSON: Lilly Jean Coiner Executive Advisor, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#4, phone (502) 262-5065 (office), fax (502) 564-4818, email Lilly.coiner@ky.gov. Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

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

BOARDS AND COMMISSIONS
Board of Licensure for Long-term Care Administrators
(As Amended at ARRS, March 9, 2026)

201 KAR 6:061. Fees.

RELATES TO: KRS ***12.355, 12.357, 216A.070,*** 216A.110(1), 216A.130
STATUTORY AUTHORITY: KRS 216A.070(3), (4), ***216A.080(1),*** 216A.110(1), 216A.130
NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(4) requires the board to establish a fee for a temporary permit ***and authorizes the board to issue a temporary permit if warranted by emergency conditions***. KRS 216A.080(1) authorizes the board to promulgate administrative regulations to establish requirements regarding licensure. KRS 216A.110(1) requires the board to prescribe and collect reasonable fees and charges for processing applications, examination, and issuance of licenses, including renewals. KRS 216A.130 authorizes the board to establish a fee for licensure by reciprocity. ***KRS 12.355 establishes conditions for renewal of a professional license or certification held by an active-duty member of the Armed Forces of the United States, including renewal without payment of dues or fees. KRS 12.357 establishes***[~~*This administrative regulation establishes those fees. Further, 2022 Ky Acts Ch. (House Bill 91) provides*~~] an exemption in certain circumstances from the fee for issuance or renewal of a license to the spouse of a current member of the Armed Forces of the United States ***and includes provisions for temporary and regular licensure***. ***This administrative regulation establishes fees, including fees for the application, initial licensure and licensure by endorsement, temporary permit, biennial renewal, late renewal, inactive licensure and reactivation of an inactive license, reinstatement, duplicate license, licensure verification, and continuing education.***

Section 1. Application Fee.
(1) The application fee for board review of the application for licensure shall be $100.
(2) The application fee shall be nonrefundable.

Section 2. Initial Licensure Fee ***and Licensure by Endorsement Fee***.
(1) The initial licensure fee shall be $150 for an applicant for licensure.
(2) The fee for licensure by endorsement shall be $300 for an applicant for licensure.
(3) If the applicant successfully completes all requirements for licensure, this fee shall cover licensure for the initial two (2) year period.

Section 3. Temporary Permit Fee. The fee for a temporary permit shall be seventy-five (75) dollars.

Section 4. Biennial Renewal Fee, Late Renewal Fee, Inactive License Fee, ***Reactivation of Inactive License Fee,*** and Reinstatement Fee.
(1) The renewal fee shall be $125.
(2) The late renewal fee shall be $200.
(3) The inactive license fee shall be seventy-five (75) dollars.
(4) The fee for reactivating an inactive license shall be fifty (50) dollars.
(5) The reinstatement fee shall be $300.

Section 5. Duplicate License Fee. The duplicate license fee shall be twenty-five (25) dollars.

Section 6. Licensure Verification Fee. The fee for verification of state licensure shall be twenty-five (25) dollars.

Section 7. Continuing Education Fees.
(1) The application fee for preapproval to present a single continuing education program as described in 201 KAR 6:***071***[~~*070*~~], Section 5(1)(a), shall be fifty (50) dollars.
(2) The application fee for approval of credit for a single continuing education program not preapproved as described in 201 KAR 6:***071***[~~*070*~~], Section 4, shall be twenty-five (25) dollars.

Section 8. ***Active-Duty Member of the Armed Forces of the United States. Pursuant to KRS 12.355, while a licensee or certificate holder is an active-duty member of the Armed Forces of the United States, a licensee or certificate holder meeting the conditions established in KRS 12.355(1) shall have the license or certificate renewed without the payment of dues or fees, or shall be submitted a refund if a fee for renewal was submitted.***

Section 9. Spouse of Current Member of the Armed Forces of the United States. For applications received that meet the conditions of KRS 12.357, the spouse of a current member of the Armed Forces of the United States shall not be required to pay the fees required by Sections 1, 2, 3, or 4[~~*(1)*~~], of this administrative regulation, for issuance of a temporary or regular license or certificate, or shall be issued a refund if the fee was submitted with the application.

FILED WITH LRC: March 9, 2026

CONTACT PERSON: Name: Lilly Jean Coiner, Title: Executive Advisor, Agency: Department of Professional Licensing, Office of Legal Services. Address: 500 Mero Street, 2 NC WK#4, Frankfort, Kentucky 40602. Phone Number: (502) 262-5065 (office), Fax: (502) 564-4818, Email: Lilly.Coiner@ky.gov

BOARDS AND COMMISSIONS
Board of Medical Licensure
(As Amended at ARRS, March 9, 2026)

201 KAR 9:360. Continuing education requirements for physician assistants.

RELATES TO: KRS 13B.125(3), 214.610, 214.620, 218A.205, 311.565(1)(b), 311.601, 311.842(1), 311.844, 311.850(1)(p), (s), 311.852, 620.020
STATUTORY AUTHORITY: KRS 218A.205(3)(i), 311.565(1)(a), (b), 311.601(1), (2), 311.842(1)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.601(1) authorizes the board to promulgate an administrative regulation that establishes requirements to ensure the continuing professional competency of licensees. KRS 311.842(1) ***requires***[~~*authorizes*~~] the board to promulgate administrative regulations relating to the licensing and regulation of physician assistants. This administrative regulation establishes continuing medical education requirements for physician assistant licensees in Kentucky, including requirements for courses relating to the use of KASPER, pain management, and addiction disorders required for licensees who prescribe or dispense controlled substances in the Commonwealth of Kentucky, pediatric abusive head trauma, and Alzheimer's and other forms of dementia.

Section 1. Continuing Medical Education.

(1) At the time a licensee seeks to renew his or her license, the licensee shall certify that he or she has met the continuing education requirements for the two (2) year continuing education cycle using the Continuing Education Certification Form provided by the board and submitting it by the renewal deadline.

(2) The board may randomly require licensees submitting certification of continuing education to demonstrate satisfactory completion of the continuing education hours stated in the certification by providing verification documentation. If requested, the licensee shall provide verification within ten (10) days of receiving the request from the board.

Section 2. Required Hours of Continuing Education.

(1) For each two (2) year renewal period and continuing education cycle, a licensee shall complete a minimum of 100 hours of continuing education approved by the following:

(a) The American Medical Association;

(b) The American Osteopathic Association;

(c) The American Academy of Family Physicians;

(d) The American Academy of Physician Assistants; or

(e) Another entity approved by the board.

(2) If the licensee is authorized to prescribe or administer controlled substances, for each two (2) year continuing education cycle, the licensee shall complete, as part of the required 100 continuing education hours, a minimum of seven and one-half (7.5) hours of board-approved continuing education relating to:

(a) Controlled substance diversion;

(b) Pain management;

(c) Addiction disorders;

(d) The use of KASPER; or

(e) Any combination of two (2) or more of these subjects.

(3) If the licensee is authorized to prescribe or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the licensee shall complete, as part of the required 100 continuing education hours, a minimum of twelve (12) hours of board-approved continuing education relating to addiction medicine for each two (2) year continuing education cycle.

(4) A licensee shall not be granted authorization for prescriptive authority of controlled substances or Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone until he or she submits to the board proof of completion of the minimum hours of continuing education in subsections (2) and (3) of this section within the prior two (2) years.

(5)

(a) To qualify as board-approved continuing education under subsections (2) and (3) of this section, the educational program shall have been approved in advance for the specified number of continuing education hours by the board.

(b) The board may approve an educational program that:

1. Consists of a live presentation;

2. Is presented by a live or recorded webinar; or

3. Is presented through an online module.

(c) The board shall maintain a current listing of approved continuing education programs on its official ***website***[~~***Web site***~~], www.kbml.ky.gov.

Section 3. Continuing education related to pediatric abusive head trauma.

(1) Each licensee shall complete at least one and ***one-half***[~~***a half***~~] (1.5) hours of continuing education regarding the recognition and prevention of pediatric abusive head trauma in a course approved by the board pursuant to KRS 620.020, within the first two (2) years of initial licensure or prior to the expiration of first renewal cycle after the promulgation of this administrative regulation. These hours shall be counted toward the 100 continuing education hours required in Section 2 of this administrative regulation.

(2) Licensees may submit pediatric abusive head trauma course curriculum taught in their physician assistant graduate education to count toward the required one and one-half (1.5) hours for approval.

Section 4. Continuing education related to Alzheimer's and other forms of dementia[~~human immunodeficiency virus and acquired immunodeficiency syndrome~~].

(1) Each licensee shall complete at least one (1) hour of continuing education regarding Alzheimer's and other forms of dementia as set forth in subsection (2) of this section[~~the human immunodeficiency virus and acquired immunodeficiency syndrome~~] within the first two (2) years of initial licensure or prior to the expiration of first renewal cycle after the promulgation of this administrative regulation. These hours shall be counted toward the 100 continuing education hours required in Section 2 of this administrative regulation.

(2) The course topics shall include but not be limited to:

(a) The warning signs and symptoms of Alzheimer's disease and other forms of dementia;

(b) The importance of early detection, diagnosis**,** and appropriate communication techniques for ***the*** discussion of memory concerns with the patient and his or her caregiver;

(c) Cognitive assessment and care planning billing codes;

(d) The variety of tools used to assess a patient's cognition; and

(e) Current treatments that may be available to the patient.

(3) Licensees may submit Alzheimer's disease and other forms of dementia course curriculum taught in their physician assistant graduate education to count towards the required one (1) hour for approval.

Section 5. Sanctions.

(1) Failure to complete the required number of continuing education hours for the required period or to submit the required written verification within the time specified within this administrative regulation shall constitute a violation of KRS 311.850(1)(p) and (s), which shall constitute an immediate danger to the public health, safety, or welfare, for the purposes of KRS 311.852 and 13B.125.

(2) If the board determines that a licensee has failed to complete the required continuing education hours within the time specified or has failed to provide the written verification of completion within the time specified, the appropriate inquiry panel or its chair shall promptly issue an emergency order suspending the licensee from practice or restricting that licensee from prescribing or administering controlled substances within the Commonwealth of Kentucky until the licensee has completed the required continuing education hours for that period and has provided written verification of completion to the board.

(3) An emergency order issued pursuant to subsection (2) of this section shall remain valid and in effect until the board has received written verification that the licensee has successfully completed the required continuing education hours for the time period specified. Upon receipt of the written verification, the panel or its chair shall immediately issue an order terminating the emergency order issued pursuant to this section.

(4) If a licensee who is affected by an emergency order issued pursuant to this section requests an emergency hearing pursuant to KRS 13B.125(3), the hearing officer conducting the emergency hearing shall affirm the emergency order if presented with written notification on board letterhead stating that the board has not received the required written verification that the licensee completed the required continuing education hours for the continuing medical education cycle by the deadline date for the cycle.

Section 6. Extensions of Time.

(1) To request an extension of time, the licensee shall submit:

(a) A completed Request for Extension to Complete Required CE Hours; and

(b) The fee established in 201 KAR 9:041, Section 1(17).

(2) The board may grant an extension of time to a licensee who for sufficient cause has not yet received continuing education certification, following the submission of the items required by subsection (1) of this section. For the purposes of this subsection, sufficient cause shall include situations such as[~~ ***the following***~~]:

(a) An illness;

(b) Any event meeting the Family Medical Leave Act (FMLA) of 1993, 29 U.S.C. 2601 et seq., Pub.L. 103-3 criteria, and the federal regulations implementing the act, 29 C.F.R. Part 825;

(c) Financial exigencies; or

(d) Practice circumstances making it prohibitive to attend the courses.

(3)

(a) A licensee who obtains an extension of time shall be granted an extension of six (6) months to come into compliance.

(b) If a licensee has not completed the continuing education requirements within the six (6) month extension established by this subsection, his or her license shall:

1. Be immediately suspended; and

2. Remain suspended until the licensee has submitted verifiable evidence that he or she has completed the continuing education requirements.

Section 7. A waiver of the requirements established by this administrative regulation shall not be granted.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Continuing Education Certification Form", 112025[~~072020~~]; and

(b) "Request for Extension to Complete Required CE Hours", 072020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. ***This material is also available on the board's website at: http://kbml.ky.gov.***

FILED WITH LRC: March 9, 2026

CONTACT PERSON: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502) 429-7943, fax (502) 429-7118, email Leanne.Diakov@ky.gov.

BOARDS AND COMMISSIONS
Board of Licensure for Professional Engineers and Land Surveyors
(As Amended at ARRS, March 9, 2026)

201 KAR 18:072. Experience.

RELATES TO: KRS 322.040, 322.045, 322.047

STATUTORY AUTHORITY: KRS [~~322.010, —~~]322.040(4), 322.045(3), 322.047(2), 322.290(4)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Licensure for Professional Engineers and Land Surveyors is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.040(4), 322.045(3), and 322.047(2) require [~~provides that~~]the board to[~~shall~~] promulgate administrative regulations establishing[~~to establish~~] requirements for experience as required by KRS 322.040(1)(a)2, 322.040(1)(b)2, 322.040(2)(b), 322.045(1)(c)1, 2, and 3, and 322.047(1)(a)1, 2 and 3. This administrative regulation establishes these requirements.

Section 1. Evaluation of Experience in Engineering Required under KRS 322.040***. The board, in reviewing an application for licensure as a professional engineer pursuant to 201 KAR 18:020,*** shall consider the following:

(1) Experience shall reflect increasing complexity of the engineering tasks and the progressive responsibility of the applicant.

(2) The applicant shall demonstrate knowledge of engineering mathematics, physical and applied sciences, properties of materials, the fundamental principles of engineering design***,*** and the application of engineering principles in the solution of engineering problems.

(3) [~~***One (1) year of credit may be approved for***~~]Completion of a master's degree in an engineering [~~in an EAC/ABET-accredited~~]program accredited at the undergraduate level by the Engineering Accreditation Commission of the Accreditation Board of Engineering and Technology, or an ***equivalent*** engineering program***,*** [~~one~~]***shall be accepted as one (1) year of qualifying experience***[~~***deemed equivalent by the board***~~].

(4) Experience ***gained in violation of***[~~***that violates***~~] KRS Chapter 322 shall not be ***accepted as qualifying experience***[~~***approved***~~].

(5) [~~***Engineering experience gained during***~~][~~in the~~][]Military ***experience gained while on active duty in the Armed Forces of the United States shall be accepted as qualifying experience if it meets the definition for "engineering," as defined by KRS 322.010(4)***[~~***service***~~][~~services~~][~~***in the Armed forces of the United States may be approved***~~].

(6) Sales experience ***shall be accepted as qualifying experience if the professional service or work requires the application of engineering principles that meet the definition for "engineering," as defined by KRS 322.010(4)***[~~***may be approved if engineering principles were required and used in that experience***~~].

(7) [~~***Experience gained in***~~]Teaching advanced-level ***engineering design***[~~***engineering-related***~~] courses in an engineering[~~a four (4) year EAC/ABET-accredited~~] program accredited by the Engineering Accreditation Commission of the Accreditation Board of Engineering and Technology, or an ***equivalent*** engineering program[~~one (1)~~]***shall be accepted as qualifying experience***[~~***deemed equivalent by the board, may be approved***~~].

(8) [~~***Experience gained in engineering***~~]Research and design projects by faculty in an engineering[~~EAC/ABET-accredited~~] program accredited by the Engineering Accreditation Commission of the Accreditation Board of Engineering and Technology, or an ***equivalent*** engineering program***,***[~~one~~]***shall be accepted as qualifying experience if it meets the definition for "engineering," as defined by KRS 322.010(4)***[~~***deemed equivalent by the board, may be approved***~~].

(9) ***The***[~~***Experience may be approved for***~~] execution or supervision of construction projects designed by a professional engineer ***shall be accepted as qualifying experience if the design meets the definition for "engineering," as defined by KRS 322.010(4)***.

(10) The applicant shall demonstrate why ***any work*** experience not ***completed***[~~***gained***~~] under the supervision of a professional engineer is ***qualifying experience applicable to licensure***[~~***eligible for credit***~~].

(11) Qualifying experience shall be complete at the time of application for licensure.

(12) Qualifying experience required by KRS 322.040(1)(a)2, 322.040(1)(b)2, and 322.040(2)(b) shall be gained following graduation from the engineering program required by the provisions of KRS 322.040(1)(a)1, 322.040(1)(b)1, and 322.040(2)(a) except that up to three (3) months of experience ***shall be accepted as***[~~***may be granted for***~~]qualifying experience earned while on active duty in the Armed Forces ***of the United States*** prior to graduating from the engineering program required by the provisions of KRS 322.040(1)(a)1, 322.040(1)(b), and 322.040(2)(a) ***if the experience meets the definition for "engineering," as defined by KRS 322.010(4)***.

Section 2. Evaluation of Experience in Land Surveying Required under KRS 322.045 and 322.047***. The board, in reviewing an application for licensure as a professional land surveyor pursuant to 201 KAR 18:020,*** shall consider the following:

(1) Land surveying experience shall reflect increasing complexity of the land surveying tasks and the progressive responsibility of the applicant.

(2) Experience shall include projects in which the applicant, while under the direct supervision of a practicing professional land surveyor, implemented work involving property conveyance and property boundary determination. The applicant shall also demonstrate experience in the fieldwork aspects of property boundary determination.

(3) Construction surveying experience shall be limited to a maximum of one (1) year ***of qualifying*** experience[~~***credit***~~].

(4)[~~(3)~~] [~~***One (1) year of experience may be approved for***~~]Completion of a master's degree in land surveying from a board-approved program in land surveying from a college or university ***shall be accepted as one (1) year of qualifying experience***.

(5)[(4)] [***A maximum of two (2) years of qualifying experience under this section shall be approved for***]Land surveying experience ***gained***[~~work~~] prior to completion of the education requirements[~~graduation~~] under KRS 322.045(1)(c)1, 2, 3, and 322.047(1)(a)1 and 2 ***shall be limited to a maximum of two (2) years of qualifying experience***.

(6)[(5)] Experience ***gained in violation of***[~~***that violates***~~] KRS Chapter 322 shall not be ***accepted as qualifying experience***[~~***approved***~~].

(7)[(6)] ***Military***[~~***Land surveying***~~]experience gained ***while on active duty in the Armed Forces of the United States shall be accepted as qualifying experience if it meets the definition for "land surveying," as defined by KRS 322.010(10)***[~~***during***~~][~~in the~~][***military service***][~~services~~][***in the Armed forces of the United States may be approved***].

(8)[(7)] [***A maximum of two (2) years of experience may be approved for***]Teaching land surveying courses at the postsecondary level ***shall be accepted as qualifying experience and shall be limited to a maximum of two (2) years of qualifying experience***.

(9)[(8)] Qualifying experience shall be complete at the time of application.

(10)[(9)] ***A minimum of two (2) years of qualifying work experience shall be completed by the applicant after graduation from a program of four (4) years or more from a college or university and completion of the twenty-four (24) semester credit hour core curriculum. Claimed work experience considered qualifying pursuant to subsections (4) and (8) of this section shall not be considered qualifying work experience for the purposes of meeting this two (2) year post-graduation work experience requirement***[~~***Notwithstanding subsections***~~][~~(3),~~][~~***(4), (5), and (8)***~~][(7)][~~***, in no case shall An applicant's experience gained after graduation from a program of four (4) years or more, or completion of the twenty-four (24) semester credit hour core curriculum, whichever is later, be less than two (2) years***~~].

Section 3. Evaluation of ***Overlapping***[~~***Both***~~] Experience in Engineering Required under KRS 322.040 and in Land Surveying Required under KRS 322.045 and 322.047.[~~***shall consider the following:***~~]Overlapping experience in engineering and land surveying ***claimed on an application for licensure as a professional engineer or professional land surveyor pursuant to 201 KAR 18:020 shall be accepted as qualifying work experience toward***[~~***may receive a maximum of one (1) year credit that may count towards***~~] both engineering and land surveying experience requirements ***and shall be limited to a maximum of one (1) year of qualifying experience.***

FILED WITH LRC: March 9, 2026

CONTACT PERSON: Kyle L. Elliott, Executive Director, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687, email kyle.elliott@ky.gov.

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

BOARDS AND COMMISSIONS
Board of Licensed Diabetes Educators
(As Amended at ARRS, March 9, 2026)

201 KAR 45:110. Supervision and work experience.

RELATES TO: KRS 309.331

STATUTORY AUTHORITY: KRS 309.331(1), 309.334(2)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.325 to 309.339. KRS 309.334(2)(a) requires the board to promulgate administrative regulations to establish the duties of the apprentice diabetes educator supervisor. This administrative regulation establishes the amount of work experience required for licensure and the qualifications to be a supervisor.

Section 1. Accumulation of Work Experience. An apprentice diabetes educator shall accumulate at least 750 hours of supervised work experience within five (5) years from the date of application for licensure, of which 250 hours shall have been obtained within the last twelve (12) months preceding licensure application.

Section 2. Supervision.

(1) An apprentice diabetes educator shall not practice diabetes education until a supervisor has been approved by the board ***in accordance with this administrative regulation***.

(2) The board-approved supervisor shall assume responsibility for and supervise the apprentice diabetes educator's practice as follows:

[(1)]

(a) The supervisor shall complete a post-learning assessment of the apprentice using the,[~~review the apprentice diabetes educator's provision of diabetes self-management education.~~][***"***]Diabetes Education Apprentice Assessment[***"***], form DPL-BDE-02, which shall accompany an application for full licensure.

(b) The apprentice diabetes educator shall meet[~~interact~~] with the supervisor no less than two (2) hours quarterly, one (1) hour of which shall be face-to-face while being physically present in the same room, or may be virtual utilizing an online platform with both audio and visual connectivity during the entire supervision meeting.

(c) The supervision process shall focus on:

1. Identifying strengths, developmental needs, and providing direct feedback to foster the professional development of the apprentice diabetes educator;

2. Identifying and providing resources to facilitate learning and professional growth;

3. Developing awareness of professional and ethical responsibilities in the practice of diabetes education; and

4. Ensuring the safe and effective delivery of diabetes education services and fostering the professional competence and development of the apprentice diabetes educator.

(d) The supervisor shall complete a Supervised Work Experience Report, Form DPL-BDE-03, which shall accompany an application for full licensure.

(e)[(c)]

1. Prior to the apprentice applying for full licensure, the supervisor shall:[~~licensure, the supervisor shall observe the apprentice providing diabetes education to a patient while the supervisor is physically present in the same room on at least two (2) separate occasions, for a combined total of at least four (4) hours, two (2) hours of which shall have occurred within the last twelve (12) months preceding licensure application.~~]

a. Observe the apprentice providing diabetes education to a patient while the supervisor is physically present in the same room with the apprentice and the patient, or through telehealth as provided in ***201 KAR 45:190***[~~***201 KAR 45***~~];

b. Observation of the apprentice and the patient shall occur on at least two (2) separate occasions, for a combined total of at least four (4) hours; and

c. Two (2) hours of said observation shall occur within the twelve (12) months preceding full licensure application.

2. The apprentice shall be responsible for obtaining any permissions, releases, or waivers required by law in order for the supervisor to observe the apprentice providing diabetes education to a patient.

(3)[(2)] The hours of work experience and verification by the apprentice diabetes educator and supervisor shall be documented on the Supervised Work Experience Report, DPL-BDE-03.[~~Application for Licensure, Form DE-01.~~]

(4)[(3)] A supervisor shall not serve as a supervisor for more than four (4) apprentice diabetes educators at a time.

[(4)] [~~The supervision process shall focus on:~~]

[(a)] [Identifying strengths, developmental needs, and providing direct feedback to foster the professional development of the apprentice diabetes educator;]

[(b)] [Identifying and providing resources to facilitate learning and professional growth;]

[(c)] [Developing awareness of professional and ethical responsibilities in the practice of diabetes education; and]

[(d)] [Ensuring the safe and effective delivery of diabetes education services and fostering the professional competence and development of the apprentice diabetes educator.]

Section 3. Documentation Requirements. The documentation required for[by] the Supervised Work Experience Report, DPL-BDE-03[Form DE-05] shall be maintained by the apprentice and the supervisor for a period of five (5) years and provided to the board upon request[at the request of the board].

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Diabetes Educator Apprentice Assessment", DPL-BDE-02, July 2025; and["Application for Licensure", Form DE-01, 09/2017; and]

(b) "Supervised Work Experience Report", DPL-BDE-03, July 2025.[Form DE-05, 09/2016.]

(2) This material may be located on the board website at bde.ky.gov or inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, Department of Professional Licensing, 500 Mero Street, [2SC32,] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

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CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services. Address: 500 Mero Street, 2 NC WK#2, Frankfort, Kentucky 40602. 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.

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

BOARDS AND COMMISSIONS
Board of Licensed Diabetes Educators
(As Amended at ARRS, March 9, 2026)

201 KAR 45:150. Complaint procedures.

RELATES TO: KRS 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.330 to 309.339. This administrative regulation provides for the complaint procedures to be used by the board in the enforcement of those statutes and administrative regulations promulgated thereunder.

Section 1. Definitions.

(1) "Board" is defined by KRS 309.325(1).

(2) "Charge" means a specific allegation contained in any document issued by the board alleging a violation of a specified provision of KRS 309.325 through 309.339.

(3) "Complaint" means a written complaint alleging a violation of KRS 309.325 through 309.339.

(4) "Complainant" means a person who files a complaint pursuant to this administrative regulation.

(5) "Formal complaint" means a formal administrative pleading authorized by the board that establishes a charge against a licensee or applicant and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B.

Section 2. Complaints. A complaint:

(1) Shall be submitted by completing ***an Information and Complaint Form with Authorization for the Use and Disclosure of Health Information, DPL-BDE-08***[***a "Complaint Form", Form DPL-BDE-07, July 2025***][DE-06] and signed by the person offering the complaint; or

(2) May be filed by the board based upon information in its possession.

Section 3. Receipt of Complaints.

(1) A copy of the complaint shall be mailed to the individual named in the complaint along with a request for that individual's response to the complaint.

(2) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response to the board.

(3) Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant.

(4) The complainant shall have seven (7) days from receipt to submit a written reply to the response to the board.

Section 4. Initial Review.

(1)

(a) After the receipt of the complaint and the expiration of the period for the individual response, the board shall consider the individual's response, complainant's reply to the response, and any relevant material available.

(b) The names of the individuals and other identifying information shall be redacted to provide anonymity.

(c) The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall conduct a formal investigation into the matter.

Section 5. Results of Formal Investigation; Board Decision on Hearing.

(1) Upon completion of the formal investigation, the board shall determine whether there has been a prima facie violation of KRS 309.325 to 309.339 or the administrative regulations promulgated thereunder. If so, a formal complaint shall be filed.

(2) If the board determines that a complaint does not warrant the issuance of a formal complaint, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a violation has occurred but is not serious, the board shall issue a written admonishment to the license holder.

(a) A copy of the written admonishment shall be placed in the permanent file of the license holder.

(b) The license holder shall have the right to file a response in writing to the admonishment within thirty (30) days of its receipt and may have it placed in the license holder's permanent file.

(c) Alternatively, the license holder may file a request for a hearing with the board within thirty (30) days of the admonishment.

(d) Upon receipt of the request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.

(4)

(a) If the board determines that a complaint warrants the issuance of a formal complaint against the license holder, the board or its counsel shall prepare a formal complaint that states clearly the charge or charges to be considered at the hearing.

(b)

1. 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.

2. The formal complaint shall be processed in accordance with KRS Chapter 13B.

Section 6. Settlement by Informal Proceedings.

(1) The board, through counsel, may enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the chair and the individual who is the subject of the complaint.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 7. Incorporation by Reference.

(1) The Information & Complaint Form With Authorization for the Use and Disclosure of Health Information, DPL-BDE-08, July 2025,[~~"Complaint Form", Form DE-06, 06/2013,~~] is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, Department of Professional Licensing, 500 Mero Street, [~~2SC32,~~] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30[~~5~~] p.m.

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CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services. Address: 500 Mero Street, 2 NC WK#2, Frankfort, Kentucky 40602. 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.

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

BOARDS AND COMMISSIONS
Board of Licensed Diabetes Educators
(As Amended at ARRS, March 9, 2026)

201 KAR 45:170. Application procedures.

RELATES TO: KRS 309.331, 309.334, 309.335, 309.336, 335B.030

STATUTORY AUTHORITY: KRS 309.331(1), 309.334(2)(c), 309.335(1)(b)1., 309.336(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.325 to 309.339. KRS 309.335(1)(b)1. requires an applicant for licensure as a licensed diabetes educator to file an application as provided by the board, to show successful completion of a course or program as determined by the board, and to demonstrate experience in the care of people with diabetes under supervision that meets requirements specified in administrative regulations promulgated by the board. KRS 309.334(2)(c) requires the board to establish additional requirements to apply for an apprentice diabetes educator permit, and KRS 309.336(2)(b) requires the board to establish additional requirements to apply for licensure as a master licensed diabetes educator. This administrative regulation establishes application procedures for licensed diabetes educators, master licensed diabetes educators, and apprentice diabetes educators.

Section 1. Licensed Diabetes Educator Application Procedures.

[~~(1)~~] An applicant for licensure as a licensed diabetes educator [~~pursuant to KRS 309.335(1)(b)1.~~] shall submit the following to the board:

(1)[~~(a)~~] A completed Application for Licensure, Form ***DPL-BDE-01***[~~***BPL-LDE-01, July 2025***~~];[~~DE-01, incorporated by reference in 201 KAR 45:110,~~]

(2) A completed Diabetes Education Apprentice Assessment (Post-Learning), Form DPL-BDE-02, incorporated by reference in 201 KAR 45:110;

(3) The Supervised Work Experience Report, Form DPL-BDE-03, incorporated by reference in 201 KAR 45:110, [~~including documentation~~] verifying completion of 750 hours of work experience as an apprentice diabetes educator under a supervisor as provided in 201 KAR 45:110; [~~and~~]

[~~(b)~~] [~~Payment of the licensure fee as established in 201 KAR 45:100.~~]

[~~(2)~~] [~~An applicant for licensure as a licensed diabetes educator pursuant to KRS 309.335(1)(b)2. shall submit to the board:~~]

(4)

(a) Evidence showing successful completion of the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators or;[~~; and~~]

[~~(b)~~] [~~Payment of the licensure fee as established in 201 KAR 45:100.~~]

[~~(3)~~] [~~An applicant for licensure as a licensed diabetes educator pursuant to KRS 309.335(1)(b)3. shall submit to the board:~~]

(b)[~~(a)~~] Evidence showing the successful completion of the Association of Diabetes Care and Education Specialists ("ADCES") Core Concepts Course, either online or in-person, or an equivalent credentialing program as approved by the board pursuant to 201 KAR 45:180; and

(c)[~~(b)~~] Payment of the licensure fee as established in 201 KAR 45:100.

Section 2. Master Licensed Diabetes Educator Application Procedures. An applicant for licensure as a master licensed diabetes educator shall submit to the board:

(1) A completed Application for Licensure, Form DPL-BDE-01[~~,~~ ***incorporated by reference in 201 KAR 45:110***][~~DE-01~~];

(2) Proof of completion of the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators in Board Certified Advanced Diabetes Management or as a Certified Diabetes Educator; and

(3) Payment of the licensure fee as established in 201 KAR 45:100.

Section 3. Apprentice Diabetes Educator Application Procedures. An applicant for an apprentice diabetes educator permit shall submit to the board:

(1) A completed Application for Apprentice Diabetes Educator Permit, Form DPL-BDE-04[~~DE-03~~];

(2) Payment of the licensure fee as established in 201 KAR 45:100; and

(3) A completed Diabetes ***Educator***[~~***Education***~~] Apprentice Assessment[~~ ***(Pre-Learning)***~~], Form DPL-BDE-02, incorporated by reference in 201 KAR 45:110;

(4) Proof of an active license or certification in good standing as at least one (1) of the following:

(a) American College of Sports Medicine Certified Clinical Exercise Specialist or Registered Clinical Exercise Physiologist;

(b)

1. Certified social worker or licensed clinical social worker pursuant to KRS Chapter 335; and

2. The applicant shall also have at least two (2) years of experience in a health profession;

(c) Dietitian pursuant to KRS Chapter 310;

(d) Health educator holding active certification as a master certified health education specialist with the National Commission on Health Education Credentialing;

(e) Nutritionist pursuant to KRS Chapter 310;

(f) Occupational therapist pursuant to KRS Chapter 319A;

(g) Optometrist pursuant to KRS Chapter 320;

(h) Osteopath pursuant to KRS Chapter 311;
(i) Pharmacist pursuant to KRS Chapter 315;
(j) Physical therapist pursuant to KRS Chapter 327;
(k) Physician pursuant to KRS Chapter 311;
(l) Physician assistant pursuant to KRS Chapter 311;
(m) Podiatrist pursuant to KRS Chapter 311;
(n) Psychologist pursuant to KRS Chapter 319;
(o) Registered nurse pursuant to KRS Chapter 314; or
(p) A license or certification from a state or the District of Columbia equivalent to one (1) of the licenses or certifications listed in this subsection.

(5)[~~(4)~~] The board shall not consider an applicant for an apprentice diabetes educator permit who does not hold an active license or certification as listed in subsection (3) of this section.

(6)[~~(5)~~] An applicant for an apprentice diabetes educator permit shall include the Supervised Work Experience Report, Form DPL-BDE-03[~~DE-05~~], which lists the name of the supervisor, the employer, and the type of setting the work experience will be gained, incorporated by reference in 201 KAR 45:110.

Section 4. Applications involving prior convictions of a crime.
(1) If the board considers denying an application based solely on an applicant's prior conviction of a crime, the board, pursuant to KRS 335B.030(2), shall:
(a) Provide the applicant with written notice that the board has determined that the prior conviction may disqualify the applicant for a license or permit, and demonstrates the connection between the prior conviction and the license or permit being sought; and
(b) Afford the applicant an opportunity to be personally heard before the board prior to the board making a decision on whether to disqualify the applicant.
(2) If the board resolves to deny an application based solely on an applicant's prior conviction of a crime after complying with the procedures in Section 4(1) of this administrative regulation, the board, pursuant to KRS 335B.030(2), shall notify the applicant in writing of:
(a) The grounds and reasons for the denial or disqualification;
(b) That the applicant has a right to a hearing conducted in accordance with KRS Chapter 13B, if a written request for a hearing is made within twenty (20) [~~ten (10)~~] days after service of notice;
(c) The earliest date the applicant may reapply for a license or permit; and
(d) That evidence of rehabilitation may be considered upon reapplication.

Section 5. Incorporation by Reference. The following material is incorporated by reference:
(1) "Application for Licensure, Form ***DPL-BDE-01***[~~***BPL-LDE-01***~~], July 2025, is incorporated by reference;
(2) "Application for Apprentice Diabetes Educator Permit", Form DPL-BDE-04, July 2025[~~DE-03, 08/2014~~], is incorporated by reference.
(3)[~~(2)~~] This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, Department of Professional Licensing, 500 Mero Street, [~~2SC32,~~] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30[~~5~~] p.m.

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CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services. Address: 500 Mero Street, 2 NC WK#2, Frankfort, Kentucky 40602. 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.

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

BOARDS AND COMMISSIONS
Board of Licensed Diabetes Educators
(As Amended at ARRS, March 9, 2026)

201 KAR 45:180. Diabetes Education Courses.

RELATES TO: KRS 309.331
STATUTORY AUTHORITY: KRS 309.331(1), 309.335
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.325 to 309.339. KRS 309.335(1)(b)1. requires the board to promulgate administrative regulations specifying requirements for the board-approved course in diabetes education. This administrative regulation establishes the requirements and procedures for the board-approved course in diabetes education.

Section 1. The ***Association of Diabetes Care and Education Specialists (ADCES)***[~~***American Association of Diabetes Educators***~~] Core Concepts Course shall constitute a board-approved course in diabetes education.

Section 2. A person may petition the board to approve another course in diabetes education that is substantially equivalent to the American Association of Diabetes Educators Core Concepts Course by submitting to the board a completed Application for KBLDE Board Approved Course, Form ***DPL-BDE-09***[~~***DE-07***~~]. The application form shall be accompanied by:
(1) A thorough course description;
(2) A statement of the learning objectives;
(3) A statement of the target audience;
(4) The content focus of the course;
(5) A detailed agenda for the activity;
(6) The number of contact hours requested;
(7) The qualifications required for presenters; and
(8) A sample of the certificate of completion awarded to successful attendees.

Section 3. Incorporation by Reference.
(1) "Application for KBLDE Board Approved Course", Form DPL-BDE-09, July 2025[~~DE-07, 08/2014~~] is incorporated by reference.
(2) This material may be located on the board website at bde.ky.gov or inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, Department of Professional Licensing, 500 Mero Street, [~~2SC32,~~] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30[~~5~~] p.m.

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CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services. Address: 500 Mero Street, 2 NC WK#2, Frankfort, Kentucky 40602. 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.

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BOARDS AND COMMISSIONS
Board of Licensed Diabetes Educators
(As Amended at ARRS, March 9, 2026)

201 KAR 45:190. Telehealth diabetes education.

RELATES TO: KRS ***309.331, 211.332, 211.334, 211.335, 211.336, 211.338***[***309.331***]
STATUTORY AUTHORITY: KRS 309.331[***, 211.332, 211.334, 211.335, 211.336, 211.338.***]
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331 authorizes the board to promulgate administrative regulations to carry out and enforce KRS 309.325 to 309.339. KRS 211.332 authorizes the use of telehealth in the Commonwealth to ensure a patient's informed consent and to maintain confidentiality. This administrative regulation protects the health and safety of the citizens of Kentucky and establishes procedures for preventing abuse and fraud through the use of telehealth, prevents fee-splitting through the use of telehealth, and utilizes telehealth in the provision of diabetes educator services and in the provision of continuing education.

Section 1. Definitions.
(1) "Client" means the person receiving the services of the licensed diabetes educator or the diabetes educator apprentice.
(2) "Credential holder" is defined as licensed diabetes educator or the diabetes educator apprentice.
(3) "Telehealth" is defined by KRS 211.332(5). Telehealth shall not include the delivery of services through electronic mail, text chat, facsimile, or standard audio-only telephone call and shall be delivered over a secure communications connection that complies with the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. secs. 1320d to 1320d-9.
(4) "Telehealth diabetes education" means the practice of diabetes education, as defined by KRS 309.325(2), between the credential holder and the patient that is provided using:
(a) Electronic communication technology; or
(b) Two (2) way, interactive, simultaneous audio and video.
(5) "Telehealth service" means any service that is provided via telehealth and is one (1) of the following:
(a) Event;
(b) Encounter;
(c) Consultation;
(d) Visit;
(e) Remote patient monitoring;
(f) Referral; or
(g) Treatment.

Section 2. Patient Requirements. A credential holder using telehealth to deliver diabetes education services or who practices diabetes education shall, upon initial contact with the patient:
(1) Make reasonable attempts to verify the identity of the patient;
(2) Obtain alternative means of contacting the patient other than electronically, which may include obtaining the patient's phone number or email address;
(3) Provide to the patient alternative means of contacting the credential holder other than electronically, which may include providing the credential holder's phone number or email address;
(4) Document if the patient has the necessary knowledge and skills to benefit from the type of diabetes education provided by the credential holder;
(5) Use secure communications with the patient, including encrypted text messages via e-mail or secure Web sites, and not use personal identifying information in non-secure communications;
(6) Inform the patient in writing about:
(a) The limitations of using technology in the provision of diabetes education;
(b) Potential risks to confidentiality of information due to technology in the provision of diabetes education;
(c) Potential risks of disruption in the use of diabetes education;
(d) When and how the credential holder will respond to routine electronic messages;
(e) The circumstances in which the credential holder will use alternative communications for emergency purposes;
(f) Who else may have access to patient communications with the credential holder;
(g) How communications can be directed to a specific credential holder; and
(h) How the credential holder stores electronic communications from the patient.
(7) Within forty-eight (48) hours of the telehealth service, the credential holder shall document within the patient's medical record that a service was provided by telehealth, and follow all documentation requirements of the practice.

Section 3. Competence, Limits on Practice, Maintenance, and Retention of Records.
(1) A credential holder using telehealth to deliver diabetes education services or who practices telehealth diabetes education shall:
(a) Limit the practice of telehealth diabetes education to the area of competence in which proficiency has been gained through education, training, and experience;
(b) Maintain current competency in the practice of telehealth diabetes education through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge;
(c) Follow all the record-keeping requirements;
(d) Ensure that confidential communications obtained and stored electronically cannot be recovered and accessed by unauthorized persons when the credential holder disposes of electronic equipment and data; and
(e) Document the patient's written informed consent to the services being provided and the provision of those services via telehealth, including that the patient or client***:***
1. Has the right to refuse telehealth consultation or services***;***
2. [***,***] Has been informed of alternatives to telehealth services***;***
3. [***, that the patient or client***] Shall be entitled to receive information from the provider regarding the services rendered***;***
4. [***, that the patient or client's***] Information shall be protected by applicable federal and state law regarding patient confidentiality***;***
5. [***, that the patient or client***] Shall have the right to know the identity of all persons present at any site involved in the telehealth services, and to exclude any such person***;***[***,***] and
6. [***that the patient or client***] Shall have the right to be advised, and to object to, any recording of the telehealth consultation or services.
(2) The requirement of a written informed consent shall not apply to an emergency situation if the patient is unable to provide informed consent and the patient's legally authorized representative is not available.

Section 4. Compliance with Federal, State, and Local Law. A credential holder using telehealth to deliver diabetes education services shall:
(1) Comply with the state law where the credential holder is credentialed and state law regarding the practice of diabetes education where the patient is located at the time services are rendered;
(2) ***Comply with*** Section 508 of the Rehabilitation Act, 29 U.S.C. 794(d), to make technology accessible to a patient with disabilities; and
(3) Maintain patient privacy and security in accordance with 900 KAR 12:005, Section 2(2).

Section 5. Representation of Services and Code of Conduct. A credential holder using telehealth to deliver diabetes education services:
(1) Shall not, by or on behalf of the credential holder, engage in false, misleading, or deceptive advertising of telehealth diabetes services; and

(2) Shall comply with the code of ethics established by 201 KAR 45:140.

(3) Shall not allow fee-splitting through the use of telehealth diabetes education services.

Section 6. A person holding a license as a diabetes educator or a permit as a diabetes educator apprentice who provides telehealth services to a person physically located in Kentucky shall be subject to the laws and administrative regulations governing diabetes education in Kentucky.

FILED WITH LRC: March 9, 2026

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services. Address: 500 Mero Street, 2 NC WK#2, Frankfort, Kentucky 40602. 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.

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

301 KAR 2:176. Wildlife causing damage and landowner designee process.[Deer control tags, deer destruction permits, and landowner designees.]

RELATES TO: KRS 150.010, 150.175, 150.360, 150.390, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.105, 150.170(7), 150.186

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the commissioner with approval of the commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.105 authorizes the commissioner with the approval of the commission to destroy or bring under control wildlife causing damage. KRS 150.170(7) authorizes landowners, their spouses or dependent children, or a designee to destroy wildlife causing damage. It also authorizes the department to promulgate administrative regulations that establish procedures for the designee appointment process. This administrative regulation establishes the requirements for the issuance of wildlife[deer] control tags and [deer]destruction tags[permits] and establishes the requirements for the landowner designee appointment process.

Section 1. Definitions.

(1) "Carcass tag" means a tag affixed to the carcass that allows the individual who legally takes the animal to move the carcass, utilize the edible parts of the same, or transfer possession to another individual.["Deer control tag" means a tag issued by the department that authorizes a hunter to take antlerless deer during an open deer season pursuant to 301 KAR 2:172.]

(2) "Control tag" means a tag issued by the department that authorizes an individual to take wildlife during an open hunting or trapping season for the species causing damage.

(3) "Destruction tag" means an authorization issued by the department that authorizes a landowner or designee to take wildlife outside of an open hunting or trapping season for the species causing damage.

[(2)] ["Deer destruction permit" means written authorization from the department to take deer outside the hunting season framework established in 301 KAR 2:172.]

[(3)] ["Deer food plot" means a crop or cultivated plants grown to attract and feed deer.]

(4) "Department representative" means a department employee who is a wildlife biologist or game warden.[qualified and authorized by the commissioner to assess deer damage.]

(5) "Designee" means a person who has been designated by a landowner and approved by the commissioner to remove wildlife causing damage on the landowner's property.

(6) "Food plot" means a crop or cultivated plants grown to attract and feed wildlife.

(7) "Landowner" means the person who has title to a particular property.

Section 2. Qualifying for [Deer]Control Tags.

(1) A landowner [with fewer than 1,000 contiguous acres]shall qualify for [deer]control tags if:

(a) Hunting or trapping for the species[Deer hunting] occurred on the property during the previous [deer]season;

(b) Standard deterrent measures recommended by a department representative have proven ineffective or are impractical;[and]

(c) A department representative certifies wildlife[deer] damage to crops, gardens, property, or wildlife habitat; or[.]

[(2)] [A landowner with 1,000 contiguous acres or more shall qualify for deer control tags if:]

[(a)] [Deer hunting occurred on the property during the previous deer season; and]

(d)[(b)] Hunting or trapping[Deer] seasons and bag limits [as established in 301 KAR 2:172]are determined by a department representative to be inadequate to control wildlife[deer] populations on the property.

(2)[(3)] A department representative shall make an on-site inspection of each property for which a request for [deer]control tags has been made, unless the property:

(a) Has been previously inspected by a[the] department representative and the landowner affirms that wildlife[deer] damage still exists; or

(b) Is immediately adjacent to property assessed by a department representative as having severe wildlife[deer] damage.

[(4)] [A landowner whose property is immediately adjacent to property assessed by a department representative as having severe deer damage shall be issued deer control tags upon request of the landowner.]

(3)[(5)] The department shall not issue [deer]control tags to a landowner whose only damage is to a [deer]food plot.

Section 3. Applying for [Deer]Control Tags.

(1) A landowner shall request [deer]control tags by contacting the department through:

(a) A game warden[conservation officer]; or

(b) The wildlife[private lands] biologist for the county in which the property is located.

(2) If required by Section 2 of this administrative regulation, a department representative shall visit the property and assess the nature and extent of wildlife[deer] damage.

[(3)] [A request for an assessment shall be made on or before September 30 to be eligible for current year deer control tags.]

[(4)] [A request for an assessment made after September 30 shall be considered for the following year.]

Section 4. Number of Control Tags Issued.

(1) The Wildlife Division[department] shall determine the number of [deer] control tags to be issued for each property based on the recommendation of the department representative.

(2) The[Except as established in Section 2(2) or (4) of this administrative regulation, the] department shall not issue a [deer]control tag if:

(a) The county hunting or trapping[deer] season is adequate to achieve the desired reduction in wildlife[deer] numbers; or

(b) Crop, property, or environmental damage is not present.

Section 5. Transfer of [~~Deer~~]Control Tags.

(1) Control[~~Deer control~~] tags shall be issued in the landowner's name.

(2) A landowner:

(a) May transfer a [~~deer~~]control tag to another person; and

(b) Shall require hunters or trappers to sign a control tag after an animal has been taken[~~deer control tag when an antlerless deer is harvested~~].

