VOLUME 52, NUMBER 11 LEGISLATIVE RESEARCH COMMISSION MAY 1, 2026

ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, April 15, 2026

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on May 12, 2026, at 1:00 p.m. EST/12:00 p.m. CST in Annex Room 149.

ARRS Tentative Agenda – 1781 Online agenda updated as needed

INDEXES & OTHER INFORMATION

Regulation Review Procedure **1784**
ARRS Report **2025**
Other Committee Reports **2028**
Locator Index - Effective Dates ..... **K - 2**
KRS Index ..... **K - 13**
Certifications ..... **K - 28**
Technical Amendments ..... **K - 44**
Subject Index ..... **K - 45**

REPRINTS

Department of Fish and Wildlife Resources
301 KAR 003:015. Shooting ranges on department-owned or managed lands 1785
Department of Corrections
501 KAR 001:030. Determining parole eligibility 1786

EMERGENCIES

Office of the Controller
200 KAR 038:080E. Account Validation Standards 1791

AMENDED IN-PROCESS EMERGENCIES

Board of Optometric Examiners
201 KAR 005:021E. Licensure Compliance Review 1794

AS AMENDED

Public Pensions Authority
105 KAR 001:160. Sick leave plans 1796
105 KAR 001:170. Membership form requirements 1797
105 KAR 001:330. Purchase of service credit 1798
105 KAR 001:400. Federal taxation limitation year 1802
Board of Medical Licensure
201 KAR 009:086. License renewal and registration; reregistration of inactive license for physician assistants 1805
201 KAR 009:305. License renewal and registration; reregistration of inactive licenses; and continuing education requirements for athletic trainers 1806
Department of Fish and Wildlife Resources
301 KAR 003:012. Public use of Otter Creek Outdoor Recreation Area 1806
301 KAR 003:013. Peabody Wildlife Management Area use requirements and restrictions 1807
Department of Workforce Investment
787 KAR 001:370. Professional Employer Organization contribution and reporting requirements 1809
Horse Racing and Gaming Corporation
810 KAR 003:020. Licensing of racing participants 1810
Department for Public Health
902 KAR 008:060. Salary adjustments for local health departments 1816
902 KAR 008:070. Recruitment, examination, and certification of eligible applicants for local health departments 1818
902 KAR 008:080. Initial appointment, probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments 1820
902 KAR 008:096. Local health department employee performance evaluation program 1823
902 KAR 008:120. Leave provisions applicable to employees of local health departments 1826
902 KAR 055:095. Prescription for Schedule II controlled substance – authorization of oral prescriptions for immediate administration, facsimile transmission, or partial filling 1831
Department for Medicaid Services
907 KAR 003:005. Coverage of physicians' services 1832

AMENDED AFTER COMMENTS

Public Pensions Authority
105 KAR 001:380. Minimum distribution 1837
Department of Vehicle Regulation
601 KAR 001:114. Peer-to-peer services 1840
601 KAR 012:130. Third-party issuance of identity documents 1843
Department of Workforce Investment
781 KAR 001:001. Definitions 1844
781 KAR 001:010. Office of Vocational Rehabilitation appeal procedures 1847

781 KAR 001:020. General provisions for operation of the Office of Vocational Rehabilitation 1849
781 KAR 001:030. Order of selection 1857
781 KAR 001:040. Provision of Vocational Rehabilitation Services 1860
Department of Insurance
806 KAR 017:595. Dental Benefits Assignment..... 1870

PROPOSED AMENDMENTS

Department of Law
040 KAR 012:300. Automated calling equipment operators 1872
040 KAR 012:310. Telemarketing companies..... 1874
040 KAR 012:420. Recreational and retirement use land sellers..... 1878
Public Pensions Authority
105 KAR 001:001. Definitions for KAR Title 105..... 1881
105 KAR 001:440. Trustee Education Programs 1885
Board of Dentistry
201 KAR 008:563. Licensure of dental hygienists..... 1887
Board of Licensure for Professional Engineers and Land Surveyors
201 KAR 018:150. Standards of practice for professional land surveyors 1892
Board of Physical Therapy
201 KAR 022:010. Objectives of physical therapy 1898
201 KAR 022:070. Requirements for foreign-educated physical therapists and physical therapist assistants 1899
Department of Fish and Wildlife Resources
301 KAR 001:201. Taking of fish by traditional fishing methods..... 1901
301 KAR 002:178. Deer hunting on public properties 1907
301 KAR 002:251. Hunting and trapping seasons and limits for furbearers 1913
Department of Education
702 KAR 003:220. Guidelines for waiver of school fees 1917
702 KAR 006:110. Claim reimbursement for school and community nutrition programs..... 1919
Department of Housing, Buildings and Construction
815 KAR 004:010. Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts 1921
815 KAR 004:025. Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts 1923
815 KAR 007:070. The Kentucky Certified Building Inspector Program 1926
815 KAR 015:010. Definitions for 815 KAR Chapter 15. 1930
815 KAR 015:025. New installations, general design, construction, and inspection criteria for boilers, pressure vessels, and pressure piping 1933
815 KAR 015:026. Existing boilers and pressure vessels; testing, repairs, inspection, and safety factors 1940
815 KAR 015:027. Fees and certificates for boiler and pressure vessel inspection..... 1943
815 KAR 015:080. Boiler and pressure vessel licenses. 1946
815 KAR 025:020. Recreational vehicles 1949
815 KAR 025:050. Administration and enforcement of manufactured housing construction standards..... 1953
815 KAR 025:060. Licensing and certifications with manufactured homes and mobile homes..... 1957
815 KAR 025:090. Site preparation, installation, and inspection requirements..... 1960
815 KAR 035:015. Certification of electrical inspectors.. 1964

NEW ADMINISTRATIVE REGULATIONS

Council on Postsecondary Education
013 KAR 002:140. Research consortiums..... 1968
Office of the Controller
200 KAR 038:080. Account Validation Standards 1970
Real Estate Authority
831 KAR 003:001. Definitions for 831 KAR Chapter 3.... 1972
831 KAR 003:010. Fees..... 1975
831 KAR 003:020. General requirements for certification and licensure..... 1977
831 KAR 003:030. Education requirements for certification and licensure 1979
831 KAR 003:040. Appraisal experience requirements for certification and licensure 1983
831 KAR 003:050. Examinations 1985
831 KAR 003:060. Reciprocity 1987
831 KAR 003:070. Temporary practice permit 1990
831 KAR 003:080. Criminal background checks 1992
831 KAR 003:090. Supervision of associates..... 1994
831 KAR 003:100. Continuing education required for certification and licensure 1997
831 KAR 003:110. Renewal and reinstatement of certificates and licenses 2000
831 KAR 003:120. Inactive status and reactivation of certification and licenses..... 2002
831 KAR 003:130. Education provider and instructor standards and requirements 2004
831 KAR 003:140. Education course approval, renewal, and standards 2007
831 KAR 003:150. Standards of professional conduct ... 2010
831 KAR 003:160. Complaints and disciplinary proceedings..... 2012
831 KAR 003:170. Appraisal Management Company registration 2014
831 KAR 003:180. Appraisal Management Company registration renewal 2016
831 KAR 003:190. Appraisal Management Company duties and prohibitions..... 2019
831 KAR 003:200. Appraisal Management Company roster and reporting 2021
831 KAR 003:210. Appraiser roster and reporting..... 2023

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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.*

Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Tuesday, May 12, 2026 at 1:00 p.m. EST/12:00 p.m. CST
Annex Room 149

1. CALL TO ORDER AND ROLL CALL

2. REGULATIONS FOR FULL REVIEW

FINANCE AND ADMINISTRATION CABINET

Kentucky Public Pensions Authority (KPPA)

105 KAR 001:380. Minimum distribution. (Amended After Comments)

BOARDS AND COMMISSIONS

Board of Optometric Examiners

201 KAR 005:021E. Licensure Compliance Review. (Filed with Ordinary) ("E" expires 12-3-2026) (Amended After Comments)

Board of Ophthalmic Dispensers

201 KAR 013:010. Board; powers, duties, meetings.
201 KAR 013:040. Licensing.
201 KAR 013:050. Apprentices.
201 KAR 013:055. Continuing education requirements.
201 KAR 013:065. Complaint Management.
201 KAR 013:071. Repeal of 201 KAR 013:070.
201 KAR 013:075. Administrative hearings.

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)

TRANSPORTATION CABINET (KYTC)

Department of Vehicle Regulation

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)

EDUCATION AND LABOR CABINET

Department of Education (KDE)

Office of District Support Services

702 KAR 007:065. Designation of agent to manage middle and high school interscholastic athletics.

Office of Learning Programs Development

704 KAR 003:305. Minimum requirements for high school graduation.

Department of Workforce Development
Office of Vocational Rehabilitation
781 KAR 001:001. Definitions. (Filed with Emergency) ("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) (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) (Amended After Comments)
781 KAR 001:030. Order of selection. (Filed with Emergency) ("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) (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) (Deferred from April)
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) (Deferred from April)

Department of Insurance (DOI)
Health Insurance Contracts
806 KAR 017:595. Dental Benefits Assignment. (Amended After Comments)

CABINET FOR HEALTH AND FAMILY SERVICES (CHFS)
Department for Public Health (DPH)
Public Health Protection and Safety
902 KAR 001:400. Administrative conference.