Section 6. Use of [~~Deer~~]Control Tags.

(1) A [~~deer~~]control tag shall not be valid except on the property for which it was issued.

(2) A [~~deer~~]control tag shall expire after the license year for which it was issued.

(3) A person who uses a [~~deer~~]control tag:

(a) Shall have in possession a valid:

1. Control[~~Deer control~~] tag; and

2. Hunting or trapping license, as applicable for the method of take, and permit for the species causing damage, if applicable[~~and current deer permit~~], unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120; and

3. Proof of hunter education if required by 301 KAR 2:185.

(b) May use control tags during any open hunting or trapping season for the species;[~~deer control tags during archery, crossbow, modern gun, both youth deer seasons, or muzzle-loader seasons to take antlerless deer; and~~]

(c) Shall comply with weapon and season requirements as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300, except that antlered deer or elk may not be taken; and[~~:~~]

[~~1.~~] [~~Antlered deer shall not be taken; and~~]

[~~2.~~] [~~The deer control tag shall remain attached to the carcass until final processing or disposal.~~]

(d) Shall submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone.

(4) Wildlife[~~Deer~~] taken with a [~~deer~~]control tag shall not count toward the zone or statewide bag limit as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300.

(5) Traps used to take wildlife with a control tag shall:

(a) Be tagged and checked as established in KRS 150.400 and 150.410; and

(b) Comply with trap requirements as established in 301 KAR 2:251.

Section 7. [~~Deer~~]Destruction Tags[~~Permits~~].

(1) The Wildlife Division[~~department~~] may issue a [~~deer~~]destruction tag[~~permit~~]:

(a) To a person authorized by the commissioner to remove wildlife[~~deer~~] that are or may become a public safety or environmental threat or that have entered a permitted captive cervid facility;

(b) To a landowner or the designee:

1. Who continues to experience damage after using [~~deer~~]control tags; or

2. Whose property cannot be hunted legally and wildlife[~~deer~~] are posing a public safety or environmental threat;[~~ or~~]

(c) To a captive cervid facility permit holder or applicant:

1. Whose fence meets the fencing and holding requirements in 301 KAR 2:083; and

2. Who has attempted to remove wild deer using nonlethal methods or statewide deer seasons as established in 301 KAR 2:172; or[~~.~~]

(d) If a department representative determines that out of season take is warranted to curtail damage after conducting the initial site visit as established in Section 3 of this administrative regulation.

(2) A [~~deer~~]destruction tag[~~permit~~] shall specify the:

(a) Number and sex of wildlife[~~deer~~] to be destroyed if the species causing damage is sexually dimorphic;

(b) Method of destruction;

(c) Name of the person who will destroy the wildlife[~~deer~~]; and

(d) Dates during which the destruction will take place.

(3) A [~~deer~~] destruction tag[~~permit~~] shall not be issued without the recommendation of a department representative and the approval of the commissioner.

(4) A person who uses a [~~deer~~]destruction tag[~~permit~~] shall:

(a) Have in possession a valid:

1. Destruction tag;

2. Hunting or trapping license for the species causing damage [~~and current deer permit~~], unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120;

3. Proof of hunter education if required by 301 KAR 2:185; and

4. Completed Wildlife Damage Designee Form for the property in which wildlife are being removed**;**[~~.~~]

(b)[~~(a)~~] Attach to each carcass a carcass tag that contains the confirmation number, hunter's name, and telephone number[~~disposal permit provided by the department~~];

(c)[~~(b)~~] Not remove the carcass tag[~~disposal permit~~] until the carcass is processed or disposed of;[~~ and~~]

(d) Relinquish to the department, destroy, or leave afield all inedible parts;

[~~(c)~~] [~~If an antlered deer was taken, relinquish the antlers to the department.~~]

(e) [***~~Shall~~***]Telecheck the animal by midnight on the day ***the animal***[***~~it~~***] was recovered if telecheck is ordinarily required for the species taken;

(f) [***~~Shall~~***]Submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone; and

(g) Not take wildlife causing damage at night unless specified by a department representative and approved by the commissioner in writing on the Wildlife Damage Designee Form.

(5) A [~~deer~~]destruction tag[~~permit~~] shall not be used except as ***established***[***~~specified~~***] on the authorization[~~permit~~].

(6) A person who receives a [~~deer~~]destruction tag for species other than bear, bobcat, deer, elk, river otter**,** or turkey[~~permit~~] shall:

(a) Complete a Wildlife Destruction Tag[~~permit~~] Reporting Form issued by the department; and

(b) Submit the completed form to the department at # 1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Wildlife Destruction Tag[~~Permit~~] Report, within fourteen (14) days after the expiration date designated on the destruction tag[~~permit~~].

Section 8. Designee Procedures**,**[~~and~~]Requirements and Denial Process.

(1) A landowner may appoint a designee to kill wildlife causing damage on the landowner's land.

(2) The landowner and designee shall complete and submit to the department a Wildlife Damage Designee Form.

(3) The department shall have thirty (30) days upon receipt of the Wildlife Damage Designee Form to approve or deny a designee.

(4) The department shall deny a designee that:

(a) Has received a felony conviction; or

(b) Has been convicted of any state or federal wildlife violation during the previous three (3) years.

Section 9. Denial or Revocation of[~~or Deer~~] Control Tags or Destruction Tag[~~Permits~~] and Appeal Procedures.

(1) The department shall revoke a [~~deer~~]control tag or destruction tag[~~permit~~] or deny a future tag [~~or permit~~]to a person who fails to comply with the requirements of this administrative regulation.

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

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

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

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

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Wildlife Damage Designee Form", 2025[~~2015~~] edition; and

(b) "Out-of-Season Wildlife Destruction [~~Permit~~]Reporting Form", 2025[~~2016~~] edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. Eastern Time or online at:

(a) Wildlife Damage Designee Form: https://fw.ky.gov/Wildlife/Documents/Wildlife-Damage-Designee-Form.pdf;

(b) Out-of-Season Wildlife Destruction Reporting Form: https://fw.ky.gov/Wildlife/Documents/Out-Season-Wildlife-Destr-Rpt-Form.pdf.

FILED WITH LRC: March 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, March 9, 2026)

301 KAR 4:112. Holding and preservation of seized wildlife.

RELATES TO: KRS 150.010, 150.025, 150.105, 150.120, 150.170, 150.280, 258.085

STATUTORY AUTHORITY: KRS 150.025, 150.105, 150.120

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the commissioner with approval of the commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.092(3) authorizes Game Wardens to arrest or issue a citation to any person who is in violation of KRS Chapter 150 or administrative regulations adopted thereunder. KRS 150.105 authorizes the department to dispatch or bring under control any wildlife causing damage to persons, property, or other animals spreading disease and that should be eliminated to prevent further damage. KRS 150.120 authorizes the game wardens to seize and take possession of any and all wildlife which have been taken, used, transported, or possessed contrary to any law or regulation adopted under KRS Chapter 150. This administrative regulation establishes the parameters for impounding wildlife either alive or euthanized and preserved as evidence in a criminal proceeding until adjudication.

Section 1. Definition. "Impoundment agent" means an individual or entity authorized by contractual agreement with the department to hold impounded wildlife as evidence during a judicial process.

Section 2.

(1) Wildlife that is alive upon seizure by a game warden as evidence in a criminal case shall be impounded and held alive and preserved as evidence until adjudication of the case, unless the commissioner authorizes a game warden or other department personnel to destroy or bring under control any wild animal, fish, or wild bird in accordance with KRS 150.105.

(2) If an animal dies before adjudication of the case, it shall be preserved to prevent decay.

(3) A wild or exotic animal that bites a human being or exhibits symptoms of rabies shall be destroyed and tested in accordance with KRS 258.085(1)(c).

Section 3. Impoundment Agent Requirements.

(1) Holding expectations and exemption for an impoundment agent assisting ***the department***[~~***KDFWR***~~] in evidentiary impoundment and oversight of wildlife in a criminal case**.**[~~:~~]

(a) An impoundment agent shall be at least eighteen (18) years of age.

(b) An impoundment agent shall be under a current contract with the Department authorizing them to do so.

(c) An impoundment agent shall be subject to and comply with any federal holding requirements as applicable for species of wildlife being held.

(d) [~~***Notwithstanding any other state regulatory restrictions,***~~]Except for this ***administrative*** regulation, an impoundment agent shall be exempt from state species possession restrictions ***if***[~~***when***~~] acting as an agent of the state to hold impounded wildlife as evidence during judicial process.

(2) Impoundment agent holding impounded evidence shall:

(a) Ensure impounded evidence is housed in an enclosure that complies with the established minimum standards within the contract;

(b) House impounded evidence in a separate enclosure that prevents direct or indirect contact with free-ranging wildlife, domestic animals, or any other captive or rehabilitating wildlife being housed on the premises of the impoundment agent;

(c) Maintain all impounded evidence in sanitary and safe conditions and in a manner that prevents maltreatment or neglect as referenced in 301 KAR 2:081 Section 8(5)(a)-(l); and

(d) Ensure impounded evidence is housed in an enclosure sufficient to prevent escape and direct contact with the public.

Section 4. Identification and Handling of Impounded Evidence.

(1) Impoundment agent shall ensure that all impounded wildlife be maintained on a chain of custody form.

(2) The impoundment agent shall not:

(a) Propagate impounded evidence;

(b) Remove impounded evidence from the holding facility except for veterinary care;

(c) Exhibit impounded evidence for public display.

Section 5. Stewardship of Wildlife.

(1) All impounded evidence held under the contract shall remain under the stewardship of the Department of Fish and Wildlife Resources, except that federally protected wildlife remains under the stewardship of both the Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.

(2) Impounded evidence shall be immediately surrendered to a game warden upon [~~***their***~~]request.

FILED WITH LRC: March 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.

JUSTICE AND PUBLIC SAFETY
Department of Corrections
(As Amended at ARRS, March 9, 2026)

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

RELATES TO: KRS Chapters 196, 197, KRS 197.045
STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110
NECESSITY, FUNCTION, AND CONFORMITY: [~~NECESSITY, FUNCTION, AND CONFORMITY: ~~]KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 ***requires***[~~***authorizes***~~] the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes policies and procedures concerning inmate rules and discipline for the Department of Corrections.

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

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

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

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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, Email: Justice.RegsContact@ky.gov

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JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, March 9, 2026)

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

RELATES TO: KRS Chapters 196, 197, 197.045, 439.268
STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 439.640
NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 ***requires***[~~***authorizes***~~] the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.268 authorizes the department to promulgate administrative regulations for the awarding of probation program credits. This administrative regulation establishes policies and procedures concerning inmate education and training for the Department of Corrections.

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

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

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

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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, 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
Department of Corrections
(As Amended at ARRS, March 9, 2026)

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

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

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 441.148

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

Section 1. Incorporation by Reference.

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

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

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

FILED WITH LRC: March 9, 2026

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

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

JUSTICE AND PUBLIC SAFETY
Department of Corrections
(As Amended at ARRS, March 9, 2026)

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

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

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

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

Section 1. Incorporation by Reference.

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

30.1	Program Approval Process, Evaluation, and Measurement (5/15/24)
30.2	Program Credit 11/19/25[~~(5/15/24)~~]
30.3	Risk and Needs Assessment and Reentry Programming Training and Quality Assurance (10/15/24)
30.4	Probation Program Credit (5/15/24)
30.5	Sex Offender Treatment Program (10/15/24)
30.6	Division of Addiction Services Substance Abuse Program (5/15/24)

30.7	DOC Approved Substance Abuse Program Parole Compliance Credits and Probation Program Credits (5/15/24)
30.8	Pretrial Substance Abuse Program (PSAP) 9/13/24
30.9	Supporting Others in Active Recovery (SOAR) Program (5/15/24)

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EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(As Amended at ARRS, March 9, 2026)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 ***requires***[~~***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 ***requires***[~~***authorizes***~~]preschool education programs for[~~"at risk"~~] four (4) year old children who are at risk of educational failure and ***requires***[~~***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" ***is defined by***[~~***means the same as in***~~] 922 KAR 2:090***(4)***[~~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" ***is***[~~***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" ***is defined by***[~~***has the same meaning as in***~~] 20 U.S.C. sec. 7801(21).

(5) "Paraprofessional" ***is defined by***[~~***has the same meaning as in***~~] 704 KAR 3:550***(2)***.

(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) ***Ensure that*** 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; ***and***

(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)***(b)***[***(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).

FILED WITH LRC: March 9, 2026

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

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
(As Amended at ARRS, March 9, 2026)

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***(7)***[~~***(5)***~~]

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 ***120*** [~~***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.

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

FILED WITH LRC: March 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.

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Amended After Comments)

804 KAR 13:010. Tobacco enforcement and administration.

RELATES TO: KRS Chapter 13B, 438.305 to 438.350[~~438.310, 1996 GA SB 137, EO 1996-619~~]

STATUTORY AUTHORITY: KRS 438.340, 438.3055[~~, EO 96-619~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.305[~~0~~] to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate relevant statutory provisions or the department's administrative regulations related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and report[~~requires a seller of tobacco products to obtain proof of the age of a prospective buyer recipient of tobacco products if he has reason to believe the prospective buyer or recipient is under eighteen (18) years old; requires the establishment of the types of documentation accepted as proof of age, notification of the employees of a seller of tobacco products of the requirements of SB 137, administrative proceedings in the enforcement of SB 137, and the collection of~~] statistics relating to the illegal sale to persons under the age of twenty-one (21)[~~minors~~] of tobacco products, alternative nicotine products, and vapor products, and the enforcement of KRS 438.305 to 438.350[~~SB 137~~]. Specifically, KRS 438.340 authorizes the department to promulgate administrative regulations necessary to implement and carry out the provisions of KRS 438.305 to 438.350, and KRS 438.3055 requires the department to carry out the enforcement provisions of KRS 438.305 to 438.350, including the promulgation of administrative regulations that govern the sale and distribution of alternative nicotine products, tobacco products, and vapor products.

Section 1. Definitions.

(1) "Department" is defined in KRS 438.305(5)[~~means the Department of Alcoholic Beverage Control~~].

(2) "License" means a tobacco, nicotine, or vapor product license.

Section 2. Administration. The department shall be the administrative agency for hearing violations of KRS 438.305 to 438.350[~~438.340~~].

Section 3. Requests for Hearing[~~Enforcement.~~]

[~~(1)~~] [~~The department shall record and investigate complaints relating to violations of KRS 438.305 to 438.340.~~]

[~~(2)~~] [~~The department shall prepare an annual survey from data obtained from the annual inspection directed by KRS 438.330(1). The survey shall be prepared to determine the existing level of tobacco sales to minors. A copy of the report shall be submitted to the Office of Agriculture.~~]

[~~(3)~~] [~~The result of the annual survey may be inspected, copied or obtained at the office of the Department of Agriculture, Capital Plaza Tower, 7th Floor, 500 Mero Street, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday, excepting state holidays.~~]

[~~Section 4.~~] [~~Procedures~~].

(1) [~~A person found to be violation of KRS 438.305 to 438.340 may be cited by the department. Any administrative citation shall conform to the requirements of KRS Chapter 13B.~~]

[~~(2)~~] A person or business receiving an administrative citation pursuant to KRS 438.305 to 438.350, a revocation of their license pursuant to KRS 438.3069, or a denial of their application for a license pursuant to KRS 438.3067[~~438.340~~], may request an administrative hearing on the matter, to be conducted by the department in accordance with KRS Chapter 13B[~~, to contest the allegation in the citation. The department may, in its discretion, employ one (1) or more hearing officers to conduct the administrative hearings. All administrative hearings shall be governed by KRS Chapter 13B~~].

(2) A request for hearing to contest the following shall be made in writing by the person or business receiving the administrative citation, revocation, or denial, or their attorney, within thirty (30) days of receipt:

(a) An administrative citation for a violation of KRS 438.305 to 438.350;

(b) A license revocation pursuant to KRS 438.3069; or

(c) A license application denial pursuant to KRS 438.3067.

(3) A request for a hearing shall include:

(a) A copy of the administrative citation, notice of revocation, or notice of denial;

(b) The name, address, and contact information of the person or business that received the administrative citation, revocation, or denial; and

(c) The name, address, and contact information of their agent for service, if that differs from the information provided pursuant to paragraph (b) of this subsection.

(4) A request for a hearing shall be mailed to the Department of Alcoholic Beverage Control, ATTN: Tobacco Hearing Request, 500 Mero Street, Frankfort, Kentucky 40601, or emailed to the department at abc.legal@ky.gov.

(5) Upon receipt of a timely request for hearing, the department shall refer the matter to an administrative hearing officer for adjudication in accordance with KRS Chapter 13B.

(6) If a request for hearing is not made within thirty (30) days of receipt of an administrative citation, revocation, or denial, the opportunity for a hearing shall be deemed to have been waived and the disciplinary action imposed shall thereby be deemed effective.

Section 4. Prepayment of Fines.

[~~(3)~~] A fine imposed[~~levied~~] pursuant to an administrative citation shall be prepayable within thirty (30) days of issuance of the administrative citation. A person not wishing to contest the allegations in the citation may resolve the charge by making a payment in the amount set forth in the administrative citation through any of the following methods:

(1) Mailing[~~mailing~~] or otherwise submitting a cashier's check, certified check, business check, or money order[~~ in the amount set forth in the citation,~~] payable to the Kentucky State Treasurer, to the Kentucky Department of Alcoholic Beverage Control, 500 Mero Street, Frankfort, Kentucky 40601[~~hearing agency name and address set forth in the citation~~]]; or

(2) Making an electronic Tobacco Citation Payment on the department's online payment portal at https://abcportal.ky.gov/BELLEExternal[~~making~~].

Section 5. License Surrender. A tobacco, nicotine, or vapor product licensee and its employees shall not evade imposition of penalties or a finding of culpability for violations alleged in a citation by surrender or expiration of its license. The department shall retain the authority to enforce relevant provisions and penalties of KRS 438.305 to 438.350 against any individual or business entity who is under investigation for or charged with a violation of those statutes, even if the individual's or business entity's tobacco, nicotine, or vapor product license has been surrendered or has expired by operation of law.

Section 6.

[~~(4)~~] Disposition of Records and Evidence[~~juvenile records~~].

(1) The department shall preserve the confidentiality of all juvenile records by maintaining a separate filing system[~~, under lock and key,~~] with access limited to the parties and their legal counsel. The department shall maintain statistical summaries of case information, including date of buy, geographical location of buy, name and address of retail seller, date of purchase, date of birth and gender of underage buyer, and disposition of case. Statistical summaries relating to underage buyers shall not identify the underage buyer by name.

(2)[~~**(5)**~~] Physical **property**[~~**evidence**~~] seized **as contraband property, as defined by KRS 438.305(4),** in the course of **investigations of** administrative violations of KRS 438.305 to 438.350[~~438.340~~] shall be maintained by the department in a secured evidentiary storage facility and destroyed after the administrative matter is resolved, unless it is found that the evidence was not used in violation of the law, in which case the **property**[~~**evidence**~~] will be returned to its owner.

(3) The disposition of **contraband property and** evidence shall not occur until all appeals associated with the administrative matter have been exhausted

SCOTTY TRACY, Commissioner
RAY PERRY, Secretary
APPROVED BY AGENCY: March 13, 2026
FILED WITH LRC: March 13, 2026 at 11:50 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joshua Newton
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation outlines the process for enforcement and administration of laws related to tobacco, nicotine and vapor products.
(b) The necessity of this administrative regulation: KRS 438.305 to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate their provisions, or the regulations of the department related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce these penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and statistics relating to the illegal sale to persons under the age of twenty-one (21) of tobacco, alternative nicotine products, and vapor products and enforcement of KRS 438.305 to 438.350.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation outlines the process for enforcing the requirements of the statutes related to underage tobacco, nicotine and vapor product sales, how penalties are to be paid, and to whom the department will report data related to these enforcement efforts.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in effective administration of the statute by outlining the process for citing violations, payment of fines related to violations, and the process to appeal those citations.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment adds language in response to Senate Bill 100 of the 2025 Regular Session of the General Assembly. These changes relate to how clerks and retailers may be cited, and how they can pay their fines or appeal the citations administratively. It also updates the address for the Department of Agriculture for obtaining a copy of the required data reporting.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to address changes made to tobacco, nicotine and vapor administration and enforcement by Senate Bill 100 during the 2025 Regular Session of the General Assembly.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 438.305 to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate their provisions, or the regulations of the department related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce these penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and statistics relating to the illegal sale to persons under the age of twenty-one (21) of tobacco, alternative nicotine products, and vapor products and enforcement of KRS 438.305 to 438.350.This amendment updates the regulation to reflect the changes made in Senate Bill 100 from the Regular Session of the General Assembly.
(d) How the amendment will assist in the effective administration of the statutes: ABC is tasked with enforcing the tobacco, nicotine and vapor laws as it relates to sales to minors and unauthorized vapor products and with approving or denying applications for licenses to sell tobacco, nicotine, and vapor products. The amendment outlines how those charged with violating these laws can appeal violation citations, revocations, and denials as well as how they can pay related fines.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2025 Ky. Acts Ch. 78 (SB 100)
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: It is estimated that there are approximately 7,000 retailers of tobacco, nicotine or vapor products in the Commonwealth of Kentucky. These businesses include gas stations, grocery stores, and standalone vape/tobacco businesses. This amendment could affect any number of these retailers and their clerks to the extent that this amendment updates them on how to pay fines for violations or how to appeal violation citations. Additionally, all of these retailers will need to apply for tobacco, nicotine, and vapor product licenses, and this regulation details how they may request a hearing if their application for licensure is denied.
(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 regulated businesses will be required to take no action because of 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 does not impose costs on any entity identified in question (4).
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): By complying with this amendment, a licensee who is charged with a violation will be afforded the benefit of a KRS Chapter 13B administrative hearing, should they elect to request one, whenever a tobacco, nicotine, or vapor product citation is issued.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100), the department will be required to employ 20 additional staff members, resulting in an initial cost of $2,750,000.00 and an annual increased cost of $2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—executing the new enforcement procedures contemplated by this administrative regulation.
(b) On a continuing basis: See increased annual cost referenced above.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The implementation and enforcement of the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100) will be funded through the collection of licensure fees and civil penalty fines.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: SB 100 established license fees and fines that will be necessary to implement this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation amendment does not establish any fees directly or indirectly.

(10) TIERING: Is tiering applied? Tiering is not applied. This regulation amendment provides the process for paying violation fines or appealing violation citations.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 13B, KRS 438.3055, 438.3067, 438.3069, 438.310, 438.312, 438.313, 438.316
(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 438.340 and Senate Bill 100 of the 2025 Kentucky General Assembly.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Alcoholic Beverage Control is the promulgating agency. No other state units, parts or divisions are affected by this regulation amendment.
(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): This regulation will have no effect on any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities will be affected by this regulation. This regulation will have no effect on any other regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact as it only provides the process for paying fines or appealing citations.
(b) Methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the amendment imposes no new action on any regulated body.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation is anticipated to have a major economic impact. To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100), the department will be required to employ 20 additional staff members, resulting in an initial cost of $2,750,000.00 and an annual increased cost of $2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—executing the new enforcement procedures contemplated by this administrative regulation.
(b) The methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the regulation amendment imposes no new action on any regulated body.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. N/A
(2) State compliance standards. N/A
(3) Minimum or uniform standards contained in the federal mandate. N/A
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

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

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Amended After Comments)

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

RELATES TO: KRS 438.3063, 438.3065, 438.3067, 438.310
STATUTORY AUTHORITY: KRS 438.3055, 438.3063, 438.340
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," **March 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/.

SCOTTY TRACY, Commissioner
RAY PERRY, Secretary
APPROVED BY AGENCY: March 13, 2026
FILED WITH LRC: March 13, 2026 at 11:50 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joshua Newton
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation prescribes the form of the tobacco, nicotine, or vapor product license application utilized by the department.
(b) The necessity of this administrative regulation: KRS 438.3063 mandates that the department prescribe a form to apply for a tobacco, nicotine, or vapor product license. This regulation is necessitated by that statute.
(c) How this administrative regulation conforms to the content of the authorizing statutes: 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 438.3063 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 utilized by the department, as required by the statute.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist with the effective administration of the statute by providing the form needed to apply for the required license. Without an application process in place, the ability to sell tobacco, nicotine, or vapor products will be adversely affected.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation:
(b) The necessity of the amendment to this administrative regulation:
(c) How the amendment conforms to the content of the authorizing statutes:
(d) How the amendment will assist in the effective administration of the statutes:
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2025 Ky. Acts Ch. 78 (SB 100)
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: It is estimated that there are approximately 7,000 retailers of tobacco, nicotine or vapor products in the Commonwealth of Kentucky. These businesses include gas

stations, grocery stores, and standalone vape/tobacco businesses. All businesses that want to sell tobacco, nicotine, or vapor products, must have a license to sell any of those products as of January 1, 2026.
(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: Kentucky businesses must obtain a license to sell tobacco, nicotine, or vapor products by January 1, 2026. This regulation provides the form for those businesses to apply for the required license.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation does not impose costs on any entity identified in question (3). However, the license fee is set out in statute.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Entities wishing to sell tobacco, nicotine, or vapor products will benefit from this regulation as it provides the form they will need to obtain the required license.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100), the department will be required to employ 20 additional staff members, resulting in an initial cost of $2,750,000.00 and an annual increased cost of $2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—the processing of applications and the issuance of licenses contemplated by this administrative regulation.
(b) On a continuing basis: See increased annual cost referenced above.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The implementation and enforcement of the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100) will be funded through the collection of licensure fees and civil penalty fines.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: SB 100 established license fees and fines that will be necessary to implement this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees directly or indirectly.
(10) TIERING: Is tiering applied? Tiering is not applied. This regulation provides the form for applicants wishing to obtain a tobacco, nicotine or vapor product license.

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 438.3063, 438.3065, 438.3067, 438.310, 438.3055, 438.340
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Senate Bill 100 of the 2025 Kentucky General Assembly.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Alcoholic Beverage Control is the promulgating agency. No other state units, parts or divisions are affected by this regulation.
(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): This regulation will have no effect on any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities will be affected by this regulation. This regulation will have no effect on any other regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact as it only provides the application form for retailers that want to sell tobacco, nicotine, or vapor products to obtain the required license.
(b) Methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the regulation imposes no new action on any regulated body.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation is anticipated to have a major economic impact. To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100), the department will be required to employ 20 additional staff members, resulting in an initial cost of $2,750,000.00 and an annual increased cost of $2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—the processing of applications and the issuance of licenses contemplated by this administrative regulation
(b) The methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the regulation imposes no new action on any regulated body.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. N/A
(2) State compliance standards. N/A
(3) Minimum or uniform standards contained in the federal mandate. N/A
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A.

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

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Amended After Comments)

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

RELATES TO: KRS 438.3063, 438.3067
STATUTORY AUTHORITY: KRS 438.340, 438.3055
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.

SCOTTY TRACY, Commissioner
RAY PERRY, Secretary
APPROVED BY AGENCY: March 13, 2026
FILED WITH LRC: March 13, 2026 at 11:50 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joshua Newton
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides the reasons for which the commissioner shall or may deny an application for a tobacco, nicotine, or vapor product license.
(b) The necessity of this administrative regulation: 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 regulation outlines the reasons an application may or shall be denied and is necessary to provide information to potential applicants.
(c) How this administrative regulation conforms to the content of the authorizing statutes: 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.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation outlines for potential applicants the specific reasons that their application for a tobacco, nicotine or vapor product license may or shall be denied.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation:
(b) The necessity of the amendment to this administrative regulation:
(c) How the amendment conforms to the content of the authorizing statutes:
(d) How the amendment will assist in the effective administration of the statutes:
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: It is estimated that there are approximately 7,000 retailers of tobacco, nicotine or vapor products in the Commonwealth of Kentucky. These businesses include gas stations, grocery stores, and stand alone vape/tobacco businesses. All businesses that want to sell tobacco, nicotine, or vapor products, must have a license to sell any of those products as of January 1, 2026.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Kentucky businesses must obtain a license to sell tobacco, nicotine, or vapor products by January 1, 2026. This regulation outlines for those business owners the reasons an application for the license may be denied. This regulation does not require the entities listed to do anything.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation does not impose costs on any entity identified in question (3).
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities wishing to sell tobacco, nicotine, or vapor products will benefit from this regulation as it specifically outlines the reasons an application for a license may be denied. This will allow an applicant to know in advance, if they are not qualified for the license.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no specific cost associated with implementation of this particular regulation. However, to implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100), the department will be required to employ 20 additional staff members, resulting in an initial cost of $2,750,000.00 and an annual increased cost of $2,250,000.00 to the department.
(b) On a continuing basis: See increased annual cost referenced above.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The implementation and enforcement of the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100) will be funded through the collection of licensure fees and civil penalty fines.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: SB 100 established license fees and fines that will be necessary to implement this regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees directly or indirectly.
(9) TIERING: Is tiering applied? Tiering is not applied. This regulation only informs applicants of the reasons their license application may be denied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 438.3063, 438.3067; 438.340, 438.3055
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Senate Bill 100 of the 2025 Kentucky General Assembly
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Alcoholic Beverage Control is the promulgating agency. No other state units, parts or divisions are affected by this regulation.
(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): This regulation will have no effect on any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities will be affected by this regulation. This regulation will have no effect on any other regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact as it only outlines the reasons for which a license may be denied.
(b) Methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the regulation imposes no new action on any regulated body.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will have no economic impact.
(b) The methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the regulation imposes no new action on any regulated body.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. N/A
(2) State compliance standards. N/A
(3) Minimum or uniform standards contained in the federal mandate. N/A
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A.

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

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Health Services
(Amended After Comments)

902 KAR 20:150. Freestanding Birthing Centers.[~~Alternative birth centers~~][~~.~~]

RELATES TO: KRS 211.848,214.155,KRS 216.530, 216B.010-216B.130, 216B.990(1), (2), 216B.198, KRS 304.5-070, 42 U.S.C. 299b-22(a)
STATUTORY AUTHORITY: KRS 216B.042, 216B.105, KRS 216B.198
NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042 and 216B.105 mandate that the Kentucky Cabinet for Health and Family Services[~~Human Resources~~] regulate health facilities and health services. This administrative regulation provides for the licensure requirements for the operation and services and facility specifications of freestanding birthing centers[~~alternative birth centers~~].

Section 1. Definitions.
(1) "Cabinet" means the Cabinet for Health and Family Services.[~~Center" means alternative birth center.~~]
(2) "Freestanding birthing center" **(FSBC)** (center) is defined in KRS 216B.198.
(3) "Low risk" means a normal uncomplicated prenatal course as determined by adequate prenatal care and prospects for a normal uncomplicated birth including criteria recognized by the **Commission for the Accreditation of Birth Centers (CABC).**[**~~American College of Obstetrics and Gynecologists in their Standards for Obstetric-Gynecologic Services, as amended.~~**]

Section 2. Scope of Operations and Services. Freestanding birthing centers[~~Alternative birth centers~~] are establishments with permanent facilities which provide prenatal care to low risk childbearing women. A freestanding birthing center[~~An alternative birth center~~] provides a homelike environment for pregnancy and childbirth including [**~~prenatal,~~**] labor, delivery, **and may include prenatal**and postpartum care related to medically uncomplicated pregnancies.

Section 3. Administration and Operation.
(1) Licensee.
(a) The licensee shall be responsible for the management and operation of the center and for compliance with federal, state and local laws and regulations pertaining to its operation.
(b) The licensee shall appoint an administrator whose qualifications, responsibilities, authority and accountability shall be defined in writing.
(c) [**~~Each center shall be accredited and show proof of accreditation by American College of Obstetricians and Gynecologists (ACOG)~~**].
[**~~(d)~~**] Each center shall be accredited and show proof of accreditation by the Commission for the Accreditation of Birth Centers.
(d)[**~~(e)~~**] The center shall obtain and maintain professional medical malpractice insurance as defined in KRS 304.5-070.

(e)[~~(f)~~] Requirement for Service. A center shall not be licensed or relicensed as a center unless the facility meets the requirements of this regulation.

(f)[~~(g)~~] Facilities that have [**~~fewer than~~**]four (4) beds **or fewer** shall be exempt from Certificate of Need.

(g)[~~(h)~~] Licensed facilities shall follow general licensure and fee regulations as laid out in 902 KAR 20:008.

(2) Administrator.

(a) The administrator shall be responsible for the daily management and operation of the center.

(b) In the absence of the administrator, responsibility shall be delegated to a similarly qualified staff person.

(3) Administrative records and reports.

(a) Administrative reports shall be established, maintained and utilized as necessary to guide the operation, measure productivity and reflect the program of the center. Such reports shall include financial records and reports, personnel records, inspection reports and other pertinent reports made in the regular course of business.

(b) Licensure inspection reports and plans of correction shall be made available at the center to the public upon request.

(4) Policies.

(a) Administrative policies. The licensee shall adopt written administrative policies covering all aspects of the center's operation, to include:

1. A description of the organizational structure, staffing and allocation of responsibility and accountability;

2. A description of referral linkages with physician(s), inpatient facilities and other providers;

3. Policies and procedures for the guidance and control of personnel performances;

4. A description of services included in the center's program;

5. A description of the administrative and patient care records and reports;

6. A policy approved by the medical director to specify emergency medical procedures;

7. A policy approved by the medical director which fully identifies the criteria which would exclude a **patient**[**~~pregnant woman or mother~~**] from the center's program;

8. A policy approved by the medical director which fully identifies the criteria which would preclude management of newborns at the center.

(b) Patients' rights policies. The licensee shall adopt written policies regarding the rights and responsibilities of patients. These patients' rights policies shall assure that each patient:

1. Is informed of these rights and of all rules and regulations governing patient conduct and responsibilities including a procedure for handling patient grievances;

2. Is fully informed of the services and treatment offered at the center and of related charges, separately identifying those charges not covered by third party payor arrangements;

3. Is encouraged and assisted to understand and exercise her patient rights and to this end may voice grievances and recommend changes in policies and services. Upon the patient's request the grievances and recommendations will be conveyed within a reasonable time to an appropriate decision making level within the organization which has the authority to take corrective action;

4. Is assured confidential treatment of her records and afforded the opportunity to approve or refuse their release to any individual not involved in her care except as required by law or third party payment contract;

5. Is treated with consideration, respect and full recognition[~~recognization~~] of her dignity and individuality including privacy in treatment.

(5) Staffing.

(a) The center shall have a staff that includes a medical director[~~,~~]**and;**

(b) At least one (1) Licensed Certified Professional Midwife (LCPM) or Advanced Practice Registered Nurse designated certified nurse -midwife licensed under KRS 314; and;

(c) Two people trained in Neonatal Resuscitation Program (NRP), which shall include two nurse midwives or a midwife and a NRP trained birth assistant[**~~and at least one (1) registered nurse. In centers where an obstetrician provides perinatal care, a nurse-midwife is not required~~**]. The center shall employ such other staff or ancillary personnel that are necessary to provide the services essential to the center's operation. Staffing schedules, time worked schedules and on-call records shall be maintained and available in the center at all times. These records shall be maintained for three (3) years.

1. Medical director. The center shall have a medical director who is a licensed physician[**~~with experience in obstetrics and newborn care. If the medical director is not a practicing board-eligible or board-certified obstetrician, the center shall have a written agreement with a board-eligible or board-certified obstetrician and pediatrician for consultation, referral, and, if necessary, hospital admission. If the medical director is a practicing obstetrician or a practicing board-eligible or board-certified obstetrician, the center shall have a written agreement with a board-eligible or board-certified pediatrician. Either the medical director, consultant obstetrician or pediatrician shall have admitting privileges in a local hospital which offers obstetrics services~~**]. The medical director position shall:

a. Not be vacant for a time period in excess of ninety (90) days; and

b. **If the birth center can document that it has been making a good faith attempt to fill the medical director vacancy, an extension may be given to the facility by the Inspector General on a case by case basis.**

c. Meet statutory requirements delineated in KRS 216B.198(3)(a).

d. In the interim absence of a medical director, a Certified Nurse Midwife (APRN CNM) licensed by KRS 314.042 and within their scope of practice may temporarily fulfill the duties of the medical director.

2. **Licensed Certified Professional Midwife (LCPM) or Advanced Practice Registered Nurse designated certified nurse midwife (APRN CNM)** [**~~Nurse~~**] -[**~~Midwife~~**].[**~~Nurse-~~**]Midwife services shall be provided within the respective scope of practice pursuant to KRS Chapter 314 and administrative regulations promulgated thereunder. There shall be written protocols developed by the[**~~nurse-midwife and~~**] medical director **and licensed midwives** and approved by the medical director. These protocols shall be reviewed **annually**[~~,~~]**and** revised, signed and dated **as necessary**[**~~on an annual basis~~**].

[**~~3.~~**] [**~~Nursing services shall be provided by licensed nurses within their respective scope of practice pursuant to KRS Chapter 314 and any administrative regulations promulgated thereunder. Nurses shall have at least one (1) year of experience in perinatal care.~~**]

(6)[**~~(b)~~**] In-service training. The licensee shall provide **proof of** ongoing in-service training programs[**~~for all personnel relating to their respective job activities~~**]**required by their respective professional licensure boards**[**~~These programs shall emphasize professional competence and the human relationship necessary for effective health care~~**].

(7)[**~~(6)~~**] [~~(5)~~]Personnel.

(a) The licensee shall establish personnel policies for the center. These policies shall be reviewed, revised and approved on an annual basis.

(b) There shall be an individual personnel record for each person employed by the center which shall include the following:

1. **Evidence of compliance with 902 KAR 20:205.**[**~~Preemployment and annual physical examination to include a tuberculin skin test or chest x-ray and rubella antibody titer. No employee with direct patient contact having an infectious disease shall appear at work until the infectious disease can no longer be transmitted;~~**]

2. Evidence of education, training and experience of the individual along with a copy of the current license or certification credentials if applicable; and

3. Evidence that employees have received orientation to the center's personnel policies and emergency medical procedures during the first week of employment.

[~~(6)~~] [~~Staffing.~~]

[~~(a)~~] [~~The center shall have a staff that includes a medical director, at least one (1) nurse-midwife and at least one (1) registered nurse. In centers where an obstetrician provides perinatal care, a nurse-midwife is not required. The center shall employ such~~

~~other staff or ancillary personnel that are necessary to provide the services essential to the center's operation. Staffing schedules, time worked schedules and on-call records shall be maintained and available in the center at all times. These records shall be maintained for three (3) years.~~]

[~~1.~~] [~~Medical director. The center shall have a medical director who is a licensed physician with experience in obstetrics and newborn care. If the medical director is not a practicing board-eligible or board-certified obstetrician, the center shall have a written agreement with a board-eligible or board-certified obstetrician and pediatrician for consultation, referral, and, if necessary, hospital admission. If the medical director is a practicing obstetrician or a practicing board-eligible or board-certified obstetrician, the center shall have a written agreement with a board-eligible or board-certified pediatrician. Either the medical director, consultant obstetrician or pediatrician shall have admitting privileges in a local hospital which offers obstetrics services.~~]

[~~2.~~] [~~Nurse-midwife. Nurse-midwife services shall be provided within the respective scope of practice pursuant to KRS Chapter 314 and administrative regulations promulgated thereunder. There shall be written protocols developed by the nurse-midwife and medical director and approved by the medical director. These protocols shall be reviewed, revised, signed and dated on an annual basis.~~]

[~~3.~~] [~~Nursing services shall be provided by licensed nurses within their respective scope of practice pursuant to KRS Chapter 314 and any administrative regulations promulgated thereunder. Nurses shall have at least one (1) year of experience in perinatal care.~~]

[~~(b)~~)] [~~In-service training. The licensee shall provide ongoing in-service training programs for all personnel relating to their respective job activities. These programs shall emphasize professional competence and the human relationship necessary for effective health care.~~]

(8)[**(7)**] Medical records. The center shall maintain a medical record for pregnant women and mothers to include at least the following:

(a) Prenatal history to include any physical or health problems;

(b) Past medical, menstrual, obstetric, contraceptive and immunization history including progress of current pregnancy;

(c) Complete initial physical examination including blood pressure, weight, height, examination of skin, eyes, teeth, throat, neck, thyroid, breasts, heart, lungs, abdomen, height of fundus, fetal position and auscultation, [**pelvic adequacy, including rectum and size of uterus,**] fetal heart sounds, edema, and determination of gestational age;

(d) Initial laboratory tests to include hemoglobin or hematocrit and white blood count, [**urinalysis for sugar and protein determination, pap smear,**]serologic tests for syphilis and rubella antibody titer, blood type, Rh factors and screen for Rh and irregular antibodies, [**when indicated, tuberculin skin test and chest x-ray or evidence of physician follow-up when skin test is positive, sickle cell test when indicated**] and gonorrhea culture;

(e) Nutritional assessment;

(f) High risk identification and referral;

(g) Records of subsequent visits with recorded weight, blood pressure, [**urinalysis for protein, sugar,**]height of fundus, abdominal findings on palpation; rate and location of fetal heart tones, estimation of gestational age, edema, unusual signs, symptoms or quickening, **follow-up**[**third trimester**] hemoglobin or hematocrit, [**repeat venereal disease test,**]Rh and irregular antibody screen for Rh negative unsensitized women; [**and repeat antibody titers at twenty-six (26) weeks, thirty-two (32) weeks, and thirty-six (36) weeks;**]

(h) **Physical**[**Parturient initial record of intercurrent problems, physical**] examination, temperature, pulse, respiration, blood pressure, [**head, heart, lungs, abdomen for lie**]and presentation position, [**fundal height**]and engagement[**, reevaluation of pelvic adequacy,**] recording of time of ruptured membranes[**, record of hemoglobin or hematocrit and urine for protein and sugar**];

(i) Progress of labor, monitoring of contractions and fetal heart rate, dilation, effacement, station, urinary output, medications, complications and action taken;

(j) Delivery time, newborn's Apgar score, **laceration**[**episiotomy**], placenta delivery time, medications given, abnormalities, and any complications along with actions taken;

(k) Puerperium-time records [**for at least six (6) hours,**]including postpartum blood pressure, respirations, pulse, temperature, urine output, [**report of breasts and**]breastfeeding status[**, legs for thrombophlebitis, hemoglobin or hematocrit**], appropriate RhD immune globin administration at the center; record of follow-up assessment within seventy-two (72) hours; and

(l) A four (4) to six (6) week follow-up examination to include record of weight, blood pressure, breast, abdominal,[**pelvic including rectal examination,**] appropriate cervico vaginal cytologic study[**, hematocrit or hemoglobin, and urinalysis**].

(9)[**(8)**] A health report of the newborn shall be maintained and include the following:

(a) Duration of ruptured membranes;

(b) Maternal antenatal blood serology, rubella titer, blood type, Rh factors and when indicated, a Coombs Test;

(c) [**Complete**]Description of the progress of labor and delivery (including complications, if any);

(d) Condition of the newborn infant including the Apgar score, resuscitation, time of sustained respirations, (where indicated, details of physical abnormalities, pathological states observed and treatments given before transfer to **higher level of care**[**appropriate nursery**]);

(e) Any abnormalities of placenta and cord vessels;

(f) Date and hour of birth, birth weight, sex, and period of gestation;

(g) Written verification of eye prophylaxis [~~pursuant to 902 KAR 4:020~~][{]or documentation of refusal based on religious belief with parent signature[}];

(h) Report of initial physical examination including any abnormalities;

(i) Discharge-physical examination including weight, head circumference and body length unless previously recorded, recommendations and designation of responsible **care provider**[**physician**] for care [**immediately**]upon discharge[**and thereafter; and**]

(j) Progress notes describing[**first and subsequent**] feedings[**type**], [**time of first**]voiding, stools passage, body temperature, **medication administration; and**[**Vitamin K prophylaxis,**]

(k) Newborn screening in accordance with KRS 214.155 and 902 KAR 4:030[~~blood metabolic screen for phenylketonuria and hypothyroidism, galactosemia~~] (documentation of parental refusal for religious reasons including parent signature in record), notations of abnormal respiratory rate, dyspnea, color, cyanosis, periodic pallor, lethargy, vomiting, condition of eyes, umbilical cord and other relevant factors as indicated by the condition of the newborn. **If postnatal care is not provided at the FSBC, the FSBC must document the coordination of postnatal care with qualified staff. Postnatal care coordination is expected to be in place within 48 hours.**

[**(9)**] [**In the event emergency hospital care is needed during the pregnancy, delivery, or postdelivery period, the pregnant woman or mother's record or a complete copy of the record must accompany the pregnant woman or mother or newborn at the time of transfer.**]

[**(10)**] [**All health records shall be safeguarded against loss, destruction or unauthorized use.**]

(10)[**(11)**] Patient records of mother and newborn shall be maintained at the center for five (5) years or in case of a minor mother, three (3) years after the patient reaches the age of majority under state law, whichever is the longest.

(11)[**(12)**] An up-to-date register of all deliveries shall be maintained and contain the following information:

(a) Infant's full name, sex, date, time of birth and weight;

(b) Mother's full name, including maiden name, address, birthplace and age at time of this birth;

(c) Father's full name, birthplace, and age at time of this birth, if provided; and

(d) Full name of **provider**[**attending physician or nurse-midwife**].

(12)[**(13)**] A certificate of birth shall be filed in accordance with the provisions of KRS Chapter 213 and administrative regulations promulgated thereunder.

[**(14)**] [**Linkage agreements. The center shall have linkages through written agreements with providers of other levels of care which may be medically indicated to supplement the services available in the center. These linkages shall include:**]

[**(a)**] [**Hospital(s);**]

[**(b)**] [**A board-eligible or board-certified obstetrician and pediatrician unless the medical director is a practicing board-eligible or board-certified obstetrician;**]

[**(c)**] [**A board-eligible or board-certified pediatrician if the medical director is a practicing obstetrician or a practicing board-eligible or board-certified obstetrician;**]

[**(d)**] [**Registered pharmacist; and**]

[**(e)**] [**Licensed emergency medical transportation services with appropriate equipment for transporting pregnant**][woman/][**mother and infant.**]

Section 4. Provision of Services.

(1) Medical services.

[**(a)**] Perinatal services shall be available twenty-four (24) hours a day, seven (7) days a week on an on-call basis.

[**(b)**] [**There shall be sufficient staff coverage for all aspects of the center in keeping with the size and scope of the operation.**]

(2) **Staffing.**[**Nursing services.**]

(a) A **licensed midwife**[**nurse-midwife**] or physician and a **member of the FSBC clinical staff**[**registered nurse**] shall be on duty at all times when a **patient**[**pregnant woman**] is laboring in the center. A registered nurse shall be present at all times when a **patient is**[**woman or mother and newborn are**] at the center. The registered nurse shall have at least one (1) year of perinatal experience.

(b) The center shall **ensure**[**insure**] that **a mechanism is in place to receive calls**[**phones are answered**] twenty-four (24) hours a day, seven (7) days a week, in order to alert the on-call staff. Telephone numbers of emergency services and staff shall be posted by all telephones in large legible print.