WIC Program
902 KAR 018:011. Definitions for 902 KAR Chapter 18.
902 KAR 018:021. Eligibility, certification periods, and time frames for processing applicants.
902 KAR 018:031. Participant violations.
902 KAR 018:040. Fair hearing procedures for participants.
902 KAR 018:050. Vendor authorization criteria.
902 KAR 018:061. Vendor violations and sanctions.
902 KAR 018:071. Participant access determination and civil money penalty.
902 KAR 018:081. Local agency fair hearing and vendor administrative review process.
902 KAR 018:090. High risk criteria.

Office of the Inspector General
Health Services and Facilities
902 KAR 020:150. Freestanding Birthing Centers. (Amended After Comments) (Deferred from April)

Department for Public Health (DPH)
Office for Children with Special Health Care Needs
911 KAR 001:010. Application for Clinical Programs.
911 KAR 001:085. Early Hearing Detection and Intervention Program.
911 KAR 001:091. Repeal of 911 KAR 001:090.

3. REGULATIONS REMOVED FROM MAY'S AGENDA

BOARDS AND COMMISSIONS
Board of Optometric Examiners
201 KAR 005:010. Application for licensure; endorsement. (Withdrawn by Agency; 04-15-2026)
201 KAR 005:021. Licensure Compliance Review. (Filed with Emergency) (Comments Received; SOC ext.

due 6-15-2026) ("E" expires 12-3-2026)

TRANSPORTATION CABINET

Motor Vehicle Tax

601 KAR 009:120. Accessible online insurance verification system. (Filed with Emergency) (Deferred from March) *(Impacted by 2026 Legislation)*

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)

PUBLIC PROTECTION CABINET

Department of Alcoholic Beverage Control (ABC)

Tobacco Enforcement

804 KAR 013:020. Tobacco, nicotine, or vapor product license application form. (Filed with Emergency) (Amended After Comments) (Deferred from April) *(Impacted by 2026 Legislation)*

804 KAR 013:030. Causes for denial of tobacco, nicotine, or vapor product license. (Filed with Emergency) (Amended After Comments) (Deferred from April) *(Impacted by 2026 Legislation)*

HORSE RACING AND GAMING CORPORATION (KHRG)

Charitable Gaming

820 KAR 001:032. Pulltabs. (Withdrawn by Agency; 03-19-2026)

CABINET FOR HEALTH AND FAMILY SERVICES (CHFS)

Office of the Inspector General

Controlled Substances

902 KAR 055:110. Monitoring system for prescription controlled substances. *(Impacted by 2026 Legislation)*

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. (Comments Received; SOC ext. due 05-15-2026)

907 KAR 002:725. 1915(c) Kentucky's Community Health for Improved Lives and Development (CHILD) Waiver Reimbursement. (Comments Received; SOC ext. due 05-15-2026)

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS; December 8, 2025)

301 KAR 3:015. Shooting ranges on department-owned or managed lands.

RELATES TO: KRS 150.025***[(1)(h)]***
STATUTORY AUTHORITY: KRS 150.025(1)***[(h)]***, 150.620
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to carry out the purposes of KRS Chapter 150. KRS 150.620 authorizes the department to promulgate administrative regulations to acquire or lease land for the operation of public shooting or fishing grounds. This administrative regulation establishes requirements for the safe operation of department-owned or managed shooting ranges.

Section 1. [~~Definitions.~~]
[~~(1)~~] [~~"Archery and crossbow range" means a shooting range that is established for target shooting at stationary targets with archery or crossbow equipment.~~]
[~~(2)~~] [~~"Club-operated shooting range" means a facility that is:~~]
[~~(a)~~] [~~Operated by a department-authorized entity for target shooting; and~~]
[~~(b)~~] [~~Open to the public during club events.~~]
[~~(3)~~] [~~"Firing line" means the area where a weapon is shot or discharged, as designated by:~~]
[~~(a)~~] [~~Signage;~~]
[~~(b)~~] [~~A shooting bench; or~~]
[~~(c)~~] [~~A range officer.~~]
[~~(4)~~] [~~"Pistol pit" means a shooting range that is established for target shooting with pistols.~~]
[~~(5)~~] [~~"Range officer" means an individual designated as a National Rifle Association range officer, a National Shooting Sports Foundation range officer, a department hunter education instructor, or a law enforcement range officer, responsible for supervising a shooting range and ensuring compliance with this administrative regulation.~~]
[~~(6)~~] [~~"Safety zone" means an area downrange of a firing line where all public access is prohibited as designated by department signs.~~]
[~~(7)~~] [~~"Self-service trap shooting range" means a shooting range that is established for people to shoot at moving targets with a shotgun.~~]
[~~(8)~~] [~~"Shooting range" means a public facility on lands owned or managed by the department that is designated for target shooting with:~~]
[~~(a)~~] [~~A rifle;~~]
[~~(b)~~] [~~A pistol;~~]
[~~(c)~~] [~~A shotgun;~~]
[~~(d)~~] [~~Archery equipment; or~~]
[~~(e)~~] [~~Crossbow equipment.~~]
[~~(9)~~] [~~"Shooting station" means a location on the firing line for one (1) person to shoot, as designated by:~~]
[~~(a)~~] [~~Signage;~~]
[~~(b)~~] [~~A shooting bench; or~~]
[~~(c)~~] [~~A concrete pad.~~]
[~~(10)~~] [~~"Tube range" means a shooting range established for target shooting through designated steel tubes. .~~]

[~~Section 2.~~]
(1) Except as established in subsection (2) of this section, if a shooting range exists on department-owned or managed lands, then a person shall not target practice, sight in a firearm, or discharge a firearm on any area except the shooting range.
(2) Subsection (1) of this section shall not apply to:
(a) A person legally hunting a game species;
(b) A department employee, range officer, or department-authorized volunteer[~~certified volunteer hunter education instructor~~] in the performance of an official duty;
(c) A person or group participating in a department-sponsored [~~hunter education class~~]event; or
(d) A group participating in a department-approved event pursuant to 301 KAR 3:010.

Section 2.[~~Section 3.~~] General Shooting Range Requirements.
(1) A person shall not operate ***a firearm[~~firearms~~]***, archery equipment, or any other device used to mechanically propel a projectile on a shooting range without possessing a valid shooting range permit, except the following individuals may utilize ***a range[~~the ranges~~]*** without a shooting range permit:
(a) Department personnel engaged in official duties; **[~~and~~]**
(b) Federal, state, or local law enforcement agency personnel operating pursuant ***an approved WMA Use permit[~~to a written agreement~~]*** may participate in organized training events without possessing a shooting range permit***; and***[.]
(c) Individuals who have purchased a Peabody WMA Use Permit or Otter Creek Outdoor Recreation Area entry and special activities permits.
(2) A person operating a firearm, archery equipment, or any other device used to mechanically propel a projectile on a shooting range, shall provide proof ***that he or she possesses[~~they possess~~]*** a valid shooting range permit upon request by a department game warden.
(3) Except as posted by a department sign or a group[~~an event~~] permit issued pursuant to 301 KAR 3:010, a person using a shooting range shall only shoot from a designated firing line downrange at a department-provided:
(a) Target stand;
(b) Target; or
(c) Shooting berm.
(4)[~~(2)~~] A person shall not:
(a) Enter a shooting range except at a designated entrance;
(b) Enter a designated safety zone, except as established in subsection (8)[~~(6)~~] of this section;
(c) Discharge a firearm:
1. Before 9 a.m.;
2. After sunset, except on a lighted range during scheduled hours of operation; or
3. At any time prohibited by department signage***; or[.]***[~~; or~~]
(d) Be under the influence of alcohol or other intoxicant.
(5)[~~(3)~~] A person shall not use:
(a) A tracer bullet;
(b) Armor piercing ammunition;
(c) A fully automatic firearm;
(d) A rifle cartridge that is.50 caliber or larger;
(e) A muzzle-loading rifle ball, sabot, or bullet larger than.78 caliber;
(f) A cannon or replica thereof;
(g) A mortar or other explosive device;
(h) A grenade; or
(i) An incendiary.
(6)[~~(4)~~] A person shall not:
(a) Leave spent cartridge cases or litter on the range;
(b) Point a firearm in an unsafe direction or otherwise carelessly handle a firearm; or
(c) Use a shooting range at any time or in any manner inconsistent with department-posted signage or department group permit pursuant to 301 KAR 3:010.
(7)[~~(5)~~] A person under the age of sixteen (16) shall not discharge

a firearm on a shooting range unless under the direct supervision of a person at least eighteen (18) years old.

(8)[(6)] A person actively engaged in shooting or a spectator shall not go beyond the firing line without first clearly communicating to all other shooters to cease fire.

(9)[(7)] Upon hearing a cease fire command, seeing a person move beyond the firing line, or seeing another unsafe condition[or seeing a person move beyond the firing line], a person shall:

(a) Immediately cease firing;

(b) Unload all firearms;

(c) Leave the action open, with the safety in the "on" position if the firearm has a safety mechanism, on all firearms;

(d) Place all firearms:

1. In a holster;
2. On a table at the shooting station; or
3. On the ground; and

(e) Not handle a firearm while a person is beyond the firing line.

(10)[(8)] There shall not be more than one (1) person at a shooting station at the same time, unless one (1) person is an instructor and the other is a student.

(11)[(9)] A person shall immediately obey the range officer's command.