(3) [**Laboratory services.**]

[**(a)**] [**The center shall provide laboratory services either directly, through arrangement with a laboratory in a licensed hospital or a medical laboratory licensed pursuant to KRS Chapter 333. If laboratory services are provided directly, the laboratory shall be licensed pursuant to KRS Chapter 333.**]

[**(b)**] [**If services are provided through arrangement with other providers, a copy of the signed and dated report shall be included in the patient's medical record. Laboratory tests conducted at the center shall be entered in the patient's record, dated, and signed by the individual performing the test.**]

[**(c)**] [**Centers shall follow all requirements as set forth in KRS 214.155.**]

[**(4)**] Radiology services. [**Radiology services shall be provided directly or through arrangement. The radiology service and personnel shall have a current license or registration pursuant to KRS 211.848**][KRS 211.842 and 211.890][**and any administrative regulations promulgated thereunder, as applicable.**]A signed and dated report of any radiology examination shall be entered into the **patient's**[**pregnant woman's or mother's**] record.

(4)[**(5)**] Drug distribution.

(a) There shall be a list approved by the medical director of all drugs and biologicals including intravenous solutions which are retained for use in the center.

(b) The list of drugs and biologicals shall include the identity of center staff authorized to administer the drugs, biologicals and intravenous solutions. Oxytocic drugs shall not be used to induce or augment labor.

(c) Drugs and biologicals shall be administered only by persons legally authorized.

(d) A medication shall only be administered by a:

1. Registered nurse;

2. Physician;

3. Physicians Assistant;

4. Advanced Practice Registered Nurse; [**or**]

5. Licensed Practical Nurse under the supervision of a registered nurse; **or**

6. Licensed Certified Professional Midwife;

(e)[(d)] Drugs and biologicals shall be stored in a locked cabinet and, when refrigeration is necessary, they shall be stored in a locked container in a refrigerator.

Section 5. Licensure Inspections.

(1) Except for a health facility subject to KRS 216.530, a licensure inspection may be unannounced.

(2)

(a) A representative of the Office of Inspector General shall have access to the health facility pursuant to KRS 216B.042(2).

(b) An applicant for licensure or a current licensee shall not deny access to a representative of the Office of Inspector General, after proper identification, to make an inspection for determining compliance with the requirements of each applicable administrative regulation for which the health facility or health service is licensed under 902 KAR Chapter 20 or 906 KAR Chapter 1.

(c)

1. Denial of access, including any effort to delay, interfere with, or obstruct an effort by a representative of the Office of Inspector General to enter the health facility or health service, or deny access to records relevant to the inspection, unless deemed confidential by 42 U.S.C. 299b-22(a), shall result in disciplinary action, including denial, revocation, modification, or suspension of the license of the health facility or health service.

2. Denial, revocation, modification, or suspension of a health facility's or health service's license shall be subject to appeal pursuant to KRS 216B.105.

(3) An inspection of a health facility or health service licensed under 902 KAR Chapter 20 or 906 KAR Chapter 1 shall comply as follows:

(a) The inspection shall be made at any time during the licensee's hours of operation;

(b) The inspection shall be limited to ensure compliance with the standards set forth in 902 KAR Chapter 20, 906 KAR Chapter 1, KRS Chapter 216, or KRS Chapter 216B; and

(c) The inspection of a health facility or health service based on a complaint or a follow-up visit shall not limit the scope of the inspection to the basis of the complaint or the implementation of a plan of correction.

Section 6.[Section 5.] Compliance with Building Codes, Ordinances and Regulations.

(1) Nothing stated herein shall relieve the licensee from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdiction.

(2) The following requirements shall apply where applicable and as adopted by the respective agency authority:

(a) Requirements for safety pursuant to 815 KAR 10:060[815 KAR 10:020], as amended;

(b) Requirements for plumbing pursuant to 815 KAR 20:010 through 191, as amended;

(c) Requirements for making buildings and facilities accessible to and usable by the physically handicapped pursuant to KRS 198B.260 and administrative regulations promulgated thereunder.

(3) The facility shall be currently approved by the Fire Marshal's Office in accordance with the Life Safety Code before licensing or relicensure is granted by the licensing agency.

(4) All facilities shall receive any necessary approval from appropriate agencies prior to occupancy and licensure.

Section 7.[Section 6.] Clinical Facilities.

(1) Examination room(s). At least one (1) examination room shall be provided. Each room shall have a minimum clear floor area of eighty (80) square feet excluding such other spaces as vestibule, toilet, closet, and work counter. Arrangement shall permit at least thirty (30) inches of clear space at each side and at the foot of examination table. A lavatory or sink with handwashing facility and counter or shelf space for writing shall be provided.

(2) Birthing room(s). There shall be at least two (2) birthing rooms each with a minimum clear floor area of **120**[**225**] square feet

exclusive of fixed and movable cabinets and shelves and with a minimum dimension of fifteen (15) feet.

(3) Each birthing room shall be equipped with the following:

(a) Adequate lighting, including a spotlight suitable for use during delivery;

(b) [**~~Infant warmer with radiant heat source;~~**]

[**~~(c)~~**] Resuscitation equipment for mother and infant;

(c)[**~~(d)~~**] Oxygen with a selection of mask sizes;

(d)[**~~(e)~~**] Suction equipment for mother and newborn;

[**~~(f)~~**] [**~~Intubation equipment for mother and newborn; and~~**]

[**~~(g)~~**] [**~~Wall clock with a second hand.~~**]

(4) The service areas for the birthing room shall include:

(a) **Proper sterilization equipment used for the sterilization of birth instruments**[**~~Sterilizing facilities with high speed autoclave(s) conveniently located to serve all birthing rooms~~**];

(b) **Adequate access to sinks for handwashing should be available**[**~~Scrub facilities provided near the birthing room entrance~~**];

(c) A clean holding room for storage and distribution of clean supply materials; and

(d) A soiled holding room as part of a system for the collection and disposal of soiled materials.

(5) [**~~Formula room. The following shall be provided unless commercially-prepared formula is used:~~**]

[**~~(a)~~**] [**~~Work counter with built-in sink with gooseneck-type spout and knee or foot control;~~**]

[**~~(b)~~**] [**~~Lavatory;~~**]

[**~~(c)~~**] [**~~Hot plate;~~**]

[**~~(d)~~**] [**~~Refrigerator;~~**]

[**~~(e)~~**] [**~~Sterilizer (autoclave); and~~**]

[**~~(f)~~**] [**~~Bottle washer.~~**]

[**~~(6)~~**] Physical and sanitary environment.

(a) The condition of the physical plant and the overall center environment shall be maintained in such a manner that the safety and well being of patients, personnel and visitors are **assured**[**~~assure~~**].

(b) A person or persons shall be designated as responsible for each of the following areas:

1. Plant maintenance;

2. Housekeeping; and

3. Laundry operations (if applicable).

(c) The center shall develop written infection control policies and procedures to minimize and control possibilities of infection which shall include:

1. The sterilization of supplies;

2. Policies for the protection of patients from employees who have a communicable disease; and

3. Infection control measures including birth room cleaning and waste disposal.

(d) The center building, equipment and surroundings shall be kept in a condition of good repair, neat, clean, free from all accumulations of dirt and rubbish, and free from foul, stale or musty odors.

1. Written housekeeping procedures shall be established for cleaning of all areas and copies shall be made available to personnel.

2. Equipment and supplies shall be provided for cleaning of all surfaces. Such equipment shall be maintained in a safe sanitary condition.

3. Hazardous cleaning solutions, compounds and substances shall be labeled, stored in proper containers and kept separate from other cleaning materials.

(e) The center shall have available at all times a quantity of linen essential to the proper care and comfort of patients.

1. Linens shall be handled, stored, and processed so as to control the spread of infection.

2. Clean linen and clothing shall be stored in clean, dry, dust-free areas designated exclusively for this purpose.

3. Soiled linen and clothing shall be placed in suitable bags or closed containers and stored in an area designated exclusively for this purpose.

(f) The center shall have an emergency source of lighting for exam, labor, and birthing room(s) to protect the health and safety of the pregnant woman or mother in the event the normal supply is interrupted.

(g) The center shall establish a written policy for the handling and disposal of waste materials. Any incinerator used shall be in compliance with 401 KAR 59:020 or 401 KAR 61:010, as applicable.

Section 8. **Transfer and Transport Agreements.**[**~~Emergency Care.~~**]

(1) As required by KRS 216B.198, a center shall enter into a written agreement with a [**~~Kentucky-~~**]licensed[**~~acute-care~~**]hospital **that provides obstetrics services** and a local, Kentucky-licensed Class I ambulance service for the transport and treatment of a patient with unforeseen complications related to labor and delivery.

(2) Each written agreement shall be filed with the cabinet pursuant to KRS 216B.198 within ten (10) calendar days of finalization.

(3) A transfer agreement between the center and a [**~~Kentucky-~~**]licensed[**~~acute-care~~**]hospital shall:

(a) Be with a hospital located:

1. In the same **or contiguous** county as the facility; or

2. **Within**[**~~No further than~~**] thirty (30) miles[**~~normal driving time~~**]from the center;

(b) Be a legally binding contractual document;

(c) Be signed by individuals authorized to execute the agreement on behalf of the center and hospital, who shall certify they have such authority;

(d) Require transfer of a patient if deemed medically necessary by the physician attending to the patient;

(e) Identify responsibilities of the center in which the center shall, at a minimum:

1. At the time of transfer, provide the hospital with complete and accurate information regarding the patient being transferred to the hospital;

2. Notify the hospital of the impending transfer of a patient and receive confirmation of the availability of appropriate facilities, services, and staff necessary for the care of the patient;

3. At the time of transfer, provide the hospital with copies of relevant portions of the patient's clinical record;

4. Transfer with the patient, the patient's medical records, demographic information, insurance information, and other information deemed necessary or otherwise required by law to facilitate the provision of medical care when the patient arrives at the hospital; and

5. Arrange for the immediate transfer of the patient's personal effects, including a document listing of the effects; and

(f) Identify responsibilities of the hospital in which the hospital shall, at a minimum:

1. Provide prompt and appropriate evaluation and treatment of a patient transferred to the hospital pursuant to the transfer agreement;

2. Accept responsibility for the patient's care when the patient is received by the hospital;

3. Direct charges performed by the hospital to the patient or patient's third-party payer; and

4. Acknowledge receipt of the patient's personal effects in writing signed by an authorized representative of the hospital and deliver the receipt to the facility.

(4) A transport agreement between the center and a Kentucky-licensed Class I ambulance service capable of responding immediately to a call for emergency transport shall:

(a) Be with an ambulance service located:

1. In the same county as the center; or

2. No further than five (5) miles or ten (10) minutes normal driving time from the center;

(b) Be signed by individuals authorized to execute the agreement on behalf of the center and ambulance service, who shall certify they have such authority; and

(c) Identify responsibilities of the ambulance service in which the ambulance service shall agree, at a minimum to:

1. Provide services in accordance with all federal and state laws and administrative regulations applicable to emergency service entities;

2. [**~~Employ sufficient staff, including paramedics and emergency medical technicians, to provide patient care and~~**

~~operate vehicles and equipment in accordance with industry standards and applicable laws and administrative regulations;~~]

[~~3.~~] Require all responding medical personnel to familiarize themselves with the floor plan of the facility to minimize the time required to locate the patient in the facility and exit the facility with the patient as expeditiously as possible;

3.[~~4.~~] Acknowledge the existence of, and its familiarity with the terms of, the transfer agreement between the facility and an acute care hospital; and

4.[~~5.~~] Transport the patient to the hospital that is party to the transfer agreement, unless otherwise directed by the patient.

(5) A licensed facility applying for a renewal license or an applicant for a provisional license may submit a request in writing for extensions of time to comply with the transfer or transport agreement requirements to the cabinet's Office of Inspector General in accordance with the provisions of this subsection.

(a) Any request shall:

1. Be in writing;

2. Contain a certification under oath that the party seeking the extension of time has exhausted all reasonable efforts to obtain a transfer or transport agreement for a continuous ninety (90) calendar day period prior to the request; and

3. Contain a detailed description of the efforts taken to secure the agreements.

(b) In deciding to grant or deny the request for an extension of time, the inspector general shall consider all factors the inspector general deems relevant under the circumstances, but at least the following factors:

1. Whether the facility or applicant made, and continues to make, a good faith effort to obtain a transfer or transport agreement;

2. Whether the facility or applicant can provide the same level of patient care and safety via alternative health services during any extension period; and

3. Regulatory compliance history at the facility and at any other health care facility owned, in whole or in part, by the applicant or any other individual or entity having an ownership interest with the facility.

(c) If the request is granted, the extension of time shall be effective for a time-period of ninety (90) calendar days from the date of issuance.

(d) If the request is granted for a transfer agreement, the transport agreement need not comply with subsection (4)(c)4. and 5. of this section for the duration of the extension of time.

(e) The inspector general may rescind a previously granted extension of time at any time upon determining that the applicant or facility has not met, or is not meeting, the conditions of paragraph (b) of this subsection.

(f) If a request for an extension is denied, an applicant or licensee shall have ten (10) calendar days to submit a written request for reconsideration to the inspector general, whose decision shall be final. The licensee or applicant for provisional license may appeal a denial in accordance with Section 5 of this administrative regulation.

TRICIA STEWARD, Inspector General
STEVEN J. STACK, MD, MBA, Secretary

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Valerie Moore, Krista Quarles
Subject Headings: Health and Medical Services; Midwifery; Reproductive Issues
(1) Provide a brief summary of:
(a) What this administrative regulation does: Updates the alternative birthing center regulation to be the freestanding birthing center regulation. Includes accreditation requirements, medical liability insurance, sets timeline for medical director departure, changes all references from "Alternative birthing center" to "Freestanding birthing center".
(b) The necessity of this administrative regulation: Upon passage of 25 RS HB 90, the cabinet was required to promulgate updated administrative regulations.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 216B.198 by setting rules governing freestanding birthing centers.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The amendment to this administrative regulation sets rules that govern the freestanding birthing center level of care.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Includes accreditation requirements, medical liability insurance, sets timeline for medical director departure, changes all references from "Alternative birthing center" to "Freestanding birthing center". The Amended After Comments (AAC) version of this regulation removed language referencing the American College of Obstetrics and Gynecologists and added language to reference the Commission for the Accreditation of Birth Centers (CABC). In addition, the changes made to the AAC version included clarifications to licensure requirements and considered all public and written comments. Technical changes to the licensure requirements to Freestanding Birthing Centers included requirements for the medical director, the inclusion of Licensed Certified Nurse Midwives, clarifications related to transfer agreements with hospitals and ambulance services, and updated requirements to the minimum standards needed for medical documentation.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to comply with 25 RS HB 90.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment to the regulation conforms to KRS 216B.198 by enhancing licensure standards and procedures for freestanding birthing centers. The proposed amendments are consistent with KRS Chapter 13A by addressing minimum operating standards.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation sets minimum standards that must be met for licensure of freestanding birthing centers.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2025 HB 90; Ky Acts Chapter 121.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect anyone who wishes to open and operate a freestanding birthing center in Kentucky.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Regulated entities will have to meet and follow all licensure requirements and comply with this administrative regulation and KRS 216B.198.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Facilities will be subject to a yearly licensure fee.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Those who wish to open this level of care will be able to ensure a safer facility and safety provisions that protect their staff and patients.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This amended regulation will have no financial impact on the administrative body. In addition, there is no anticipated financial impact to the Amendment After Comments.
(b) On a continuing basis: This administrative regulation will have no financial impact on the Office of Inspector General.
(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 not expected to be additional expenditures as a result of this amended 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 budgetary impact on OIG as a result of this amended regulation.
(9) State whether or not this administrative regulation establishes

any fees or directly or indirectly increases any fees: There is a yearly licensure fee of $500.
(10) TIERING: Is tiering applied? Tiering does not apply.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 216B.042, 216B.105, KRS 216B.198
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of Inspector General, Division of Health Care.
(a) Estimate the following for the first year:
Expenditures: There are no anticipated expenditures as a result of this administrative regulation.
Revenues: There is no anticipated revenue generated by the amendment of this administrative regulation.
Cost Savings: No cost savings is expected as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There aren't expected to be any differences in expenditures, revenues or cost savings in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Any person(s) or entities that file for a Freestanding Birthing Center license.
(a) Estimate the following for the first year:
Expenditures: There are no anticipated expenditures as a result of this administrative regulation.
Revenues: There is no anticipated revenue generated by the amendment of this administrative regulation.
Cost Savings: No cost savings is expected as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There aren't expected to be any differences in expenditures, revenues or cost savings in subsequent years.
(4) Identify additional regulated entities not listed in questions (2) or (3): There are no additional regulated entities.
(a) Estimate the following for the first year:
Expenditures: N/A
Revenues: N/A
Cost Savings: N/A
(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact from this amendment.
(b) Methodology and resources used to determine the fiscal impact: There have been no financial changes made in this regulation and this amendment has no fiscal impact.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) There is no economic impact expected from this amendment. There is no anticipated negative or adverse fiscal impact to the Amendment After Comments.
(b) The methodology and resources used to reach this conclusion: No additional monies coming in or going out means no fiscal impact.

PROPOSED AMENDMENTS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

OFFICE OF ATTORNEY GENERAL
Office of Regulatory Relief
(Amendment)

40 KAR 12:400. Debt adjusters.

RELATES TO: KRS 380.010, 380.030, 380.040, 380.050, 380.060, 380.070, 380.080, 380.090, 380.100, 380.110, 380.120, 380.130, 380.990

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 380.040(5), 380.050

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 380.050 requires the Attorney General to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 380, relating to debt adjusting]. KRS 380.040(5) requires the Attorney General to promulgate an administrative regulation to establish[a person to file] a debt adjuster registration application[form developed by the Attorney General]. KRS 380.050 requires the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 380.010 to 380.990, pertaining to debt adjusters. This administrative regulation establishes an online[the] registration application, an online[and] renewal application, surety bond form, and letter of credit form to be used by debt adjusters.[process and incorporates by reference the forms to be utilized by persons subject to registration].

Section 1. [Definitions.]

[(1)] ["Debt Adjuster Bond" means the "Commonwealth of Kentucky Debt Adjuster Surety Bond, Form DA-3", incorporated by reference in this administrative regulation.]

[(2)] ["Debt Adjuster Irrevocable Letter of Credit" means the "Commonwealth of Kentucky Debt Adjuster Irrevocable Letter of Credit", Form DA-4, incorporated by reference in this administrative regulation.]

[(3)] ["Division" means the Office of the Attorney General, Consumer Protection Division.]

[(4)] ["Registrant" means a person filing the registration form required by KRS 380.040(5) and this administrative regulation.]

[(5)] ["Registration form" means the "Commonwealth of Kentucky Debt Adjuster Registration Statement".]

[Section 2.] Debt Adjusters Registration Application.

(1) A debt adjuster shall not adjust debts of Commonwealth of Kentucky residents unless the Attorney General approves the debt adjuster's online registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the "Debt Adjuster Registration Application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) When completing an online application, an applicant shall submit:

(a) Payment of the $250.00 registration fee;

(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky;

(c) Copies of all the applicant's debt adjusting contracts with debtors;

(d) Copies of the applicant's insurance policies evidencing required insurance coverages; and

(e) A completed Debt Adjuster Bond, form DA-1, a completed Debt Adjuster Irrevocable Letter of Credit, form DA-2, a completed surety bond complying with KRS 380.040; or a completed letter of credit complying with KRS 380.040.

(3)

(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any application if an applicant fails to timely complete the application by not paying the application fee or providing requested information or documents.

[(1)] [The initial registration, or a renewal of registration, for a person engaging in debt adjusting pursuant to KRS Chapter 380 shall be made on the "Commonwealth of Kentucky Debt Adjuster Registration Statement". Each person engaging in debt adjusting shall register by:]

[(a)] [Completing the information required by the registration form and submitting:]

[1.] [The legal name of the registrant;]

[2.] [Whether the registration is an initial or renewal registration;]

[3.] [The registrant's contact person, including name, title, telephone number, fax number, and, optionally, e-mail address;]

[4.] [Other names under which the registrant conducts business, and provide copies of all filings in Kentucky regarding the use of an assumed name or names;]

[5.] [The registrant's principal physical business location, which shall not be a post office box, including street address, city, state, and zip code;]

[6.] [The registrant's mailing address if different from the principal physical business location, including address, city, state, and zip code;]

[7.] [The registrant's telephone number;]

[8.] [The registrant's fax number;]

[9.] [The registrant's Web site;]

[10.] [The registrant's agent for service of process in Kentucky, including name, address, city, state, and zip code;]

[11.] [The location where the registrant keeps or maintains records of its customers who reside in Kentucky if different from the principal physical business location, including address, city, state, and zip code;]

[12.] [The registrant's type of business structure, indicating whether it is a corporation, limited liability company, general partnership or joint venture, limited partnership, natural person, or other type of structure and describing such other type, the state under the laws of which the business structure was formed, and including a copy of registrant's certificate of authority to transact business in the Commonwealth of Kentucky issued by the Kentucky Secretary of State or other evidence of authority to transact business in the Commonwealth of Kentucky and describing this other evidence;]

[13.] [A description of the debt adjusting services the registrant will offer, sell or provide to Kentucky residents, and identifying whether the registrant engages in debt adjusting in relation to any debt that is primarily for personal, family, or household use that is secured by a mortgage, deed of trust, other equivalent consensual security interest on residential real property, or collateral that has a mortgage lien interest in residential real property;]

[14.] [The registrant's fee schedule, indicating the amount of the fee for initial set-up, the amount of the consultation fee, the amount and frequency of the service fee or other periodic fee, the amount of the bad check charge, and the amount and frequency of any other fee or fees and describing these other fee or fees;]

[15.] [The registrant's officers, directors, trustees, general partners, and sole proprietor, as applicable, and any person having

~~management responsibilities in the registrant's business activities, including name, address, telephone number, title or position held, and percentage of ownership interest;~~]

[~~16.~~] [~~The financial institution in which the registrant will maintain a trust account into which Kentucky consumer funds will be deposited and withdrawn to pay respective creditors, including the name, address, city, state, zip code, telephone number, and fax number;~~]

[~~17.~~] [~~A sample of each type of contract or agreement for the registrant's debt adjuster services with Kentucky residents;~~]

[~~18.~~] [~~The aggregate amount of all deposits made with the registrant by all debtors in each of the six (6) months preceding the filing of this registration;~~]

[~~19.~~] [~~The aggregate amount of all deposits made with the registrant by all Kentucky residents in each of the twelve (12) months preceding the filing of this registration;~~]

[~~20.~~] [~~Information regarding each applicable insurance policy, including policy number, the name of the insurer that issued the policy, whether the division is named as an additional interested party, whether the insurance policy covers errors and omissions, employee dishonesty, depositor's forgery, computer fraud, or violations of KRS Chapter 380, the policy amount, the deductible amount, the insurer's rating and the rating organization, and including a complete copy of the insurance policy and declarations or, if a complete copy of the insurance policy and declarations was previously provided to the division, a copy of the current declarations or certificate of coverage applicable to the policy;~~]

[~~21.~~] [~~A completed Debt Adjuster Bond, or, in lieu thereof, a completed Debt Adjuster Irrevocable Letter of Credit;~~]

[~~22.~~] [~~A list of each state in which the registrant is registered or licensed to provide debt adjuster services and the time of filing the registration;~~]

[~~23.~~] [~~The signature and oath of the registrant, using the following oath: "I hereby swear or affirm that I am an authorized representative of the registrant set forth above, and that the statements contained herein and attachments hereto are true and correct", and including the printed name and title of the person signing the oath;~~]

[~~24.~~] [~~A completed notarization of the signature and oath of the registrant, including the seal of the notary public;~~]

[~~(b)~~] [~~Filing the original of the registration form and accompanying documentation with the Office of the Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and~~]

[~~(c)~~] [~~Paying the fee required by KRS 380.040(5).~~]

Section 2. Debt Adjuster Renewal Applications.

(1) An approved debt adjuster registration or renewal shall be valid for one (1) year from the written confirmation date of registration or renewal approval provided by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current registration, a registered debt adjuster may renew its registration. Registration renewal shall be accomplished by submitting an online renewal application using the "Debt Adjuster Renewal Application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) When submitting an online renewal application, each registrant shall submit:

(a) Payment of the $250.00 registration renewal fee;

(b) A completed annual audit in accordance with Section 3 of this administrative regulation; and

(c) A completed Debt Adjuster Bond, form DA-1, a completed Debt Adjuster Irrevocable Letter of Credit, form DA-2, a completed surety bond complying with KRS 380.040; or a completed letter of credit complying with KRS 380.040, when a prior submitted surety bond or letter of credit is no longer current or the surety amount is insufficient.

(4)

(a) A registrant shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any renewal application if a registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested information or documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against a registrant.

[~~(2)~~] [~~Registration shall be valid for one (1) year from the effective date stated in the written confirmation of registration provided by the division, and may be renewed annually by making the required filing and paying the renewal fee.~~]

[~~(3)~~] [~~Deadline for filing.~~]

[~~(a)~~] [~~The initial registration form and fee shall be filed with the division prior to the date the registrant will engage in debt adjusting pursuant to KRS Chapter 380.~~]

[~~(b)~~] [~~The renewal registration form and fee shall be filed with the division at least four (4) weeks prior to the expiration of the registration.~~]

[~~(c)~~] [~~The registration form shall be considered filed as of the date it is:~~]

[~~1.~~] [~~Delivered to the Division; or~~]

[~~2.~~] [~~Deposited in the mail or with a commercial postal service on or before the due date, as indicated by the postmark applied by the U.S. Postal Service or official mark applied by a commercial postal service. The mark made by a privately-held postage meter shall not be considered in determining the date of filing.~~]

[~~(4)~~]

[~~(a)~~] [~~If the Division determines that the registration form or the materials submitted with the registration form do not comply with KRS Chapter 380 or contain all information or materials required by KRS Chapter 380 or this administrative regulation, the division shall notify the registrant in writing, specifying the noncompliance or the information or materials that were not completed in or provided with the registration form.~~]

[~~(b)~~] [~~The registration shall not be effective until a registration form or an amended registration form is filed with the division that contains all information and materials required by KRS Chapter 380 and this administrative regulation.~~]

[~~(c)~~] [~~The division shall provide a written confirmation of registration.~~]

Section 3. [~~A person shall not engage in debt adjusting prior to the timely filing of a complete and accurate registration which has been confirmed by the division pursuant to Section 2(4)(c) of this administrative regulation.~~]

[~~Section 4.~~] Annual Audit.

(1) An independent, third party certified public accountant shall conduct an annual audit of a registered debt adjuster's business.

(2)[~~(1)~~] The annual audit shall not be older than (12) twelve months prior to the filing of a renewal application in accordance with Section 2 of this administrative regulation and[~~required by KRS 380.040(6)~~] shall include an audit of:

(a) The registrant's financial statements and records;

(b) The trust accounts required by KRS 380.040(1)(b);

(c) The registrant's compliance with the requirements of KRS Chapter 380; and

(d) The registrant's compliance with the requirements of this administrative regulation.

[~~(2)~~] [~~The Commonwealth of Kentucky Debt Adjuster Audit Checklist, Form DA-2, shall be used for purposes of the annual audit and filed with the results of the annual audit.~~]

(3) The audit results [~~of the audit~~]and the auditor's opinion [~~filed with the division~~]shall be accompanied by a certification from each individual auditor joining in the opinion. The certification shall include:

(a) The auditor is an independent, third-party certified public accountant;

(b) The states in which the auditor is licensed as a certified public accountant; and

(c) The identification number for each license.

[~~(4)~~] A registrant shall submit the audit results, the auditor's opinion, and the certification by each auditor to the Attorney General when it renews its registration in accordance with Section 2 of this administrative regulation.[~~The results of the audit and the auditor's~~

~~opinion, and the certification by each auditor, shall be filed with each renewal registration form, and shall be no older than twelve (12) months prior to the date of filing of the renewal registration form.~~]

Section 4.[~~Section 5.~~] Trust Accounts. The trust accounts required by KRS 380.040(1)(b) shall be maintained in a federally insured financial institution.

Section 5.[~~Section 6.~~] Written notification of material changes. A registered debt adjuster shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, application attachments, or written notices.

[~~(1)~~] [~~A person engaged in debt adjusting shall notify the division in writing at the address shown in Section 2(1)(b) of this administrative regulation, or by electronic mail or fax with prior approval of the division, within five (5) business days of any cancellation, nonrenewal, modification, or change, or receipt of notice of any cancellation, nonrenewal, modification, or change of, the insurance coverage required by KRS 380.040(7), the bond required by KRS 380.040(8) and this regulation, or the irrevocable letter of credit accepted in lieu of the bond pursuant to KRS 380.040(8) and this administrative regulation.~~]

[~~(2)~~] [~~Except as required by subsection (1) of this section, within thirty (30) days of any material change in the information provided on or submitted with the registration form, a registrant shall notify the division in writing at the address shown in Section 2(1)(b) of this administrative regulation, or by electronic mail or fax with prior approval of the division, of each change and submit an updated registration form. The annual renewal date for the registrant shall not be affected by the filing required by this section.~~]

[~~(3)~~] [~~A notice or letter from the division to a registrant may be sent by first-class regular mail to a last-known address as shown in the registrant's last filing with the division.~~]

Section 6. Record Requests. A debt adjuster shall make requested business records and documents and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) [~~The "Commonwealth of Kentucky~~]"Debt Adjuster Registration application portal", February 2026[~~Statement", Form DA-1, July 2010~~];

(b) "Debt Adjuster Renewal application portal", Feb. 2026[~~The "Commonwealth of Kentucky Debt Adjuster Audit Checklist", Form DA-2, July 2010~~];

(c) [~~The "Commonwealth of Kentucky~~]"Debt Adjuster Surety Bond", Form DA-1[~~3~~], February 2026[~~July 2010~~]; and

(d) [~~The "Commonwealth of Kentucky~~]"Debt Adjuster Irrevocable Letter of Credit with Demand for Payment letter", Form DA-2[4], February 2026;[~~July 2010.~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East,[~~Consumer Protection Division,~~] 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: February 20, 2026

FILED WITH LRC: February 24, 2026 at 1:04 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 21, 2026 at 10:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify the Attorney General in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General; Occupations and Professions; Bonds

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the online registration application form, online renewal application form, and other forms to be used by debt adjusters.
(b) The necessity of this administrative regulation: This regulation is necessary since it allows the Office of Attorney General ("Attorney General"), to perform its statutory mandates. The regulation is needed so that debt adjusters can comply with statutory requirements.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 380.050 requires the Attorney General to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 380, relating to debt adjusting. KRS 380.040(5) requires the Attorney General to promulgate an administrative regulation to establish a registration application for debt adjusters.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the online registration application form, online renewal application form, bond form and letter of credit form to be used by debt adjusters. This administrative regulation establishes the annual audit requirements for debt adjusters.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment makes changes to comply with KRS Chapter 13A drafting requirements. This amendment removes unnecessary language from the regulation as duplicative and already incorporated by reference in incorporated application processes. The amendment updates the incorporated forms so that they are easier to understand and consistent in appearance. The amended regulation provides better notice about when regulated businesses must file required renewals and reports.
(b) The necessity of the amendment to this administrative regulation: The Attorney General needs to update its regulation to conform to KRS Chapter 13A drafting requirements. The Attorney General needs to update its regulation so that it is easier to understand. The Attorney General needs to update the forms incorporated by the regulation so that they are easier to understand. The Attorney General needs to modernize application and payment processes by providing for online processes.
(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, KRS 367.150(4), KRS 380.040 and KRS 380.050 authorize the administrative regulation amendments.

(d) How the amendment will assist in the effective administration of the statutes: The regulation amendments will cause the regulation to be more easily understood by regulated entities and consumers. The regulation amendments will provide online application and renewal processes for regulated entities and cause the forms used by regulated entities to be more easily understood and completed. In addition, it is intended that the regulation amendments will result in saved administrative resources and provide quicker processing time by Attorney General staff.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation amendment affects approximately fifty (50) registered debt adjusters, the Attorney General, and unknown future applicants.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Future applicants will be required to use the online application processes and updated forms incorporated into this regulation. Registered debt adjusters will be required to use the new online processes incorporated into this regulation. Attorney General staff will review and process the new online submissions and new forms for compliance with law.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants and registered debt adjusters will bear no additional costs since they will be able to download the updated forms and use the online processes available on the Attorney General's website at no cost. The Attorney General will incur no additional costs to review the online application submissions.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation amendments are intended to make the regulation and incorporated forms to be more easily understood and completed. The online application and reporting processes will make it easier for applicants and regulated entities to apply, renew registrations, and provide required documentation. In addition, it is intended that the regulation amendments will result in saved administrative resources and time and provide quicker processing time by Attorney General staff.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation amendment.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing this administrative regulation amendment, so no funding is needed.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipated increase in fees or funding necessary to amend this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No. This administrative regulation applies equally to all debt adjusters.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15.180, 367.150(4), 380.050, 380.040(5)
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation amendment was expressly authorized by 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 2005 Ky. Acts ch. 38, sec. 3.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division 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: There are no expenditures to administer this administrative regulation amendment for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation amendment in subsequent years.
2. Revenues:
For the first year: The administrative regulation amendment will generate no revenues to the Attorney General in the first year.
For subsequent years: The administrative regulation amendment will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the administrative regulation amendment will cause the Attorney General to receive cost savings from efficient and quicker processing of the online applications, which are difficult to estimate at this time, but estimated to be de minimis.
For subsequent years: In subsequent years, the administrative regulation amendment will cause the Attorney General to receive cost savings from efficient and quicker processing of the online applications, which are difficult to estimate at this time, but estimated to be de minimis.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation amendment will not affect any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: This administrative regulation amendment will not cause expenditures by local entities for the first year.
For subsequent years: This administrative regulation amendment will not cause expenditures by local entities in subsequent years.
2. Revenues:
For the first year: Local entities will receive no revenues from this administrative regulation amendment for the first year.
For subsequent years: Local entities will receive no revenues from this administrative regulation amendment in subsequent years.
3. Cost Savings:
For the first year: Local entities will receive no cost savings from this administrative regulation amendment for the first year.
For subsequent years: Local entities will receive no cost savings from this administrative regulation amendment in subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Applicants and registered debt adjusters will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation amendment will not cause registered debt adjusters to have any additional expenditures for the first year.
For subsequent years: This administrative regulation amendment will not cause registered debt adjusters s to have any additional expenditures for the first year.
2. Revenues:
For the first year: Registered debt adjusters will not receive any revenues from this administrative regulation amendment for the first year.
For subsequent years: Registered debt adjusters will not receive any revenues from this administrative regulation amendment for the first year.
3. Cost Savings:
For the first year: The administrative regulation amendment is intended to cause applicants and debt adjusters to receive cost

savings from quicker processing of online application and document submissions, which are difficult to estimate at this time, but estimated to be de minimis, for the first year.
For subsequent years: The administrative regulation amendment is intended to cause applicants and debt adjusters to receive cost savings from quicker processing of online application and document submissions, which are difficult to estimate at this time, but estimated to be de minimis, in subsequent years.
(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 amendment will have no fiscal impact. The regulation amendment merely updates current forms used by applicants and registered debt adjusters. The amendment creates an online application process for applicants and an online renewal application process for registered debt adjusters. The forms and online processes are available at no cost. The Attorney General receives no fees. For these reasons, the regulation amendments are not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There is not an expected "major economic impact" from this regulation amendment for the Attorney General, any local entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.

OFFICE OF ATTORNEY GENERAL
Office of Regulatory Relief
(Amendment)

40 KAR 12:500. Going out of business, fire, removal and other KRS 365.415 sales[Application for conducting more than two (2) going-out-of-business sales in four (4) years form].

RELATES TO: KRS 365.415, 365.420[365.447]
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 365.420(7)[365.447]
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 365.415 and 365.420 require sellers conducting going out of business, fire, removal and other KRS 365.415 sales to submit license applications and bonds with the county clerk where the sales occur. KRS 365.420(7) requires the Attorney General to promulgate an administrative regulation to establish a license application form containing an inventory itemization relating to going out of business, fire, removal and other KRS 365.415 sales. KRS 365.420(8) requires applicants to submit surety bonds to county clerks with an application. This administrative regulation prescribes the license application and bond forms to be used by persons conducting going out of business, fire, removal, and other KRS 365.415 sales.[To fulfill the requirement for an application form to conduct more than two (2) going-out-of-business sales in a four (4) year period identified in KRS 365.447.]

Section 1. License Application for Going out of Business, Fire, Removal or Other KRS 365.415 Sale[Excess Permits Form]. (1) A seller shall not conduct a going out of business, fire, removal, or other KRS 365.415 sale unless the county clerk of the county where a proposed sale is located approves a seller's license application in accordance with this administrative regulation. An applicant shall complete and submit a Going out of Business, Fire, Removal, or Other Sale license application, Form GOB-1, to the county clerk, and submit a completed Going out of Business, Fire, Removal or Other KRS 365.415 Sale Surety Bond, Form GOB-2, or other surety bond satisfactory to the county clerk.[The "Application for Excess Permits Form GOB-2" required by KRS 365.447 shall contain the following information:]
[(1)] [The title of the county clerk;]
[(2)] [The number of going-out-of-business permits acquired by the applicant during past four (4) years;]
[(3)] [For each of the previous sales, the applicant shall provide the name of the store involved, the name(s) of the owner(s), and the date and address of the sale;]
[(4)] [The name and address of the owner(s) of the goods to be sold. If the owner is a partnership, corporation, firm, or association, list all partners and officers;]
[(5)] [The address of the principal office of the applicant in Kentucky;]
[(6)] [The date and place of incorporation or organization of the business;]
[(7)] [Whether the controlling interest in the firm or business has been transferred within the twelve (12) months prior to the filing of the application. If the answer is yes, then specify the parties to the transfer and the date of the transfer;]
[(8)] [The name and style in which the sale is to be conducted;]
[(9)] [The address of the premises where the sale will be conducted;]
[(10)] [The date the sale is to begin and the projected duration of the sale;]
[(11)] [The name and address of the person who will be in charge and responsible for the conduct of the sale;]
[(12)] [Nature of the occupancy (lease, etc.) of the premises where the sale is to be held, and the effective date of the termination of the occupancy;]
[(13)] [The condition or necessity which is the occasion of the sale;]
[(14)] [An explanation of the condition or necessity for the previous sales, and the legitimate business reason for obtaining the excess permits;]
[(15)] [The name of the sale, and the reason why the name is truthfully descriptive of the sale;]
[(16)] [The location to which the business will be relocated if the sale is a removal sale;]
[(17)] [The time, location, and cause of damage to the goods if the license is to conduct a fire sale;]
[(18)] [Whether the sale involves foods or drugs damaged by fire or other casualty. If it does, proof of approval by the Department for Human Resources must be provided before the application may be accepted;]
[(19)] [The total value of the inventory at cost, with inventory pages from Form GOB-1 attached;]
[(20)] [The total value of the inventory at retail from the attached GOB-1 inventory pages;]
[(21)] [A sworn and notarized statement from the authorized individual filing the application;]
[(22)] [A notice that the applicant will be charged the actual costs of the Attorney General's investigation. The minimum charge will be twenty-five (25) dollars, and the maximum charge will be $250.]

Section 2. Incorporation by Reference.
(1) The following material is incorporated by reference:
[(1)] [The "Application for Conducting More Than Two (2) Going-out-of-business Sales in Four (4) Years Form GOB-2" is incorporated by reference.]

(a) "Going Out of Business, Fire, and Removal Sale License Application", Form GOB-1, Feb. 2026; and

(b) "Going Out of Business, Fire, and Removal Sale Surety Bond", Form GOB-2, Feb. 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law.[Copies of the "Application For Conducting More Than Two (2) Going-out-of-business Sales In Four (4) Years Form GOB-2" may be inspected, copied, or obtained] at the Office of the Attorney General, Capital Complex East[Consumer Protection Division], 1024 Capital Drive, Frankfort, Kentucky 40601[40602], Monday through Friday, between the hours of 8:00[8:30] a.m. and 4:30 p.m.[, Monday through Friday.]This material is also available on the Office's website, https://ag.ky.gov/Pages/default.aspx.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: February 20, 2026

FILED WITH LRC: February 24, 2026 at 1:04 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 21, 2026, at 11:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Office in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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: 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: 502-696-5481 fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General; County Clerks; Occupations and Professions; and Bonds

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the license application form and surety bond form to be used by persons conducting going out of business, fire, removal, and other KRS 365.415 sales for submission to county clerks who issue the licenses.
(b) The necessity of this administrative regulation: This regulation is necessary since it allows the Office of Attorney General ("Attorney General"), to perform its statutory mandates.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 365.420(7) requires the Attorney General to promulgate administrative regulations to establish a license application containing inventory lists for persons conducting going out of business, fire, removal, and other KRS 365.415 sales for submission to county clerks who issue the licenses.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the license application form and bond form to be used by persons conducting going out of business, fire, removal, and other KRS 365.415 sales for submission to county clerks who issue the licenses.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment makes changes to comply with KRS Chapter 13A drafting requirements. The amendment updates an incorporated form that it is easier for regulated businesses to complete. The amendment removes unnecessary language from the regulation as duplicative and already incorporated by reference in the updated form. This regulation and companion amendment to 40 KAR 12:400 combine three (3) regulations into two (2) regulations to reduce the regulatory burden on regulated entities. These companion amendments eliminate the need for 40 KAR 2:200, which is being repealed.
(b) The necessity of the amendment to this administrative regulation: The necessity of the amendment to this administrative regulation: The Attorney General needs to update the regulation to conform to KRS Chapter 13A drafting requirements. The Attorney General needs to update its regulation and forms to make both more easily understood by regulated entities, county clerks and consumers.
(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, KRS 367.150(4) and KRS 365.420(7) authorize the administrative regulation amendments.
(d) How the amendment will assist in the effective administration of the statutes: It is intended that the regulation amendment will cause the regulation to be more easily understood and the updated form to be more easily completed by regulated entities and county clerks.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation amendment affects an unknown number of KRS 365.415 sales license applicants each year and one hundred and twenty (120) county court clerks.
(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: License applicants will be required to use the new forms incorporated into this regulation. County clerks will be required to review and process the new forms.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): License applicants will bear no additional cost as they will be able download the new forms from the Attorney General's website at no cost. County clerks will incur no additional costs from reviewing and processing the new application and bond forms.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation amendment is intended to make the regulation more easily understood by regulated entities and county clerks. The regulation amendment is also intended to make the updated form to be more easily completed by regulated entities and county clerks.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation amendment.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing this administrative regulation amendment.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipated increase in fees or funding necessary to amend this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No. This regulation treats all applicants for going out of business, fire, removal, and other KRS 365.415 sales licenses from county clerks 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 15.180, 367.150(4), and 365.420.
(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 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 1966 Ky. Acts ch. 60, sec. 3.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The administrative regulation amendment does not affect any other state agencies.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There are no expenditures to administer this administrative regulation amendment for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation amendment in subsequent years.
2. Revenues:
For the first year: This administrative regulation amendment will generate no revenues to the Attorney General for the first year.
For subsequent years: This administrative regulation amendment will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: The administrative regulation amendment will result in no cost saving to the Attorney General for the first year.
For subsequent years: The administrative regulation amendment will result in no cost savings to the Attorney General in subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation amendment will affect all county clerks. The administrative regulation amendment does not affect any other local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: This administrative regulation amendment will not cause expenditures by county clerks for the first year.
For subsequent years: This administrative regulation amendment will not cause expenditures by county clerks in subsequent years.
2. Revenues:
For the first year: County clerks will receive no revenues from this administrative regulation amendment for the first year.
For subsequent years: County clerks will receive no revenues from this administrative regulation amendment in subsequent years.
3. Cost Savings:
For the first year: It is intended that this administrative regulation amendment will cause county clerks to receive cost savings from efficient and quicker processing of the updated license application and bond forms, which are difficult to estimate at this time, but estimated to be de minimis, for the first year.
For subsequent years: It is intended that this administrative regulation amendment will cause county clerks to receive cost savings from efficient and quicker processing of the updated license application and bond forms, which are difficult to estimate at this time, but estimated to be de minimis, in subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Applicants seeking a going out of business sale or other KRS 365.415 licenses from county clerks will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation amendment will not cause applicants to have any additional expenditures for the first year.
For subsequent years: This administrative regulation amendment will not cause applicants to have any additional expenditures in subsequent years.
2. Revenues:
For the first year: Applicants will not receive any revenues directly from this administrative regulation amendment for the first year.
For subsequent years: Applicants will not receive any revenues directly from this administrative regulation amendment in subsequent years.
3. Cost Savings:
For the first year: It is intended that this administrative regulation amendment will cause applicants to receive cost savings from quicker processing of the updated license application and bond forms, which are difficult to estimate at this time, but estimated to be de minimis, for the first year.
For subsequent years: It is intended that this administrative regulation amendment will cause applicants to receive cost savings from quicker processing of the updated license application and bond forms, which are difficult to estimate at this time, but estimated to be de minimis, in subsequent years.
(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: amendment: This administrative regulation amendment will have no fiscal impact. The amendment merely updates the application and bond forms used by applicants seeking going out of business sale or other KRS 365.415 sale licenses from county clerks. The amendment does not affect any other governmental agencies or local governments. The amendment does not increase any fees. For these reasons, the amendment is not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There is not an expected "major economic impact" from this administrative regulation amendment for the Attorney General, any local government entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative regulation amendment.

OFFICE OF ATTORNEY GENERAL
Office of Regulatory Relief
(Amendment)

40 KAR 12:510. Prior approval to obtain excess going out of business sale license[Application procedure for obtaining going-out-of-business sale permits in excess of two (2) sales in a four (4) year period].

RELATES TO: KRS 365.447
STATUTORY AUTHORITY: KRS 15.180, KRS 367.150(4), 365.447
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 study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to promulgate administrative regulations in the consumers' interest. KRS 365.447 requires [~~in pertinent part the Office of~~]the Attorney General to promulgate administrative regulations to establish an[~~pertaining to~~]application[~~applications~~], procedures, and investigation charges[~~by any party~~] for persons seeking prior approval to conduct more than two (2) going out of business sales[~~going-out-of-business sale permits~~] during a four (4) year period. This administrative regulation establishes the online approval application, application processes and criteria for investigation, and[~~sets forth the procedures for applying for a subsequent permit, the investigation to be initiated and conducted by the Attorney General~~], and the investigation fees for the online approval application[~~charges to the applicant, pursuant to KRS 365.447~~].

Section 1. Online application for prior approval to obtain excess going out of business sale license[~~Application Procedure for Excess Permits~~].

(1) A seller shall not acquire more than two (2) going out of business sale licenses from any county clerk during a four (4) year period unless the Attorney General approves the seller's online prior approval application in accordance with this administrative regulation. An applicant shall submit an online prior approval application using the "Prior approval to obtain excess going out of business sale license" application portal available at https://www.ag.ky.gov/Resources/Pages/forms.aspx

(2) When submitting an online prior approval application, the applicant shall submit: The initial seventy-five (75) dollar investigation fee; Copies of the two (2) or more prior going out of Business sale licenses issued to the applicant by any county clerk during the preceding four (4) year period; and A completed Going out of Business, Fire, Removal, or Other Sale license application, Form GOB-1, as incorporated by reference in 40 KAR 12:500, for the proposed excess going out of business sale for which the applicant seeks approval.

(3) An applicant shall complete its application by submitting additional information or documents for its approval application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any approval application if an Applicant fails to timely complete the application by not paying the initial investigation fee or providing requested information or documents.[~~When any individual, partnership, corporation or other firm seeks a permit to conduct more than two (2) going-out-of-business sales within a four (4) year period, such party shall obtain, complete, and submit to the Office of the Attorney General, Division of Consumer Protection, an application form to obtain such permit~~].

Section 2. Initial Investigation Fee. The initial investigation fee for an approval application to obtain an excess going out of business sale license shall be seventy-five (75) dollars.

Section 3. Investigation to Determine Legitimate Business Purpose.

(1) Upon submission of a completed online prior approval application, the Attorney General, shall conduct an investigation to determine whether a legitimate business reason exists for the applicant to conduct more than two (2) going out of business sales within a four (4) year period. The Attorney General shall investigate the circumstances of the prior going out of business sales conducted by the applicant and consider all relevant information in reaching a decision.[~~! Upon receipt of such application, the Office of the Attorney General, Division of Consumer Protection, shall initiate and conduct an investigation to determine if there is a legitimate business reason to conduct more than two (2) going-out-of-business sales within a four (4) year period. The Division of Consumer Protection shall investigate the circumstances of all previous going-out-of-business sales conducted by the applicant within the previous four (4) years and consider all relevant information in reaching its decision. Relevant business records and information shall include information relating to activities and going-out-of-business sales conducted in other jurisdictions. The Attorney General may request additional information and relevant business records from the applicant in determining the legitimacy of the business reason for the application.~~]

(2) The Attorney General shall deny or approve an online prior approval application within thirty (30) days of receiving a completed application.[~~The Attorney General shall determine if there is a legitimate business reason for the applicant's request for any excess permits and deny or grant the permit within thirty (30) days of receiving the application.~~]

(3) Valid business reasons for conducting more than two (2) going out of business[~~going-out-of-business~~] sales within a four (4) year period shall include:

(a) Insolvency of the business or owner(s);

(b) Unprofitability or inadequate profitability of the business;

(c) Retirement of the owner(s);

(d) Intent of the owner(s) to engage in other enterprises or endeavors;

(e) Termination of the business to free assets to pay any judgment of any court;

(f) Death of the owner(s), and the representatives of the estate(s), or their heirs, distributees, devisees, legatees, or their successors and assigns seek to terminate the business;

(g) Where the business is required or compelled to be discontinued because:

1. The premises upon which it is being conducted have been taken by eminent domain; or

2. The premises upon which it is being conducted must be vacated pursuant to court order pursuant to a legal or judicial proceeding; or

3. The business's lease on the premises upon which it is operating has been terminated by the landlord, or the landlord will not renew the lease.

(4) Business reasons which are not legitimate for conducting more than two (2) going out of business sales within a four (4) year period[~~the purposes of KRS 365.447~~] shall include, but not be limited to:

(a) Opening the business with intent to conduct a going out of business[~~going-out-of-business~~] sale with inventory brought in for that purpose, whether such inventory is owned by the business owner(s) or not, more than ninety (90) days prior to the application for the permit;

(b) Buying into an existing business with the intent to conduct a going out of business[~~going-out-of-business~~] sale, and bringing in large quantities of goods for that purpose, whether such inventory is owned by the business owner(s) or not, more than ninety (90) days prior to the application for the permit.

Section 4. When the Attorney General approves an applicant's online prior approval application, the applicant shall thereafter file the completed Going out of Business, Fire, Removal, or Other Sale license application, Form GOB-1, incorporated by reference in Section 2 (c) of this regulation, and a satisfactory surety bond, with the county clerk in accordance with 40 KAR 12:500 in order to obtain a license authorizing the excess sale.

Section 5.[~~Section 3.~~] Application Investigation Costs.[~~The applicant may be charged the costs of the investigation.~~] The Attorney General may charge the applicant for the actual costs of the prior approval application investigation which exceed the initial investigation fee[~~. The actual costs shall be assessed the applicant by the Attorney General~~], however [~~the minimum charge shall be twenty-five (25) dollars, and~~]the maximum total charge shall not exceed five hundred dollars ($500.00)[~~$250~~].

Section 6.[~~Section 4.~~] Applicant may request an administrative hearing on application denial. If the Attorney General denies an applicant's application for prior approval to obtain an excess license, the applicant may submit a written request to the Attorney General for an administrative hearing on the application denial pursuant to KRS Chapter 13B.[~~Any applicant whose application is denied by the~~

~~Attorney General following investigation may seek appeal of the denial pursuant to 40 KAR 2:230 and 40 KAR 2:240.~~]

Section 7. Incorporation by Reference.

(1) "Prior Approval to obtain Excess Going Out of Business Sale license application portal," Feb. 2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East, 1024 Capital Drive, 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.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: February 20, 2026

FILED WITH LRC: February 24, 2026 at 1:04 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 21, 2026, at 11:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify the Attorney General in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General; County Clerks; Occupations and Professions; Bonds

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation prescribes the online prior approval application form, application processes and criteria, investigation costs, and administrative hearing rights for persons wishing to conduct more than two (2) going out of business ("excess") sales within a four (4) year period.
(b) The necessity of this administrative regulation: This regulation is necessary since it allows the Office of Attorney General ("Attorney General"), to perform its statutory mandates.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 365.447 requires Attorney General to promulgate administrative regulations to establish a prior approval application, application processes, and investigation charges for persons wishing to conduct more than two (2) going-out-of-business sales within a four (4) year period.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes an online prior approval application process to be used by applicants seeking to conduct excess going out of business sales. This administrative regulation also establishes application processes and criteria, investigation fees, and administrative hearing rights of persons seeking to conduct more than two (2) going-out-of-business sales within a four (4) year period.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment makes changes to comply with KRS Chapter 13A drafting requirements. The amendment removes unnecessary language from the regulation, so it is easier to understand. This amendment and companion amendment to 40 KAR 12:500 combine three (3) regulations into two (2) regulations to reduce the regulatory burden on regulated entities. These companion amendments eliminate the need for 40 KAR 2:200, which will be repealed. The amendment provides for a new online application form which is easier to complete and provides better instructions to regulated businesses. The amendment increases the initial investigation fee of $25.00 to $75.00 and increases maximum investigation fee of $250.00 to the statutory maximum of $500.00.
(b) The necessity of the amendment to this administrative regulation: The Attorney General needs to update its regulations to conform to KRS Chapter 13A drafting requirements. The Attorney General needs to update its regulations and cause them to be easier to understand. The Attorney General needs to reduce the number of regulations to relieve the regulatory burden on regulated businesses. The Attorney General needs to modernize application and payment processes by providing for online processes.
(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, KRS 367.150(4) and KRS 365.447 authorize the administrative regulation amendments.
(d) How the amendment will assist in the effective administration of the statutes: The regulation amendments will cause the regulation to be more easily understood by regulated entities and consumers. The regulation amendments will provide an easier online application and payment processes for regulated entities.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The regulation will affect an unknown but small number of applicants who seek prior approval to obtain an excess going out of business sale license. The regulation will affect the Attorney General and all county clerks.
(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: Excess going out to business sale applicants will be required to use the new online application process and pay the investigation fee. The Attorney General will review and process the online application submissions for compliance with the law. County clerks will require applicants to obtain prior Attorney General approval through the online application processes before issuing a local excess going out of business sale license.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants will incur no additional to use the online processes available on the Attorney General's website at no cost. Applicants will be required to pay an investigation fee of $75.00. The Attorney General will incur no additional costs to process the online application submissions. County clerks will incur no costs by the new online processes.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): It is intended that the online application process will make it easier for applicants to apply and provide required documentation. In addition, it is intended that the regulation amendments will result in saved administrative resources and time and provide quicker application processing by Attorney General staff. It is intended that the regulation amendments will result in saved administrative resources and time and provide quicker local license application processing by county clerks after Attorney

General approval.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation amendment.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing this administrative regulation amendment.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipated increase in fees or funding necessary to amend this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment increases the initial investigation fee from $25.00 to $75.00 and increases the maximum investigation fee from $250.00 to the statutory maximum of $500.00.
(10) TIERING: Is tiering applied? No. This administrative regulation applies equally to all prior approval excess going out of sale 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 15.180, 367.150(4), and 365.447.
(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 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 1994 Ky. Acts ch. 305, sec. 4.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The administrative regulation amendment does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division 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: There are no expenditures to administer this administrative regulation amendment for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation amendment in subsequent years.
2. Revenues:
For the first year: It is estimated that the administrative regulation amendment will generate no revenues to the Attorney General for the first year.
For subsequent years: It is estimated that the administrative regulation amendment will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the administrative regulation amendment will cause the Attorney General to receive cost savings from efficient and quicker processing of the online applications, which are difficult to estimate at this time, but estimated to be de minimis.
For subsequent years: In subsequent years, the administrative regulation amendment will cause the Attorney General to receive cost savings from efficient and quicker processing of the online applications, which are difficult to estimate at this time, but estimated to be de minimis.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation amendment will affect all county clerks. The administrative regulation amendment does not affect any other local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: This administrative regulation amendment will not cause expenditures by county clerks for the first year.
For subsequent years: This administrative regulation amendment will not cause expenditures by county clerks in subsequent years.
2. Revenues:
For the first year: County clerks will receive no revenues from this administrative regulation for the first year.
For subsequent years: County clerks will receive no revenues from this administrative regulation in subsequent years.
3. Cost Savings:
For the first year: The administrative regulation amendment is intended to cause county clerks to receive cost savings from efficient and quicker Attorney General prior approval of excess sales online applications, which are difficult to estimate at this time, but estimated to be de minimis, for the first year.
For subsequent years: The administrative regulation amendment is intended to cause county clerks to receive cost savings from efficient and quicker Attorney General prior approval of excess sales online applications, which are difficult to estimate at this time, but estimated to be de minimis, in subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Applicants seeking prior approval to obtain an excess going out of business sale license will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation amendment will cause an applicant to have an additional expenditure of $50 for the first year.
For subsequent years: This administrative regulation amendment will cause an applicant to have an additional expenditure of $50 in subsequent years.
2. Revenues:
For the first year: Applicants will not receive any revenues directly from this administrative regulation amendment for the first year.
For subsequent years: Applicants will not receive any revenues directly from this administrative regulation amendment in subsequent years.
3. Cost Savings:
For the first year: The administrative regulation amendment is intended to cause applicants to receive cost savings from quicker processing of online prior approval applications, which are difficult to estimate at this time, but estimated to be de minimis, for the first year
For subsequent years: The administrative regulation amendment is intended to cause applicants to receive cost savings from quicker processing of online prior approval applications, which are difficult to estimate at this time, but estimated to be de minimis, in subsequent years.
(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 amendment will have no fiscal impact. The amendment merely creates an online prior approval application for an applicant seeking prior approval to obtain an excess going out of business sale license from a county clerk. The amendment does not affect any other governmental agencies or local governments. The amendment only increases the initial investigation fee by fifty dollars ($50). For these reasons, the regulation is not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is not an expected "major economic impact" from this regulation for the Attorney General, any local entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion:

The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative regulation amendment.

OFFICE OF ATTORNEY GENERAL
Office of Regulatory Relief
(Amendment)

40 KAR 12:600. Nonresident sellers of contact lenses[Contact lens seller annual registration and verification requirements].

RELATES TO: KRS 367.680, 367.681, 367.683, 367.685, 367.686, 367.687, 367.688 367.689[-367.690]

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.688, 367.689

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 which will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to promulgate administrative regulations in the consumers' interest. KRS 367.687 and KRS 367.688 require the Attorney General to provide for annual registrations of all nonresident sellers of contact lenses. KRS 367.688 requires the Attorney General to charge fees for registrations and investigations of nonresident sellers of contact lenses. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to nonresident sellers of contact lenses. This administrative regulation establishes the online registration application and registration renewal application to be used by nonresident sellers of lenses and establishes annual registration fees and investigation fees.[by law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to promulgate administrative regulations in the consumers' interest. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to the sale of contact lenses. KRS 367.688 requires the Attorney General to charge a fee for investigation and registration of nonresident dispensers of contact lenses. This administrative regulation establishes requirements for a mail order contact lens seller annual registration form required by KRS 367.687.]

Section 1. [Definitions.]

[(1)] ["Applicant" means a person located outside Kentucky desiring to ship, mail, deliver, or sell contact lenses to a patient at a Kentucky address.]

[(2)] ["Date of authorization" means the date on which a contact lens prescription is completed, as referenced in KRS 367.685.]

[(3)] ["Dispensing facility" means the building or structure from which contact lens orders are shipped.]

[(4)] ["Response-time options" means requests for contact lens prescription verification in which the requestor expressly or implicitly states that the failure of the prescribing optometrist, osteopath, or physician to respond to the request within the time frame or in the manner stated in the request constitutes a verification of the prescription].

[Section 2.] Nonresident Seller of Contact Lenses[Lens Seller Annual] Registration Application[Form].

(1) A nonresident seller shall not sell contact lenses to Commonwealth of Kentucky residents unless the Attorney General approves the nonresident seller's online registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the "Nonresident Seller of Contact Lenses registration application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) When submitting an online application, an applicant shall submit:

(a) Payment of the $500.00 annual 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) A copy of the applicant's registration/license from the state where applicant's dispensing facility is located.

(3)

(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny an application if an applicant fails to timely complete the application by not paying the application fee or providing requested information or documents.[The Contact Lens Seller Annual Registration Form, CLS-1, shall contain the following information:]

[(1)] [In accordance with KRS 367.687(1), a certification by the applicant that the applicant is licensed or registered to distribute contact lenses in the state in which the dispensing facility is located and from which the contact lenses are dispensed, including the date of licensure, the expiration date, if any, and the name and address of the licensing or registering agency.]

[(2)] [The business names, titles, and addresses required by KRS 367.687(2).]

[(3)] [A certification by the applicant containing the information required by KRS 367.687(3).]

[(4)] [If any owner, partner, corporate officer, or person responsible for overseeing the dispensing of contact lenses has been the subject of civil or criminal action by an agency in any state which regulates the sale or dispensing of contact lenses, this information shall be disclosed on the application.]

[(5)] [A certification by the applicant that they shall respond to all requests for information from the Attorney General in accordance with KRS 367.687(4).]

[(6)] [A certification by the applicant that they shall maintain records of contact lenses dispensed to residents of the Commonwealth of Kentucky in accordance with KRS 367.687(5).]

[(7)] [The toll-free telephone number and certification required by KRS 367.687(6).]

[(8)] [The toll-free telephone number required by KRS 367.687(7).]

[(9)] [A certification by the applicant that the notification required by KRS 367.687(8) will be sent to the patient whenever contact lenses are supplied.]

[(10)] [The certification required by KRS 367.687(9).]

Section 2. Annual Registration and Investigation Fee.

[(11)] [An]The annual registration and investigation fee for a nonresident seller of contact lenses shall be $500.00[of $300 enclosed with each registration in the form of a check made payable to "Kentucky State Treasury".]

[(12)] [The signature of the applicant or a person authorized to sign on behalf of the applicant. The signature shall constitute a certification that the statements contained in the application are true and correct].

Section 3. Nonresident Seller of Contact Lenses Renewal Application.

(1) An approved nonresident seller of contact lenses registration or renewal shall be valid for one (1) year from the date of written confirmation of registration or renewal approval provided by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current registration, a registered nonresident seller of contact lenses may renew its registration. Registration renewal shall be accomplished by submitting an online renewal application using the "Nonresident

Seller of Contact Lenses Renewal Application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) When submitting an online renewal application, each registrant shall submit payment of the $500.00 annual registration fee.

(4)

(a) A registrant shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny a renewal application if the registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested information or documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against a registrant.

Section 4. Written notification of material changes. A registered nonresident seller of contact lenses shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, or application attachments.

Section 5. Record Requests. A nonresident seller of contact lenses shall make requested business records and documents related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.[~~The Attorney General may charge a fee for investigation of nonresident dispensers of contact lenses based on reasonable expenses incurred during the investigation process, in accordance with KRS 367.688.~~]

[~~Section 4.~~] [~~Response-time Options.~~]

[~~(1)~~)] [~~Response-time options are prohibited and shall not constitute verification of a contact lens prescription, in accordance with KRS 367.683(2)(f).~~]

[~~(2)~~)] [~~A mail order contact lens seller shall verify a contact lens prescription through one of the methods provided in KRS 367.683(1).~~]

Section 6.[~~Section 5.~~] [~~Providing and~~] Verifying Prescriptions. If a registered nonresident seller of contact lenses requests verification of a contact lenses prescription, a patient's prescribing optometrist, osteopath or physician shall verify a contact lenses prescription through telephone, electronic mail, computer or phone messaging, or other electronic or digital means.

[~~(1)~~)] [~~In compliance with KRS 367.685, upon completion of a contact lens fitting a patient shall be entitled to receive a complete copy of the contact lens prescription until its expiration date.~~]

[~~(2)~~)] [~~In compliance with KRS 367.683, a patient's prescribing optometrist, osteopath or physician shall, through electronic or oral affirmative communication, verify a contact lens prescription submitted by a contact lens seller designated to act on behalf of that patient.~~]

Section 7.[~~Section 6.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:[~~The "Contact Lens Seller Annual Registration Form", CLS-1, 2003, is incorporated by reference.~~]

(a) "Nonresident Seller of Contact Lenses Registration application portal," Feb. 2026,

(b) "Nonresident Seller of Contact Lenses Renewal application portal," Feb. 2026;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East,[~~Consumer Protection Division,~~] 1024 Capital Drive, Suite 200, Frankfort, Kentucky 40602, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Office's website, https://ag.ky.gov/Pages/default.aspx.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: February 20, 2026
FILED WITH LRC: February 24, 2026 at 1:04 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 21, 2026, at 2:00 p.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify the Attorney General in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General; Occupations and Professions; and Visual Impairment

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes an online registration application and online renewal application and an annual registration and investigation fee relating to nonresident sellers of contact lenses.
(b) The necessity of this administrative regulation: This regulation is necessary because it allows the Office of Attorney General ("Attorney General") to perform its statutory mandates.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.686 and 367.688 require the Attorney General to provide for annual registrations of all nonresident sellers of contact lenses. KRS 367.688 requires the Attorney General to establish an investigation and registration fee for nonresident sellers of contact lenses. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to nonresident sellers of contact lenses.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes an online registration application, an online registration renewal application, an online payment process and the annual registration and investigation fee relating to nonresident sellers of contact lenses.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment makes changes to comply with KRS Chapter 13A drafting requirements. The amendment provides for an online registration application, an online registration renewal application and online payment processes. The amendment removes unnecessary language from the regulation as duplicative and already incorporated into the online applications. The amendment increases the annual registration fee for nonresident sellers of contact lenses from $300 to $500.00, the same registration fee for nonresident sellers of visual aide glasses.

(b) The necessity of the amendment to this administrative regulation: The Attorney General needs to update regulations to conform to KRS Chapter 13A drafting requirements. The Attorney General needs to update the regulation to remove unnecessary language. The Attorney General needs to modernize application and payment processes by providing for online processes. The annual registration fee needs to be increased to reflect increased staff processing costs and be consistent with the nonresident sellers of visual aid glasses registration fee. The current registration fee has remained the same for twenty-three (23) years.
(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, 367.150(4), 367.687, 367.688, and 367.689 authorize the administrative regulation amendments.
(d) How the amendment will assist in the effective administration of the statutes: The regulation amendments will cause the regulation to conform to KRS Chapter 13A drafting requirements. The regulation amendments will provide online application and payment processes for regulated entities.
(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 administrative regulation amendment will affect new applicants, approximately fifteen (15) registered nonresident sellers of contact lenses and the Attorney General. (5) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants and nonresident sellers of contact lenses will be required to use the new online registration and renewal processes adopted in the regulation amendment. The Attorney General will review completed online forms for compliance with law.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants and nonresident sellers of contact lenses will have an additional annual registration cost of $200.00. The Attorney General will incur no additional costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): It is intended that the online processes adopted by the regulation amendments will make it easier for applicants and regulated entities to apply for registration, renew registrations and pay registration fees. The Attorney General will be able to process registrations and renewals without difficulty.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no costs associated with implementing this administrative regulation. Enforcement costs, if any, would be minimal and would be absorbed into regular employee duties.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipated increase in fees or funding necessary to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No. This administrative regulation amendment applies equally to all nonresident sellers of contact lenses.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15.180, 367.150(4), 367.686. 367.688, and 367.689 authorize the regulation amendment.
(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 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 2003 Ky. Acts ch. 1, sec. 10.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division 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: There are no expenditures to administer this administrative regulation for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation in subsequent years.
2. Revenues:
For the first year: The administrative regulation will generate approximately $3,000.00 additional registration fees to the Attorney General for the first year.
For subsequent years: The administrative regulation will generate The administrative regulation will generate approximately $3,000.00 additional annual registration fees to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the Attorney General will have cost savings through adopted online processes in the regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: In subsequent years, the Attorney General will have cost savings through adopted online processes in the regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation will not affect any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: This administrative regulation will not cause expenditures by local entities for the first year.
For subsequent years: This administrative regulation will not cause expenditures by local entities in subsequent years.
2. Revenues:
For the first year: Local entities will receive no revenues from this administrative regulation for the first year.
For subsequent years: Local entities will receive no revenues from this administrative regulation in subsequent years.
3. Cost Savings:
For the first year: Local entities will receive no cost savings from this administrative regulation for the first year.
For subsequent years: Local entities will receive no cost savings from this administrative regulation for subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Nonresident sellers of visual aid glasses will be affected by this administrative regulation.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation will cause an applicant and nonresident seller of contact lenses to have an additional expenditure of $200.00 for the first year.
For subsequent years: This administrative regulation will cause an applicant and nonresident seller of contact lenses to have an additional expenditure of $200.00 in subsequent years.
2. Revenues:

For the first year: Nonresident sellers of contact lenses will not receive any revenues directly from this administrative regulation for the first year.
For subsequent years: Nonresident sellers of contact lenses will not receive any revenues directly from this administrative regulation in subsequent years.
3. Cost Savings:
For the first year: For the first year, nonresident sellers of contact lenses will receive cost savings through the adopted online processes in the regulation amendment, which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: For subsequent years, nonresident sellers of contact lenses will receive cost savings from the adopted online processes in this regulation amendment, which are difficult to estimate at this time but estimated to be de minimis.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation will have no fiscal impact. The new regulation adopts an online registration application, an online renewal application, and online payment process for nonresident sellers of contact lenses. The regulation does not affect any other governmental agencies or local governments. The regulation increases the 23-year-old annual registration fee by only $200.00. For these reasons, the regulation is not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources to determine the fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There is not an expected "major economic impact" from this regulation for the Attorney General, any local entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources to reach the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.

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

OFFICE OF ATTORNEY GENERAL
Office of Regulatory Relief
(Amendment)

40 KAR 12:610. Nonresident sellers of visual[~~Visual~~] aid glasses[~~seller annual registration requirements~~].

RELATES TO: KRS 367.680, 367.681, 367.686, 367.688, 367.689, 367.690

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.688, 367.689

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 study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.688 requires the Attorney General to provide for annual registrations of all nonresident sellers of visual aid glasses. KRS 367.688 requires the Attorney General to charge fees for registrations and investigations of nonresident sellers of visual aid glasses. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to nonresident sellers of visual aid glasses. [~~KRS 367.688 requires the Attorney General to charge a fee for investigation and registration of nonresident dispensers of visual aid glasses.~~]This administrative regulation establishes the online registration application and the online renewal application used by nonresident sellers of visual aid glasses and establishes annual registration and investigation fee.[~~establishes requirements for annual registration required by KRS 367.686 for a person located outside of Kentucky who ships, mails, delivers, sells, or dispenses visual aid glasses to a patient at a Kentucky address~~].

Section 1. Nonresident Seller of Visual Aid Glasses [~~Seller~~]Registration Application.

(1) A non-resident seller shall not sell visual aid glasses to Commonwealth of Kentucky residents unless the Attorney General approves the nonresident seller's online registration application in accordance with this administrative regulation. An applicant shall submit an online application using the "Nonresident Seller of Visual Aid Glasses registration application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) When submitting an online application, each applicant shall submit:

(a) Payment of the $500.00 registration fee;

(b) The applicant's certificate of existence; authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and

(c) A copy of the applicant's registration/license from the state where applicant's dispensing facility is located.

(3)

(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny an application if the applicant fails to timely complete the application by not paying the application fee or providing requested information or documents.[~~Form. A registrant shall register annually by submitting a complete Visual Aid Glasses Seller Registration, Form G-1, containing all information and the registration fee required by this administrative regulation. The Visual Aid Glasses Seller Annual Registration, Form G-1, shall contain the following:~~]

[~~(1)~~] [~~The legal name of the registrant;~~]

[~~(2)~~] [~~Other names under which the registrant conducts business;~~]

[~~(3)~~] [~~The registrant's contact person including name, title, business address, phone number,~~][~~ and fax number. The contact person's email address may also be provided;~~]

[~~(4)~~] [~~The registrant's principal physical business location, which shall not be a post office box;~~]

[~~(5)~~] [~~The registrant's mailing address;~~]

[~~(6)~~] [~~The location where the registrant keeps or maintains records of its Kentucky customers;~~]

[~~(7)~~] [~~The toll-free phone numbers for questions from customers, optometrists, osteopaths and physicians;~~]

[~~(8)~~] [~~The registrant's fax number;~~]

[~~(9)~~] [~~The registrant's website;~~]

[~~(10)~~] [~~Whether the registrant has been the subject of civil or criminal action by an agency in any state that regulates the sale or dispensing of visual aid glasses, and, if yes, an explanation;~~]

[~~(11)~~] [~~A list of each state in which the registrant is registered or licensed to sell or dispense~~][~~ visual aid glasses;~~]

Section 2. Annual Registration and Investigation Fee.

[~~(12)~~] [~~An~~] The annual registration and investigation fee for a nonresident seller of visual aid glasses shall be[~~of~~] $500.00.[~~ enclosed with each registration in the form of a check made payable to "Kentucky State Treasurer"; and~~]

[(13)] [The signature of the registrant or a person authorized to sign on behalf of the registrant, the printed name and title of the person signing the registration form, and the date of the signature. The signature shall constitute a certification that the statements contained in the registration form are true and correct to the best of the knowledge and belief of the person signing the registration form.]

Section 3.[Section 2.] Nonresident Seller of Visual Aid Glasses Renewal Application.

(1) An approved nonresident seller of visual aid glasses registration or renewal shall be valid for one (1) year from the date of written confirmation of registration or renewal approval provided by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current registration, a registered nonresident seller of visual aid glasses may renew its registration. Registration renewal shall be accomplished by submitting an online renewal application using the "Nonresident Sellers of Visual Aid Glasses Renewal Application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) When submitting an online renewal application, each registrant shall submit payment of the annual $500.00 registration fee.

(4)

(a) A registrant shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny a renewal application if the registrant fails to timely complete the application by not paying the annual registration fee or not submitting requested information or documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against a registrant.[The original completed Visual Aid Glasses Seller Registration, Form G-1, and the registration fee, shall be mailed or delivered to the Kentucky Office of the Attorney General, Office of Consumer Protection, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.]

Section 4.[Section 3.] Written notification of material changes. A registered nonresident seller of visual aid glasses[The registrant] shall notify the Attorney General, in writing, within fourteen (14)[thirty (30)] days of any material change to information provided in the registrant's original application, any renewal application or application attachments[Visual Aid Glasses Seller Registration, Form G-1, in writing at the address shown in Section 2 of this administrative regulation].

[Section 4.] [A notice or letter from the Attorney General to a registrant may be sent by first-class regular mail to a last-known address as shown in the registrant's last Visual Aid Glasses Seller Registration, Form G-1, or in the registrant's last notice of material change provided pursuant to Section 3 of this administrative regulation.]

Section 5. Record Requests. A nonresident seller of visual aid glasses shall make requested business records and documents related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.[The Attorney General may charge a fee for investigation of nonresident dispensers of visual aid glasses based on reasonable expenses incurred during the complaint or investigation process, in accordance with KRS 367.688].

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:["Visual Aid Glasses Seller Registration, Form G-1", 2018, is incorporated by reference.]

(a) "Nonresident Seller of Visual Aid Glasses Registration application portal, Feb. 2026; and

(b) "Nonresident Seller of Visual Aid Glasses Renewal application portal," Feb. 2026;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the [Kentucky]Office of the Attorney General, Capital Complex East,[Office of Consumer Protection,] 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: February 20, 2026

FILED WITH LRC: February 24, 2026 at 1:04 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 21, 2026, at 2:00 p.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify the Attorney General in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General; Occupations and Professions; and Visual Impairment

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes an online registration application, an online renewal application and an annual registration and investigation fee relating to nonresident visual aid glasses sellers.
(b) The necessity of this administrative regulation: This regulation is necessary because it allows the Office of Attorney General ("Attorney General") to perform its statutory mandates.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.686 and 367.688 require the Attorney General to provide for annual registrations of all nonresident visual aid glasses sellers. KRS 367.688 requires the Attorney General to establish a fee for investigation and registration of nonresident sellers of visual aid glasses. KRS 367.689 authorizes the Attorney General to promulgate administrative regulations to carry out the provisions of KRS 367.680 to 367.690, pertaining to nonresident visual aid glasses sellers.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes an online registration application, an online registration renewal application, and annual registration and investigation fee relating to nonresident visual aid glasses sellers.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment makes changes to comply with KRS Chapter 13A drafting requirements. The amendment provides for an online registration application and an online registration renewal application. The amendment removes unnecessary language from the regulation as duplicative and already incorporated into the online applications.
(b) The necessity of the amendment to this administrative regulation: The Attorney General needs to update regulations to conform to KRS Chapter 13A drafting requirements. The Attorney General needs to update the regulation to remove unnecessary language. The Attorney General needs to modernize application and payment processes by providing for online processes.
(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, 367.150(4), 367.688, and 367.689 authorize the administrative regulation amendments.
(d) How the amendment will assist in the effective administration of the statutes: The regulation amendments will cause the regulation to conform to KRS Chapter 13A drafting requirements. The regulation amendments will provide online application and payment processes for regulated entities.
(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 administrative regulation will affect applicants and four (4) registered nonresident sellers of visual aid glasses and the Attorney General.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants and nonresident sellers of visual aid glasses will be required to use the new online processes adopted by the regulation amendment. The Attorney General will review completed online forms for compliance with law.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants and nonresident sellers of visual aid glasses will bear no additional costs as they will be able to apply online at no additional cost. The Attorney General will incur no additional costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): It is intended that the online processes adopted by the regulation amendments will make it easier for applicants and regulated entities to apply for registrations, renew registrations and pay registration fees. The Attorney General will be able to process registrations and renewals without difficulty.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: No additional costs are associated with implementing this administrative regulation amendment.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipated increase in fees or funding necessary to amend this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No. This administrative regulation amendment applies equally to all nonresident visual aid glasses sellers.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . KRS 15.180, 367.150(4), 367.686. 367.688, and 367.689 authorize the action taken in this administrative regulation.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 2003 Ky. Acts ch. 1, sec. 10.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division 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: There are no expenditures to administer this administrative regulation for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation in subsequent years.
2. Revenues:
For the first year: The administrative regulation will generate no revenue for the Attorney General in the first year.
For subsequent years: The administrative regulation will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the Attorney General will have cost savings through adopted online processes in the regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: In subsequent years, the Attorney General will have cost savings through adopted online processes in the regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation will not affect any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: This administrative regulation will not cause expenditures by local entities for the first year.
For subsequent years: This administrative regulation will not cause expenditures by local entities in subsequent years.
2. Revenues:
For the first year: Local entities will receive no revenues from this administrative regulation for the first year.
For subsequent years: Local entities will receive no revenues from this administrative regulation in subsequent years.
3. Cost Savings:
For the first year: Local entities will receive no cost savings from this administrative regulation for the first year.
For subsequent years: Local entities will receive no cost savings from this administrative regulation for subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Applicants and nonresident sellers of visual aid glasses will be affected by this administrative regulation.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation will not cause nonresident sellers of visual aid glasses to have any additional expenditures for the first year.
For subsequent years: This administrative regulation will not cause nonresident sellers of visual aid glasses to have any additional expenditures in subsequent years.
2. Revenues:
For the first year: Nonresident sellers of visual aid glasses will not receive any revenues directly from this administrative regulation for the first year.

For subsequent years: Nonresident sellers of visual aid glasses will not receive any revenues directly from this administrative regulation in subsequent years.
3. Cost Savings:
For the first year: For the first year, nonresident sellers of visual aid glasses will receive cost savings through the adopted online processes in the regulation amendment, which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: For subsequent years, nonresident sellers of visual aid glasses will receive cost savings from the adopted online processes in this regulation amendment, which are difficult to estimate at this time but estimated to be de minimis.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation will have no fiscal impact. The new regulation adopts an online registration application, an online renewal application, and online payment processes for nonresident sellers of visual aid glasses. The regulation does not affect any other governmental agencies or local governments. The regulation does not increase any fees. For these reasons, the regulation is not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources to determine the fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There is not an expected "major economic impact" from this regulation for the Attorney General, any local entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources to reach the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:440. Legend drug repository.

RELATES TO: KRS 217.816, 315.191, 315.450, 315.452, 315.454, 315.456, 315.458, 315.460, 21 U.S.C. 340B, 21 U.S.C. 360-1 to 360-4, 21 U.S.C. 381 to 384g

STATUTORY AUTHORITY: KRS 315.191, 315.452, 315.458

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the Kentucky Board of Pharmacy to promulgate administrative regulations pursuant to KRS Chapter 13A necessary to regulate and control all matters relating to pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, and manufacturers. KRS 315.452 and 315.458 require the board to promulgate regulations to establish the legend drug repository program. This administrative regulation establishes the legend drug repository program and the requirements to participate in the program.

Section 1. Definitions.

(1) "Authorized recipient" means a recipient that has received authorization from the board to participate in the legend drug repository program pursuant to Section 2 and whose authorization has not been revoked by the board pursuant to Section 3.

(2) "Board" means the Kentucky Board of Pharmacy.

(3) "Controlled substance" is defined by KRS 218A.010.

(4) "Dispense" is defined by KRS 315.010.

(5) "Distribute" is defined by KRS 315.400.

(6) "Donor" means:

(a) Any person, including an individual member of the public that is over the age of 18, or any entity legally authorized and permitted to possess drugs, such as a wholesaler or distributor, third party logistic provider, pharmacy, clinic, surgical or health center, detention and rehabilitation center, laboratory, medical or pharmacy school, prescriber or other health care provider, or health facility; or

(b) Government agencies and entitles that are federally authorized to possess drugs, such as:

1. Drug manufacturers;
2. Repackagers;
3. Relabelers;
4. Outsourcing facilities;
5. Veteran Affairs hospitals;
6. Prisons; and
7. FDA authorized importers, such as those under 21 U.S.C. 384g or similar provisions.

(7) "Drug" is defined by KRS 315.010.

(8) "Eligible patient" means:

(a) An individual who is indigent, uninsured, or underinsured; and

(b) Other patients, if a need for the donated drugs is not identified among indigent, uninsured, and underinsured individuals.

(9) "Health care provider" is defined by KRS 304.17A-005(23).

(10) "Health facility" is defined by KRS 216B.015(13).

(11) "Original packaging" means the packaging in which the drug was donated by the donor.

(12) "Pharmacist" is defined by KRS 315.010(17).

(13) "Recipient" means a pharmacy as defined by KRS 315.010(19).

(14) "Relabeler" means any person who owns or operates an establishment that changes the content of the labeling from that supplied from the original manufacturer for distribution under the establishment's own name, except for establishments that do not change the original labeling, but merely add their own name.

(15) "Repackager" is defined by KRS 315.400(16).

(16) "Returns processor":

(a) Is defined by 21 U.S.C. Section 360eee(18); and

(b) Includes a reverse distributor or similar entity.

(17) "Unopened tamper-evident packaging" is defined by the United States Pharmacopeia (USP) General Chapter 659, Packaging and Storage Requirements, and includes unopened unit-dose, multiple dose, immediate, secondary, and tertiary packaging.

Section 2. Participation in the Legend Repository Program.

(1) Donors may donate drugs to an authorized recipient. An authorized recipient may receive donated drugs from donors. Prior to the first donation from a new donor, an authorized recipient shall verify and record the following:

(a) That the donor meets the definition provided in Section 1;

(b) The donor's name, address, phone number, and permit or license number;

(c) That the donor will only make donations of drugs in accordance with Section 3; and

(d) If applicable, that the donor will:

1. Remove or redact any patient names and prescription numbers on donated drugs; or

2. Otherwise maintain patient confidentiality by executing a confidentiality agreement with the authorized recipient.

3. Complete and sign a Donor Attestation Form to be reviewed by the authorized recipient prior to acceptance of any drug by an authorized patient.

(2) Any recipient seeking to become an authorized recipient in the program shall complete and provide to the Board the Legend Drug Repository Authorized Recipient Form that includes the specific policies and procedures of the recipient for planned implementation of the repository program. The policies and procedures shall include drug acceptance, destruction or transfer for unauthorized unaccepted drugs, quarantine of donated drugs, the electronic or written maintenance of inventory, storage and maintenance of donated drugs, recordkeeping of dispensed drugs

and patient eligibility affidavit forms, separation of donated drugs, and repackaging of donated drugs.

(3) The board may revoke the authorization of a recipient to participate in the program by issuing a written notice to the recipient. The revocation shall include references to the specific requirements that were violated and the corrective actions necessary for the recipient to resume its participation in the program.

(4) A health facility, pharmacy, pharmacist, or practitioner shall not be required to participate in the program established by this section.

(5) A drug manufacturer, repackager, or wholesaler other than a returns processor participating in this program shall comply with the requirements of 21 U.S.C. Sections 360-1 through 360-4 relating to drug supply chain security.

Section 3. Accepting, Inspecting, and Storing Drugs.

(1) In accordance with KRS 315.454, an authorized recipient shall only accept into inventory donated drugs that:

(a)

1. Are in original, unopened, sealed, and tamper-evident packaging; or

2. Have been repackaged under this program in accordance with Section 4(4);

(b) If in a single unit dose, have packaging that is unopened;

(c) Are not classified as a controlled substance;

(d) Are not visually adulterated or misbranded;

(e) Are not samples;

(f) Have an expiration date of ninety (90) days or greater, unless the drug:

1. Is in high demand, as determined by the professional judgement of the authorized recipient; and

2. Can be dispensed for use prior to the drug's expiration date;

(g) Are not considered to be medical supplies;

(h) Do not require only being dispensed to a patient registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements, in accordance with KRS 315.460; and

(i) Have a USP-recognized method to detect improper temperature variations if the drugs require temperature control other than "room temperature storage."

(2)

(a) Donated drugs that do not meet the requirements of Section 3(1) shall be disposed by returning it to the drug donor, destroying it by incinerator, medical waste hauler, or other lawful method, or transferring it to a return processor.

(b) A record of disposed drugs shall consist of the:

1. Disposal method described in paragraph (a) of this subsection;

2. The date of the disposal; and

3. The name, strength, and quantity of each drug disposed.

(c) Other records of disposal shall not be required.

(3) All drugs received but not yet accepted into repository inventory shall be quarantined in a separate, designated area.

(4)

(a) Prior to or upon acceptance of a donation or transfer into inventory, an authorized recipient shall maintain a written or electronic inventory of the donation, consisting of the:

1. Name, strength, and quantity of each accepted drug; and

2. Name, address, phone number, and permit or license number, if applicable, of the donor.

(b) This record shall not be required if the two (2) parties are under common ownership.

(c) Other records of donation shall not be required.

(5) An authorized recipient shall store and maintain donated drugs in a manner that distinguishes them from other non-donated inventory and in a secure and temperature-controlled environment that meets the drug manufacturers' recommendations and USP Chapter 659, Packaging and Storage Requirements.

Section 4. Safe Distribution and Dispensing of Drugs.

(1) An authorized recipient may:

(a) Distribute donated drugs to another authorized recipient or to an entity participating in a drug donation program operated by another state.

(b) Repackage donated drugs as necessary for storage, dispensing, administration, or distribution in accordance with Section 4(4).

(c) Replenish drugs of the same drug name and strength previously dispensed or administered to eligible patients in accordance with 21 U.S.C. 340B.

(2) An authorized recipient shall only administer or dispense drugs that:

(a) Meet the requirements of Section 3(1) and are not visually adulterated or misbranded, as determined by a pharmacist employed by, or under contract, with the health facility or pharmacy;

(b) Are, if dispensed to a patient, repackaged into a new container or have all previous patient information on the donated container redacted or removed;

(c) Are properly labeled in accordance with KRS 217.816;

(d) Have an expiration date that will not expire before the full use by the patient based on the prescribing practitioner's directions for use; and

(e) Are:

1. Prescribed by a physician, advanced registered nurse, or a physician assistant; and

2. Dispensed by a pharmacist in accordance with KRS 315.454(1)(d).

(3) An authorized recipient shall only dispense or administer drugs to an eligible patient if permitted by KRS Chapter 315 and 201 KAR Chapter 2. Prescription drugs shall:

(a) Only be dispensed or administered to patients pursuant to a valid prescription drug order; and

(b) Have patient-specific written or electronic records maintained in accordance with KRS Chapter 315 and 201 KAR Chapter 2.

(4)

(a) Repackaged drugs shall be:

1. Labeled with the drug name, strength, and expiration date; and

2. Kept in a separate designated area until inspected and initialed by a pharmacist.

(b) If multiple packaged donated drugs with varied expiration dates are repackaged together, the shortest expiration date shall be used.

(5) The donation, distribution, transfer, receipt, or facilitation of donations, distribution, transfers, and receipt of drugs pursuant to this chapter shall not be considered wholesale distribution and shall not require licensing as a wholesale distributor.

(6) An entity participating in a drug donation or repository program operated by another state may participate in the Kentucky program, and in the case of a pharmacy, may dispense donated drugs to residents of Kentucky. This entity shall be required to comply with all Kentucky statutes and administrative regulations.

(7) Indigent and uninsured patients shall have priority access to drugs dispensed through the repository program. If a drug is available and no indigent or uninsured patient requests dispensing of the drug, the drug shall be made available to underinsured patients before dispensing to others. All authorized recipients shall use the Patient Eligibility Affidavit Form provided by the board or a substantively similar physical or electronic form when confirming a patient's status as indigent, uninsured, underinsured or other.

(8) A legend drug or supply needed to administer a legend drug that is donated for use under this program shall not be resold.

(9) All legend drugs, with the exception of controlled substances and extemporaneously compounded drugs, shall be eligible for dispensing under this program.

(10) A handling fee shall not be charged to a patient for pharmacy dispensing of a repository drug.

(11) Drugs specified in a recall notice shall be considered recalled unless the drug has an affixed lot number to exclude it from the recall.

(12) An authorized recipient may dispense a therapeutic equivalent drug product under the following conditions:

(a) The ordering practitioner has indicated "formulary compliance approval" on the prescription, in one (1) of the following ways:

1. In the practitioner's own handwriting; or

2. By checking a "formulary compliance approval" box on a preprinted form;

(b) The pharmacist, within twenty-four (24) hours of the formulary compliance substitution, shall notify the ordering practitioner, in an original writing or by facsimile:

1. That the pharmacist engaged in formulary compliance; and

2. Of the therapeutic equivalent drug product that was dispensed.

(c) The pharmacist may make adjustments in the quantity and directions to provide for an equivalent dose of the preferred formulary therapeutic alternative.

Section 5. Forms and Recordkeeping.

(1) All records required by this chapter shall be retained in physical or electronic format, on or off the authorized recipient's premise for a period of five (5) years. A donor or authorized recipient may contract with one another or a third-party to create and maintain records on each other's behalf. An identifier, such as a serial number or barcode, may be used in place of any or all information required by a record or label pursuant to this chapter if it allows for this information to be readily retrievable. Upon request by the board, the identifier used for requested records shall be replaced with the original information. An identifier shall not be used on patient labels when dispensing or administering a drug.

(2) An entity that chooses to participate in the program shall make all records available to audit by the board within forty-eight (48) hours.

(3) If performing any action associated with this program or otherwise processing donated drugs for tax, manufacturer, or other credit, an authorized recipient is considered to be acting as a returns processor and shall comply with all recordkeeping requirements for nonsaleable returns, in accordance with 21 U.S.C. 360eee.

(4) A donation, or other transfer of possession or control, shall not be construed as a change of ownership unless specified by the authorized recipient. If a record of the donation's transaction information or history is required, the history shall:

(a) Begin with the donor of the drugs;

(b) Include all prior donations; and

(c) If the drugs were previously dispensed, only include drug information required to be on the patient label in accordance with KRS Chapter 315 and 201 KAR Chapter 2.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "USP 659 Packaging and Storage Requirements," (2021)[~~05/2017~~];

(b) "Legend Drug Repository Authorized Recipient Form," Form Rep. 1121A (12/2021);

(c) "Legend Drug Repository Patient Eligibility Affidavit Form," Form Rep. 1121B (12/2021).

(d) "Legend Drug Donor Attestation Form," Form Rep. 1121 C (3/2026).

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

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: March 9, 2026

FILED WITH LRC: March 10, 2026 at 3:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 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: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow
Subject Headings: Pharmacy; Colleges and Universities; Education and Professional Standards.

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes and governs the legend drug repository program for pharmacies and other entities legally entitled to possession prescription drugs in the Commonwealth and sets forth requirements relating to the ability of a pharmacy or other authorized entity to accept drugs as part of the legend drug repository program.
(b) The necessity of this administrative regulation: KRS 315.458 directs the Board to create, by administrative regulation, a legend drug repository program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes the legend drug repository program and sets forth requirements to ensure the program is safe for participants.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth the framework of the program and ensures the intent of the legislature is followed.
(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 expands the definition of "donor" to include individuals over the age of 18 and allows individuals, not just licensed entities- to donate eligible prescription drug to the legend drug repository program and thereby increasing the potential supply of donated medications for populations in need. This expansion will also reduce the barriers for participation in the program.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because one of the noted barriers from the one participating program in the state is that individuals cannot donate their medications or the medications of deceased loved ones. Often, these potential donors are referred to bordering states that allow individuals to donate qualifying medications.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.458 states that the Board shall promulgate regulations to establish the program which includes setting forth the criteria for acceptance of and processing of the donated medications. This authority would include establishing criteria for who can donate into the program and how those medications should be inspected for safety.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will expand the eligibility of who can donate to the program and thereby increase the ability of donated medications to help those Kentuckians that need this healthcare resource. The requirements for inspection will remain the same.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No. This builds upon the prior legislation that was enacted to create the legend drug repository program.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Statewide this regulation affects pharmacies or individuals seeking authorization as legend drug recipients; healthcare facilities and providers that may participate as donors or dispensing sites; drug manufacturers, wholesalers, repackagers, outsourcing facilities, return processors or other authorized entities that may donate drugs; and as amended, individual members of the public over the age of 18 who may donate eligible medications (if passed). It also impacts eligible patients who may receive donated drugs and the Kentucky Board of Pharmacy as the administering and auditing agency.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no significant changes beyond the updated standards.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the parties to comply with the amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment may increase participation in the legend drug repository and thereby make more meaningful impact for those that are in need in the Commonwealth. The amendment may also contribute to a reduction in pharmaceutical waste in the state. (6) Provide an estimate of how much it will cost to implement this administrative Regulation:
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No costs will be incurred.
(b) On a continuing basis: No costs will be incurred.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.450 – 315.460; 201 KAR 2:440.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 315.1941(1)(a) and KRS 315.458.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy will be impacted by this administrative regulation.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.
(b) Methodology and resources used to reach this conclusion: None.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).
(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Dentistry
(Amendment)

201 KAR 8:533. Licensure of dentists.

RELATES TO: KRS 39A.350-39A.366, 218A.205, 304.40-075, 313.010(9), 313.030, 313.254
STATUTORY AUTHORITY: KRS 218A.205, 313.021(1)(a), (b), (c), 313.035(1), (3), 313.254
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.035 and 218A.205 require the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dentists. This administrative regulation establishes requirements and procedures for licensure of dentists.