(12)[(10)] Any spectator and a person handling a firearm shall wear protective eye and ear wear.

(13)[(11)] Each person shall be limited to one (1) hour of shooting time if anyone is waiting to use the shooting range.

(14)[(12)] If a scheduled event or department maintenance activities preclude open public use of a shooting range, then the department shall notify the public by:

(a) Posting the closure on the department's Web site at fw.ky.gov; and

(b) Posting a notice at the shooting range or a kiosk or bulletin board on the department-managed area.

(15)[(13)] A shooting range may be reserved for group use, if:

(a) The group has obtained a department group[event] permit pursuant to 301 KAR 3:010; and

(b) The group designates a range officer who shall oversee the event and ensure that all participants are in compliance with this administrative regulation.

Section 3.[Section 4.] Special Shooting Range Requirements.

(1) In addition to the general shooting range requirements established in Section 2[3] of this administrative regulation, a person shall comply with the special shooting range requirements established in subsections (2) through (8) of this section.

(2) A person using a tube range shall only:

(a) Shoot from a designated shooting station;

(b) Shoot a firearm through the tube provided at a shooting station;

(c) Use the department-provided target frames;

(d) Place target frames in the ground inserts provided on the tube range; and

(e) Attach paper targets to the target frames.

(3) A person using a tube range shall:

(a) Not shoot a pistol;

(b) Close tube doors when any person is downrange of the firing line;

(c) Not smoke or have any open flame;

(d) Not shoot at any objects on the ground; or

(e) Not use the range on a Monday, except if participating in a department-approved event pursuant to 301 KAR 3:010.

(4) A person may target shoot on a club-operated shooting range on Curtis Gates Lloyd WMA, Jones-Keeney WMA, Miller Welch-Central Kentucky WMA, and West Kentucky WMA if the person:

(a) Attends a [regularly]scheduled event coordinated and sponsored by a department-authorized club;

(b) Complies with the requirements of this administrative regulation and posted signage on the area; and

(c) Complies with the rules of operation established by the club and the club's range officer.

(5) On a club-operated shooting range, a club or organization shall:

(a) Comply with all WMA group[event] permit requirements pursuant to 301 KAR 3:010;

(b) Post all approved event dates and times that are open to the public:

1. In the WMA clubhouse, if present;
2. On a WMA bulletin board or kiosk; and
3. On the department's website[Web site] at fw.ky.gov***;[.][***[, and]

(c) Provide a range officer who shall oversee each event to ensure that all participants shall be in compliance with the requirements of this administrative regulation***; and[.]***

(d) Submit required reporting information to Kentucky Department of Fish and Wildlife Resources pursuant to 301 KAR 3:010.

[(6)] [A person who is using an archery and crossbow range shall only use:]

[(a)] [The department-provided targets; and]

[(b)] [Broadhead-tipped arrows or crossbow bolts on department-provided broadhead targets, and in compliance with area signage.]

(6)[(7)] A person using a pistol pit shall:

(a) Only shoot from a designated firing line;

(b) Only use department-provided target frames;

(c) Only attach paper targets to the target frames;

(d) Only use single projectile ammunition;

(e) Not shoot any firearm except a pistol;

(f) Not shoot at any objects on the ground; and

(g) Not use the range on a Monday, except when participating in a department-approved event pursuant to 301 KAR 3:010.

(7)[(8)] A person using a self-service trap shooting range shall:

(a) Only use a shotgun with shotshells containing multiple projectile pellets no larger than number two (2);

(b) Provide clay targets and portable target throwers; and

(c) Not target shoot anywhere except at a designated self-service trap shooting station.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, Frankfort, Kentucky 40601; phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

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

JUSTICE AND PUBLIC SAFETY CABINET
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 post incarceration 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 1year 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 2years	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 9:00 a.m., at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing 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.

EMERGENCY ADMINISTRATIVE REGULATIONS

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

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

STATEMENT OF EMERGENCY
200 KAR 38:080E.