Section 1. General Licensure Requirements. An applicant desiring initial licensure in Kentucky as a general dentist shall:
(1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;
(2) Submit a completed and signed[~~, signed, and notarized~~] Application for Dental Licensure or online equivalent with an attached applicant photo taken within the past six (6) months;
(3) Pay the fee required by 201 KAR 8:520;
(4) Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;
(5) Complete and pass the board's jurisprudence exam;
(6) Hold an active certification in cardiopulmonary resuscitation (CPR) or a more comprehensive program which meets or exceeds the American Heart Association Guidelines for CPR and ECC;
(7) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police;
(8) Provide verification of any license to practice dentistry held previously or currently in any state or other licensing jurisdiction;

(9) Hold a Doctor of Medicine in Dentistry (DMD) or Doctor of Dental Surgery (DDS) degree from a dental school program[, college, or department of a university] accredited by the Commission on Dental Accreditation (CODA);

(10) Successfully complete the National Board Dental Examination (NBDE) Part I and Part II or the Integrated National Board Dental Examination (INBDE), conducted by the Joint Commission on National Dental Examinations (JCNDE);

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

(12) Complete all additional requirements for one (1) of the following:

(a) Licensure by clinical examination;

(b) Licensure by credentials; or

(c) Licensure by foreign training.

Section 2. Requirements for Licensure by Clinical Examination.

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

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

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

1. The dental examination of the American Board of Dental Examiners (ADEX) or its predecessor agencies.[The examination of the Council of Interstate Testing Agencies (CITA)];

2. The dental examination of the Central Regional Dental Testing Service (CRDTS) or its predecessor agencies; or[;]

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

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

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

3.[6.] The Dental Licensure Objective Structured Clinical Examination (DLOSCE) of the JCNDE.

(2) An individual applying more than two (2) years after graduating with a DDS or DMD, shall:

(a) Hold a license to practice dentistry in good standing in another state or other U.S. licensing jurisdiction[territory of the United States or the District of Columbia]; or

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

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

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

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

(2) Successfully complete a state, regional, or national clinical examination used to determine clinical competency in dentistry in another[a] state or other U.S. licensing jurisdiction[territory of the United States or the District of Columbia]; and

(3) Be licensed and actively practicing dentistry in another[a] state or other U.S. licensing jurisdiction[territory of the United States or the District of Columbia] for at[a] least five (5) of the six (6) years preceding the filing of the application.

Section 4. Requirements for Licensure by International [Foreign] Training.

(1) An individual desiring initial licensure in Kentucky as a[general] dentist who is a graduate of a non-CODA accredited dental school program[, college, or department of a university] shall:

(a) Complete all requirements in Section 1 of this administrative regulation, except for subsection (9);

(b) Pass the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service with a score of 650 on the paper-based test (PBT) or a score of 116 on the internet-based test (iBT), if English is not the applicant's primary language;

(c) Successfully complete two (2) years of postgraduate training in a CODA accredited advanced dental education[general dentistry] program;

(d) Submit a letter of satisfactory program completion from the program director of each postgraduate training site; and

(e) Successfully complete a clinical examination required by Section 2(1)(b) of this administrative regulation within five (5) years preceding the filing of the application.

(2) An individual applying for dental licensure more than two (2) years after completing a CODA accredited advanced dental education[general dentistry] program shall:

(a) Hold a license to practice dentistry in good standing in another state or other U.S. licensing jurisdiction[territory of the United States or the District of Columbia]; or

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

(3) Qualified individuals applying for dental licensure under this section who have completed a two-year Advanced Education in General Dentistry Program (AEGD), General Practice Residency (GPR), or other CODA accredited advanced dental education program in general dentistry shall be issued a general dentist license and shall not practice outside the scope of general dentistry.

(4) Qualified individuals applying for dental licensure under this section who have completed a CODA accredited advanced dental education program in a dental specialty shall be issued a dental specialist license and shall not practice as a general dentist or in any other capacity outside the scope of their specialty except as provided for in KRS 313.035(3).

Section 5. Requirements for Student Limited Licensure.

(1) An individual desiring limited licensure in Kentucky as a student shall:

(a) Complete all requirements in Section 1 of this administrative regulation, except for subsections (9) and (10);

(b) Submit a letter from the dean or program director of a postgraduate, residency, or fellowship program in Kentucky stating that the applicant has been accepted into the program and the expected date of completion;

(c) Submit a signed Statement Regarding Student Licensure Limitations; and

(d) Submit an official final transcript of the applicant's dental coursework with the degree posted.

(2) A student limited license holder shall only practice dentistry in conjunction with programs of the dental school where the individual is a student and shall only provide professional services to patients of these programs.

(3) A student limited license may be renewed in accordance with Section 10 of this administrative regulation, but shall automatically expire if the student graduates from or exits the program.

(4) A program enrolling a student limited license holder shall notify the board in writing of the date the student graduates from or exits the program.

(5) Nothing in this section shall prohibit:

(a) A student from performing a dental procedure under the direct supervision of a competent instructor within the dental school, college, or department of a university or private practice facility approved by the board. The board may authorize a student to practice dentistry within a state or municipal institution, public school, board of health, public clinic, or charitable entity. A fee shall not be accepted by the student beyond the expenses covered by a stipend;

(b) A student limited license holder from working under the general supervision of a licensed dentist within the confines of the postgraduate training program; and

(c) A volunteer health practitioner from providing services under KRS 39A.350-39A.366.

Section 6. Requirements for Faculty Limited Licensure.

(1) An individual desiring limited licensure in Kentucky as a faculty member shall:

(a) Complete all requirements in Section 1 of this administrative regulation with the exception of subsections (9) and (10);

(b) Submit a letter from the dean or program director of a Kentucky dental school stating that the applicant has received a faculty appointment;

(c) Submit a signed Statement Regarding Faculty Licensure Limitations; and

(d) Submit an official final transcript of the applicant's dental coursework with the degree posted.

(2) A faculty limited license holder shall only practice dentistry in conjunction with programs of the dental school where the individual is a faculty member and shall only provide professional services to patients of these programs.

(3) A faculty limited license may be renewed in accordance with Section 10 of this administrative regulation, but shall automatically expire if the licensee leaves their faculty position.

(4) A program employing a faculty limited license holder shall notify the board in writing of the date the licensee leaves his or her faculty position.

Section 7. Requirements for Charitable Limited Dental Licensure.

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

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

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

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

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

(e) Hold a license to practice dentistry in good standing in another state or other U.S. licensing jurisdiction[~~territory of the United States or the District of Columbia~~]; and

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

(2) A charitable limited dental license holder shall:

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

(b) Only perform procedures allowed by KRS 313.254(4) and (5) which shall be completed within the duration of the charitable event;

(c) Not prescribe any medications while practicing in Kentucky;

(d) Be eligible for the provisions of medical malpractice insurance procured under KRS 304.40-075; and

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

Section 8. Requirements for Specialty Licensure. An individual desiring initial licensure as a dental specialist in Kentucky as defined by KRS 313.010(9) shall:

(1) Submit a completed and signed[~~, signed, and notarized~~] Application for Specialty Dental Licensure or online equivalent with an attached applicant photo taken within the past six (6) months;

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

(3) Hold an active Kentucky license to practice general dentistry prior to being issued a specialty license except as provided for in Section 4(4) of this administrative regulation; and

(4) Successfully complete a CODA accredited advanced dental education[~~graduate or postgraduate~~] specialty program after graduating from a dental school.

Section 9. Continuing Education Requirements.

(1) A Kentucky licensed dentist shall complete thirty (30) hours of continuing education during the two (2) year licensure period defined by KRS 313.030(2), except in the following cases:

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

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

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

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

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

(f) A licensee may be granted a limited practice waiver as provided for in Section 10 of this administrative regulation.

(2) Acceptable continuing education content shall include:

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

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

(c) Competence to diagnose oral pathology;

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

(e) Basic medical and scientific subjects;

(f) Clinical and technological subjects;

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

(h) Mass casualty or mass immunization situations;

(i) Clinical dentistry performed on a charitable or volunteer basis;

(j) Business operations and best practices; and

(k) Dental association or society business meetings.

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

(a) A minimum of ten (10) hours taken in a live interactive presentation format;

(b) A maximum of ten (10) hours that meet the requirements of subsection (2)(i) - (k) of this section; and

(c) A minimum of three (3) hours in the use of the Kentucky All Schedule Prescription Electronic Reporting System (KASPER), pain management, or addiction disorders.

(d) A minimum of one-half (1/2) hour in Pediatric Abusive Head Trauma (PAHT) or Child Abuse and Neglect (CAN).

(4) Dentists who hold a board-issued sedation permit shall also meet the continuing education requirements of 201 KAR 8:550, Section 8.

(5) All continuing education hours shall be documented by a certificate of completion or attendance bearing:

(a) A signature or other verification of the provider;

(b) The name of the licensee in attendance;

(c) The title of the course or meeting attended or completed;

(d) The date of attendance or completion;

(e) The number of hours earned; and

(f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(6) The licensee shall be responsible for obtaining the qualifying documentation of continuing education from the provider or sponsoring organization and to retain those documents for a minimum of five (5) years.

(7) During the license renewal process, licensees shall attest to their compliance with the requirements of this section.

(8) Licensees shall be subject to audit of their compliance with the requirements of this section.

Section 10. Limited Practice Continuing Education Waivers

(1) A licensee who has practiced in Kentucky for at least twenty (20) years and desires to continue practicing only in a relief or emergency capacity may receive a limited practice waiver of their general continuing education requirements if the request is submitted to and approved by the board.

(2) A licensee who has been granted a limited practice waiver shall:

(a) Not be required to complete continuing education hours if practicing for not more than thirty (30) days in a calendar year;

(b) Only complete one-half the continuing education hours if practicing more than thirty (30) days but not more than ninety (90) days in a calendar year; or

(c) Complete the full thirty (30) hours of continuing education if practicing for more than ninety days in a calendar year.

(3) A limited practice waiver shall:

(a) be issued for a single two-year cycle per licensee and may not be repeated; and

(b) Apply to general continuing education requirements only. Licensees shall still be required to complete all required hours for CPR certification and sedation permits beyond general licensure.

Section 11. Renewal of a Dental License.

(1) All dental licenses issued by the board shall expire on December 31 of odd-numbered years and shall be renewed to remain active. A licensee desiring renewal of an active general, specialty, student limited, or faculty limited dental license shall:

(a) Submit a completed and signed Application for Renewal of Dental Licensure or online equivalent;

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

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

(d) Meet the continuing education requirements in Section 9 of this administrative regulation.

(2) A licensee who has not actively practiced dentistry in the two (2) years preceding the filing of the renewal application shall complete a continuing education plan approved by the board prior to resuming the active practice of dentistry.

(3) A licensee desiring renewal of a charitable limited dental license shall repeat the initial licensure process required by Section 7 of this administrative regulation.

Section 12.[~~Section 11.~~] Retirement of a Dental License.

(1) A licensee desiring to no longer hold an active dental license in Kentucky shall submit a completed and signed Retirement of License Form or online equivalent.

(2) Upon receipt of this form, the board shall send written confirmation of retirement to the address provided.

(3) A licensee shall not retire a license that has pending disciplinary action against it.

(4) A license that is not properly retired or renewed shall be considered expired for reinstatement purposes.

Section 13.[~~Section 12.~~] Reinstatement of a Dental License.

(1) A former licensee desiring reinstatement of an expired or properly retired dental license in Kentucky shall:

(a) Submit a completed and signed[~~, signed, and notarized~~] Application to Reinstate Dental or Dental Hygiene Licensure or online equivalent with an attached applicant photo taken within the past six (6) months;

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

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

(d) Provide verification of any license to practice dentistry obtained in any state or other licensing jurisdiction since the applicant was first licensed in Kentucky;

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

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

(2) An applicant who has not actively practiced dentistry in the two (2) years preceding the filing of the reinstatement application shall complete a continuing education plan approved by the board prior to resuming the active practice of dentistry.

(3) A former licensee who applies to reinstate an expired license that was not properly retired shall be subject to:

(a) The expired license reinstatement penalties in 201 KAR 8:520 if applying less than two (2) years from when the license was last active; or

(b) The same reinstatement fees as a properly retired license if applying more than two (2) years from when the license was last active.

Section 14.[~~Section 13.~~] Verification of Licensure. An individual desiring an official verification of a dental license held currently or previously in Kentucky shall:

(1) Submit a completed and signed[~~ and completed~~] Verification of Licensure or Registration Form or online equivalent; and

(2) Pay the fee required by 201 KAR 8:520.

Section 15.[~~Section 14.~~] Issuance of Initial Licensure. Upon an applicant's completion of all requirements for dental licensure within six (6) months of the date the application was received, the board shall:

(1) Issue a license in sequential numerical order; or

(2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

Section 16.[~~Section 15.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Charitable Limited Licensure", January 2024;

(b) "Application for Dental Licensure", January 2024;

(c) "Application for Renewal of Dental Licensure", January 2024;

(d) "Application for Specialty Dental Licensure", January 2024;

(e) "Application to Reinstate Dental or Dental Hygiene Licensure", January 2024;

(f) "Retirement of License Form", January 2024;

(g) "Statement Regarding Faculty Licensure Limitations", January 2024;

(h) "Statement Regarding Student Licensure Limitations", January 2024;

(i) "Verification of Licensure or Registration Form", January 2024; and

(j) "2020 American Heart Association Guidelines for CPR and ECC", 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's website[~~Web site~~] at http://dentistry.ky.gov.

JEFFREY ALLEN, Executive Director

APPROVED BY AGENCY: March 12, 2026

FILED WITH LRC: March 13, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 21, 2026 at 12:00 p.m. Eastern Time at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. 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 May 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email jeffrey.allen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Allen
Subject Headings: Boards & Commissions, Dentistry, Licensing

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes requirements to practice dentistry in Kentucky.
(b) The necessity of this administrative regulation: KRS 313.021(1)(a) requires the board to exercise the administrative functions of the Commonwealth in the regulation of dentists.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the rules for obtaining a license to practice as a dentist in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes requirements for being licensed to practice dentistry in conformity with its authorizing statute.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment: Removes notary requirements for applications to facilitate online applications. Updates references to clinical exam organizations to address recent mergers. Allows foreign-trained dentists to be licensed as specialists. Creates a "limited practice waiver" for semi-retired licensees to apply for a reduction in their continuing education requirements. Requires 0.5 hours of continuing education in Pediatric Head Trauma/Child Abuse every 2 years.
(b) The necessity of the amendment to this administrative regulation: The amendment makes necessary updates to the licensure process and creates opportunities to expand access to care without sacrificing public protection.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment maintains established requirements for being licensed to practice dentistry in conformity with its authorizing statute.
(d) How the amendment will assist in the effective administration of the statutes: The amendment makes necessary updates to the licensure process and creates opportunities to expand access to care without sacrificing public protection.
(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 administrative regulation will primarily affect the approximately 3,000 licensed dentists in Kentucky as well as any new applicants for licensure and, indirectly, the patients of licensed dentists.
(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: Each individual impacted will be required to apply for or renew their licensure in accordance with applicable law and administrative regulations. The vast majority of those affected by the existing regulation will not be further affected by the amendment.
(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 does not specifically enumerate costs, which are already established in 201 KAR 8:520. Again, the vast majority of dentists will be unaffected.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The administrative regulation will result in a healthier patient population and the avoidance of potentially costly violations of applicable law and administrative regulations by licensed dentists.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional cost.
(b) On a continuing basis: 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: Licensure fees are used to fund the implementation 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: No increase in funds is needed for 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 impact existing fees, which are already established separately in 201 KAR 8:520.
(10) TIERING: Is tiering applied? No; this administrative regulation impacts all similarly situated entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: This administrative regulation is authorized by KRS 313.021(1)(c) and KRS 313.040(1).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 313.040(1).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Board of Dentistry 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: There will be no additional administrative costs generated by this amendment.
For subsequent years: There will be no additional administrative costs generated by this amendment.
2. Revenues:
For the first year: This amendment does not alter the existing revenue generated by dental licensure, which is approximately $600,000 every fiscal biennium.
For subsequent years: This amendment does not alter the existing revenue generated by dental licensure, which is approximately $600,000 every fiscal biennium.
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): This amendment does not affect any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(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 does not establish specific fee amounts, which are contained in a separate administrative regulation; however, the revenue generated from dental licensure is approximately $600,000 every fiscal biennium and will not change as a result of this amendment.
(b) Methodology and resources used to reach this conclusion: Historical budget performance.
(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 does not directly have a major economic impact as it does not contain specific fee amounts. When administered in conjunction with the current fees established

elsewhere, it impacts the dental health community by approximately $600,000 per year, primarily from licensure fees.
(b) The methodology and resources used to reach this conclusion: Historical budget performance.

BOARDS AND COMMISSIONS
Board of Dentistry
(Amendment)

201 KAR 8:540. Dental practices and prescription writing.

RELATES TO: KRS 218A.205(3), 313.060, 313.085, 422.317, 42 U.S.C. 300ee-2 note
STATUTORY AUTHORITY: KRS 218A.205(3), 313.060(1)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.060(1) requires the board to promulgate administrative regulations relating to dental practices that shall include minimal requirements for documentation and Centers for Disease Control and Prevention compliance. 42 U.S.C. 300ee-2 note requires each state to institute the guidelines issued by the United States Centers for Disease Control and Prevention or guidelines that are equivalent to those promulgated by the Centers for Disease Control and Prevention concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure-prone invasive procedures. KRS 218A.205(3)(a) and (b) require the board, in consultation with the Kentucky Office of Drug Control Policy, to establish mandatory prescribing and dispensing standards related to controlled substances. This administrative regulation establishes requirements for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure-prone invasive procedures and includes minimal requirements for documentation and Centers for Disease Control and Prevention compliance. This administrative regulation also establishes mandatory prescribing and dispensing standards related to controlled substances.

Section 1. Applicability. A dentist who is authorized to prescribe, dispense or administer a controlled substance shall comply with the standards of acceptable and prevailing dental practice for prescribing, dispensing or administering a controlled substance established in this administrative regulation.

Section 2. Professional Standards for Documentation of Dental Patients.
(1) Each patient's dental records shall be kept by the dentist for a minimum of:
(a) Seven (7) years from the date of the patient's last treatment;
(b) Seven (7) years after the patient's eighteenth birthday, if the patient was seen as a minor; or
(c) Two (2) years following the patient's death.
(2) Each dentist shall comply with KRS 422.317 regarding the release of patient records.
(3) The dentist shall keep accurate, readily accessible, and complete records which include:
(a) The patient's name;
(b) The patient's date of birth;
(c) The patient's medical history and documentation of the physical exam of the oral and perioral tissues;
(d) The date of treatment;
(e) The areas to be treated;
(f) The material used in treatment;
(g) Local or general anesthetic used, route of administration, and the amount;
(h) Sedation medications used, the amount, monitoring techniques, and the names of qualified personnel that monitor the patient;
(i) Diagnostic, therapeutic, and laboratory results, if any;
(j) The findings and recommendations of the dentist and a description of each evaluation or consultation, if any;
(k) Treatment objectives;
(l) Any and all treatments performed and provided;
(m) All medications, including date, type, dosage, and quantity prescribed or dispensed; and
(n) Any post treatment instructions.
(4) Prior to prescribing or administering a Schedule II or III controlled substance, the dentist shall obtain the signature of the patient or a legal guardian on a consent form authorizing the treatment plan, including the use of controlled substances.

Section 3. Prescribing and Administration of Controlled Substances.
(1) In accordance with KRS 313.035, a dentist may prescribe, dispense, and administer any non-controlled drug necessary within the scope of the dentist's practice if the dentist is licensed pursuant to KRS Chapter 313.
(2) In accordance with KRS 313.035, a dentist may administer and prescribe controlled substances necessary within the scope of the dentist's practice if the dentist:
(a) Has obtained a registration from the Drug Enforcement Administration;[~~and~~]
(b) Complies with KRS 218A.202 regarding the use of[~~Has enrolled with and utilizes~~] the Kentucky All Schedule Prescription Electronic Reporting System (KASPER); and[~~as required by KRS 218A.202.~~]
(c) Complies with KRS 218A.182 regarding the electronic prescribing of controlled substances.
(3) A dentist shall not compound any scheduled drugs or dispense controlled substances for use by the patient outside the office setting.
(4) A dentist shall obtain and document all relevant information in a patient's medical and dental records in a legible manner and in sufficient detail to enable the board to determine whether the dentist is conforming to professional standards.
(5) Prior to the initial prescribing or administration of a Schedule II or III controlled substance, each dentist shall:
(a) Obtain and review a KASPER report for the twelve (12) month period immediately preceding the patient encounter and appropriately utilize that data in the evaluation and treatment of the patient.
(b) Document relevant information in the patient's record;
(c) Consider the available information to determine if it is medically appropriate and safe to administer or prescribe a controlled substance;
(d) Obtain a complete medical history and conduct a physical examination of the oral or maxillofacial area of the patient and document the information in the patient's medical record;
(e) Make a written treatment plan stating the objectives of the treatment and further diagnostic examinations required;
(f) Discuss the risks and benefits of the use of controlled substances with the patient, the patient's parent if the patient is an unemancipated minor child, or the patient's legal guardian or health care surrogate, including the risk of tolerance and drug dependence; and
(g) Obtain written consent for the treatment.
(6) Pursuant to KRS 218A.172, the requirements set forth within this section shall not apply when prescribing or administering a controlled substance:
(a) As part of the patient's hospice or end of life treatment;
(b) To a patient admitted to a licensed hospital as an inpatient, or observation patient, during and as part of a normal and expected part of the patient's course of care at that hospital.
(c) For the treatment of pain associated with cancer or with the treatment of cancer;
(d) As necessary to treat a patient in an emergency situation; or
(e) To a patient admitted to a long-term care facility.
(7) A dentist shall not issue a prescription for more than a three (3) day supply of a Schedule II or III controlled substance to treat pain as an acute medical condition unless the following conditions have been met:
(a) The dentist, in his or her professional judgment, believes that more than a three (3) day supply of a Schedule II or III controlled substance is medically necessary to treat the patient's pain as an acute medical condition;

(b) The dentist has documented in the patient's dental record the acute medical condition and lack of alternative treatment options which justifies deviation from the three (3) day supply limit established in this subsection; and

(c) The patient and the dentist have attested by signature in the patient's dental record that alternative pain relief methods using non-opioid medications were explained to the patient and that the patient understands the risk of dependency when prescribed more than a three (3) day supply of a Schedule II or III controlled substance. This may occur:

1. During, and in addition to, the patient's original consultation and consent process as described in subsection (5) of this section; or

2. As part of a follow-up consultation after the initial three (3) day supply has been prescribed.

(d) A dentist licensed in Kentucky shall not act to avoid the three (3) day supply limit established in subsection (4) of this section by prescribing or administering a Schedule II or III controlled substance to a patient on consecutive or multiple occasions.

(8) A dentist may provide one (1) refill within thirty (30) days of the initial prescription for the same controlled substance for the same amount or less or prescribe a lower schedule drug for the same amount without a clinical reevaluation of the patient by the dentist.

(9) A patient who requires additional prescriptions for a controlled substance shall be clinically reevaluated by the dentist, and the provisions of this section for the prescription of controlled substances shall be followed. If the course of treatment extends beyond three (3) months, the dentist shall obtain and review a new KASPER report. The dentist shall provide any new information about the treatment and modify or terminate treatment as appropriate.

(10) Any violation of this section shall be considered a violation of KRS 218A.205(3), KRS 313.060, and KRS 313.085, and shall constitute a legal basis for disciplinary action pursuant to KRS 313.035.

Section 4. Penalties for Controlled Substances Violations[~~and Investigations~~].

(1) A licensee convicted of a felony offense related to a controlled substance shall, at a minimum, be banned from prescribing or dispensing a controlled substance.

(2) A licensee convicted of a misdemeanor offense relating to the prescribing of a controlled substance shall, at a minimum, have a five (5) year ban from prescribing or dispensing a controlled substance.

(3) A licensee disciplined by a licensing board of another state relating to the improper, inappropriate, or illegal prescribing or dispensing of controlled substances shall, at a minimum, have the same disciplinary action imposed by this state or the disciplinary action prescribed in subsection (1) or (2) of this section, whichever is greater.

(4) A licensee who is disciplined in another state or territory for an act or omission which would constitute a violation of Section 4 of this administrative regulation and fails to notify the board in writing of the disciplinary action within thirty (30) days of the finalization of the action shall be subject to a fine of $1,000 for each failure to report.

(5) If a licensee has been convicted of or has entered a plea of guilt, an Alford plea, or a plea for nolo contendere to any felony offense relating to a controlled substance; has successfully participated in and completed a diversion program; and whose case has been dismissed and the record of that offense expunged; the board may, in its discretion, reinstate the licensee's prescribing and dispensing privileges contingent upon the licensee entering into an agreed order with terms and conditions deemed necessary by the board to implement a minimum five (5) year period of probation.

(6) The board may privately admonish a licensee who fails to register for an account with the Kentucky All Schedule Prescription Electronic Reporting System or who fails to meet the requirements of this administrative regulation. If a licensee is privately admonished by the board under this subsection, the licensee shall be given no more than thirty (30) days to become compliant after which time the dentist may be fined up to $10,000 for failure to be registered with KASPER. A licensee who fails to utilize KASPER prior to prescribing a controlled substance may be fined up to $250 per incident by the board.

(7) The Law Enforcement Committee of the Board shall produce a charging decision on the complaint within 120 days of the receipt of the complaint, unless:

(a) An investigation pertaining to the prescribing or dispensing of a controlled substance make it impossible to timely present the grievance to the designated review committee, person, or Law Enforcement Committee; or

(b) The board holds a complaint pertaining to the prescribing or dispensing of a controlled substance in abeyance to permit a law enforcement agency, upon the agency's request, to perform or complete an investigation.

(c) If a charging decision is not produced within 120 days of the date of receipt of the complaint under this subsection, the investigative report shall plainly state the circumstances pursuant to paragraphs (a) and (b) of this subsection that prevented the timely production of the charging decision.

Section 5. Administration of Neuromodulators and Dermal Fillers.

(1) A licensed dentist who desires to administer neuromodulators shall:

(a) Complete a minimum of ten (10) hours of training in a board-approved course that includes a minimum of six (6) hours of didactic and four (4) hours of clinical training that includes the following topics:

(b) The use of neuromodulators that are derived from Clostridium botulinum or that are biosimilar to or the bioequivalent of such a neuromodulator in the treatment of temporomandibular joint disorder and myofascial pain syndrome; and

(c) . The use of neuromodulators that are derived from Clostridium botulinum that are biosimilar to or the bioequivalent of such a neuromodulator for dental and facial esthetics.

(2) A licensed dentist who desires to administer dermal fillers shall: Complete a minimum of ten (10) hours of training in a board-approved course that includes a minimum of six (6) hours of didactic and four (4) hours of clinical training.

(3) The course completion certificate for any training received pursuant to this section shall be maintained by the dentist and made available to the board upon request.

(4) Any licensed dentist who has administered neuromodulators or dermal fillers prior to this administrative regulation shall have until December 31, 2027 to comply with this section.

Section 6. Infection Control Compliance.

(1) Each licensed dentist in the Commonwealth of Kentucky shall:

(a) Adhere to the standard precautions outlined in the Guidelines for Infection Control in Dental Health-Care Settings published by the Centers for Disease Control and Prevention; and

(b) Ensure that any person under the direction, control, supervision, or employment of a licensee whose activities involve contact with patients, teeth, blood, body fluids, saliva, instruments, equipment, appliances, or intra-oral devices adheres with those same standard precautions.

(2) If the board becomes aware of a violation or a reliable allegation of a violation of this section which may pose imminent public risk, the[~~The~~] board or its designee shall perform an infection control inspection of the[~~a~~] dental practice or office utilizing the Infection Control Inspection Checklist[~~, if the board and its staff become aware of a violation, or a reliable allegation of a violation,~~] of the Guidelines for Infection Control in Dental Health-Care Settings or a more comprehensive standard[~~which may pose imminent public risk~~].

(3)

(a) Any dentist who is found deficient upon an initial infection control inspection shall have thirty (30) days to be in compliance with the guidelines and submit a written plan of correction to the board.

(b) The dentist may receive a second inspection after the thirty (30) days have passed and may be required to pay reasonable expenses to the board or its designee to conduct the inspection, not to exceed the amount of the fine required for failure of a second inspection pursuant to this chapter.

(c) If the dentist fails the second inspection, he or she shall be immediately temporarily suspended pursuant to KRS 313.085 until proof of compliance is provided to the board and the dentist pays the fine as prescribed in this chapter.

(4) Any licensed dentist, licensed dental hygienist, or dental assistant who performs invasive procedures may seek counsel from the board if he or she tests seropositive for the human immunodeficiency virus,[~~or the~~] hepatitis B virus, or other bloodborne pathogen.

(5) Upon the request of a licensee or registrant, the executive director of the board or designee shall convene a confidential expert review panel to offer counsel regarding under what circumstances, if any, the individual may continue to perform invasive procedures.

Section 7.[~~Section 6.~~] Termination of a Patient-Doctor Relationship. In order for a licensed dentist to terminate the patient-doctor relationship, the dentist shall:

(1) Provide written notice to the patient of the termination;

(2) Provide emergency treatment for the patient for thirty (30) days from the date of termination; and

(3) Retain a copy of the letter of termination in the patient records.

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

(1) The following material is incorporated by reference:

(a) "Guidelines for Infection Control in Dental Health-Care Settings", December 2003, or the latest version issued by the Centers for Disease Control on Infection Control in Dental Health Care Setting; and

(b) "Infection Control Inspection Checklist", July 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's website[~~Web site~~] at http://dentistry.ky.gov.

JEFFREY ALLEN, Executive Director

APPROVED BY AGENCY: March 12, 2026

FILED WITH LRC: March 13, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 21, 2026 at 12:00 p.m., Eastern Time at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. 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 May 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email jeffrey.allen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Allen
Subject Headings: Boards & Commissions, Dentistry, Drugs & Medicines, Licensing

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides standards for prescribing controlled substances and performing other dental practices.
(b) The necessity of this administrative regulation: KRS 313.021(1)(a) requires the board to exercise the administrative functions of the Commonwealth in the regulation of dentists.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the rules for dentists to administer prescription medications
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes requirements for procedures within the dental scope of practice in conformity with its authorizing statute.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment establishes a training requirement for dentists to administer neuromodulators and dermal fillers.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to properly regulate an increasingly popular set of procedures in dentistry.
(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation establishes requirements for procedures within the dental scope of practice in conformity with its authorizing statute.
(d) How the amendment will assist in the effective administration of the statutes: The amendment clarifies the circumstances under which dentists may administer neuromodulators and dermal fillers.
(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 administrative regulation would apply to the approximately 3,000 licensed dentists in Kentucky; however, the number of dentists actually performing these procedures is much smaller. It will also affect the patients who receive these procedures.
(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: Each dentist who wishes to administer neuromodulators must complete ten hours of training. Each dentist who wishes to administer dermal fillers must also complete ten hours of training. However, the vast majority of those affected by the existing regulation will not be further affected by the proposed revision.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Dentists who wish to administer neuromodulators or dermal fillers will need to pay for a training course. There is no additional cost for dentists who do not wish to administer neuromodulators or dermal fillers
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The administrative regulation will result in a safer patient population and the avoidance of potentially costly violations of applicable law and administrative regulations by licensed dentists.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional cost.
(b) On a continuing basis: 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: Current licensure fees can be used to fund the implementation 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: Fee amounts are already established in a separate administrative regulation (201 KAR 8:520) and no increase is needed.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not impact existing fees which are already established in 201 KAR 8:520.
(10) TIERING: Is tiering applied? No; this administrative regulation impacts all similarly situated entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . This administrative regulation is authorized by KRS 313.021(1)(c) and KRS 313.040(1).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 313.040(1).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Board of Dentistry 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: 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): This amendment does not affect any local entities
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(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 does not establish specific fee amounts, which are contained in a separate administrative regulation; however, the revenue generated from dental licensure is approximately $600,000 every fiscal biennium and will not change as a result of this amendment.
(b) Methodology and resources used to reach this conclusion: Historical budget performance.
(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 does not directly have a major economic impact as it does not contain specific fee amounts. When administered in conjunction with the current fees established elsewhere, it impacts the dental community by approximately $600,000 per year, primarily from licensure fees.
(b) The methodology and resources used to reach this conclusion: Historical budget performance.

BOARDS AND COMMISSIONS
Board of Dentistry
(Amendment)

201 KAR 8:550. Anesthesia and sedation related to dentistry.

RELATES TO: KRS 313.035, 313.060
STATUTORY AUTHORITY: KRS 313.035(1)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.035(1) requires the board to promulgate administrative regulations related to anesthesia and sedation permits. The administration of local anesthesia, sedation, and general anesthesia is an integral part of dentistry and the foundation of pain control. This administrative regulation establishes requirements for permits to perform sedation or anesthesia associated with dentistry.

Section 1. Definitions.
(1) "ADA" means the American Dental Association.
(2) "Analgesia" means the diminution or elimination of pain.
(3) "ASA" means American Society of Anesthesiologists.
(4) "Continual" means repeated regularly and frequently in steady succession.
(5) "Continuous" means prolonged without any interruption.
(6) "Deep sedation" means a drug-induced depression of consciousness during which patients cannot be easily aroused[,] but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function could be impaired. The patient might require assistance in maintaining a patent airway, and spontaneous ventilation could be inadequate. Cardiovascular function is usually maintained.
(7) "Enteral" means a technique of administration in which the agent is absorbed through the gastrointestinal (GI) tract or oral mucosa (oral, rectal, or sublingual).
(8) "General anesthesia" means a drug-induced loss of consciousness during which a patient is not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation could be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function might be impaired.
(9) "Immediately available" means onsite at the facility and available for immediate use.
(10) "Local anesthesia" means the elimination or diminution of sensation, especially pain, in one (1) part of the body by the topical application or regional injection of a drug.
(11) "Maximum Recommended Dose" or "MRD" means the maximum FDA-recommended dose of a drug for minimal sedation, as printed in FDA-approved labeling for unmonitored home use.
(12) "Minimal sedation" means a minimally depressed level of consciousness produced by a pharmacological method that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination might be modestly impaired, ventilatory and cardiovascular functions are unaffected.
(13) "Moderate sedation" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. Intervention is not required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained. This term includes the enteral administration of drugs exceeding the maximum recommended dose during a single appointment.
(14) "Nitrous oxide sedation" or "N2O sedation" means a technique of inhalation sedation with nitrous oxide and oxygen.
(15) "Operating dentist" means a licensed dentist with primary responsibility for providing dental care during a procedure.
(16) "Pediatric patient" means a patient twelve (12) years of age or younger.

(17) "Qualified anesthesia provider" means a licensed anesthesiologist, Certified Registered Nurse Anesthetist, or dentist with an applicable sedation permit.

(18) "Qualified dentist" means a licensed dentist with an applicable sedation permit.

(19) "Time-oriented anesthesia record" means documentation at appropriate time intervals of drugs administered, doses of drugs administered, and physiologic patient data obtained during patient monitoring.

(20) "Trained individual" means personnel with an active certification in Basic Life Support for Healthcare Providers, who has been trained in monitoring EKG's, pulse oximetry, blood pressures, airway management, and capnography. Training, whether formal or internal, is documented in employee records.

Section 2. Scope and Applicability.

(1) The board shall be committed to the safe and effective use of sedation and anesthesia by licensed, educated, and trained dentists.

(2) Because large doses of local anesthetics, especially in combination with sedative agents, carry the risk of central nervous system depression, each licensed dentist shall be aware of the maximum, safe dosage limits for each patient.

(3) Level of sedation shall be independent of the route of administration. Moderate or deep sedation, or general anesthesia, may be achieved via any route of administration.

(4) Because sedation and general anesthesia are a continuum and it is not always possible to predict how an individual patient will respond, each licensed dentist intending to produce a given level of sedation shall be able to diagnose and manage the physiologic consequences for patients whose level of sedation becomes deeper than initially intended. For all levels of sedation, the qualified dentist shall have the training, skills, drugs, and equipment to identify and manage such an occurrence until either:

(a) Assistance arrives; or

(b) The patient returns to the intended level of sedation without airway or cardiovascular complications.

(5) Because new indications, agents, and techniques lead to changes in anesthesia and sedation practices, the board shall evaluate changes for safety, efficacy, and to what extent changes become accepted practice within the profession of dentistry.

Section 3. Nitrous Oxide Sedation.

(1) Nitrous oxide sedation may be used by a Kentucky-licensed dentist without a sedation permit or by a Kentucky-licensed dental hygienist who is registered to deliver nitrous oxide analgesia under the direct supervision of a dentist pursuant to KRS 313.060(10).

(2) Equipment used in the administration of nitrous oxide sedation shall have functional safeguard measures that:

(a) Limit the minimum oxygen concentration to thirty (30) percent; and

(b) Provide for scavenger elimination of nitrous oxide gas.

(3) The dentist shall:

(a) Ensure that a patient receiving nitrous oxide is constantly monitored; and

(b) Be present in the office while nitrous oxide is being used.

(4) A Kentucky-registered dental assistant shall not independently administer nitrous oxide sedation, but may initiate nitrous oxide sedation if the dentist is in the office and gives the dental assistant specific instructions regarding the mode of administration and the titration, rate, and dosage of the anesthetic agent.

Section 4. Minimal Sedation.

(1) A sedation permit shall not be required for a Kentucky-licensed dentist to provide minimal sedation.

(2) A patient whose only response is reflex withdrawal from repeated painful stimuli shall not be considered to be in a state of minimal sedation.

(3) The enteral administration of drugs exceeding the maximum recommended dose during a single appointment is considered to be moderate sedation, and Section 5 of this administrative regulation shall apply.

(4) Nitrous oxide, if used in combination with a sedative agent, may be considered to produce minimal, moderate, or deep sedation, or general anesthesia.

(5) If more than one (1) drug is administered enterally to achieve the desired sedation effect, with or without the concomitant use of nitrous oxide, Section 5 of this administrative regulation shall apply.

(6) A dentist who administers minimal sedation shall do so within a sufficient margin of safety to avoid an unintended loss of consciousness. The use of the MRD to guide dosing for minimal sedation is intended to create this margin of safety.

(7) If minimal sedation is administered to a patient who is taking another substance known to increase the sedative effects on the patient, Section 5 of this administrative regulation shall apply.

(8) An operating dentist shall not be required to complete additional training to administer minimal sedation.

(9) The administration of minimal sedation by another dentist or qualified anesthesia provider shall require the operating dentist to maintain current certification in Basic Life Support for Healthcare Providers.

(10) Clinical guidelines.

(a) Patient history and evaluation. Patients considered for minimal sedation shall be evaluated prior to the start of any sedative procedure. In healthy or medically stable individuals who are in the patient physical status classification of (ASA I, II) as established in the ASA Physical Status Classification System, this evaluation shall consist of a review of the patient's current medical history and medication use. In addition, patients with significant medical considerations who are in the patient physical status classification of (ASA III, IV) as established in the ASA Physical Status Classification System shall, unless otherwise documented by the provider, require consideration of a consultation with their treating physician prior to being administered minimal sedation.

(b) Pre-operative evaluation and preparation.

1. The patient or the patient's parent, legal guardian, or caregiver[,] shall be advised regarding the planned procedure and any other anticipated possible procedures associated with the delivery of any sedative agents. Informed consent for the proposed sedation shall be obtained in writing prior to its administration.

2. Adequate oxygen supply and the equipment necessary to deliver oxygen under positive pressure shall be determined prior to the administration of minimal sedation.

3. The patient shall be physically examined prior to the administration of minimal sedation. Baseline vital signs including body weight, height, blood pressure, and pulse rate shall be obtained unless rendered impractical by the nature of the patient, procedure, or equipment. Body temperature shall be measured if clinically indicated.

4. Preoperative dietary restrictions shall be considered based on the sedative technique prescribed.

5. The patient or the patient's parent, legal guardian, or caregiver, shall be given preoperative verbal and written instructions regarding the patient's sedation and procedure.

(c) Personnel and equipment requirements.

1. Personnel. All clinical staff participating in the care of a minimally sedated patient shall be certified in Basic Life Support for Healthcare Providers.

2. Equipment.

a. A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available.

b. All equipment shall be examined for proper performance prior to each administration of sedation.

c. If inhalation equipment is used, it shall have a fail-safe system that shall be examined and calibrated and a functioning device that shall prohibit the delivery of less than thirty (30) percent oxygen, or a calibrated and functioning in-line oxygen analyzer with audible alarm.

d. A scavenging system shall be used if gases other than oxygen or air are delivered to a patient.

3. Monitoring and documentation.

a. Monitoring. The dentist or a trained individual chosen by the dentist, shall remain in the treatment room during active dental treatment to monitor the patient continuously until the patient meets the criteria for discharge to the recovery area. The following shall be

monitored unless precluded or invalidated by the nature of the patient:

(i) Consciousness. The patient's level of sedation and responsiveness to verbal commands shall be continually assessed;

(ii) Oxygenation. Oxygen saturation by pulse oximetry shall be continually evaluated;

(iii) Ventilation. The patient's chest excursions shall be monitored and respirations shall be verified; and

(iv) Circulation. Blood pressure and heart rate shall be evaluated pre-operatively and postoperatively.

b. Documentation. A sedative record shall be maintained for each patient to whom sedation is administered. The sedative record shall include the names of all drugs administered including local anesthetics, the time administered, the route of administration, dosages, and monitored physiological parameters.

4. Recovery and discharge.

a. Oxygen and suction equipment shall be immediately available if a separate recovery area is utilized.

b. The dentist or a trained individual chosen by the dentist shall monitor the patient during recovery until the patient is ready for discharge.

c. The dentist shall examine the patient and document the patient's level of consciousness, oxygenation, ventilation, and circulation prior to discharge.

d. The patient, parent, escort, legal guardian, or caregiver shall be given post-operative verbal and written instructions prior to or upon discharge.

(d) Emergency management.

1. If a patient enters a deeper level of sedation than the dentist is qualified to provide, the dentist shall stop the dental procedure until the patient is returned to the intended level of sedation.

2. The operating dentist shall be responsible for the sedative management, adequacy of the facility and staff, equipment, protocols, and diagnosis and treatment of emergencies related to the administration of minimal sedation and patient rescue.

Section 5. Moderate Sedation.

(1) A Moderate Sedation Permit issued by the board shall be required for a Kentucky-licensed dentist to administer moderate sedation.

(2) A dentist who administers moderate sedation shall do so within a sufficient margin of safety to avoid an unintended loss of consciousness.

(3) A qualified dentist shall be aware that repeated dosing of an agent before the effects of previous dosing can be fully appreciated could result in a greater alteration of the state of consciousness than intended. A dentist who administers moderate sedation shall refrain from administering an additional drug increment before the previous dose has taken full effect.

(4) A patient whose only response is reflex withdrawal from a painful stimulus shall not be considered to be in a state of moderate sedation.

(5) To qualify for a Moderate Sedation Permit, a dentist shall:

(a) Submit completed and signed[~~an~~] Application for Sedation or Anesthesia Permit or online equivalent;

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

(c) Provide documentation that the dentist meets the educational requirements of subsections (6)(a) and (b) of this section.

(6) Education requirements for moderate sedation.

(a) To administer moderate sedation to an adult patient, a dentist shall have current certifications in Basic Life Support for Healthcare Providers and Advanced Cardiac Life Support, and complete:

1. A comprehensive training program in moderate sedation that complies with the requirements established in the Moderate Sedation section of the ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students at the time training was commenced; or

2. An advanced education program accredited by the Commission on Dental Accreditation that provides comprehensive training necessary to administer and manage moderate sedation commensurate with this administrative regulation.

(b) To administer moderate sedation to a pediatric patient, a dentist shall have successfully completed:

1. An advanced education program accredited by the Commission on Dental Accreditation that provides comprehensive training necessary to administer and manage moderate sedation commensurate with this administrative regulation; and

2. Current certifications in Basic Life Support for Healthcare Providers and Pediatric Advanced Life Support.

(c) If authorizing a third-party qualified anesthesia provider to administer moderate sedation to an adult patient, the operating dentist shall confirm that at least two (2) members of the onsite care team maintain current certifications in Basic Life Support for Healthcare Providers and Advanced Cardiac Life Support.

(d) If authorizing a third-party qualified anesthesia provider to administer moderate sedation to a pediatric patient, the operating dentist shall confirm that at least two (2) members of the onsite care team maintain current certifications in Basic Life Support for Healthcare Providers and Pediatric Advanced Life Support.

(e) Any valid moderate sedation permits issued prior to this administrative regulation shall have until December 31, 2023 to comply with subsection (6)(a)1. and 2. of this section.

(7) Clinical guidelines; patient history and evaluation.

(a) Patients considered for moderate sedation shall be evaluated prior to the start of any sedative procedure. In healthy or medically stable individuals who are in the patient physical status classification of (ASA I, II) as established in the ASA Physical Status Classification System, this evaluation shall consist of a review of the patient's current medical history, medication use, body mass index, airway evaluation, and ASA status.

(b) Patients with significant medical considerations who are in the patient physical status classification of (ASA III, IV) as established in the ASA Physical Status Classification System shall, unless otherwise documented by the provider, require consideration of a consultation with their treating physician prior to being administered moderate sedation.

(8) Pre-operative evaluation and preparation.

(a) The patient or the patient's parent, legal guardian, or caregiver, shall be advised regarding the planned procedure and any other anticipated possible procedures associated with the delivery of any sedative agents. Informed consent for the proposed sedation shall be obtained in writing prior to its administration.

(b) Adequate oxygen supply and the equipment necessary to deliver oxygen under positive pressure shall be determined prior to the administration of moderate sedation.