This emergency administrative regulation is necessary for the Commonwealth to comply with the National Automated Clearing House Association (NACHA) Phase 1 deadline of March 20, 2026, and implement heightened fraud monitoring standards for Automated Clearing House (ACH) and Electronic Funds Transfer (EFT) transactions. The NACHA standards update is aimed at combating electronic fraud and improving transactional transparency. The Controller's Office seeks to proactively comply with NACHA requirements to (1) provide heightened fraud protection to the Commonwealth, (2) avoid NACHA fines of up to $500,000 per month, and (3) avoid any risk of loss of ACH access due to non-compliance with NACHA standards. Accordingly, this emergency regulation is being promulgated pursuant to KRS 13A.190(1)(a)(1.), to meet an imminent threat to public health, safety, welfare, or the environment. Specifically, any suspension of the Commonwealth's ability to process ACH or EFT transactions would have a severely disruptive effect on state operations, inclusive of payments to or from Commonwealth citizens for a variety of purposes and constitute an imminent threat to public welfare. Accordingly, the Office of the Controller is filing an emergency regulation to comply with the March 20, 2026, NACHA deadline until a concurrently filed ordinary regulation goes into effect.
Additional information regarding NACHA's Phase 1 fraud monitoring implementation requirements may be accessed here: https://www.nacha.org/rules/risk-management-topics-fraud-monitoring-phase-1. An ordinary regulation filing is not sufficient because the effective date of an ordinary regulation would fail to comply with NACHA's March 20, 2026, implementation deadline and leave an extended and unnecessary period of time the Commonwealth may be subject to fines and penalties from NACHA, including possible suspension of ACH/EFT access. This administrative regulation will be replaced by an ordinary administrative regulation because the NACHA fraud mitigation requirements the emergency regulation addresses will remain in effect after the emergency regulation expires. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
HOLLY M. JOHNSON, Secretary

FINANCE AND ADMINISTRATION CABINET
Office of the Controller
(New Emergency Administrative Regulation)

200 KAR 38:080E. Account Validation Standards.

EFFECTIVE: March 20, 2026
RELATES TO: KRS 42.0201(3), KRS 45.237
STATUTORY AUTHORITY: KRS 42.0201(3), KRS 45.237
NECESSITY, FUNCTION, AND CONFORMITY: 42.0201(3) requires the State Controller to serve as the Commonwealth's chief accounting officer and be responsible for all aspects of accounting policies and procedures, financial accounting systems, and internal accounting control policies and procedures. KRS 45.237 requires the Finance and Administration Cabinet to develop policies and procedures for the purpose of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant. This administrative regulation establishes statewide governance policies and procedures for all Executive, Legislative, and Judicial Branch agencies regarding compliance with the National Automated Clearing House Association (NACHA) Account Validation Rule and associated Automated Clearing House (ACH) fraud-prevention requirements. This policy ensures that all ACH and EFT payment data maintained by agencies is validated, monitored, and safeguarded prior to disbursement through the Commonwealth's financial systems, including its electronic accounting and reporting system and all agency-managed payment repositories.

Section 1. Definitions.
(1) "Account Validation Service" or "AVS" means a commercially reasonable process to verify that an account is open, active, and capable of receiving ACH debits (or credits).
(2) "Agency" is defined by KRS 11.080.
(3) "Automated Clearing House" or "ACH" means a secure, batch-oriented electronic funds transfer system that acts as a central clearinghouse for financial transactions, connecting all United States financial institutions.
(4) "Electronic Fund Transfer" or "EFT" means an electronic data processing medium that takes the place of a paper check for debiting or crediting an account and of which a permanent record is made.
(5) "Electronic Accounting and Reporting System" means the web-enabled, centralized accounting application used by the Commonwealth of Kentucky to manage state-level financial operations.
(6) "Internal Control" is defined by 200 KAR 38:070.
(7) "National Automated Clearing House Association", or "NACHA" means the nonprofit organization that governs, develops, and administers the ACH Network in the United States.
(8) "Risk-Based Monitoring" means a process whereby agencies utilize a risk assessment framework to monitor their operations.
(9) "SAS" means the Office of Statewide Accounting Services, as organized pursuant to KRS 42.0201.
(10) "Validation" means confirmation that an account number is active and capable of receiving ACH transactions.

Section 2. Scope: The requirements of this regulation apply to all Commonwealth of Kentucky agencies, cabinets, departments, constitutional offices, and any organizational unit that:
(1) Maintains ACH/EFT banking information at the agency level;
(2) Initiates ACH/EFT payments through the Commonwealth's electronic accounting and reporting system or an interfaced system;
(3) Initiates ACH/EFT payments through third-party system that transmits payment files to the Commonwealth; or
(4) Collects, stores, or updates vendor or payee banking details.

Section 3. Agencies to implement NACHA-compliant AVS or equivalent validation process.
(1) Validation must be performed when:
(a) A new ACH/EFT record is created;
(b) Existing ACH/EFT data is modified;
(c) Annually, for any ACH/EFT data stored outside the Commonwealth's electronic accounting and reporting system; and
(d) Prior to transmitting any agency-managed ACH/EFT file in the Commonwealth's electronic accounting and reporting system.
(2) The following data shall be validated:
(a) Account owner's legal name;
(b) Account number; and
(c) Routing Number.