(c) The patient shall be physically examined prior to the administration of minimal sedation. Baseline vital signs including body weight, height, blood pressure, and pulse rate shall be obtained unless rendered impractical by the nature of the patient, procedure, or equipment. Body temperature shall be measured if clinically indicated.

(d) Preoperative dietary restrictions shall be considered based on the sedative technique prescribed.

(e) The patient or the patient's parent, legal guardian, or caregiver, shall be given preoperative verbal and written instructions regarding the patient's sedation and procedure, including pre-operative fasting instructions based on the ADA Guidelines for the Use of Sedation and General Anesthesia by Dentists.

(9) Personnel and equipment requirements.

(a) Personnel. All clinical staff participating in the care of a moderately sedated patient shall be certified in Basic Life Support for Healthcare Providers.

(b) Equipment.

1. A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available.

2. All equipment shall be examined for proper performance prior to each administration of sedation.

3. If inhalation equipment is used, it shall have a fail-safe system that shall be examined and calibrated and a functioning device that shall prohibit the delivery of less than thirty (30) percent oxygen, or a calibrated and functioning in-line oxygen analyzer with audible alarm.

4. A scavenging system shall be used if gases other than oxygen or air are delivered to a patient.

5. Equipment necessary to establish intravascular or intraosseous access and a defibrillator or automated external defibrillator shall be immediately available until the patient meets discharge criteria.

(10) Monitoring and documentation.

(a) Monitoring.

1. If leaving the room, a qualified dentist shall have at least one (1) month of general anesthesia training and shall select a trained individual to continuously monitor the patient; or

2. A qualified anesthesia provider shall remain in the treatment room during active treatment until the patient meets the criteria for discharge to the recovery area.

(b) The following shall be monitored:

1. Consciousness. The patient's level of sedation and responsiveness to verbal commands shall be continually assessed;

2. Oxygenation. Oxygen saturation by pulse oximetry shall be continually evaluated;

3. Ventilation: The qualified anesthesia provider shall be responsible for the observation of ventilation and breathing by monitoring end tidal CO2 unless precluded or invalidated by the nature of the patient. In addition, ventilation shall be monitored by continual observation of qualitative signs, which may include auscultation of breath sounds with a precordial or pretracheal stethoscope, or observation of chest excursions;

4. Circulation. The qualified anesthesia provider shall continually evaluate blood pressure and heart rate unless invalidated by the nature of the patient and noted in the time-oriented anesthesia record; and

5. The patient's pulse oximetry, heart rate, end tidal CO2, blood pressure, and level of consciousness shall be monitored continually and recorded at least every five (5) minutes.

(c) Documentation. A sedative record shall be maintained for each patient to whom sedation is administered. The sedation record shall include the names of all drugs administered including local anesthetics, the time administered, the route of administration, dosages, and monitored physiological parameters.

(11) Recovery and discharge.

(a) Oxygen and suction equipment shall be immediately available if a separate recovery area is utilized.

(b) When active treatment concludes and the patient recovers to a minimally sedated level, the qualified anesthesia provider or a trained individual chosen by the qualified anesthesia provider shall remain with and continue to monitor the patient until the patient is discharged from the facility. The qualified anesthesia provider shall not leave the facility until the patient is discharged.

(c) The qualified anesthesia provider or a trained individual chosen by the qualified anesthesia provider shall continually monitor the patient's blood pressure, heart rate, oxygenation, and level of consciousness during recovery.

(d) The qualified anesthesia provider shall determine and document the patient's level of consciousness, oxygenation, ventilation, and circulation prior to discharge.

(e) The patient, parent, escort, legal guardian, or caregiver shall be given post-operative verbal and written instructions prior to or upon discharge.

(f) Because re-sedation could occur after the effects of a reversal agent have waned, if a pharmacological reversal agent is administered before the patient's discharge criteria have been met, the patient's escort shall be notified of the risk of re-sedation.

(12) Emergency management.

(a) If a patient enters a deeper level of sedation than the qualified anesthesia provider is qualified to provide, the procedure shall stop until the patient is returned to the intended level of sedation.

(b) The qualified anesthesia provider shall be responsible for the sedative management, adequacy of the facility and staff, equipment, protocols, and diagnosis and treatment of emergencies related to the administration of moderate sedation and patient rescue.

Section 6. Deep Sedation and General Anesthesia.

(1) A Deep Sedation and General Anesthesia Permit issued by the board shall be required for a Kentucky-licensed dentist to administer deep sedation and general anesthesia.

(2) To qualify for a deep sedation and general anesthesia permit, a dentist shall:

(a) Submit a completed and signed[~~an~~] Application for Sedation or Anesthesia Permit or online equivalent;

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

(c) Provide documentation that the dentist meets the educational requirements of subsection (3)(a) of this section.

(3) Education requirements.

(a) To administer deep sedation or general anesthesia, a dentist shall have successfully completed:

1. An advanced education program accredited by the Commission on Dental Accreditation, which provides comprehensive training necessary to administer and manage deep sedation or general anesthesia; and

2. Current certifications in:

a. Basic Life Support for Healthcare Providers;

b. Advanced Cardiac Life Support if administering sedation to adult patients; and

c. Pediatric Advanced Life Support if administering sedation to pediatric patients.

(b) If authorizing a third-party qualified anesthesia provider to administer deep sedation or general anesthesia, the operating dentist shall confirm that at least two (2) members of the onsite care team maintain current certifications in:

1. Basic Life Support for Healthcare Providers;

2. Advanced Cardiac Life Support if sedation is administered to adult patients; and

3. Pediatric Advanced Life Support if sedation is administered to pediatric patients.

(4) Clinical guidelines; for patient history and evaluation. Each patient considered for deep sedation or general anesthesia shall be suitably evaluated prior to the start of any sedative procedure. In healthy or medically stable individuals who are in the patient physical status classification of (ASA I, II) as established in the ASA Physical Status Classification System, this evaluation shall consist of a review of the patient's current medical history, medication use, body mass index, airway evaluation, nothing by mouth status, and ASA status. In addition, patients with significant medical considerations who are in the patient physical status classification of (ASA III, IV) as established in the ASA Physical Status Classification System shall, unless otherwise documented by the provider, require consideration of a consultation with their treating physician prior to being administered deep sedation or general anesthesia.

(5) Pre-operative evaluation and preparation.

(a) The patient or the patient's parent, legal guardian, or caregiver, shall be advised regarding the planned procedure and any other anticipated possible procedures associated with the delivery of any sedative agents. Informed consent for the proposed sedation shall be obtained in writing prior to its administration.

(b) Adequate oxygen supply and the equipment necessary to deliver oxygen under positive pressure shall be confirmed prior to the administration of deep sedation or general anesthesia.

(c) The patient shall be physically examined prior to the administration of deep sedation or general anesthesia. Baseline vital signs including body weight, height, blood pressure, blood oxygen saturation, and pulse rate shall be obtained unless rendered impractical by the nature of the patient, procedure, or equipment. Body temperature shall be measured if clinically indicated.

(d) The patient or the patient's parent, legal guardian, or caregiver, shall be given preoperative verbal and written instructions regarding the patient's sedation and procedure, including pre-operative fasting instructions based on the ASA Summary of Fasting and Pharmacologic Recommendations contained within Appendix 1 of the ASA Practice Guidelines for Preoperative Fasting and the Use of Pharmacologic Agents to Reduce the Risk of Pulmonary Aspiration: Application to Healthy Patients Undergoing Elective Procedures.

(e) An intravenous line shall be established and secured throughout the procedure, except for patients with special needs pursuant to subsection (9) of this section.

(6) Personnel and equipment requirements.

(a) Personnel. All clinical staff participating in the care of a deeply sedated patient or a patient who has been administered

general anesthesia shall be certified in Basic Life Support for Healthcare Providers.

(b) A minimum of three (3) individuals shall be present while a patient is being treated with deep sedation or general anesthesia. If a pediatric patient is being treated with deep sedation or general anesthesia, in addition to the operating dentist, a separate qualified anesthesia provider shall manage the patient's anesthesia unless the anesthesia is performed by an oral and maxillofacial surgeon.

(c) Equipment.

1. A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available.

2. All equipment shall be examined for proper performance prior to each administration of sedation.

3. If inhalation equipment is used, it shall have a fail-safe system that shall be examined and calibrated and a functioning device that shall prohibit the delivery of less than thirty (30) percent oxygen, or a calibrated and functioning in-line oxygen analyzer with audible alarm.

4. A scavenging system shall be used if gases other than oxygen or air are delivered to a patient.

5. Equipment necessary to establish intravenous access and to monitor end tidal CO2 and auscultation of breath sounds shall be immediately available.

6. Resuscitation medications, a defibrillator, equipment and drugs necessary to provide advanced airway management and advanced cardiac life support shall be immediately available.

(7) Monitoring and documentation.

(a) Monitoring.

1. If leaving the room, a qualified dentist shall have at least one (1) month of general anesthesia training and shall select a trained individual to continuously monitor the patient; or

2. A qualified anesthesia provider shall remain in the treatment room during active treatment until the patient meets the criteria for discharge to the recovery area. The following shall be monitored:

3. Oxygenation. Oxygen saturation by pulse oximetry shall be continually evaluated;

4. Ventilation. For an intubated patient, end-tidal CO2 shall be continually monitored and evaluated. For a non-intubated patient, end-tidal CO2 shall be continually monitored and evaluated unless precluded or invalidated by the nature of the patient. In addition, ventilation shall be monitored by continual observation of qualitative signs, which may include auscultation of breath sounds with a precordial or pretracheal stethoscope, or observation of chest excursions;

5. Circulation. The qualified anesthesia provider shall continually evaluate heart rate and rhythm by ECG throughout the procedure, as well as the patient's pulse rate by pulse oximetry;

6. Temperature. A device capable of measuring body temperature shall be readily available during the administration of deep sedation or general anesthesia. Equipment necessary to continually monitor body temperature shall be available and used if triggering agents associated with malignant hyperthermia are administered; and

7. The patient's pulse oximetry, heart rate, end tidal CO2, blood pressure, and level of consciousness shall be monitored continually and recorded at least every five (5) minutes.

(b) Documentation. A sedative record shall be maintained for each patient to whom sedation is administered. The sedative record shall include the names of all drugs administered, including local anesthetics, the time administered, the route of administration, dosages, and monitored physiological parameters.

(8) Recovery and discharge.

(a) Oxygen and suction equipment shall be immediately available if a separate recovery area is utilized.

(b) When active treatment concludes and the patient recovers to a minimally sedated level, the qualified anesthesia provider or a trained individual chosen by the qualified anesthesia provider shall remain with and continue to monitor the patient until the patient is discharged from the facility. The qualified anesthesia provider shall not leave the facility until the patient is discharged.

(c) The qualified anesthesia provider or a trained individual chosen by the qualified anesthesia provider shall continually monitor the patient's blood pressure, heart rate, oxygenation, and level of consciousness during recovery.

(d) The qualified anesthesia provider shall determine and document the patient's level of consciousness, oxygenation, ventilation, and circulation prior to discharge.

(e) The patient, parent, escort, legal guardian, or caregiver shall be given post-operative verbal and written instructions prior to or upon discharge.

(9) Patients with special needs.

(a) Because many dental patients undergoing deep sedation or general anesthesia are mentally or physically challenged, it is not always possible to administer a comprehensive physical examination or appropriate laboratory tests prior to sedation. In this circumstance, the dentist responsible for administering the deep sedation or general anesthesia shall document the reasons preventing the examination of the patient in the patient's medical record.

(b) Deep sedation or general anesthesia may be administered without first establishing an indwelling intravenous line if the establishment of intravenous access after deep sedation or general anesthesia is rendered necessary because of poor patient cooperation.

(10) Emergency management. The qualified anesthesia provider shall be responsible for the sedative management, adequacy of the facility and staff, equipment, protocols, and diagnosis and treatment of emergencies related to the administration of patient rescue and deep sedation or general anesthesia.

Section 7. Multiple Application Levels. A dentist with the required education and training to provide more than one (1) level of sedation may mark all levels of qualification on the Application for Sedation or Anesthesia Permit without paying additional application fees.

Section 8. Renewal of a Sedation or Anesthesia Permit.

(1) A qualified dentist applying for renewal of an active permit to administer moderate sedation, or deep sedation or general anesthesia shall:

(a) Submit a completed and signed[~~an~~] Application for Renewal of Sedation or Anesthesia Permit or online equivalent;

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

(c) Complete at least four (4) hours of clinical continuing education related to sedation or anesthesia in a live, interactive[~~classroom~~] setting during the two (2) year term of the permit; and

(d) Maintain Advanced Cardiac Life Support or Pediatric Advanced Life Support certification as required by Sections 5 and 6 of this administrative regulation.

(2) The continuing education requirements of this section shall be in addition to the license renewal requirements of 201 KAR 8:532.

(3) Unless properly renewed, each permit issued under this administrative regulation shall expire on December 31 of odd-number years.

Section 9. Location Requirement. A dentist holding a permit in accordance with this administrative regulation shall advise the board of the name and address of each facility where the dentist intends to or has ceased to administer anesthesia and sedation by submitting the Sedation or Anesthesia Permit Location Notification Form or online equivalent within ten (10) business days of the change.

Section 10. Facility Certificates.

(1) The owner or operator of a facility shall obtain an Anesthesia or Sedation Facility Certificate from the board for any location at which a dentist holding a sedation or general anesthesia permit provides moderate sedation, deep sedation, or general anesthesia. A facility certificate shall not be required for minimal sedation or nitrous oxide sedation alone.

(2) A facility certificate shall also be required if a dentist allows an independently practicing qualified anesthesia provider to administer sedation or general anesthesia in a dental office.

(3) A facility owner or operator desiring to obtain an Anesthesia or Sedation Facility Certificate shall:

(a) Submit a completed and signed[an] Application for Sedation or Anesthesia Facility Certificate or online equivalent; and

(b) Pay the fee required by 201 KAR 8:520.

(4) The owner or operator of a facility shall not allow an individual to administer anesthesia or sedation unless the individual is permitted to do so as established by this administrative regulation.

(5) The owner or operator of a facility shall maintain for at least seven (7) years, for inspection by the board, the name and license number of each dentist or independently practicing qualified anesthesia provider who has administered anesthesia or moderate sedation at that location.

(6) The owner or operator of a facility shall ensure that the facility remains equipped and staffed for the duration of time that moderate sedation, deep sedation, or general anesthesia is provided at the facility.

(7) The owner or operator of a facility shall ensure that the facility has nonexpired emergency and sedation medications.

Section 11. Renewal of Facility Certificate.

(1) All active facility certificates shall expire on December 31 of odd-numbered years.

(2) To renew a facility certificate, the owner or operator shall:

(a) Submit a completed and signed[an] Application for Renewal of Sedation or Anesthesia Facility Certificate or online equivalent; and

(b) Pay the fee required by 201 KAR 8:520.

Section 12. Facility Criteria.

(1) To qualify for a facility certificate, the owner or operator of a facility shall attest in the Application for Sedation or Anesthesia Facility Certificate or online equivalent that the facility has:

(a) An oxygen and gas delivery system with fail-safe backup;

(b) A safety indexed gas system;

(c) A suction and backup system;

(d) An auxiliary lighting system;

(e) An operating room to include:

1. At a minimum, ten (10) feet by eight (8) feet or eighty (80) square feet in size;

2. An operating primary light source and secondary portable back-up source, unless a backup generator is available; and

3. Accessibility by emergency medical staff;

(f) A recovery area, including oxygen, suction, and electronic monitoring, which may be a part of the operating room;

(g) Preoperative medical history and physical evaluation form; and

(h) Anesthesia and monitoring equipment checked to ensure working order and calibration, if applicable.

(2) The following shall be maintained in working order by the facility or by the qualified individual administering sedation or anesthesia at or on behalf of the facility:

(a) Drugs for each procedure, all of which shall be unexpired, including reversal agents and emergency medications;

(b) Devices to maintain an airway with positive pressure ventilation;

(c) Anesthesia records, including monitoring and discharge records;

(d) Monitoring equipment, including pulse oximeter, blood pressure monitor, and end tidal CO2 monitor. An electrocardiogram (EKG) shall be required for facilities providing deep sedation or general anesthesia;

(e) Defibrillator or automated external defibrillator (AED); and

(f) Precordial stethoscope or pretracheal stethoscope for deep sedation or general anesthesia in pediatric patients.

Section 13. Morbidity and Mortality Incident Reports.

(1) A dentist shall report to the board, in writing, any death caused by,[or] resulting from, or in any way associated with the administration of minimal sedation, moderate sedation, deep sedation, or general anesthesia within seven (7) days after the death.

(2) A dentist shall report to the board, in writing, any incident that occurred at a facility operating under a Sedation or Anesthesia Facility permit that resulted in hospital inpatient admission or emergency room visit caused by,[or] resulting from, or in any way associated with the administration of minimal sedation, moderate sedation, deep sedation, or general anesthesia within thirty (30) days after the hospitalization or emergency room visit.

(3) The written report to the board required in subsections (1) and (2) of this section shall include:

(a) The date of the incident;

(b) The name, age, and address of the patient;

(c) The patient's original complete dental records;

(d) The name and permit number of the dentist and the name and address of all other persons present during the incident;

(e) The address where the incident took place;

(f) The preoperative physical condition of the patient;

(g) The type of anesthesia and dosages of drugs administered to the patient;

(h) The techniques used in administering the drugs;

(i) Any adverse occurrence including:

1. The patient's signs and symptoms;

2. The treatment instituted in response to adverse occurrences;

3. The patient's response to the treatment; and

4. The patient's condition on termination of any procedures undertaken; and

(j) A narrative description of the incident including approximate times and evolution of symptoms.

(4) The duties established in this section shall apply to every dentist who administers any type of sedation or anesthesia.

Section 14. Registered Dental Assistant Duties while Working with Sedation Permit Holders. A registered dental assistant working with a qualified dentist administering sedation or anesthesia in accordance with this administrative regulation may, under direct supervision:

(1) Apply noninvasive monitors on the patient;

(2) Perform continuous observation of patients and noninvasive monitors appropriate to the level of sedation, during the pre-operative, intra-operative, and post-operative (recovery) phases of treatment;

(3) Report monitoring parameters at pre-determined intervals, and if changes in monitored parameters occur;

(4) Record vital sign measurements in the sedation record;

(5) Establish and remove intravenous lines if the registered dental assistant has completed training in intravenous access;

(6) Assist in the management of a patient emergency; and

(7) Administer medications into an existing intravenous line upon the verbal order and direct supervision of a qualified dentist in accordance with this administrative regulation.

Section 15. Administration by Qualified Anesthesia Provider.

(1) An operating dentist may authorize the administration of sedation or anesthesia by a qualified anesthesia provider.

(2) The administration of anesthesia or sedation by an individual established in subsection (1) of this section shall:

(a) Comply with the requirements of this administrative regulation; and

(b) Not require board review prior to the administration of sedation or anesthesia.

(3) Nothing in this section shall preclude a dentist from working with a qualified anesthesia provider to provide care in an ambulatory care center or hospital.

Section 16. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Sedation or Anesthesia Permit", January 2024[March 2020];

(b) "Application for Sedation or Anesthesia Facility Certificate", January 2024[March 2020];

(c) "Sedation or Anesthesia Permit Location Notification Form", January 2024[March 2020];

(d) "ASA Physical Status Classification System", December 2020;

(e) "ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students", October 2016;

(f) "ADA Guidelines for the Use of Sedation and General Anesthesia by Dentists", October 2016;

(g) "ASA Practice Guidelines for Preoperative Fasting and the Use of Pharmacologic Agents to Reduce the Risk of Pulmonary Aspiration: Application to Healthy Patients Undergoing Elective Procedures", March 2017;

(h) "Application for Renewal of Sedation or Anesthesia Permit", March 2020; and

(i) "Application for Renewal of Sedation or Anesthesia Facility Certificate", January 2024[~~March 2020~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday 8 a.m. through 4:30 p.m. This material is also available on the board's website[~~Web site~~] at http://dentistry.ky.gov.

JEFFREY ALLEN, Executive Director

APPROVED BY AGENCY: March 12, 2026

FILED WITH LRC: March 13, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 21, 2026 at 12:00 p.m., Eastern Time at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. 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 May 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email jeffrey.allen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Allen
Subject Headings: Boards & Commissions, Dentistry, Drugs & Medicines, Licensing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes training requirements for dentists to administer neuromodulators and dermal fillers in Kentucky.
(b) The necessity of this administrative regulation: KRS 313.035(1) requires the board to promulgate administrative regulations related to anesthesia and sedation permits
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes requirements for permits to perform sedation or anesthesia.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes requirements for permits to perform sedation or anesthesia in conformity with its authorizing statute.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment updates the Board's sedation-related documents incorporated by reference and makes other minor changes.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update the sedation-related documents utilized by the Board.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment updates the requirements for the administration of sedation and anesthesia permits in conformity with its authorizing statute.
(d) How the amendment will assist in the effective administration of the statutes: The amendment clarifies and updates the requirements to perform sedation and anesthesia, thereby reducing non-compliance and improving public safety.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will primarily affect the approximately 400 dentists with a moderate or deep sedation permit in Kentucky.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Affected individual will need to use updated forms and will be able to complete some continuing education requirements virtually.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no additional costs associated with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The administrative regulation will result in a safer patient population and the avoidance of potentially costly violations of applicable law and administrative regulations by licensed dentists.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional cost.
(b) On a continuing basis: 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: Current licensure fees can be used to fund the implementation 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: Fee amounts are already established in a separate administrative regulation (201 KAR 8:520) and no increase is needed.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not impact existing fees which are already established in 201 KAR 8:520.
(10) TIERING: Is tiering applied? No; this administrative regulation impacts all similarly situated entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . This administrative regulation is authorized by KRS 313.021(1)(c) and KRS 313.040(1).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 313.040(1).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Board of Dentistry 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: 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): This amendment does not affect any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None

For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(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 amendment has no fiscal impact.
(b) Methodology and resources used to reach this conclusion: Historical budget performance.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This amendment has no fiscal impact.
(b) The methodology and resources used to reach this conclusion: Historical budget performance.

BOARDS AND COMMISSIONS
Board of Nursing
(Amendment)

201 KAR 20:472. Initial approval for dialysis technician training programs.

RELATES TO: KRS 314.035, 314.131(1), 314.137
STATUTORY AUTHORITY: KRS 314.131(1), 314.137
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8(2)(a).
NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.137 requires the board to promulgate administrative regulations to regulate dialysis technicians and includes establishing required standards for training programs. This administrative regulation establishes the requirements for dialysis technician training programs.

Section 1.
(1) A training program that prepares an individual to become a credentialed dialysis technician shall be approved by the board of nursing.
(2)
(a) A dialysis technician training program that seeks to be approved by the board shall file an Application for Dialysis Technician Training Program and pay a fee of $2,000; and
(b) The dialysis technician training program shall include with its application a[:]
[~~1.~~] [~~A~~] copy of the approval of certification for the dialysis technician training program's governing organization to operate a renal dialysis center from the Centers for Medicare and Medicaid Services (CMS)[~~; and~~]
[~~2.~~] [~~The most recent site visit or survey report, and if applicable, a statement of deficiencies, and a plan of correction~~].

Section 2.
(1) A training program that prepares an individual to become a dialysis technician which is located in this state shall meet the standards established by this administrative regulation.
(2) A training program that is located out of state shall not be subject to the approval process specified in this administrative regulation. However, an applicant who has completed an out of state training program may apply for a dialysis technician credential pursuant to 201 KAR 20:476, Section 1(2).

Section 3. Renal Dialysis Organization.
(1)
(a) An organization which is licensed to operate a renal dialysis center pursuant to 902 KAR 20:018 shall assume full legal responsibility for the overall conduct of the dialysis technician training program.
(b) The organization shall appoint a program administrator who shall be administratively responsible for the oversight of the dialysis technician training program on a twelve (12) month basis.
(c) The organization shall submit to the board in writing the name of the registered nurse who has been designated to assume the administrative duties for the program, the date the person will assume the duties of program administrator, and a copy of his or her curriculum vitae.
(d) The board shall be notified in writing of a change, vacancy, or pending vacancy, in the position of the program administrator within thirty (30) days of the dialysis technician training program's awareness of the change, vacancy, or pending vacancy.
(2) The organization shall develop and implement a plan of organization and administration that clearly establishes the lines of authority, accountability, and responsibility for each dialysis technician training program location.
(3) A system of official records and reports essential to the operation of the dialysis technician training program shall be maintained according to institutional policy. Provisions shall be made for the security and protection of records against loss and unauthorized distribution or use. The system of records shall include:
(a) A policy that all records shall be maintained for at least five (5) years;
(b) Provider name, dates of program offerings, and sites of the training program;
(c) Admission materials, grades received, and clinical performance records;
(d) Trainee roster that includes name, date of birth, social security number, and program completion date;
(e) Faculty records including:
1. Validation of current licensures or credentials; and
2. Performance evaluation for faculty employed more than one (1) year.
(f) Systematic plan of evaluation;
(g) Graduates of the dialysis technician training program; and
(h) Administrative records and reports from accrediting agencies.

Section 4. Program Administrator and Assistant Program Administrator.
(1) The program administrator shall have the following qualifications:
(a)
1. A minimum of a master's degree from an accredited college or university;
2. A program administrator who currently does not hold a master's degree from an accredited college or university shall obtain the degree within five (5) years of the effective date of this administrative regulation. The program administrator shall provide documentation that shows active and steady progression towards the degree; and
3. The board may waive the master's degree requirements in this paragraph upon a showing that the proposed program administrator is otherwise qualified, such as possessing a minimum of eight (8) years of experience in dialysis patient care and administration;

(b) A minimum of the equivalent of one (1) year of full time teaching experience;

(c) At least two (2) years of experience in the care of a patient with end stage renal disease or who receives dialysis care;

(d) Demonstrated experience or preparation in education that includes teaching adults, adult learning theory teaching methods, curriculum development, and curriculum evaluation. A program administrator without previous program administrator experience shall have a mentor assigned by the renal dialysis center and an educational development plan implemented. The assigned mentor shall have documented experience in program administration;

(e) An active and unencumbered Kentucky registered nurse license, temporary work permit, or multistate privilege; and

(f) Current knowledge of requirements pertaining to the dialysis technician training program and credential as established in 201 KAR 20:472, 474, 476, and 478.

(2) A dialysis technician training program may have an assistant program administrator at each location. An assistant program administrator shall have the following qualifications:

(a)

1. A minimum of a baccalaureate degree in nursing;

2. An assistant program administrator who currently does not hold a baccalaureate degree in nursing from an accredited college or university shall obtain the degree within five (5) years of the effective date of this administrative regulation. The assistant program administrator shall provide documentation that shows active and steady progression towards the degree; and

3. The board may waive the baccalaureate degree requirements in this paragraph upon a showing that the proposed assistant program administrator is otherwise qualified, such as possessing a minimum of five (5) years of experience in dialysis patient care and administration;

(b) A minimum of the equivalent of one (1) year of full time teaching experience;

(c) At least two (2) years of experience in the care of a patient with end stage renal disease or who receives dialysis care;

(d) Demonstrated experience or preparation in education that includes teaching adults, adult learning theory teaching methods, curriculum development, and curriculum evaluation. A program administrator without previous program administrator experience shall have a mentor assigned by the renal dialysis center and an educational development plan implemented. The assigned mentor shall have documented experience in program administration;

(e) An active and unencumbered Kentucky registered nurse license, temporary work permit, or multistate privilege; and

(f) Current knowledge of requirements pertaining to the dialysis technician training program and credential as established in 201 KAR 20:472, 474, 476, and 478.

Section 5. Faculty.

(1) The faculty shall be adequate in number to implement the curriculum as determined by program outcomes, course objectives, the level of the student, and the educational technology utilized.

(2) The faculty shall be approved by the program administrator and shall include didactic and clinical faculty.

(3) The name, title, and credential identifying the education and professional qualifications of each didactic and clinical faculty shall be provided to the board within thirty (30) days of hire. With each change in faculty, whether a new hire or a termination or retirement, an updated list of current faculty shall be provided to the board.

(4) Didactic faculty.

(a) Didactic faculty shall consist of multidisciplinary members with expertise in the subject matter.

(b) Didactic faculty shall possess:

1. A minimum of a baccalaureate degree from an accredited college or university; or

2. An associate degree from an accredited school of nursing.

(c) Nursing didactic faculty shall possess:

1.

a. A current state license as a registered nurse; or

b. A privilege to practice in the state; and

2. A minimum of one (1) year of experience with dialysis patient care.

(d) Didactic faculty shall document a minimum of two (2) years full time or equivalent experience in their profession or discipline.

(e) Didactic faculty shall document preparation in educational activities in the area of teaching and learning principles for adult education, including curriculum development and implementation. The preparation shall be acquired through planned faculty in-service learning activities, continuing education offerings, or academic courses.

(f) Didactic faculty hired without prior teaching experience shall have a mentor assigned and an educational development plan implemented.

(5) Clinical faculty and preceptors.

(a) Clinical faculty or a preceptor shall hold a current, unencumbered Kentucky nursing license, temporary work permit, or multistate privilege or a current, unencumbered Kentucky dialysis technician credential.

(b) Clinical faculty or a preceptor shall have evidence of clinical competencies in end stage renal disease and dialysis care.

(c) A preceptor who is a dialysis technician shall hold certification by one (1) of the following dialysis technician certification organizations:

1. The Board of Nephrology Examiners Nursing Technology (BONENT); or

2. The Nephrology Nursing Certification Commission (NNCC) .

(6) There shall be documentation that the clinical faculty have been oriented to the course, program outcomes, student learning objectives, evaluation methods used by the faculty, and documented role expectations.

Section 6. Standards for Training.

(1) Philosophy, mission, and outcomes.

(a) The philosophy, mission, and outcomes of the training program shall be clearly defined in writing by the faculty and shall be consistent with those of the Renal Dialysis Center.

(b) The program outcomes shall be consistent with those required by the Centers for Medicare and Medicaid Services and the dialysis technician certification organizations listed in Section 5(5)(c) of this administrative regulation.

(c) The program shall conduct an evaluation to validate that identified program outcomes have been achieved and provide evidence of improvement based on an analysis of those results.

(d) The training program shall include a minimum of 200 hours of didactic course work and 200 hours of direct patient contact. The didactic course work and direct patient contact shall be at least ten (10) weeks. The training program shall maintain a log of clinical hours for each student. It may also include an internship of at least 160 hours. The internship shall begin after two (2) unsuccessful attempts to pass the final examination. The internship shall be completed prior to a third final examination attempt. The internship shall be under the supervision of a registered nurse and shall include a preceptor.

(2) The curricula of the program shall minimally include the following topics:

(a) The legal and ethical aspects of practice including:

1. The history of dialysis;

2. The state and federal regulations governing dialysis including 201 KAR 20:478, 902 KAR 20:018, 907 KAR 1:400, and 42 C.F.R. 494.140;

3. The resources available for pursuing personal and career development;

4. The principles and legal aspects of documentation, communication, and patient rights;

5. The roles of the dialysis technician and other multidisciplinary team members;

6. The principles related to patient safety; and

7. The role of the board of nursing.

(b) Anatomy and physiology applicable to renal function including:

1. Renal anatomy;

2. Organs of the urinary system and components of the nephron; and

3. Functions of the normal kidney.

(c) Diseases of the kidney including:

1. Causes and complications of acute renal failure; and

2. Causes and complications of chronic renal failure.

(d) The psychosocial and physical needs of the end stage renal disease (ESRD) patient and family including:

1. The impact on family and social systems;

2. Coping mechanisms utilized;

3. Rehabilitative needs;

4. Community resources available;

5. All aspects of renal diet and fluid restrictions; and

6. Educational needs of patients receiving dialysis including the role of the technician and resources available.

(e) The principles of pharmacology as related to ESRD including:

1. Commonly used medications and their side effects;

2. The principles of medication administration;

3. The indications, dosage, action, and adverse effects of heparin, local anesthetics, and normal saline; and

4. The accurate administration of heparin, local anesthetics, and normal saline.

(f) Aseptic techniques and established infection control practices including:

1. Dialysis precautions as issued by the United States Centers for Disease Control; and

2. Proper hand washing technique.

(g) Principles of dialysis and dialysis treatment including:

1. Definitions and terminology;

2. Principles of osmosis, diffusion, ultrafiltration, and fluid dynamic;

3. The structure and function of various types of circulatory access sites and devices;

4. The indications, advantages, disadvantages, and complications of internal arteriovenous (A/V) fistulas and A/V grafts, and central venous access devices;

5. The various types of dialyzers;

6. The benefits, risks, and precautions associated with dialyzer reuse;

7. The purpose and concept of water treatment;

8. Knowledge and ability to manage and operate dialysis equipment;

9. Knowledge and ability to appropriately monitor and collect data throughout the course of treatment;

10. The etiology, signs and symptoms, prevention, intervention and treatment, and options for the most common complications;

11. The knowledge and ability to safely initiate and discontinue treatment; and

12. Routine laboratory tests, values, and collection techniques.

(h) Other treatment modalities for ESRD including:

1. Renal transplantation; and

2. Home dialysis options.

(3) Implementation of the curriculum.

(a) There shall be a written plan, including supporting rationale, which describes the organization and development of the curriculum.

(b) The curriculum plan shall reflect the philosophy, mission, and outcomes of the program and shall prepare the student to meet the qualifications for certification as established by the dialysis technician certification organizations listed in Section 5(5)(c) of this administrative regulation.

(c) The dialysis technician training program shall have written measurable program outcomes that reflect the role of the dialysis technician graduate upon completion of the program.

(d) The dialysis technician training program shall be logical and sequential, and shall demonstrate an increase in difficulty and complexity as the student progresses through the program.

(e) A course syllabus shall be developed to include outcomes, planned instruction, learning activities, and method of evaluation.

(f) The teaching methods and activities of both instructor and learner shall be specified. The activities shall be congruent with stated objectives, and content shall reflect adult learning principles.

(g) A copy of the course syllabus shall be on file in the dialysis technician training program office and shall be available to the board upon request.

(h) Any proposed substantive changes to the dialysis technician training program syllabus shall be submitted to the board in writing at least two (2) months prior to implementation and shall not be implemented without approval from the board. A substantive change is any change in the philosophy, mission, or outcomes that results in a reorganization or reconceptualization of the entire curriculum.

(i) Training may be offered through distance learning technologies. Training offered through the use of distance learning technologies shall be comparable to the training offered in a campus based program.

(4) The curriculum shall require that the student hold a current Basic Life Support (BLS) certificate.

Section 7. Students in Dialysis Technician Training Programs.

(1) Preadmission requirements shall be stated in all publications utilized by the dialysis technician training program including recruitment materials.

(a) Program information communicated by the program shall be accurate, complete, consistent, and publicly available.

(b) Participation shall be made available for students in the development, implementation, and evaluation of the program.

(2) Written dialysis technician training program student policies shall be accurate, clear, and consistently applied.

(3) Upon admission to the training program, each student shall be advised in electronic or written format of policies pertaining to:

(a) Prerequisites for admission, readmission, or dismissal;

(b) Evaluation methods that include the grading system;

(c) Any fees or expenses associated with the training program and refund policies;

(d) Health requirements and other standards as required by the renal dialysis center;

(e) Student responsibilities;

(f) A plan for emergency care while in the clinical setting; and

(g) Program completion requirements.

(4) A student enrolled in a training program is exempt from the credentialing requirement while enrolled. The student shall use the title dialysis technician (DT) trainee.

Section 8. Program Completion Requirements.

(1) Requirements for successful completion of the dialysis technician training program shall be clearly specified.

(2) The requirements shall provide evidence of clinical competency through the use of evaluation methods and tools that measure the progression of the student's cognitive, affective, and psychomotor achievement of clinical outcomes based on published rubrics and sound rationale.

(3) Students shall have sufficient opportunities in simulated or clinical settings to develop psychomotor skills essential for safe, effective practice.

(4) A final examination shall be administered only during the final forty (40) hours of the first 400 hours of the training program.

(a) The final examination shall be mapped to program outcomes and blueprinted to the examination content of one (1) of the dialysis technician certification organizations as listed in Section 5(5)(c) of this administrative regulation.

(b) Following successful completion of the final examination, the student may begin the internship.

(5) The individual who successfully completes the training program, including the internship, shall receive a certificate of completion that documents the following:

(a) Name of individual;

(b) Title of training program, date of completion, and location;

(c) Provider's name;

(d) The program code number issued by the board; and

(e) Name and signature of the program administrator or the assistant program administrator.

(6) The program shall submit the List of Dialysis Technician Training Program Graduates within three (3) working days of the program completion date.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Dialysis Technician Training Program", 4/2021; and

(b) "List of Dialysis Technician Training Program Graduates", 4/2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222-5172, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at https://kbn.ky.gov/document-library/Pages/default.aspx.

AUDRIA DENKER, President

APPROVED BY AGENCY: February 26, 2026

FILED WITH LRC: March 10, 2026 at 10:05 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 26, 2026, at 10:00 AM at Kentucky Board of Nursing, 312 Whittington Parkway, Ste 300, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by May 19, 2026, 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 May 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 or submit a comment at: https://secure.kentucky.gov/formservices/Nursing/PendReg.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing. 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222 (502) 338-2851, Jeffrey.Prather@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Prather
Subject Headings: Nursing, Health and Medical Services, Education: Vocational and Technical, Licensing

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the initial approval requirements for dialysis technician (DT) training programs.
(b) The necessity of this administrative regulation: This regulation is necessary pursuant to KRS 314.137(2).
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the content of KRS 314.137(2) by establishing standards to review the initial approval of DT training programs.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in the effective administration of KRS 314.021 and KRS 314.137(2), by establishing standards for DT training programs.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment provides that an initial DT training program seeking board approval need only to provide a copy of the approval of certification from the program's governing organization to operate a renal dialysis center, and it removes the requirement for the most recent site visit or survey report.
(b) The necessity of the amendment to this administrative regulation: To streamline the DT training program approval process.
(c) How the amendment conforms to the content of the authorizing statutes: This regulation conforms to the content of KRS 314.137(2) by establishing standards for approving initial DT training programs.
(d) How the amendment will assist in the effective administration of the statutes: This regulation will assist in the effective administration of KRS 314.021 and 314.137(2), by establishing standards for the initial approval of DT training programs.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, it does not implement legislation from the last five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 700 dialysis technicians with a current and active Kentucky DT credential, and there are currently six DT training programs located and licensed in Kentucky.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No new actions are required.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No additional cost.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The DT program approval process will be simplified.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: None.
(b) On a continuing basis: None.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Agency 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: It does not.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not directly or indirectly increase fees.
(10) TIERING: Is tiering applied? Tiering is not applicable.

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 Kentucky Board of Nursing.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This regulation is authorized by KRS 314.131 and 314.137(2).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Dialysis Technicians.
(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: There will not be a fiscal impact on the entities.
(b) Methodology and resources used to reach this conclusion: None.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There will not be a major economic impact.
(b) The methodology and resources used to reach this conclusion: None.

BOARDS AND COMMISSIONS
Board of Nursing
(Amendment)

201 KAR 20:474. Continuing approval and periodic evaluation of dialysis technician training programs.

RELATES TO: KRS 314.035, 314.131(1), 314.137
STATUTORY AUTHORITY: KRS 314.131(1), 314.137
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8(2)(a).
NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.137 requires the board to promulgate administrative regulations to regulate dialysis technicians and includes establishing required standards for training programs. This administrative regulation establishes the requirements for continued approval of dialysis technician training programs.

Section 1. Renal Dialysis Center Survey and Certification.
(1) The board shall retain jurisdiction over dialysis technician training programs and may conduct site visits or other investigations into any allegation that may constitute a violation of 201 KAR 20:472 or this administrative regulation. The board may conduct a site visit at any time during normal business hours, and may also conduct site visits when the Centers for Medicaid and Medicare Services (CMS) conducts a survey or site visit of the renal dialysis center utilized by the dialysis technician training program.
(2) A dialysis technician training program shall notify the board regarding a CMS site visit[~~visits:~~] within ninety (90) days of the close of the site visit.
(3) If CMS found deficiencies of the training program during the site visit, within ninety (90) days of the close of the site visit the training program shall provide to the board:
(a) All correspondence and reports from CMS related to the deficiencies;
(b) The training program's subsequent plan of correction of the deficiencies; and
(c) The dialysis training program's continued approval certification
[~~(a)~~] [~~Within thirty (30) days following the site visit that it has occurred; and~~]
[~~(b)~~] [~~Within ninety (90) days following the close of the site visit, the program shall forward all correspondence and reports from CMS concerning the site visit, any statement of deficiencies, subsequent plan of correction, and the continued approval certification~~].

Section 2. Dialysis Technician Training Program Evaluation.
(1) To verify continued compliance with 201 KAR 20:472, the program shall submit progress reports or periodic supplemental reports, completed questionnaires, surveys, and other related documents as requested by the board.
(2) A dialysis technician training program shall perform a systematic review of the training program that results in continuing improvement. This process shall result in an evaluation report that is submitted to the board on an annual basis.
(3) Data collection for the evaluation report shall be on-going and shall reflect aggregate analysis and trending.
(4) The evaluation report shall include specific responsibilities for data collection methods, individuals or groups responsible, frequency of data collection, indicators of achievement, findings, and outcomes for evaluating the following aspects of the dialysis technician training program:
(a) Organization and administration of the dialysis technician training program;
(b) Curriculum;
(c) Teaching and learning methods including distance education;
(d) Faculty evaluation;
(e) Student achievement of program outcomes;
(f) Student completion rates;
(g) Student certification achievement rates; and
(h) Clinical resources.
(5) If a dialysis technician training program utilizes distance education for didactic instruction, it shall evaluate and assess the educational effectiveness of its distance education program to ensure that the distance education is substantially comparable to face to face education.
(6) The evaluation report shall provide evidence that the outcomes of the evaluation process are used to improve the quality and strength of the dialysis technician training program.

Section 3. Voluntary Closure of a Dialysis Technician Training Program.
(1) A dialysis technician training program that intends to close shall submit written notification to the board at least six (6) months prior to the planned closing date.
(2) The dialysis technician training program may choose one (1) of the following procedures for closing:
(a) The dialysis technician training program shall continue to operate until the last class enrolled has completed training;
1. The program shall continue to meet the standards until all students enrolled have completed the program;
2. The official closing of the program shall be the date on the certificate of the last graduate; and
3. The dialysis technician training program shall notify the board in writing of the official closing date; or
(b) The dialysis technician training program shall close the program following the transfer of students to other approved dialysis technician training programs;
1. The program shall continue to meet the standards until all students have transferred;
2. The names of students who have transferred to approved programs and the date of the last student transfer shall be submitted to the board by the renal dialysis center; and
3. The date of the last student transfer shall be the official closing date of the program.
(3) Custody of records.
(a) The dialysis technician training program that continues to operate shall retain responsibility for the records of the students and graduates. The board shall be advised of the arrangement made to safeguard the records.
(b) The dialysis technician training program that ceases to exist shall transfer training logs and certificates of completion of each student and graduate to a third party vendor approved by the Council for Postsecondary Education for safekeeping.

Section 4. Continued Approval of a Dialysis Technician Training Program.
(1) To receive continued approval, a dialysis technician training program shall:
(a) File a completed Application for Dialysis Technician Training Program, as incorporated by reference in 201 KAR 20:472;
(b) Submit an annual program evaluation summary report as required by Section 2(2) of this administrative regulation;
(c) Submit a list of current faculty including the name, title, and credential identifying the educational and professional qualifications of each instructor; and
(d) Pay a fee of $1,000.

(2)

(a) The material required to be submitted by subsection (1) of this section shall be submitted at least ninety (90) days prior to the end of the current approval period.

(b) If any of the material required to be submitted pursuant to subsection (1) of this section is submitted less than ninety (90) days, but more than thirty (30) days prior to the end of the current approval period, an additional fee of $300 shall be charged. Nonpayment of this fee shall result in denial of the application for continued approval.

(c) If material required to be submitted pursuant to subsection (1) of this section is submitted less than thirty (30) days prior to the end of the current approval period, the material shall not be accepted. The program shall lapse at the end of the current approval period and the renewal fee shall be forfeited.

(3) Continued approval shall be based on compliance with the standards established in 201 KAR 20:472 and this administrative regulation.

(4) Continued approval shall be granted for a two (2) year period.

(5) If a program fails to seek renewal of its approval status thirty (30) days prior to the end of the current approval period, the approval shall lapse at the end of the current approval period.

Section 5. Reinstatement of Dialysis Technician Training Programs.

(1) A program with lapsed approval shall cease all training activity until provided with written notice of the reinstatement of approval.

(2) A dialysis training program that has closed or that has a lapsed or withdrawn approval status may seek to reinstate approval as follows:

(a) File a completed Application for Dialysis Technician Training Program, as incorporated by reference in 201 KAR 20:472;

(b) If applicable, file evidence of compliance with the requirements of any order issued by the board in accordance with Section 8 of this administrative regulation; and

(c) Pay a fee of $1,000.

Section 6. Site Visits.

(1) A representative of the board may conduct a site visit at any time during normal business hours.

(2) The following situations may be cause for a site visit to determine if the standards of 201 KAR 20:472 and this administrative regulation are being met:

(a) Change of status by CMS or an accrediting body recognized by CMS;

(b) Providing false or misleading information to students or the public concerning the dialysis technician training program;

(c) A written complaint received from faculty, students, or the general public relating to a violation of 201 KAR 20:472 or this administrative regulation;

(d) A change in physical facilities;

(e) Information received by the board that may indicate a violation of 201 KAR 20:472 or this administrative regulation; and

(f) Failure to submit reports as required by 201 KAR 20:472 or this administrative regulation.

Section 7. Action Following Site Visit.

(1)

(a) Following a site visit and prior to board consideration, a draft of the site visit report shall be made available to the program administrator for review and correction of factual data.

(b) The program administrator shall be available during the discussion of the report at the board committee to provide clarification.

(c) If the site visit results in a finding of non-compliance with 201 KAR 20:472 or this administrative regulation by the dialysis technician training program, a letter shall be sent to the program administrator regarding any requirements to be met.

(d) The board shall notify in writing the dialysis technician training program of the time frame within which it shall meet the requirements. The board shall verify that the requirements have been met.

(2)

(a) If the dialysis technician training program is unable to meet the requirements in the time set by the board, it may request additional time. The board may grant or deny this request based on the rationale for the request.

(b) If the board denies the request for additional time, it shall begin the process established in Section 8 of this administrative regulation.

Section 8. Withdrawal of Approval.

(1) If the standards are not being met, the board shall send written notice to the program administrator of the affected dialysis technician training program of its intent to withdraw approval. The written notice shall be sent return receipt requested.

(2) When making this determination, the board shall consider the following factors:

(a) The number and severity of the deficiencies;

(b) The length of time in which the deficiencies have existed; and

(c) Any exigent circumstances.

(3) Within thirty (30) days of receipt of the written notice, the program administrator of the affected program may request an administrative hearing pursuant to KRS Chapter 13B. If an administrative hearing is not requested, program approval shall be withdrawn and the dialysis technician training program shall be closed. A closed program shall comply with Section 3 of this administrative regulation.

(4)

(a) If a program of nursing requests an administrative hearing, that hearing shall be held within sixty (60) days of the request.

(b) The hearing shall be held before a hearing officer designated by the board pursuant to KRS Chapter 13B.

(c) If the order of the board is adverse to the dialysis technician training program, the board may impose the following costs:

1. The cost of the stenographic services;
2. The cost of any expert witness, including travel;
3. Travel for other witnesses;
4. Document reproduction costs; and
5. The cost of the hearing officer which shall be $400 per day.

(5)

(a) The dialysis technician training program that has been closed shall assist a currently enrolled student to transfer to an approved dialysis technician training program.

(b) A dialysis technician training program that fails to assist students as required in this subsection shall be ineligible for reinstatement for at least one (1) year.

AUDRIA DENKER, President

APPROVED BY AGENCY: February 26, 2026

FILED WITH LRC: March 10, 2026 at 10:05 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 26, 2026, at 10:00 AM at Kentucky Board of Nursing, 312 Whittington Parkway, Ste 300, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by May 19, 2026, 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 May 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 or submit a comment at: https://secure.kentucky.gov/formservices/Nursing/PendReg.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing. 312 Whittington Parkway, Suite 300, Louisville, KY 40222. (502) 338-2851, Jeffrey.Prather@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Prather
Subject Headings: Nursing, Health and Medical Services, Education: Vocational and Technical, Licensing

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for continued approval of dialysis technician (DT) training programs.
(b) The necessity of this administrative regulation: This regulation is necessitated by KRS 314.137(2).
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the content of KRS 314.137(2) by establishing standards for DT training programs.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in the effective administration of KRS 314.021 and 314.137(2), by establishing standards for DT training programs.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment provides that a DT training program to notify the board of a Centers for Medicaid and Medicare Services (CMS) site visit within 90 days of the close of the visit, and the DT program will be required to file a report. If CMS finds deficiencies during the visit the DT program will be required to provide correspondence and reports from CMS related to the deficiencies; the program's plan of correction; and the DT training program's continued approval certification
(b) The necessity of the amendment to this administrative regulation: To streamline reporting processes when CMS does not find deficiencies during a site visit.
(c) How the amendment conforms to the content of the authorizing statutes: By establishing standards for DT training programs deficiency reporting.
(d) How the amendment will assist in the effective administration of the statutes: The regulation will assist in the effective administration of KRS 314.021 and 314.137(2), by streamlining continued approval reporting requirements, yet maintain the standards for DT training programs.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, it does not implement legislation from the last five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: DT training programs. There are currently six in the Commonwealth of Kentucky.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: None.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No additional cost.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The DT training programs will spend less time, effort, and expense reporting site visits when no deficiencies were found.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional cost.
(b) On a continuing basis: 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: Agency 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: No fee increase nor funding increase will be required.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not directly or indirectly increase fees.
(10) TIERING: Is tiering applied? Tiering is not applicable.

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 Kentucky Board of Nursing.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This regulation is authorized by KRS 314.131 and 314.137(2).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Dialysis Technicians.
(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: There will not be a fiscal impact on the entities.
(b) Methodology and resources used to reach this conclusion: None.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There will not be a major economic impact.
(b) The methodology and resources used to reach this conclusion: None.

BOARDS AND COMMISSIONS
Board of Emergency Medical Services
(Amendment)

202 KAR 7:801. Medical directors.

RELATES TO: KRS 311A.025, 311A.055, 311A.125, 311A.130, 311A.170, 311A.175, 311A.180

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.180

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.025 requires the board to promulgate administrative regulations relating to EMS medical directors. This administrative regulation establishes requirements for EMS medical directors.

Section 1. Existing Medical Directors Exempt from Initial Certification. A medical director who was approved by the board on or before October 1, 2026, shall be deemed to hold an initial medical director certification and shall not be required to apply for initial certification as an Agency Medical Director or EMS-TEI Primary Medical Director under sections 2 or 7 of this administrative regulation.

Section 2.[~~Section 1.~~] Agency[~~EMS~~] Medical Director Certification Requirements.

(1) An individual desiring initial certification as an Agency Medical Director[~~EMS medical directors~~] shall:

(a) Hold a current, unrestricted license to practice medicine in Kentucky as a physician;[~~and~~]

(b) Satisfy one of the following:

1. Be certified in Emergency Medical Services (EMS) by the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM);

2. Be certified in emergency medicine by the ABEM or AOBEM and successfully complete the board-approved Kentucky EMS Medical Director Introductory Course; or

3. Be certified in any specialty by the American Board of Medical Specialties (ABMS), the American Board of Physician Specialties (ABPS), or the American Osteopathic Association (AOA) and:

a. Successfully complete the board-approved Kentucky EMS Medical Director Full Course; and

b. Hold and maintain current provider certification in:

(i) Advanced Trauma Life Support (ATLS);

(ii) Advanced Cardiovascular Life Support (ACLS), through either American Heart Association or the American Safety and Health Institute (ASHI); and

(iii) Pediatric Advanced Life Support or Pediatric Education for Prehospital Professionals (PEPP);

(c) Submit a completed EMS Medical Director application in KEMSIS; and

(d) Pay the fee required for certification pursuant to 202 KAR 7:030.

[~~(b)~~] [~~Have knowledge of EMS laws and administrative regulations in Kentucky.~~]

[~~(2)~~] [~~Medical directors for an ALS provider shall meet the requirements of subsection (1) of this section; and either:~~]

[~~(a)~~] [~~Be board-certified in emergency medicine by the American Board of Medical Specialties or the American Association of Physician Specialists; or~~]

[~~(b)~~] [~~Hold current provider certification in:~~]

[~~1.~~] [~~ATLS;~~]

[~~2.~~] [~~ACLS, through either the AHA or the ASHI; and~~]

[~~3.~~] [~~Pediatric ALS or PEPP.~~]

[~~(3)~~] [~~Medical directors for a BLS provider shall meet the requirements of subsection (1) of this section, and either:~~]

[~~(a)~~] [~~Be board-certified in emergency medicine by the American Board of Medical Specialties or the American Association of Physician Specialists; or~~]

[~~(b)~~] [~~Hold current provider certification in:~~]

[~~1.~~] [~~ATLS, BTLS, or Prehospital Trauma Life Support;~~]

[~~2.~~] [~~ACLS, through either the AHA or the ASHI; and~~]

[~~3.~~] [~~Pediatric ALS or PEPP.~~]

(2)[~~(4)~~] A physician applying to become an Agency Medical Director[~~a medical director~~]may request a waiver for up to twelve (12) months [~~from the date the physician is approved by the board~~]to acquire the certifications under[~~as required in~~] subsection (1)(b)3.b.[~~(2)(b) or (3)~~] of this section.

[~~(5)~~] [~~A physician operating under a one (1) year waiver may request an additional one (1) year extension at which time the KBEMS office shall assign a staff member to work with the EMS medical director to locate any training needed to obtain missing credentials or to work with the provider to find an alternate EMS medical director who meets the requirements of this administrative regulation.~~]

Section 3. Renewal of Agency Medical Director Certification and Continuing Education Requirements. An Agency Medical Director shall be eligible for certification renewal if the applicant:

(1) Submits a completed EMS Medical Director application in KEMSIS;

(2) Pays the renewal fee pursuant to 202 KAR 7:030;

(3) Submits evidence of current, unrestricted licensure to practice medicine in Kentucky as a physician;

(4) Maintains evidence of successful completion of at least sixteen (16) hours of continuing education consisting of the following:

(a) A board-approved medical director update;

(b) At least eight (8) hours of providing EMS education for agencies or providers; and

(c) At least four (4) hours of EMS continuing education or other equivalent American Medical Association Physician's Recognition Award program (AMA PRA Category 1) or Continuing Education Unit (CEU) in emergency medicine; and

(5) If certified pursuant to section 2(1)(b)3. of this administrative regulation, submits evidence of current certification in:

(a) ATLS;

(b) ACLS, through either the AHA or the ASHI; and

(c) Pediatric ALS or PEPP; or

(6) If exempt from initial certification pursuant to section 1 of this administrative regulation, submits evidence of:

(a) Current certification in Emergency Medical Services (EMS) by the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM);

(b) . Current certification in emergency medicine by the ABEM or AOBEM and successful completion of the board-approved Kentucky EMS Medical Director Introductory Course; or

(c) Current certification in:

1. ATLS;

2. ACLS, through either the AHA or the ASHI; and

3. Pediatric ALS or PEPP.

Section 4.[~~Section 2.~~] Agency[~~EMS~~] Medical Director Responsibilities. Agency Medical Directors[~~EMS medical directors~~] shall function under terms of employment or a contractual agreement that specifically address the responsibilities of the medical director and the employer or the contractor responsibilities for the following topics:

(1) Establishing medical protocols and standing orders for communications and patient care personnel;

(2) Serving as a liaison with the local medical community;

(3) Interacting with regional, state, and local EMS authorities on issues relating to EMS standards, needs and requirements and the optimization of resource utilization;

(4) Maintaining continuing education appropriate for the Agency Medical Director[~~EMS medical director~~], administrative staff, communication and patient care personnel;

(5) Restricting or limiting patient care functions of staff;

(6) Establishing patient destination policies;

(7) Establishing initial qualification of personnel involved in patient care and dispatch; and

(8) Developing, implementing, and maintaining a quality improvement program for continuous system and patient care improvement;[~~.~~]

(9) Developing, implementing, and maintaining credentialing of personnel who provide patient care; and

(10) Developing on-line medical control policies.

Section 5. Associate Medical Director Certification.

(1) An individual desiring initial certification as an Associate Medical Director shall:

(a) Be a physician that meets the requirements of section 1 of this administrative regulation or hold a current, unrestricted license to practice medicine in Kentucky as a nurse practitioner (NP) or physician assistant (PA);

(b) Successfully complete the board-approved Kentucky EMS Medical Director Introduction Course;

(c) Hold and maintain current provider certification in:

1. ATLS;

2. ACLS, through either AHA or the ASHI; and

3. Pediatric ALS or PEPP;

(d) Submit a completed EMS Medical Director application in KEMSIS; and

(e) Pay the fee required for certification pursuant to 202 KAR 7:030.

(2) Associate medical directors shall only function under the supervision and authority of the agency's board-certified Agency Medical Director.

(3) If approved by the Agency Medical Director, an associate medical director may serve as on-line medical control for an agency with which the associate medical director is affiliated.

Section 6. Renewal of Associate Medical Director Certification and Continuing Education Requirements. An associate medical director shall be eligible for certification renewal if the applicant:

(1) Submits a completed EMS Medical Director application in KEMSIS;

(2) Pays the fee required for certification renewal pursuant to 202 KAR 7:030;

(3) Submits evidence of current, unrestricted licensure to practice medicine in Kentucky as a nurse practitioner (NP) or physician assistant (PA); and

(4) Maintains evidence of successful completion of at least sixteen (16) hours of continuing education consisting of the following:

(a) A board-approved medical director update;

(b) At least eight (8) hours of providing EMS education for agencies or providers; and

(c) At least four (4) hours of EMS continuing education or other equivalent American Medical Association Physician's Recognition Award program (AMA PRA Category 1) or Continuing Education Unit (CEU) in emergency medicine.

Section 7. EMS-TEI Primary Medical Director Certification Requirements. An individual desiring initial certification as an EMS-TEI Primary Medical Director shall:

(1) Hold a current, unrestricted license to practice medicine in Kentucky as a physician;

(2) Satisfy one of the following:

(a) Be a board-certified EMS Medical Director;

(b) Be certified in Emergency Medical Services (EMS) by the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM);

(c) . Be certified in emergency medicine by the American Board of Medical Specialties (ABMS), the American Association of Physician Specialists (AAPS), the ABEM, or the AOBEM; or

(d) . Be certified in any specialty by the ABMS, the American Board of Physician Specialties (ABPS), or the American Osteopathic Association (AOA) with evidence of training or experience in the delivery of emergency care, including the proper care and transport of patients, medical direction, and quality improvement in out-of-hospital care;

(3) Successfully complete the board-approved EMS-TEI Medical Director Course;

(4) Submit a completed EMS Medical Director application in KEMSIS; and

(5) Pay the fee required for certification pursuant to 202 KAR 7:030.

Section 8. EMS-TEI Associate Medical Director Certification Requirements. An individual desiring initial certification as an EMS-TEI Associate Medical Director shall:

(1) Hold a current, unrestricted license to practice medicine in Kentucky as a physician;

(2) Successfully complete the board-approved EMS-TEI Medical Director Course;

(3) Have training or experience in the delivery of emergency care, including the proper care and transport of patients, medical direction, and quality improvement in out-of-hospital care;

(4) Submit a completed EMS Medical Director application in KEMSIS; and

(5) Pay the fee required for certification pursuant to 202 KAR 7:030.

Section 9. EMS-TEI Assistant Medical Director Certification Requirements. An individual desiring initial certification as an EMS-TEI Assistant Medical Director shall:

(1) Hold a current, unrestricted license to practice medicine as a physician in the state where the EMS-TEI program's students are participating in clinical rotations, field experience, or a capstone field internship;

(2) Successfully complete the board-approved EMS-TEI Medical Director Course;

(3) Have training or experience in the delivery of emergency care, including the proper care and transport of patients, medical direction, and quality improvement in out-of-hospital care;

(4) Submit a completed EMS Medical Director application in KEMSIS; and

(5) Pay the fee required for certification pursuant to 202 KAR 7:030.

Section 10. Renewal of EMS-TEI Primary Medical Director, EMS-TEI Associate Medical Director, and EMS-TEI Assistant Medical Director Certifications. An EMS-TEI Primary Medical Director, EMS-TEI Associate Medical Director, or EMS-TEI Assistant Medical Director shall be eligible for certification renewal if the applicant:

(1) Submits a completed EMS Medical Director application in KEMSIS;

(2) Pays the renewal fee pursuant to 202 KAR 7:030;

(3) If exempt from initial certification pursuant to section 1 of this administrative regulation, maintain evidence of successful completion of the board-approved EMS-TEI Medical Director Course; and

(4) Submits evidence of current, unrestricted licensure to practice medicine as a physician in Kentucky; or

(5) If certified as an EMS-TEI Assistant Medical Director pursuant to section 8 of this administrative regulation, submits evidence of current, unrestricted licensure to practice medicine in the state where the EMS-TEI program students are participating in clinical rotations, field experience, or a capstone field internship.

Section 11. Expiration of Certifications.

(1) All certifications issued pursuant to this administrative regulation shall:

(a) Be valid for a period of two (2) years upon renewal; and

(b) Expire on April 30 of the second year from its initial issuance.

(2) An initial certification issued to an existing medical director pursuant to section 1 of this administrative regulation shall expire on April 30, 2028.

Section 12. Certification and Continuing Education Validation and Audits.

(1) The board office may audit a medical director's continuing education record and certifications. The medical director shall submit the documentation requested within ten (10) business days of receipt of the board office's request.

(2) If documentation of certifications or continuing education hours consistent with this administrative regulation are not received using the board-approved submission process within ten (10) business days upon receipt of the board's request, the medical director's certification shall be deemed to have lapsed and the individual shall reapply for certification, if eligible.

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

(4) Each medical director shall maintain documentation of all required certifications and all continuing education for three (3) years from the date of completion.

Section 13. Public Notice of Negative Action. The board office shall cause to be published on the board website the name of any person certified pursuant to this administrative regulation who:

(1) Is fined;

(2) Is placed on probationary status;

(3) Is placed on restricted status;

(4) Is suspended; or

(5) Has had his or her certification revoked.

Section 14. Incorporation by Reference.

(1) The following material is incorporated by reference: "EMS Medical Director" application in KEMSIS, August 2025.

(2) This material may be inspected, obtained, or copied, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, by appointment, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available at kemsis.ky.gov.

[~~Section 3.~~] [~~The board may revoke the authorization for a physician to serve as an EMS medical director.~~]

JOHN R. HOLDER, Board Chair

APPROVED BY AGENCY: February 12, 2026

FILED WITH LRC: March 9, 2026 at 3:11 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 27, 2026, at 1:00 PM ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing 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 May 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: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood

Subject Headings: Emergency Medical Services, Health and Medical Services, Licensing, Physicians and Practitioners

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.025(1) authorizes the Board to create appropriate levels of certification or licensure, which may include certification or licensure of EMS medical directors. KRS 311A.025(3) provides that the Board may authorize a physician licensed in Kentucky to serve as an EMS medical director if the physician meets the requirements specified by the Board by administrative regulation. This administrative regulation establishes requirements for EMS medical directors, including certification requirements.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to regulate EMS medical directors.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311A.025(1) authorizes the Board to create appropriate levels of certification or licensure, which may include certification or licensure of EMS medical directors. KRS 311A.025(3) provides that the Board may authorize a physician licensed in Kentucky to serve as an EMS medical director if the physician meets the requirements specified by the Board by administrative regulation. This administrative regulation conforms to the content of KRS 311A.025 by establishing requirements for EMS medical directors.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists and will assist in the effective administration of KRS 311A.025 by establishing requirements for EMS medical directors.

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

(a) How the amendment will change this existing administrative regulation: This amendment establishes five (5) EMS medical director certifications: (1) Agency Medical Director, (2) Associate Medical Director, (3) EMS-TEI Primary Medical Director, (4) EMS-TEI Associate Medical Director, and (5) EMS-TEI Assistant Medical Director. This amendment further establishes certification expiration dates and renewal requirements, and requires the Board to publish notice of any disciplinary sanction imposed against an EMS medical director. Finally, this amendment exempts EMS medical directors who were approved by the Board prior to October 1, 2026, from the initial certification requirements added by this amendment.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish certifications for EMS medical directors, which will permit the Board to better regulate EMS medical directors. For example, establishing EMS medical director certifications enables the Board to establish and clarify different roles and responsibilities, to address misconduct through the Board's disciplinary process, and to ensure that physicians in EMS medical director roles are qualified to oversee the provision of pre-hospital care.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.025 by establishing certifications and requirements for EMS medical directors.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists and will assist in the effective administration of KRS 311A.025 by establishing certifications and requirements for EMS medical directors.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All ambulance services, medical first response agencies, EMS Training and Education Institutions (EMS-TEIs), and EMS medical directors.

(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: Ambulance services, medical first response agencies, and EMS-TEIs will be required to ensure that their medical directors are appropriately certified. EMS medical directors approved by the Board prior to October 1, 2026, will be required to renew their certifications by April 30, 2028, and meet the renewal requirements. EMS medical directors will be required to complete the educational courses as set forth in this amendment. Agency Medical Directors and Associate Medical Directors will be required to complete at least 16 hours of continuing education to be eligible for certification renewal.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): To satisfy the four (4) hours of continuing education requirement for renewal of an Agency Medical Director or Associate Medical Director certification, the Board estimates that each hour will costs no more than $50, for a total of up to $200 per medical director every two (2) years.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Ambulance services, medical first response agencies, and EMS-TEIs will benefit from having the assurance that their medical directors are qualified to oversee the provision of pre-hospital care. EMS medical directors will benefit from the clarified roles, responsibilities, and necessary qualifications for medical directors. Agency Medical Directors and Associate Medical Directors will benefit by obtaining continuing education upon certification renewal.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.
(b) On a continuing basis: Other than administrative costs, there will be no costs to the Board in implementing 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 Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.
(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 funding will be necessary to implement this administrative regulation. No increase in fees will initially be necessary to implement this administrative regulation. However, initial certification and renewal fees may be established in 202 KAR 7:030 in the future.
(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. Initial certification and renewal fees are not currently established in 202 KAR 7:030, but may be included in a future amendment to that regulation.
(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to EMS medical directors.

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 311A.025(1) authorizes the Board to create appropriate levels of certification or licensure, which may include certification or licensure of EMS medical directors. KRS 311A.025(3) provides that the Board may authorize a physician licensed in Kentucky to serve as an EMS medical director if the physician meets the requirements specified by the Board by administrative regulation. This administrative regulation establishes requirements for EMS medical directors, including certification requirements.
(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 311A.025, which was last amended in 2022 Ky. Acts ch. 126, sec. 3.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by Kentucky Board of Emergency Medical Services.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Ambulance services and medical first response agencies.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: To satisfy the four (4) hours of continuing education requirement for renewal of an Agency Medical Director or Associate Medical Director certification, the Board estimates that each hour will costs no more than $50, for a total of up to $200 per medical director every two (2) years.
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): EMS-TEIs.
(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: To satisfy the four (4) hours of continuing education requirement for renewal of an Agency Medical Director or Associate Medical Director certification, the Board estimates that each hour will costs no more than $50, for a total of up to $200 per medical director every two (2) years.
(b) Methodology and resources used to reach this conclusion: The foregoing estimate is based on the costs of typical EMS continuing education courses.
(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.
(b) The methodology and resources used to reach this conclusion: To satisfy the four (4) hours of continuing education requirement for renewal of an Agency Medical Director or Associate Medical Director certification, the Board estimates that each hour will cost no more than $50, for a total of up to $200 per medical director every two (2) years. Currently, there are approximately 150 board-approved EMS medical directors in Kentucky. Accordingly, the aggregate continuing education costs for all medical directors over a two-year period is approximately $30,000.

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
Parole Board
(Amendment)

501 KAR 1:030. Determining parole eligibility.

RELATES TO: KRS 49.480, 119.025, 197.410(2), 439.340, 439.3401, 439.563, 532.043, 532.060, 532.080, 640.080
STATUTORY AUTHORITY: KRS 439.340(3)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 439.340(3) requires the Kentucky Parole Board to promulgate administrative regulations with respect to eligibility of prisoners for parole. This administrative regulation establishes the criteria for determining parole eligibility.

Section 1. Definitions.

(1) "Board" is defined by KRS 439.250(5).

(2) "Deferment" means a decision by the board that an inmate shall serve a specific number of months before further parole consideration.

(3) "Detainer" means a document issued or made by a legal authority, authorizing the keeper of a prison or jail to keep the person named in the document in custody.

(4) "Parole" means the release of an inmate with a signed parole certificate to:

(a) The community prior to the expiration of his sentence, subject to conditions imposed by the board and subject to its supervision; or

(b) Answer the detainer.

(5) "Parole eligibility date" means the date set by the board for conducting parole hearings at the location designated for an inmate's parole release hearing to take place during the month the inmate becomes eligible for parole.

(6) "Parole recommendation" means a decision of the board that an inmate may be released from incarceration prior to the expiration of his sentence.

(7) "Parole for violent offender" is defined in KRS 439.3401.

(8) "Physical injury" is defined in KRS 500.080(17)[~~500.080(13)~~].

(9) "Serious physical injury" is defined in KRS 500.080(19)[~~500.080(15)~~].

(10) "Serve-out", "SOT", or "serve-out-time" means a decision of the board that an inmate shall serve until the completion of his sentence.

(11) "SOTP" means Sex Offender Treatment Program.

Section 2. Ineligibility.

(1) An eligible sex offender, as defined in KRS 197.410(2), convicted prior to July 15, 1998 shall not be eligible for a parole consideration hearing unless:

(a) He has been denied entrance into the SOTP[~~Sex Offender Treatment Program~~];

(b) He has been terminated from the SOTP; or

(c) He has successfully completed the SOTP.

(2) On or after July 15, 1998, a sex offender's eligibility shall be governed by KRS 197.045(4).

(3) On or after July 15, 1998, a person confined to a state penal institution or county jail as a result of the revocation of his postincarceration supervision [~~by the court~~]pursuant to KRS 532.043 and 532.060 shall not be eligible for parole consideration.

(4) If an inmate is within ninety (90)[~~sixty (60)~~] days of being released by minimum expiration, administrative release, or maximum expiration at the time of his next scheduled parole hearing, the inmate shall not be eligible for parole.

Section 3. Parole Eligibility.

(1) Initial parole review. Except as provided by Section 2 of this administrative regulation, a person confined to a state penal institution or county jail shall have his case reviewed by the board, in accordance with the following schedules:

(a) A nonviolent offender convicted of a Class D felony with an aggregate sentence of one (1) to five (5) years shall have his or her case reviewed by the Parole Board upon reaching his or her parole eligibility date as established in KRS 439.340(3)(a).

(b) For a felony offense committed prior to December 3, 1980:

Sentence Being Served	Time Service Required Before First Review (Minus Jail Credit)
1 year	4 months
More than 1 year and less than 18 months	5 months
18 months up to and including 2 years	6 months
More than 2 years and less than 2 1/2 years	7 months
2 1/2 years up to 3 years	8 months
3 years	10 months
More than 3 years, up to and including 9 years	1 year
More than 9 years, up to and including 15 years	2 years
More than 15 years, up to and including 21 years	4 years
More than 21 years, up to and including life	6 years

(c) For a felony offense committed after December 3, 1980:

Sentence Being Served	Time Service Required Before First Review (Minus Jail Credit)
1 year, up to but not including 2 years	4 months
2 years, up to and including 39 years	20% of sentence received
More than 39 years, up to and including life	8 years
Persistent felony offender I in conjunction with a Class A, B, or C felony	10 years

(d) For any crime, committed on or after July 15, 1986, but prior to July 15, 1998, which is a capital offense, Class A felony, or Class B felony where the elements of the offense or the judgment of the court demonstrate that the offense involved death or serious physical injury to the victim or Rape 1 or Sodomy 1:

Sentences of a number of years	50% of the sentence received or 12 years, whichever is less
Sentence of life	12 years

(e) For a crime:

1. Committed on or after July 15, 1998, which is a capital offense, Class A felony, or Class B felony where the elements of the offense or the judgment of the court demonstrate that the offense involved death or serious physical injury to the victim or Rape 1 or Sodomy 1;

2. Committed on or after July 15, 2002, which is:

a. Burglary in the first degree accompanied by the commission or attempted commission of a felony sexual offense in KRS Chapter 510;

b. Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;

c. Burglary in the first degree accompanied by commission or attempted commission of kidnapping as prohibited by KRS 509.040; or

d. Robbery in the first degree;

3. Committed on or after July 12, 2006, which is:

a. A capital offense;

b. Class A felony;

c. Complicity to a Class A felony;

d. Class B felony involving the death of the victim or serious physical injury to a victim;

e. The commission or attempted commission of a Class A or B felony sex offense in KRS Chapter 510;

f. The use of a minor in a sexual performance as described in KRS 531.310(2)(b) and 531.310(2)(c);

g. Promoting a sexual performance by a minor as described in KRS 531.320(2)(b) and 531.320(2)(c);

h. Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a) when the minor is less than sixteen (16) years old or if the minor incurs physical injury;

i. Promoting prostitution in the first degree as described in KRS 529.030(1)(a) when the minor is less than sixteen (16) years old or if the minor incurs physical injury;

j. Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;

k. Burglary in the first degree accompanied by the commission or attempted commission of kidnapping as prohibited by KRS 509.040; or

l. Robbery in the first degree; or

4. Committed on or after June 26, 2007, which is:

a. A capital offense;

b. Class A felony;

c. Complicity to a Class A felony;

d. Class B felony involving the death of the victim or serious physical injury to a victim;

e. The commission or attempted commission of a Class A or B felony sex offense in KRS Chapter 510;

f. The use of a minor in a sexual performance as described in KRS 531.310(2)(b) and 531.310(2)(c);

g. Promoting a sexual performance by a minor as described in KRS 531.320(2)(b) and 531.320(2)(c);

h. Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a) when the minor is less than sixteen (16) years old or if the minor incurs physical injury;

i. Human trafficking as described in KRS 529.010(5)(b) when the victim is a minor;

j. Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;

k. Burglary in the first degree accompanied by the commission or attempted commission of kidnapping as prohibited by KRS 509.040; or

l. Robbery in the first degree:

Sentences of a number of years	85% of sentence received or 20 years, whichever is less
Sentences of life	20 years

5. Committed on or after June 25, 2013, including:

a. Manslaughter under KRS 507.040 or Reckless Homicide under KRS 507.050 where a clearly identifiable peace officer or firefighter is killed in the line of duty:

Sentence Being Served	At least 85% of the sentence imposed

b. Manslaughter under KRS 507.040 or Reckless Homicide under KRS 507.050 where a peace officer or firefighter is killed in the line of duty:

Sentence Being Served	At least 50% of the sentence imposed

6. Committed on or after March 25, 2015, but prior to June 29, 2017, including:

a. Importing Heroin, under KRS 218A.1410;

b. Trafficking in Controlled Substance – Heroin under KRS 218A.1412(3)(c);

c. Aggravated Trafficking – Heroin under KRS 218A.142; or

d. Homicide or Fetal Homicide under KRS 507 or 507A due to overdose, under KRS 439.3401(3)(d):

Sentence Being Served	At least 50% of the sentence imposed

7. Committed on or after June 29, 2017, but prior to July 14, 2022, including:

a. Importing Heroin, Carfentanil, Fentanyl, or Fentanyl Derivatives under KRS 218A.1410;

b. Trafficking in Controlled Substance under KRS 218A.1412(3)(b)(2)(a);

c. Trafficking in Controlled Substance under KRS 218A.1412(3)(c); or

d. Aggravated Trafficking in Controlled Substance under KRS 218A.142:

Sentence Being Served	At least 50% of the sentence imposed

8. Committed on or after July 14, 2018, including:

a. Criminal Gang Syndicate under KRS 506.120;

b. Enhancement of Criminal Gang-Related Felonies under KRS 506.170; or

c. Criminal Attempt to Commit Murder of a Peace Officer or Firefighter under KRS 439.3401:

Sentence Being Served	At least 85% of the sentence imposed

9. Committed on or after June 27, 2019, including:

a. Manslaughter under KRS 507.040 or Reckless Homicide under KRS 507.050 where a clearly identifiable emergency medical services personnel is killed in the line of duty; or

b. Class B Criminal Attempt to Commit Murder where a clearly identifiable emergency medical services personnel is acting in the line of duty, regardless of whether injury occurs:

Sentence Being Served	At least 85% of the sentence imposed

c. Manslaughter under KRS 507.040 or Reckless Homicide under KRS 507.050 where an emergency medical services personnel is killed in the line of duty:

Sentence Being Served	At least 50% of the sentence imposed

10. Committed on or after July 14, 2022, including:

a. Class A or Class B Incest under KRS 530.020(2)(b) or (c);

b. Importing Carfentanil, Fentanyl, or Fentanyl Derivatives under KRS 218A.1410; or

c. Aggravated Trafficking in Controlled Substance under KRS 218A.142:

Sentence Being Served	At least 85% of the sentence imposed

d. Aggravated Trafficking in Heroin under KRS 218A.142:

Sentence Being Served	At least 50% of the sentence imposed

9. Committed on or after July 15, 2024, which is:

a. Commission or attempted commission of a Capital offense or Class A felony;

b. A felony involving the death or serious physical injury to a victim;

c. Burglary 1st Degree under KRS 511.020 if a person other than a participant in the crime was present in the building during commission of the offense;

d. Robbery 2nd Degree under KRS 515.030;

e. Arson 1st Degree under KRS 513.020;

f. Strangulation 1st Degree under KRS 508.170;

g. Carjacking under KRS 515.040;

h. Class C Promoting Contraband 1st Degree under KRS 520.050.

i. Wanton Endangerment 1st Degree under KRS 508.060 involving the discharge of a firearm; or

j. Distribution of matter portraying a sexual performance by a minor under KRS 531.340:

Sentence Being Served	At least 85% of the sentence imposed

(f) For an individual serving multiple sentences, if one (1) or more of the crimes resulted in a conviction committed under paragraph (e) of this subsection and one (1) or more of the crimes resulted in a conviction committed under paragraph (c) of this subsection, parole eligibility shall be calculated by applying the parole eligibility criteria in effect at the time the most recent crime was committed.

(2) Subsequent parole review. Except as provided in KRS 439.340(14):

(a) After the initial review for parole, a subsequent review, during confinement, shall be at the discretion of the board; and

(b) The board, at the initial or a subsequent review, may order a serve-out on a sentence.

(3) Parole review with new felony conviction.

(a) If a confined prisoner is sentenced for a felony committed prior to the date of his current incarceration, he has not been discharged since his original admission, and if this new conviction will be served consecutively, the sentence received for the latter conviction shall be added to the sentence currently being served to determine his parole eligibility.

(b)

1. If a confined prisoner is a returned parole violator who receives an additional consecutive sentence, his parole eligibility shall be set on the length on the new sentence only, beginning from the date of his final sentencing, unless the board has previously set a new parole eligibility date.

2. If the board has previously set a new parole eligibility date, the parole eligibility date shall be the date which last occurs.

(c) If parole is recommended, and a confined prisoner receives an additional sentence after board consideration, but before his release:

1. The recommendation of parole shall automatically be voided; and

2. The new parole eligibility date shall be set based upon the date of original admission on the aggregate sentences.

(4) Parole review for crimes committed while in an institution or while on escape. If an inmate commits a crime while confined in an institution or while on an escape and receives a concurrent or consecutive sentence for this crime, eligibility time towards parole consideration on the latter sentence shall not begin to accrue until he becomes eligible for parole on his original sentence. This shall include a life sentence.

(a) Except as provided by paragraph (b) of this subsection, in determining parole eligibility for an inmate who receives a sentence for an escape, a sentence for a crime committed while in the institution, or on a sentence for a crime committed while on an escape, the total parole eligibility shall be set by adding the following, regardless of whether the sentences are ordered to run concurrently or consecutively:

1. The amount of time to be served for parole eligibility on the original sentence;

2. If the inmate has an additional sentence for escape, the amount of time to be served for parole eligibility on the additional sentence for the escape;

3. If the inmate has an additional sentence for a crime committed while in the institution, the amount of time to be served for parole eligibility on the additional sentence for the crime committed while in the institution; and

4. If the inmate has an additional sentence for a crime committed while on escape, the amount of time to be served for parole eligibility on the additional sentence for the crime committed while on escape.

(b) If the board has previously set a parole eligibility date for an inmate described in paragraph (a) of this subsection, and that date is later than that set under paragraph (a) of this subsection, the later date shall be the parole eligibility date.

(c)

1. Except as provided by paragraph (b) of this subsection, if a confined prisoner who has previously met the board is given a deferment, escapes during the period of the deferment, and returns from that escape without a new sentence for the escape, the time out on the escape shall be added to the original deferment date to arrive at the new adjusted date.

2.

a. If the prisoner later receives a sentence for the escape, the previous deferment shall be automatically voided and the new parole eligibility date shall be set based on the new sentence beginning from the date of sentencing for the new sentence, unless the deferment date set by the board is a later date than that set based on the new sentence.

b. If the deferment date set by the board is a later date, the parole eligibility date shall be the date which last occurs.

(d) If an inmate receives a serve-out or deferment on his original sentence prior to receiving an additional sentence for escape[~~sentence~~] or a sentence for a crime committed while on escape or while confined in an institution, his parole eligibility date shall be set from the date of his new sentence or from the date previously set by the board, whichever occurs last.

(e) If an inmate receives a parole recommendation but escapes prior to being released, the parole recommendation shall be void. Upon return to a state institution, the board shall, as soon as possible, conduct a file review and set or fix his parole eligibility date. If the board so determines it may conduct a face-to-face hearing with this person at the institution with a three (3) member panel.

(5) Parole reviews for persons on shock probation or on prerelease probation. If a person is shock probated, or on prerelease probation, and is later returned to the institution as a shock probation violator or prerelease probation violator, his new parole eligibility shall be calculated by adding the period of time the inmate is on shock probation or prerelease probation to his original parole eligibility date.

(a) If a person on shock probation or prerelease probation is returned to the institution with a new consecutive sentence acquired while on shock probation or prerelease probation, he shall be eligible for a parole hearing if he has reached parole eligibility on the aggregate of the two (2) sentences. The time served toward parole eligibility prior to discharge by shock probation or prerelease probation shall be included as part of the total period of time to be served for parole eligibility on the aggregate sentences. The time spent out on shock probation or prerelease probation shall not be included as part of the total period of time to be served for parole eligibility.

(b) If a person on parole is returned to the institution, has received a new sentence for a crime committed while on parole, and is probated or shock probated on the new sentence, the board shall, as soon as possible, conduct a file review and set or fix his parole eligibility date. If the board so determines, it may conduct a face-to-face hearing with this person at the institution with a panel of at least three (3)[~~two (2)~~] members.

Section 4. Emergency Authority. If the Commissioner of the Department of Corrections gives notice to the board of a need to relieve state prison or local jail overpopulation, the board may authorize the Commissioner to release one (1) or more persons who have been granted parole but who remain in custody solely to meet the time service requirements of this administrative regulation, if:

(1) Sixty (60) or fewer days remain between the date of the actual release and the date on which the inmate would otherwise be physically released on parole;

(2) The release would not result in a violation of a statutorily set minimum service of time requirement, including that set out for violent offenders under KRS 439.3401; and

(3) All other release requirements, including victim notification and re-entry planning, are completed.

The Chairperson of the Kentucky Parole Board, with the authorization and approval of a majority of the members of the Kentucky Parole Board, hereby approves the amendment of the regulation on behalf of the Kentucky Parole Board, as indicated by her signature below.

LADEIDRA N. JONES, Chairperson

APPROVED BY AGENCY: February 17, 2026

FILED WITH LRC: February 23, 2026 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation amendment shall be held May 26, 2026, at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing 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 until 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: 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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens
Subject Headings: Justice and Public Safety; Probation and Parole; Crimes and Punishments

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the criteria for determining parole eligibility.
(b) The necessity of this administrative regulation: To conform to the requirements of KRS 439.320, 439.340 and 439.3401.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 439.340(3) requires the Kentucky Parole Board to promulgate administrative regulations with respect to eligibility of prisoners for parole. This administrative regulation establishes the criteria for determining parole eligibility.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation provides direction and information to staff who assist the Kentucky Parole Board concerning eligibility requirements and managing parole review and to inmates concerning their parole eligibility.
(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 brings the regulation into conformity with the current statutes.
(b) The necessity of the amendment to this administrative regulation: It is necessary to bring the regulation into conformity with the current statutes.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment modifies the periods of time required for prisoners to serve before they are eligible for parole, to conform to the current statutes.
(d) How the amendment will assist in the effective administration of the statutes: The regulation provides direction and information to staff who assist the Kentucky Parole Board concerning eligibility requirements and managing parole review and to inmates concerning their parole eligibility.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, specifically, 22RS HB 215 and 24 RS HB 5.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects the Kentucky Parole Board members, the staff that assist the Board, offenders eligible for parole or on parole, members of the public that are victims of crime or that are affected by crime, and jails and prisons holding offenders already approved for parole.
(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: Parole Board members, staff that assist the Board, offenders, and jail or prison staff will have to follow the changes made in the amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No additional cost is anticipated as a result of the regulation, which is being amended to conform with statutory requirements.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The expedited release will assist jails and prisons with overpopulation.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional cost is anticipated as a result of the regulation, which is being amended to conform with statutory requirements.
(b) On a continuing basis: No additional cost is anticipated as a result of the regulation, which is being amended to conform with statutory requirements.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Budgeted 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: No increase in fees or funding is anticipated as a result of the regulation, which is being amended to conform with statutory requirements.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are created by this regulation amendment.
(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 439.340(3) requires the Kentucky Parole Board to promulgate administrative regulations with respect to eligibility of prisoners for parole. This administrative regulation establishes the criteria for determining parole eligibility.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 439.340(3) requires the Kentucky Parole Board to promulgate administrative regulations with respect to eligibility of prisoners for parole. This administrative regulation establishes the criteria for determining parole eligibility.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Parole Board, Department of Corrections, Justice and Public Safety Cabinet.
(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 are anticipated.
2. Revenues:
For the first year: No additional revenues are anticipated.
For subsequent years: No additional revenues are anticipated.
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 jails
(b) Estimate the following for each affected local entity identified in (4)(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 are anticipated.
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): Inmates in the custody of the Department of Corrections that are eligible for or on parole.
(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 are anticipated.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The regulation amendment will not have a fiscal impact.
(b) Methodology and resources used to reach this conclusion: This regulation amendment only conforms to changes made to the law by the state legislature, and therefore any impact is the result of statutory changes and not the regulation itself.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The regulation amendment will not have a "major economic impact."
(b) The methodology and resources used to reach this conclusion: This regulation amendment only conforms to changes made to the law by the state legislature, and therefore any impact is the result of statutory changes and not the regulation itself.

NEW ADMINISTRATIVE REGULATIONS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

OFFICE OF ATTORNEY GENERAL
Office of Consumer Protection
(Repealer)

40 KAR 2:201. Repeal of 40 KAR 2:200.

RELATES TO: KRS 365.420
STATUTORY AUTHORITY: KRS 15.180, 365.420(7), 367.150(4)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation repealer 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 365.420 requires the Attorney General to promulgate an administrative regulation to establish a permit application and inventory itemization form relating to going out of business, fire, removal and other KRS 365.415 sales. This administrative regulation repeals 40 KAR 2:200 which is unnecessary due to a companion amendment to 40 KAR 12:500 which adopts an updated going out of business, fire, removal and other KRS 365.415 sales application form.

Section 1. 40 KAR 2:200, Application for removal sale license form, is hereby repealed.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General
APPROVED BY AGENCY: February 20, 2026
FILED WITH LRC: February 24, 2026 at 1:04 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 21, 2026, at 11:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Office in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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: 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: 502-696-5481 fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General; County Clerks, Occupations and Professions; and Bonds

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation repeals 40 KAR 2:200.
(b) The necessity of this administrative regulation: This regulation is needed to repeal regulation 40 KAR 2:200.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 365.420 requires the Attorney General to promulgate an administrative regulation to establish a permit application and inventory itemization form relating to going out of business, fire, removal and other KRS 365.415 sales. Companion regulation amendments to 40 KAR 12:500 and 40 KAR 12:510 combine three (3) regulations into two (2) regulations to reduce the regulatory burden on regulated entities. 40 KAR 2:200 is no longer needed because of these companion amendments.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation reduces the regulatory burden on regulated entities by repealing an unneeded regulation: 40 KAR 2:200.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not Applicable.
(b) The necessity of the amendment to this administrative regulation: Not Applicable
(c) How the amendment conforms to the content of the authorizing statutes: Not Applicable
(d) How the amendment will assist in the effective administration of the statutes: Not Applicable
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The repealed regulation, 40 KAR 2:200, related to applicants seeking a going out of business sale or other KRS 365.415 licenses from county clerks. However, applicants and county clerks will not be affected by this administrative regulation repealer.
(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: County clerks and applicants for going out of business, fire, removal, and other KRS 365.415 sales licenses will not be required to take any action because of this administrative regulation repealer.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): County clerks and applicants will not incur any costs because of this administrative regulation repealer.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): County clerks and applicants will benefit from the lessening of their regulatory burden by the repeal of an unneeded administrative regulation.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation repealer.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation repealer.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing this administrative regulation repealer.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipated increase in fees or funding necessary to implement this administrative regulation repealer.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation repealer does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No. All regulated entities are treated equally by the repeal of 40 KAR 2:200.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15.180, 367.150(4), and 365.420.
(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 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 1966 Ky. Acts ch. 60, sec. 3.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The administrative regulation repealer does not affect any other state agencies.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There are no expenditures to administer this administrative regulation repealer for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation repealer in subsequent years.
2. Revenues:
For the first year: This administrative regulation repealer will generate no revenues to the Attorney General for the first year.
For subsequent years: This administrative regulation repealer will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: The administrative regulation repealer will result in no cost saving to the Attorney General for the first year.
For subsequent years: The administrative regulation repealer will result in no cost savings to the Attorney General in subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The repealed regulation, 40 KAR 2:200, related to county clerks who issued going out of business or other KRS 365.415 sales licenses. However, county clerks are not affected by this administrative regulation repealer.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: This administrative regulation repealer will not cause expenditures by any local entities for the first year.
For subsequent years: This administrative regulation repealer will not cause expenditures by any local entities in subsequent years.
2. Revenues:
For the first year: No local entities will receive any revenues from this administrative regulation repealer for the first year.
For subsequent years: No local entities will receive any revenues from this administrative regulation repealer in subsequent years.
3. Cost Savings:
For the first year: No local entities will receive any cost savings from this administrative regulation repealer for the first year.
For subsequent years: No local entities will receive any cost savings from this administrative regulation repealer in subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The repealed regulation, 40 KAR 2:200, related to applicants seeking a going out of business or other KRS 365.415 sales license from county clerks. However, applicants are not affected by this administrative regulation repealer.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation repealer will not cause any regulated entities to have any additional expenditures for the first year.
For subsequent years: This administrative regulation repealer will not cause any regulated entities to have any additional expenditures in subsequent years.
2. Revenues:
For the first year: No regulated entities will receive any revenues directly from this administrative regulation repealer for the first year.
For subsequent years: No regulated entities will receive any revenues directly from this administrative regulation repealer in subsequent years.
3. Cost Savings:
For the first year: No regulated entities will receive any cost savings directly from this administrative regulation repealer for the first year.
For subsequent years: No regulated entities will receive any cost savings in subsequent years.
(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: repealer: This administrative regulation repealer will have no fiscal impact. Companion regulation amendments to 40 KAR 12:500 and 40 KAR 12:510 combine three (3) regulations into two (2) regulations to reduce the regulatory burden on regulated businesses. 40 KAR 2:200 is no longer needed because of these companion amendments. The repealer does not affect county clerks, applicants, or any other governmental agencies or local governments. For these reasons, the repealer is not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There is not an expected "major economic impact" from this administrative regulation repealer for the Attorney General, any local government entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation repealer. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative regulation repealer.

OFFICE OF ATTORNEY GENERAL
Office of Regulatory Relief
(New Administrative Regulation)

40 KAR 12:441. 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 an online registration application, an online renewal application and a surety bond form to be used by health spas.

Section 1. Health Spa Registration Application.

(1) A health spa shall not offer health spa services or facilities at a specific location in the Commonwealth of Kentucky unless the Attorney General approves the health spa's registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the "Health Spa Registration Application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) When completing an online application, an applicant shall submit:

(a) Payment of the $100.00 registration fee;

(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky;

(c) Copies of all the applicant's membership contracts for all plans; and

(d) Unless exempted by KRS 367.906(4), a completed Health Spa Surety Bond, form HS-1.

(3)

(a) An applicant shall complete its application by submitting additional information or documents within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny an application if the applicant fails to timely complete the application by not paying the application fee or not providing requested information or required documents.

Section 2. Health Spa Renewal Application.

(1) An approved health spa registration or renewal shall be 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 for another annual period by submitting an online renewal application using the "Health Spa Registration Renewal Statement application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx, and submitting:

(a) Payment of the $50.00 registration renewal fee; and

(b) Unless exempted by KRS 367.906(4), a completed Health Spa Surety Bond, form HS-1, when a prior filed bond is not current or the bond amount is insufficient.

(3) A registrant shall complete its renewal application by submitting additional information or documents for its application within thirty (30) days of any request by the Attorney General. The Attorney General may deny a renewal application if a registrant fails to timely complete an application by not paying the renewal application fee or providing requested information or documents.

(4) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against the registrant.

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, any renewal application, or application attachments.