Section 4. Agency Responsibilities.
(1) Internal Control Requirements: Agencies shall comply with the following internal control requirements:

(a) Actively maintain internal controls;

(b) Annually file an Internal Control Plan, prepared in accordance with the requirements of 200 KAR 38:070, with the Office of the Controller;

(c) Document their ACH validation procedures; and

(d) Ensure segregation of duties and fraud prevention controls by implementing risk-based, internal controls that restrict any single employee from having full control over the ACH payment lifecycle via separation of initiation, approval, and reconciliation.

(2) Internal Procedures: Agencies shall create and maintain written internal procedures to address any instance where ACH/EFT account validation fails. At a minimum, these procedures shall include:

(a) Immediate review of a failed validation result;

(b) Suspension of ACH/EFT payment activity for the affected payee until a successful validation is completed;

(c) Verification steps to confirm whether the failure resulted from incorrect data entry, outdated records, or a mismatch identified by the validation service; and

(d) Documentation of all review and corrective actions taken in connection with the failed validation.

(3) Implementation: Agencies implement NACHA-compliant procedures, train staff, and maintain documentation as follows:

(a) Agency created internal procedures must support standardized Company Entry Descriptions, audit trails, and NACHA-compliant validation.

(b) Agency internal control procedures and execution of such procedures may be reviewed for compliance with the requirements of this regulation and be subject to penalties for violation.

(4) Documentation: Agencies must document each annual validation, new ACH/EFT record creation, as well as modifications of ACH/EFT data and maintain the documentation in accordance with the requirements of the Kentucky Open Records Act.

(5) Exceptions: Any exceptions to the requirements of this regulation require written approval from the Office of the Controller and be subject to requirements for compensating controls or mitigation plan as prerequisite to approval.

(6) Penalties: non-compliance with the requirements of this regulation may result in the following penalties:

(a) A written audit finding that the agency failed to comply;

(b) Suspension of ACH/EFT privileges; Issuance of a corrective action plan by the Office of the Controller; and

(c) Other corrective action, as appropriate.

HOLLY M. JOHNSON, Secretary

APPROVED BY AGENCY: March 19, 2026

FILED WITH LRC: March 20, 2026 at 8:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 27, 2026, at 10:00 a.m. at the Kentucky Finance and Administration Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 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: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622. Phone: (502)564-6660, Fax: (502)564-9875. Email: cary.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Cary Bishop

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes statewide governance policies and procedures for all Executive, Legislative and Judicial Branch agencies regarding compliance with the National Automated Clearing House Association (NACHA) Account Validation Rule and associated Automated Clearing House (ACH) fraud-prevention requirements.

(b) The necessity of this administrative regulation: This policy ensures that all ACH and EFT payment data maintained by agencies is validated, monitored, and safeguarded prior to disbursement through the Commonwealth's financial systems, including its Electronic Accounting and Reporting System and all agency-managed payment repositories.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 42.0201(3) requires the State Controller to serve as the Commonwealth's chief accounting officer and to be responsible for all aspects of accounting policies and procedures, financial accounting systems, and internal accounting control policies and procedures. KRS 45.237 requires the Finance and Administration Cabinet to develop policies and procedures for the purpose of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant. Compliance with NACHA requirements regarding ACH fraud prevention directly advances the goal of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides clear and unambiguous guidance to agencies regarding mandatory fraud prevention procedures.

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

(a) How the amendment will change this existing administrative regulation: Not applicable as this is a new regulation.

(b) The necessity of the amendment to this administrative regulation: Not applicable as this is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable as this is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable as this is a new regulation.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect all branches of state government in regards to electronic fund transactions and automatic clearing house interactions.

(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 regulation will require agencies to (1) follow objective standards of practice and documentation regarding ACH/EFT transactions, (2) create and maintain processes designed to mitigate ACH/EFT fraud, and (3) train relevant staff on standards that must be maintained for ACH/EFT transactions.

(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): Compliance with the regulation will provide additional protection to agencies against fraudulent electronic transactions.

(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: No additional funding is necessary for implementation of this regulation.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional funding is necessary for implementation of this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased.
(10) TIERING: Is tiering applied? No. The requirements of the regulation are uniform.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: No federal statute or regulation at issue: The regulation is being filed to comply with NACHA standards for ACH/EFT transactions that are applicable to both public and private entities.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: While not specifically and expressly authorized, 42.0201(3) requires the State Controller to serve as the Commonwealth's chief accounting officer and to be responsible for all aspects of accounting policies and procedures, financial accounting systems, and internal accounting control policies and procedures. KRS 45.237 requires the Finance and Administration Cabinet to develop policies and procedures for the purpose of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant. Compliance with NACHA requirements regarding ACH fraud prevention directly advances the goal of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This regulation is being promulgated by the Finance and Administration Cabinet Office of the Controller and the regulation will affect all branches of state government in regards to electronic fund transactions and automatic clearing house interactions.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entity will be affected.
(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: No fiscal impact is expected from this amendment.
(b) Methodology and resources used to reach this conclusion: Review by the Office of the Controller and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are not expected to have a significant 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): No, the standards within the regulation aim to provide clarification and guidance to agencies regarding already existing ACH/EFT processes.
(b) The methodology and resources used to reach this conclusion: Review by the Office of the Controller and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are not expected to have a significant fiscal impact.