Section 4. Record Requests. A health spa shall make requested business records and documents 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 Statement application portal", Feb. 2026;

(b) "Health Spa Registration Renewal Statement application portal", Feb. 2026;

(c) "Health Spa Surety Bond", Form HS-1, Feb. 2026;

(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.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: March 12, 2026

FILED WITH LRC: March 12, 2026 at 2:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 21, 2026, at 1:00 p.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Office in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General; Occupations and Professions; and Bonds

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes an online registration statement application form, an online registration renewal statement application form and a surety bond form to be used by health spas.

(b) The necessity of this administrative regulation: This regulation is necessary since it allows the Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") to perform its statutory mandates. The regulation is needed so that health spas can comply with statutory requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law by law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.905 requires a health spa to file registration statement application and a renewal statement application to the Attorney General. KRS 367.906 requires the Attorney General to establish a surety bond form to be used by health spas.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the online registration statement application form, the online registration renewal statement form, and the surety bond form to be used by health spas.

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

(a) How the amendment will change this existing administrative regulation: Not Applicable
(b) The necessity of the amendment to this administrative regulation: Not Applicable
(c) How the amendment conforms to the content of the authorizing statutes: Not Applicable
(d) How the amendment will assist in the effective administration of the statutes: Not Applicable
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation amendment affects 184 registered health spas, approximately 15 new health spa applicants each year, and the Attorney General.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Registered and new health spas will be required to use the new online forms incorporated into this regulation. The Attorney General will review the completed online forms for compliance with law.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Registered and new health spas will have no additional costs. They will be able to use the online forms and download the bond form from the Attorney General's website at no cost. The Attorney General will have no additional costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation and online forms will allow health spas to register and renew registrations easily. The Attorney General will be able to process registrations and renewals without difficulty.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing this administrative regulation.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipated fee increases or funding necessary for this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly establish or increase any fees.
(10) TIERING: Is tiering applied? No. This administrative regulation applies equally to all health spas.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15.180, 367.150(4), 367.480, 367.484(5)
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 1988 Ky. Acts ch. 367, sec. 1.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division 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: There are no expenditures to administer this administrative regulation for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation in subsequent years.
2. Revenues:
For the first year: The administrative regulation will generate no revenues to the Attorney General in the first year. Registration fees referenced in the regulation are established by statute.
For subsequent years: The administrative regulation will generate no revenues to the Attorney General in subsequent years. Registration fees referenced in the regulation are established by statute.
3. Cost Savings:
For the first year: In the first year, the Attorney General will have cost savings from efficient and quicker processing of applications which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: In subsequent years, the Attorney General will have cost savings from efficient and quicker processing of applications which are difficult to estimate at this time but estimated to be de minimis.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation will not affect any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: This administrative regulation will not cause expenditures by local entities for the first year.
For subsequent years: This administrative regulation will not cause expenditures by local entities in subsequent years.
2. Revenues:
For the first year: Local entities will receive no revenues from this administrative regulation for the first year.
For subsequent years: Local entities will receive no revenues from this administrative regulation in subsequent years.
3. Cost Savings:
For the first year: Local entities will receive no cost savings from this administrative regulation for the first year.
For subsequent years: Local entities will receive no cost savings from this administrative regulation for subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Health spas will be affected by this administrative regulation.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation will not cause health spas to have additional expenditures for the first year.
For subsequent years: This administrative regulation will not cause health spas to have additional expenditures for subsequent years.
2. Revenues:
For the first year: Health spas will not receive any revenues directly from this administrative regulation for the first year.
For subsequent years: Health spas will not receive any revenues directly from this administrative regulation for subsequent years.
3. Cost Savings:
For the first year: For the first year, health spas will receive cost savings from quicker processing of applications. These cost savings are difficult to estimate at this time but are estimated to be de minimis.
For subsequent years: For subsequent years, health spas will receive cost savings from quicker processing of applications. These cost savings are difficult to estimate at this time but are estimated to be de minimis.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation will have no fiscal impact. The new regulation merely creates a registration application form, renewal application form, and surety bond form for use by health spas. The regulation does not affect any other governmental agencies or local governments. The regulation does not establish any fees. For these reasons, the regulation is not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based

on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources to determine the fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There is not an expected "major economic impact" from this regulation for the Attorney General, any local entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources to reach the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of March 9, 2026

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of March 9, 2026

Call to Order and Roll Call
The March meeting of the Administrative Regulation Review Subcommittee was held on Monday, March 9, 2026, at 12:40 PM in Room 149 of the Capitol Annex. Representative Derek Lewis, Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams, Cassie Chambers Armstrong, and Mike Wilson; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

LRC Staff: Karen Howard, Emily Harkenrider, Carrie Nichols, Stacy Auterson, Ange Darnell, Anna Latek, and Callie Lewis.

Guests: Mason McNulty, Administrator, Board of Barbering (KBOB); John Park, DVM, Chair, Board of Veterinary Examiners (KBVE); Michelle Shane, Executive Director, KBVE; Matt Cole, Commissioner, Department of Vehicle Registration (DVR); Jon Johnson, Assistant General Counsel, Transportation Cabinet (KYTC); Heather Stout, Executive Director, KYTC, Office of Information Technology (KYTC-OIT); Joshua Newton, General Counsel, Department of Alcoholic Beverage Control (ABC); Scotty Tracy, Commissioner, ABC; Wes Duke, General Counsel, Cabinet for Health and Family Services (CHFS); Peyton Sands, Staff Attorney, CHFS; G. Alan Harrison, Feed and Milk Director, Agricultural Experiment Station (KAES); Steve McMurry, Executive Director, KAES, Division of Regulatory Services (KAES-DRS); Steve Humphress, Executive Director, Office of the Attorney General, Office of Regulatory Relief (OAG-KORR); Jeremy Sylvester, Deputy General Counsel, Auditor of Public Accounts (APA); Colt Sells, General Counsel, Commission on Human Rights (KCHR); Jessica Brown, General Counsel, Board of Pharmacy (KBOP); Christopher Harlow, Executive Director, KBOP; Lily Jean Coiner, Counsel/Executive Advisor, Board of Licensure for Long-term Care Administrators (LTCA); David McKenzie, Chair, LTCA; Leanne Diakov, General Counsel, Board of Medical Licensure (KBML); Kyle Elliott, Executive Director, Board of Licensure for Professional Engineers and Land Surveyors (KYBOELS); Jake R. Miller, General Counsel, KYBOELS; Lily Jean Coiner, Counsel/Executive Advisor, Board of Licensure for Occupational Therapy (KBLOT); Jill Phelps, Chair, KBLOT; Sara Janes, Counsel, Board of Licensed Professional Counselors (KBLPC); Denise Hutchins, Chair, KBLPC; Sara Janes, Counsel, Board of Licensed Diabetes Educators (KBLDE); Blair Lykins, Chair, KBLDE; Steven Fields, Counsel, Department of Fish and Wildlife Resources (KDFWR); Jenny Gilbert, Legislative Liaison, KDFWR; Ann Blaylock, General Counsel, Justice and Public Safety Cabinet (JPSC); Nathan Goens, Deputy General Counsel, JPSC; Todd G. Allen, Deputy Commissioner/General Counsel, Department of Education (KDE); Lesa Dennis, Commissioner, Department for Community Based Services (DCBS); Wes Duke, General Counsel, CHFS; Norma Hatfield, President, Kinship Families Coalition of Kentucky; and Bob Babbage, Lobbyist on behalf of PetIQ, Babbage Cofounder.

Approval of February 9, 2026 Minutes
A motion was made by Representative Marzian and seconded by Representative Gordon to approve the minutes of the February 9, 2026, meeting. Minutes were approved by voice vote without objection.

Findings of Deficiency pursuant to KRS 13A.030(2):

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Vehicle Licensing
601 KAR 009:120. Accessible online insurance verification system.

Chair Lewis stated there are requirements in both the ordinary and emergency versions of these regulations that are not aligned with statute. Chair Lewis made a motion, seconded by Co-Chair West, to find these regulations deficient. A roll-call vote was conducted. With six votes to find 601 KAR 9:120 and 601 KAR 9:120E deficient, and two pass votes, these regulations were found deficient by the subcommittee.

Senator Chambers Armstrong explained her pass vote by stating she is a newer member of the subcommittee and does not have enough information.

601 KAR 009:120E. Accessible online insurance verification system.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Tobacco Enforcement
804 KAR 013:020. Tobacco, nicotine, or vapor product license application forms.

Chair Lewis stated 804 KAR 13:020E and 804 KAR 13:030E were found deficient at the February subcommittee meeting. For consistency, he is moving to find the ordinary versions deficient. Chair Lewis made a motion, seconded by Co-Chair West, to find these regulations deficient. A roll-call vote was conducted. With six votes to find 804 KAR 13:020 and 804 KAR 13:030 deficient, and two pass votes, these regulations were found deficient by the subcommittee.

804 KAR 013:030. Causes for denial of tobacco, nicotine, or vapor product license.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Controlled Substances
902 KAR 055:110. Monitoring system for controlled prescription substances.

In response to Co-Chair West, Wes Duke, General Counsel, CHFS, stated the regulation does require veterinarians to use the Kentucky All Schedule Prescription Electronic Reporting system (KASPER) when prescribing, but not administering, controlled substances. The cabinet engaged in substantial dialogue with KBVE and is open to continuing the discussion. He acknowledged timing and implementation is an issue.

In response to Chair Lewis, Mr. Duke stated the statutory definition of “prescriber” includes veterinarians. The cabinet is attempting to align the regulation and the statute, as veterinarians are currently exempt from the requirement to use KASPER.

In response to Senator Raque Adams, Mr. Duke confirmed veterinarians are required to have a U.S. Drug Enforcement Administration (DEA) number.

Representative Marzian stated KASPER prevents doctor shopping. Veterinarians need to be in the KASPER program, as they prescribe scheduled drugs, which are subject to abuse.

Chair Lewis made a motion, seconded by Co-Chair West, to find this regulation deficient. A roll-call vote was conducted. With six votes to find 902 KAR 55:110 deficient, and two no votes, this regulation was found deficient by the subcommittee.

Senator Raque Adams explained her yes vote by stating the chair is privy to information concerning relevant legislation currently under consideration by the General Assembly.

Department for Community Based Services: Child Welfare
922 KAR 001:565. Service array for a relative or fictive kin caregiver.

In response to Chair Lewis, Wes Duke, General Counsel, CHFS, stated this regulation implements 2024 RS SB 151 if funds

are available.

Senator Raque Adams explained the General Assembly unanimously passed SB 151 in 2024 and stated her frustration that the regulation is just now being promulgated. It is atypical to include conditional language in the regulation requiring available funds for implementation. The General Assembly is currently in the budget process. She advised CHFS to work with legislators on this issue. Kids are losing out because of the delay.

In response to Chair Lewis, Norma Hatfield, President, Kinship Families Coalition of Kentucky, stated the regulation shifts the beginning of the 120-day window for application to be a kinship care foster family from "placement" to "temporary custody." This shift results in the waiving of federal funds. A simpler path is to place the child with the caregiver at removal and give the caregiver 120 days to consider whether to apply. This would protect the state and the kids, as well as avoiding waiver of federal funds.

In response to Senator Raque Adams, Ms. Hatfield stated Missouri, California, and Tennessee have a longer window for preserving federal funds.

In response to Chair Lewis, Mr. Duke stated the cabinet reached out concerning federal funding, and the response was no federal funds are available. This written correspondence can be provided to the subcommittee. CHFS has no objection to the premise of SB 151, but there is no money in the budget for implementation. Hopefully, that will change. The cabinet is open to attempting suggested alternative approaches to access federal funding.

Senator Raque Adams made a motion, seconded by Representative Bridges, to find this regulation deficient. A roll-call vote was conducted. With six votes to find 922 KAR 1:565 deficient, one no vote, and one pass vote, this regulation was found deficient by the subcommittee.

Senator Chambers Armstrong explained her pass vote by stating she is a new member and is not aware of the history of the regulation, but she is concerned about points made by Senator Raque Adams. She looks forward to discussing the issue with the cabinet to gain a better understanding.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY paragraph and Sections 1 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

Informational Review pursuant to KRS 13A.030(3) and (4):

BOARDS AND COMMISSIONS: Board of Barbering

201 KAR 014:085. Sanitation requirements.

In response to Chair Lewis, Mason McNulty, Administrator, KBOB, stated requirements for convention centers or expos are the same as those for a regular barbershop, whether charging for haircuts or not. He is not aware of how other states manage this issue but will look into it. The mission of the board is to protect the public. Many times these events are teaching situations, but the licensed barbers providing the teaching are not licensed to be instructors.

In response to Representative Bridges, Mr. McNulty confirmed the requirements are the same for back-to-school events offering free haircuts to kids. The statutes and regulations are set up to license a barber only if the barber is working in a licensed facility. Demonstration permits make it possible for the board to go into a facility and ensure requirements are met so the event can be held.

In response to Chair Lewis, Mr. McNulty explained the board purchased two temporary sinks and several ultra-violet cabinets to make these events more accessible. There is a fee of $50 to use these items.

201 KAR 014:180. Fees.

Board of Veterinary Examiners

201 KAR 016:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers.

In response to Co-Chair West, John Park, DVM, Chair, KBVE, stated the board reached out to opposing stakeholders offering multiple dates and times to meet for discussion on the regulation. The stakeholders were not amenable to the offered dates, but a meeting is now scheduled for April 10, 2026.

In response to Chair Lewis, Bob Babbage, Lobbyist on behalf of PetIQ, Babbage Cofounder, read a statement from his client, Dr. Katryna Fleer, Medical Director, Kentucky PetIQ Clinics, explaining her concern about the requirement to have a veterinary manager present during business hours, with a supervising limit of five facilities. The regulation is written for a traditional full-service veterinary hospital. These hospitals operate long hours, perform surgeries, treat complex cases, house animals overnight, and maintain an inventory of controlled substances. Most mobile veterinary clinics operate only one time per month for about 90 minutes. Only one or two of these clinics operate at any given time. Their services are limited to vaccinations, preventive care, and parasite testing. If needed, the mobile clinic's licensed veterinarian is able to consult with Dr. Fleer. The veterinary manager requirement creates a significant administrative burden for PetIQ without improving safety or quality of care. Mr. Babbage stated the board was advised last year by Senate senior staff to meet with this stakeholder. No contact was made until the February 2026 subcommittee meeting. PetIQ offered to immediately meet with KBVE at the conclusion of the subcommittee meeting, but the board declined. Mr. Babbage stated both he and his client, PetIQ, request a finding of deficiency.

In response to Co-Chair West, Mr. Babbage confirmed the board did reach out to the stakeholder after the February subcommittee meeting, and there is a meeting scheduled for April 10.

Representative Bridges commented there is a shortage of veterinarian services. The General Assembly's intent is to make it easier for people to access veterinary care, especially in underserved areas. His perception is the board is making it more difficult to access these services.

In response to Co-Chair West, Michelle Shane, Executive Director, KBVE, stated the board agreed to defer consideration of this regulation to the April subcommittee meeting.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Vehicle Licensing

601 KAR 009:120. Accessible online insurance verification system.

(**See Findings of Deficiency for discussion)**

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

804 KAR 013:020. Tobacco, nicotine, or vapor product license application forms.

(**See Findings of Deficiency for discussion)**

804 KAR 013:030. Causes for denial of tobacco, nicotine, or vapor product license.

(**See Findings of Deficiency for discussion)**

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Controlled Substances

902 KAR 055:110. Monitoring system for controlled substances.

(**See Findings of Deficiency for discussion)**

Full Review pursuant to KRS 13A.290:

AGRICULTURAL EXPERIMENT STATION: Feed

012 KAR 002:006. Definitions for 12 KAR Chapter 2.

A motion was made and seconded to approve the following amendment: to amend Section 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

012 KAR 002:011. Label format.

A motion was made and seconded to approve the following amendment: to amend Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

012 KAR 002:018. Guaranteed analysis.

A motion was made and seconded to approve the following amendment: to amend Sections 1 through 9 and 11 through 14 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

012 KAR 002:026. Ingredients.

A motion was made and seconded to approve the following amendment: to amend Sections 1, 6, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

012 KAR 002:041. Drug and feed additives.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY paragraph and Sections 1 through 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

012 KAR 002:046. Poisonous or deleterious substances.

A motion was made and seconded to approve the following amendment: to amend
the NECESSITY, FUNCTION, AND CONFORMITY 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.

012 KAR 002:051. Manufacturing conditions.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY paragraph and Sections 1 through 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

AGRICULTURAL EXPERIMENT STATION: Pet Food

012 KAR 003:012. Label format and labeling.

A motion was made and seconded to approve the following amendment: to amend Sections 1 through 24 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

012 KAR 003:022. Expression of guarantees.

A motion was made and seconded to approve the following amendment: to amend Sections 4, 5, and 9 through 16 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

012 KAR 003:027. Ingredients.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph and 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 amendment was approved.

012 KAR 003:028. Descriptive terms.

012 KAR 003:032. Feeding directions.

A motion was made and seconded to approve the following amendment: to amend Sections 2 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

012 KAR 003:037. Drugs and pet food additives.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

012 KAR 003:039. Nutritional adequacy.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph and Sections 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.

012 KAR 003:042. Statements of calorie content.

A motion was made and seconded to approve the following amendment: to amend Sections 3 through 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

OFFICE OF ATTORNEY GENERAL: Office of Regulatory Relief

040 KAR 012:410. Business opportunity sellers.

A motion was made and seconded to approve the following amendment: to amend Sections 1 through 3, 5, and 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.

040 KAR 012:430. Buying Clubs and Vacation Clubs.

A motion was made and seconded to approve the following amendment: to amend Sections 1 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.

AUDITOR OF PUBLIC ACCOUNTS: Audits

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

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

COMMISSION ON HUMAN RIGHTS: Human Rights

104 KAR 001:010. Posting, distribution and availability of notices and pamphlets.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:010. Schools approved by the board.

201 KAR 002:050. Licenses and permits; fees.

A motion was made and seconded to approve the following amendment: to amend Section 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 002:090. Reference material and prescription equipment.

201 KAR 002:116. Substitution of drugs, biologics and biosimilar products.

A motion was made and seconded to approve the following amendment: to amend the TITLE, RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs, and Sections 1 and 2, 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 002:160. Licensees; inactive status.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 002:180. Pharmacy sanitation.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 002:185. Noncontrolled substance prescription drug refills.

201 KAR 002:190. Return of prescription drugs.

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 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 002:205. Pharmacist-in-charge.

A motion was made and seconded to approve the following amendment: to amend Section 2 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 002:250. Pharmacist Recovery Network Committee.

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 requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 002:260. Automated Pharmacy System in residential hospice facilities.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs, and Sections 2 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 002:280. Prescription dispensing for formulary compliance.

201 KAR 002:300. Common database.

201 KAR 002:330. Emergency pharmacy powers.

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 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

Board of Licensure for Long-term Care Administrators

201 KAR 006:030. Temporary permits.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 3 to comply with the requirement in KRS 12.357(3) that a temporary permit for the spouse of an active-duty member of the Armed Forces of the United States remains effective for no longer than six months from the date it was granted. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 006:061. Fees.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, and CONFORMITY paragraphs and Sections 2, 4, 7, and 8 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend to add Section 9 to include the exemption from renewal fees for active-duty members of the Armed Forces of the United States pursuant to KRS 12.355. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 006:071. Continuing education requirements.

Board of Medical Licensure

201 KAR 009:360. Continuing education requirements for physician assistants.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 through 4, 6, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 018:072. Experience.

A motion was made and seconded to approve the following amendment: to amend Sections 1 through 3 to reorganize language for compliance with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

Board of Licensure for Occupational Therapy

201 KAR 028:240. Occupational Therapy Licensure Compact.

Board of Licensed Professional Counselors

201 KAR 036:100E. Counseling compact.

201 KAR 036:100. Counseling compact.

Board of Licensed Diabetes Educators

201 KAR 045:110. Supervision and work experience.

A motion was made and seconded to approve the following amendment: to amend Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 045:120. Renewal, reinstatement, and inactive status.

201 KAR 045:130. Continuing education.

201 KAR 045:150. Complaint procedures.

A motion was made and seconded to approve the following amendment: to amend Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 045:170. Application procedures.

A motion was made and seconded to approve the following amendment: to amend Sections 1 through 3 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 045:180. Diabetes Education Courses.

A motion was made and seconded to approve the following amendment: to amend Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

201 KAR 045:190. Telehealth diabetes education.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 3 and 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.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Game

301 KAR 002:176. Wildlife Causing Damage and Landowner Designee Process.

A motion was made and seconded to approve the following amendment: to amend Sections 7 and 9 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

Wildlife

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

A motion was made and seconded to approve the following amendment: to amend Sections 3 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

Water Patrol

301 KAR 006:030. Waterway safety requirements.

In response to Representative Marzian, Jenny Gilbert, Legislative Liaison, KDFWR, stated the commission recently voted on wakeboarding requirements, and those amendments will be filed in a future version of 301 KAR 6:030.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections

501 KAR 006:420. Corrections policies and procedures: inmate rules and discipline.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

501 KAR 006:460. Corrections policies and procedures: inmate work programs.

501 KAR 006:470. Corrections policies and procedures: inmate education and training.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

501 KAR 006:510. Corrections policies and procedures: release preparation and temporary release.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

501 KAR 006:530. Corrections policies and procedures: programs and sentence credits.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Vehicle Licensing

601 KAR 009:120E. Accessible online insurance verification system.

(See Findings of Deficiency for Discussion)

EDUCATION AND LABOR CABINET: Department of Education: 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.

Office of Instruction

704 KAR 003:410. Preschool education program for four (4) year old children.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 4 through 8, and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendment was approved.

PUBLIC PROTECTION CABINET: DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL: Tobacco Enforcement

804 KAR 013:025E. Provisional license.

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

922 KAR 001:565. Service array for a relative or fictive kin caregiver.

(See Findings of Deficiency for Discussion)

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY paragraph and Sections 1 and 5 to comply with the drafting 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 March 9, 2026, subcommittee agenda:

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 Co-Chair West, Michelle Shane, Executive Director, KBVE, stated the board agreed to defer consideration of this regulation to the April subcommittee meeting.

(**See Informational Reviews for Discussion)**

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Carriers

601 KAR 001:114. Peer-to-peer services.

Division of Motor Vehicle Licensing

601 KAR 009:120. Accessible online insurance verification system.

(**See Findings of Deficiency for Discussion)**

Division of Driver Licensing

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

EDUCATION AND LABOR CABINET: Department of Education: Pupil Transportation

702 KAR 005:130. Non-school bus passenger vehicles.

Department of Workforce Development: Office of Vocational Rehabilitation

781 KAR 001:001E. Definitions.

781 KAR 001:010E. Office of Vocational Rehabilitation appeal procedures.

781 KAR 001:020E. General provisions for operation of the Office of Vocational Rehabilitation.

781 KAR 001:030E. Order of selection.

781 KAR 001:040E. Provision of Vocational Rehabilitation Services.

Office of Unemployment Insurance

787 KAR 0001:370. Professional Employer Organization Contribution and Reporting Requirements.

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.

(**See Findings of Deficiency for Discussion)**

804 KAR 013:030. Causes for denial of tobacco, nicotine, or vapor product license.

(**See Findings of Deficiency for Discussion)**

804 KAR 013:040. Notice of intention to apply for tobacco, nicotine, or vapor product transitional license.

DEPARTMENT OF INSURANCE: Health, Life, Managed Care

806 KAR 017:595. Dental Benefits Assignment.

KENTUCKY HORSE RACING AND GAMING CORPORATION: Licensing

810 KAR 003:020. Licensing of racing participants.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of the Inspector General: Health Services and Facilities

902 KAR 020:150. Freestanding Birthing Centers.

The subcommittee adjourned at 1:30 PM. The next meeting of this subcommittee is tentatively scheduled for April 13, 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 March 4, 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 March 11, 2026, having been referred to the Committee on March 4, 2026, pursuant to KRS 13A.290(6):

Referred on March 4, 2026

201 KAR 020:476 Proposed
201 KAR 020:490 Proposed
201 KAR 028:240 Emergency
201 KAR 046:020 Proposed
201 KAR 046:030 Proposed
201 KAR 046:045 Proposed
902 KAR 055:015 Proposed
907 KAR 003:320 Proposed

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the March 11, 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 **J – 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 **J – 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 **J – 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 **J – 40**

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 **J – 41**

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
201 KAR 026:118E	52 Ky.R.	685	10-3-2025
Replaced		910	2-12-2026
201 KAR 028:240E	52 Ky.R.	5	6-13-2025
As Amended		362	8-12-2025
Replaced		556	10-22-2025
Amended		1086	12-8-2025
201 KAR 036:100E	51 Ky.R.	1238	11-26-2024
Am Comments		1764	3-10-2025
Replaced		1776	6-18-2025
Amended	52 Ky.R.	1088	12-8-2025
201 KAR 046:010E	52 Ky.R.	138	6-30-2025
Replaced		218	11-12-2025
201 KAR 046:081E	52 Ky.R.	140	6-30-2025
Replaced		715	11-12-2025
307 KAR 001:070E	51 Ky.R.	1927	5-15-2025
Expired			2-9-2026
307 KAR 001:080E	52 Ky.R.	144	7-1-2025
Am Comments		547	9-15-2025
As Amended		696	10-14-2025
Replaced		739	2-3-2026
501 KAR 006:420E	52 Ky R.	1090	11-19-2025
501 KAR 006:460E	52 Ky.R.	1092	11-19-2025
501 KAR 006:470E	52 Ky.R.	1095	11-19-2025
501 KAR 006:510E	52 Ky.R.	1098	11-19-2025
501 KAR 006:530E	52 Ky.R.	1100	11-19-2025
505 KAR 001:140E	52 Ky.R.	687	9-25-2025
505 KAR 001:410E	52 Ky.R.	690	9-25-2025
Am Comments		1108	12-12-2025
601 KAR 009:076E	52 Ky.R.	147	7-10-2025
Withdrawn by agency			7-16-2025
601 KAR 009:120E	52 Ky.R.	1103	12-11-2025
601 KAR 012:120E	51 Ky.R.	1240	12-6-2024
Am Comments		1764	3-10-2025
Replaced		1850	6-3-2025
601 KAR 023:070E	52 Ky.R.	149	7-10-2025
Replaced		742	2-3-2026
701 KAR 005:170E	52 Ky.R.	356	8-13-2025
Am Comments		698	10-14-2025
781 KAR 001:001E	52 Ky.R.	1267	12-31-2025
Am Comments		1636	
781 KAR 001:010E	52 Ky.R.	1270	12-31-2025
Am Comments		1638	
781 KAR 001:020E	52 Ky.R.	1273	12-31-2025
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781 KAR 001:040E	52 Ky.R.	1284	12-31-2025
Am Comments		1648	
787 KAR 001:370E	52 Ky.R.	1105	12-15-2025
803 KAR 002:120E	52 Ky.R.	359	7-22-2025
Replaced		508	3-3-2026
803 KAR 002:181E	52 Ky.R.	151	7-1-2025
Replaced	52 Ky.R.	312	2-3-2026
803 KAR 002:241E*(r)*	52 Ky.R.	154	7-1-2025
803 KAR 002:250E	52 Ky.R.	155	7-1-2025
Replaced		743	2-3-2026
803 KAR 002:260E	52 Ky.R.	158	7-1-2025
Replaced		744	2-3-2026
803 KAR 002:310E	52 Ky.R.	161	7-1-2025
Replaced		317	3-3-2026
803 KAR 002:320E	51 Ky.R.	1244	11-19-2024
Replaced		1783	7-1-2025
803 KAR 002:404E	52 Ky.R.	7	6-12-2025
Replaced	52 Ky.R.	113	12-30-2025
804 KAR 013:010E	52 Ky.R.	925	10-31-2025
Am Comments		1297	1-15-2026
804 KAR 013:020E	52 Ky.R.	928	10-31-2025
Am Comments		1299	1-15-2026
As Amended		1503	2-9-2026
804 KAR 013:025E	52 Ky.R.	1295	12-29-2025
804 KAR 013:030E	52 Ky.R.	930	10-31-2025
Am Comments		1302	1-15-2026
As Amended		1504	2-9-2026
804 KAR 013:040E	52 Ky.R.	932	10-31-2025
806 KAR 020:030E	52 Ky.R.	164	6-30-2025
Replaced		749	2-3-2026
807 KAR 005:015E	51 Ky.R.	1751	2-25-2025
Replaced	52 Ky.R.	392	9-18-2025
900 KAR 005:020E	52 Ky.R.	9	6-9-2025
Replaced		969	1-22-2026
900 KAR 006:075E	52 Ky.R.	11	6-9-2025
Am Comments		362	8-15-2025
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Replaced		969	1-22-2026
902 KAR 055:015E	52 Ky.R.	539	8-18-2025
As Amended		938	11-10-2025
907 KAR 001:595E	51 Ky.R.	1361	12-23-2024
Replaced		1558	7-30-2025
907 KAR 001:835E	51 Ky.R.	1365	12-23-2024
Replaced		1562	7-30-2025
907 KAR 003:100E	51 Ky.R.	1379	12-23-2024
Replaced	52 Ky.R.	39	7-30-2025
907 KAR 003:210E	51 Ky.R.	1382	12-23-2024
Replaced	52 Ky.R.	40	7-30-2025
907 KAR 003:320E	52 Ky.R.	542	9-09-2025
907 KAR 007:015E	51 Ky.R.	1401	12-23-2024
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907 KAR 010:840E	51 Ky.R.	1759	2-24-2025

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907 KAR 012:020E	51 Ky.R.	1405	12-23-2024
Replaced		1854	7-30-2025
907 KAR 020:005E	51 Ky.R.	1409	12-23-2024
Replaced		1856	7-30-2025
922 KAR 001:360E	51 Ky.R.	1636	1-22-2025
Am Comments		1840	4-14-2025
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011 KAR 012:030			
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011 KAR 012:060			
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011 KAR 012:070			
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031 KAR 004:080			
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031 KAR 004:141		
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031 KAR 004:150		
Amended	52 Ky.R. 803	
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031 KAR 004:160		
Amended	52 Ky.R. 804	
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031 KAR 004:170		
Amended	52 Ky.R. 808	
031 KAR 004:196		
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031 KAR 005:026		
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031 KAR 005:040		
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SYMBOL KEY:

* Statement of Consideration not filed by deadline

** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))

*** Withdrawn before being printed in Register

IJC Interim Joint Committee

(r) Repealer regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

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527.100	922 KAR 001:565
527.110	922 KAR 001:565
532.043	501 KAR 001:030
532.060	501 KAR 001:030
532.080	501 KAR 001:030
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
	907 KAR 002:720
Chapter 600-645	505 KAR 001:140
	505 KAR 001:410
605.120	922 KAR 001:565
610.110	922 KAR 001:565
620.020	922 KAR 001:565
	201 KAR 023:075
	201 KAR 009:360
620.030	907 KAR 003:210
	907 KAR 002:720
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
640.080	501 KAR 001:030
2 C.F.R.	907 KAR 003:062
7 C.F.R.	902 KAR 018:011
	902 KAR 018:021
	902 KAR 018:031
	902 KAR 018:040
	902 KAR 018:050
	902 KAR 018:061
	902 KAR 018:071
	902 KAR 018:081
	902 KAR 018:090
	012 KAR 003:027
16 C.F.R.	012 KAR 003:039
21 C.F.R.	201 KAR 002:165
	902 KAR 055:015
	012 KAR 002:041
	012 KAR 002:051
	012 KAR 003:037
	902 KAR 100:130
	201 KAR 002:205
	902 KAR 055:095
24 C.F.R.	907 KAR 016:005
26 C.F.R.	045 KAR 001:090
	105 KAR 001:380
29 C.F.R.	101 KAR 002:102
	101 KAR 003:015
	803 KAR 002:404
	803 KAR 002:181
	202 KAR 007:555

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	803 KAR 002:260
	902 KAR 008:120
33 C.F.R.	301 KAR 006:001
	301 KAR 006:020
34 C.F.R.	907 KAR 003:100
	704 KAR 003:410
	707 KAR 001:002
	707 KAR 001:350
	781 KAR 001:001
	781 KAR 001:010
	781 KAR 001:020
	781 KAR 001:030
	781 KAR 001:040
40 C.F.R.	401 KAR 060:005
	401 KAR 063:002
42 C.F.R.	907 KAR 001:039
	907 KAR 003:100
	907 KAR 003:210
	907 KAR 007:015
	907 KAR 010:840
	907 KAR 016:020
	907 KAR 003:320
	907 KAR 001:023
	907 KAR 001:065
	907 KAR 008:040
	907 KAR 015:022
	907 KAR 023:010
	907 KAR 003:062
	902 KAR 055:110
	907 KAR 002:720
	907 KAR 003:005
	907 KAR 003:010
	911 KAR 001:010
45 C.F.R.	907 KAR 003:210
	907 KAR 016:015
	806 KAR 009:360
	907 KAR 008:040
	907 KAR 015:022
	907 KAR 003:062
	201 KAR 020:161
	201 KAR 029:040
	907 KAR 002:720
	907 KAR 003:005
46 C.F.R.	301 KAR 006:020
	301 KAR 006:030
47 C.F.R.	807 KAR 005:015
49 C.F.R.	702 KAR 005:130
50 C.F.R.	301 KAR 002:075
	301 KAR 003:120
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

KRS SECTION	REGULATION
	201 KAR 002:440
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
	401 KAR 063:002
	922 KAR 001:565
	201 KAR 020:161
	201 KAR 029:040
	902 KAR 020:150
	907 KAR 002:720
	907 KAR 003:005
	907 KAR 003:010
	911 KAR 001:010
	201 KAR 008:540
47 U.S.C.	807 KAR 005:015
52 U.S.C.	031 KAR 003:041
	031 KAR 004:131
	031 KAR 004:141
	031 KAR 005:011
	031 KAR 006:010
	031 KAR 006:020
	031 KAR 006:030
	031 KAR 006:040
315.450	201 KAR 002:440
315.452	201 KAR 002:440
315.454	201 KAR 002:440
315.456	201 KAR 002:440
315.458	201 KAR 002:440
315.460	201 KAR 002:440

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 002:100	02-20-2026	Remain in Effect without Amendment
016 KAR 002:210	02-20-2026	Remain in Effect without Amendment
016 KAR 005:030	08-28-2025	Remain in Effect without Amendment
016 KAR 008:030	02-20-2026	Remain in Effect without Amendment
016 KAR 009:040	02-20-2026	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 008:510	03-16-2026	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
202 KAR 007:010	02-17-2026	To be amended; filing deadline 8-17-2027
202 KAR 007:055	02-17-2026	To be amended; filing deadline 8-17-2027
202 KAR 007:801	02-17-2026	To be amended; filing deadline 8-17-2027
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 039:080	03-23-2026	Remain in Effect without Amendment
401 KAR 039:090	03-23-2026	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 042:005	03-23-2026	Remain in Effect without Amendment
401 KAR 042:020	03-23-2026	Remain in Effect without Amendment
401 KAR 042:060	03-23-2026	Remain in Effect without Amendment
401 KAR 042:330	03-23-2026	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
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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
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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
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401 KAR 061:095	01-20-2026	To be amended; filing deadline 7-21-2027
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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
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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
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401 KAR 063:020	08-28-2025	Remain in Effect without Amendment
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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
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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
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405 KAR 002:010	06-17-2025	Remain in Effect without Amendment
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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
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405 KAR 007:015	06-10-2025	Remain in Effect without Amendment
405 KAR 007:030	06-10-2025	Remain in Effect without Amendment
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405 KAR 007:060	06-10-2025	Remain in Effect without Amendment
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
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405 KAR 008:020	06-10-2025	Remain in Effect without Amendment
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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
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405 KAR 018:030	06-26-2025	Remain in Effect without Amendment
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405 KAR 018:050	06-26-2025	Remain in Effect without Amendment
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405 KAR 018:090	06-26-2025	Remain in Effect without Amendment
405 KAR 018:110	06-26-2025	Remain in Effect without Amendment
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405 KAR 018:180	06-26-2025	Remain in Effect without Amendment
405 KAR 018:190	06-26-2025	Remain in Effect without Amendment
405 KAR 018:200	06-26-2025	Remain in Effect without Amendment
405 KAR 018:210	06-26-2025	Remain in Effect without Amendment
405 KAR 018:230	06-26-2025	Remain in Effect without Amendment
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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
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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
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405 KAR 030:410	06-30-2025	Remain in Effect without Amendment
500 KAR 007:020	03-11-2026	Remain in Effect without Amendment
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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
505 KAR 001:050	03-11-2026	Remain in Effect without Amendment
505 KAR 001:060	03-11-2026	Remain in Effect without Amendment
505 KAR 001:070	03-11-2026	Remain in Effect without Amendment
505 KAR 001:090	03-11-2026	Remain in Effect without Amendment
505 KAR 002:010	03-11-2026	Remain in Effect without Amendment
505 KAR 002:020	03-11-2026	Remain in Effect without Amendment
505 KAR 002:030	03-11-2026	Remain in Effect without Amendment
505 KAR 002:040	03-11-2026	Remain in Effect without Amendment
505 KAR 002:050	03-11-2026	Remain in Effect without Amendment
505 KAR 002:060	03-11-2026	Remain in Effect without Amendment
505 KAR 002:070	03-11-2026	Remain in Effect without Amendment
505 KAR 002:080	03-11-2026	Remain in Effect without Amendment
505 KAR 002:090	03-11-2026	Remain in Effect without Amendment
505 KAR 002:100	03-11-2026	Remain in Effect without Amendment
505 KAR 002:110	03-11-2026	Remain in Effect without Amendment
505 KAR 002:120	03-11-2026	Remain in Effect without Amendment
505 KAR 002:130	03-11-2026	Remain in Effect without Amendment
505 KAR 002:140	03-11-2026	Remain in Effect without Amendment
505 KAR 002:150	03-11-2026	Remain in Effect without Amendment
505 KAR 002:160	03-11-2026	Remain in Effect without Amendment
505 KAR 002:170	03-11-2026	Remain in Effect without Amendment
505 KAR 002:180	03-11-2026	Remain in Effect without Amendment
505 KAR 002:190	03-11-2026	Remain in Effect without Amendment
505 KAR 002:200	03-11-2026	Remain in Effect without Amendment
505 KAR 002:210	03-11-2026	Remain in Effect without Amendment
505 KAR 002:220	03-11-2026	Remain in Effect without Amendment
505 KAR 002:230	03-11-2026	Remain in Effect without Amendment
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 006:010	03-20-2026	Remain in Effect without Amendment
600 KAR 006:020	03-20-2026	Remain in Effect without Amendment
600 KAR 006:030	03-20-2026	Remain in Effect without Amendment
600 KAR 006:040	03-20-2026	Remain in Effect without Amendment
600 KAR 006:050	03-20-2026	Remain in Effect without Amendment
600 KAR 006:060	03-20-2026	Remain in Effect without Amendment
600 KAR 006:065	03-20-2026	Remain in Effect without Amendment
600 KAR 006:070	03-20-2026	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
601 KAR 035:020	03-20-2026	Remain in Effect without Amendment
601 KAR 035:070	03-20-2026	Remain in Effect without Amendment
602 KAR 015:020	03-13-2026	Remain in Effect without Amendment
602 KAR 015:030	03-13-2026	Remain in Effect without Amendment
602 KAR 020:020	03-13-2026	Remain in Effect without Amendment
602 KAR 020:030	03-13-2026	Remain in Effect without Amendment
602 KAR 020:040	03-13-2026	Remain in Effect without Amendment
602 KAR 020:100	03-13-2026	Remain in Effect without Amendment
602 KAR 020:120	03-13-2026	Remain in Effect without Amendment
602 KAR 050:010	03-13-2026	Remain in Effect without Amendment
602 KAR 050:030	03-13-2026	Remain in Effect without Amendment
602 KAR 050:040	03-13-2026	Remain in Effect without Amendment
602 KAR 050:050	03-13-2026	Remain in Effect without Amendment
602 KAR 050:060	03-13-2026	Remain in Effect without Amendment
602 KAR 050:070	03-13-2026	Remain in Effect without Amendment
602 KAR 050:090	03-13-2026	Remain in Effect without Amendment
602 KAR 050:100	03-13-2026	Remain in Effect without Amendment
602 KAR 050:110	03-13-2026	Remain in Effect without Amendment
602 KAR 050:115	03-13-2026	Remain in Effect without Amendment
602 KAR 050:120	03-13-2026	Remain in Effect without Amendment
603 KAR 001:020	12-05-2025	Remain in Effect without Amendment
603 KAR 002:015	03-20-2026	Remain in Effect without Amendment
603 KAR 003:030	12-05-2025	Remain in Effect without Amendment
603 KAR 003:051	03-20-2026	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 005:040	03-20-2026	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
803 KAR 025:012	03-05-2026	Remain in Effect without Amendment
803 KAR 025:030	03-05-2026	Remain in Effect without Amendment
803 KAR 025:036	03-05-2026	Remain in Effect without Amendment
803 KAR 025:040	03-05-2026	Remain in Effect without Amendment
803 KAR 025:101	03-05-2026	Remain in Effect without Amendment
803 KAR 025:110	03-05-2026	To be amended; filing deadline 9-5-2027
803 KAR 025:120	03-05-2026	Remain in Effect without Amendment
803 KAR 025:125	03-05-2026	Remain in Effect without Amendment
803 KAR 025:130	03-05-2026	To be amended; filing deadline 9-5-2027
803 KAR 025:150	03-05-2026	Remain in Effect without Amendment
803 KAR 025:160	03-05-2026	To be amended; filing deadline 9-5-2027
803 KAR 025:200	03-05-2026	Remain in Effect without Amendment
803 KAR 025:210	03-05-2026	Remain in Effect without Amendment
803 KAR 025:270	03-05-2026	To be amended; filing deadline 9-5-2027
803 KAR 025:280	03-05-2026	To be amended; filing deadline 9-5-2027
803 KAR 025:290	03-05-2026	Remain in Effect without Amendment
804 KAR 001:030	02-20-2026	Remain in Effect without Amendment
804 KAR 001:070	02-20-2026	Remain in Effect without Amendment
804 KAR 001:110	02-20-2026	Remain in Effect without Amendment
804 KAR 002:005	02-20-2026	Remain in Effect without Amendment
804 KAR 004:100	02-20-2026	Remain in Effect without Amendment
804 KAR 004:110	02-20-2026	Remain in Effect without Amendment
804 KAR 004:270	02-20-2026	Remain in Effect without Amendment
804 KAR 004:280	02-20-2026	Remain in Effect without Amendment
804 KAR 004:330	03-02-2026	To be amended; filing deadline 8-20-2027
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
807 KAR 005:001	03-23-2026	Remain in Effect without Amendment
807 KAR 005:006	03-23-2026	Remain in Effect without Amendment
807 KAR 005:007	03-23-2026	Remain in Effect without Amendment
807 KAR 005:011	03-23-2026	Remain in Effect without Amendment
807 KAR 005:013	03-23-2026	Remain in Effect without Amendment
807 KAR 005:016	03-23-2026	Remain in Effect without Amendment
807 KAR 005:022	03-23-2026	Remain in Effect without Amendment
807 KAR 005:026	03-23-2026	Remain in Effect without Amendment
807 KAR 005:027	03-23-2026	Remain in Effect without Amendment
807 KAR 005:041	03-23-2026	Remain in Effect without Amendment
807 KAR 005:046	03-23-2026	Remain in Effect without Amendment
807 KAR 005:054	03-23-2026	Remain in Effect without Amendment
807 KAR 005:058	03-23-2026	Remain in Effect without Amendment
807 KAR 005:061	03-23-2026	Remain in Effect without Amendment
807 KAR 005:062	03-23-2026	Remain in Effect without Amendment
807 KAR 005:063	03-23-2026	Remain in Effect without Amendment
807 KAR 005:066	03-23-2026	Remain in Effect without Amendment
807 KAR 005:067	03-23-2026	Remain in Effect without Amendment
807 KAR 005:068	03-23-2026	Remain in Effect without Amendment
807 KAR 005:069	03-23-2026	Remain in Effect without Amendment
807 KAR 005:070	03-23-2026	Remain in Effect without Amendment
807 KAR 005:071	03-23-2026	Remain in Effect without Amendment
807 KAR 005:075	03-23-2026	Remain in Effect without Amendment
807 KAR 005:076	03-23-2026	Remain in Effect without Amendment
807 KAR 005:080	03-23-2026	Remain in Effect without Amendment
807 KAR 005:090	03-23-2026	Remain in Effect without Amendment
807 KAR 005:095	03-23-2026	Remain in Effect without Amendment
807 KAR 005:100	03-23-2026	Remain in Effect without Amendment
807 KAR 005:110	03-23-2026	Remain in Effect without Amendment
807 KAR 005:120	03-23-2026	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
820 KAR 001:060	12-23-2025	Remain in Effect without Amendment
820 KAR 001:125	12-23-2025	Remain in Effect without Amendment
820 KAR 001:130	12-23-2025	To be amended; filing deadline 6-23-2027
820 KAR 001:135	12-23-2025	Remain in Effect without Amendment
825 KAR 001:020	06-10-2025	Remain in Effect without Amendment
825 KAR 001:030	06-10-2025	Remain in Effect without Amendment

831 KAR 002:001	03-24-2026	To be amended; filing deadline 9-24-2027
831 KAR 002:020	03-24-2026	To be amended; filing deadline 9-24-2027
831 KAR 002:030	03-24-2026	To be amended; filing deadline 9-24-2027
831 KAR 002:040	03-24-2026	To be amended; filing deadline 9-24-2027
900 KAR 002:010	12-29-2025	Remain in Effect without Amendment
900 KAR 002:040	12-29-2025	Remain in Effect without Amendment
900 KAR 002:060	12-29-2025	Remain in Effect without Amendment
900 KAR 006:020	09-19-2025	Remain in Effect without Amendment
900 KAR 006:040	05-19-2025	Remain in Effect without Amendment
900 KAR 006:085	02-09-2026	Remain in Effect without Amendment
900 KAR 009:010	01-26-2026	Remain in Effect without Amendment
901 KAR 005:010	10-13-2025	Remain in Effect without Amendment
901 KAR 005:020	10-13-2025	Remain in Effect without Amendment
901 KAR 005:040	10-13-2025	Remain in Effect without Amendment
901 KAR 005:050	10-13-2025	Remain in Effect without Amendment
901 KAR 005:070	10-13-2025	Remain in Effect without Amendment
901 KAR 005:080	10-13-2025	Remain in Effect without Amendment
901 KAR 005:090	10-13-2025	Remain in Effect without Amendment
901 KAR 005:100	10-13-2025	Remain in Effect without Amendment
902 KAR 008:130	01-07-2026	Remain in Effect without Amendment
902 KAR 008:150	01-07-2026	Remain in Effect without Amendment
902 KAR 008:165	07-17-2025	Remain in Effect without Amendment
902 KAR 010:081	10-13-2025	Remain in Effect without Amendment
902 KAR 011:010	12-29-2025	Remain in Effect without Amendment
902 KAR 011:020	12-29-2025	Remain in Effect without Amendment
902 KAR 011:030	12-29-2025	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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