AMENDED IN-PROCESS EMERGENCY ADMINISTRATIVE REGULATIONS

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

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

BOARDS AND COMMISSIONS
BOARD OF OPTOMETRIC EXAMINERS
(Emergency Amended After Comments)

201 KAR 5:021E. Licensure Compliance Review.

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

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

Section 2. **A licensee may submit a passing score of the Optometry Examining Board of Canada (OEBC) Part 1 to satisfy the requirements of Section 1(1) of this emergency regulation if the OEBC Part 1 test was taken by the licensee or test results were submitted by the licensee to the Kentucky Board of Optometric Examiners between July 30, 2025 and April 15, 2026.**

Section 3. The ABO board certification exam shall be utilized for this limited purpose and for the specific review of licenses.

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

Section 5.[~~**Section 4.**~~] The Board shall provide written notice to the Office of the Attorney General when the **credentialing**[~~**investigation and**~~] review is complete.

MARY BETH MORRIS, OD; President

APPROVED BY AGENCY: April 14, 2026
FILED WITH LRC: April 15, 2026 at 10:10 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christi LeMay
Subject Headings: Occupations and Professions, Optometry, Licensing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation prescribes the procedures to be followed and scores of required examinations to be submitted, reviewed and accepted by the Kentucky Board of Optometry for renewal of optometry license in 2027 for individuals who graduated optometry school between 2020-2023.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures to be followed and scores of required examinations to be submitted, reviewed and accepted by the Kentucky Board of Optometry for renewal of optometry licenses in 2027. It also restricts certain procedures until all requirements are fulfilled.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific authority provided in KRS 218A.205(3)(g), 320.250, 320.240(7), 320.270(4).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the requirements for performing certain procedures and for licensure so that applicants, licensees, and the public are aware of the requirements.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment clarifies the examinations that are required for licensees who graduated from optometry school from 2020-2023 to submit to the Kentucky Board of Optometric Examiners for renewal in 2027.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish the examinations required for licensees who graduated from optometry school from 2020-2023 to submit to the Kentucky Board of Optometric Examiners for renewal in 2027.
(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes provide the board with authority to establish the licensing requirements, as well as what examinations are required for licensure. These examinations are required to be outlined by the board in regulation.
(d) How the amendment will assist in the effective administration of the statutes: This amendment provides the examinations required for licensure.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment affects all individuals seeking renewal of their licensure in 2027 if they graduated from optometry school from 2020-2023.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: All applicants are required to provide passing scores of the licensing examinations established in this amendment. This amendment will no longer allow licensees to submit results of OEBC examination taken after April 15, 2026.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants must pay the licensing fees for each required

examination.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this amendment is necessary to be licensed to practice optometry. (6) Provide an estimate of how much it will cost the administrative body to implement this amendment:
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: $350
(b) On a continuing basis: $0
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding to implement this amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes fees for licensure. This amendment does not change any of these fees.
(10) TIERING: Is tiering applied? No, all changes affect licensees subject to their amendment 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 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Optometric Examiners.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $350 expenditure increase with this amendment.
For subsequent years: $0 expenditure increase with this amendment.
2. Revenues:
For the first year: $0 revenue increase with this amendment.
For subsequent years: $0 revenue increase with this amendment.
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: N/A
(b) Methodology and resources used to reach this conclusion: N/A
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.
(b) The methodology and resources used to reach this conclusion: This amendment does not change any applicant fees paid to the Kentucky Board of Optometric Examiners.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(As Amended at ARRS, April 13, 2026)

105 KAR 1:160. Sick leave plans.

RELATES TO: KRS 61.546, ***61.552, 61.702, 78.5536***[***61.5525***], 78.616, 161.155

STATUTORY AUTHORITY: KRS 61.505(1)(g)[61.645(9)(e)]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with KRS ***13A.105(2)***[***13A.150(2)***] because it does not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g)[61.645(9)(e)] authorizes the[Board of Trustees of] Kentucky Public Pensions Authority, on behalf of County Employees Retirement System and Kentucky Retirement Systems,[Retirement Systems] to promulgate all administrative regulations necessary or proper in order to carry out the provisions of KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852. KRS 61.546 provides for retirement service credit for unused sick leave for members of the Kentucky Employees Retirement System and the State Police Retirement System who began participating before January 1, 2014. KRS 78.616 provides for retirement service credit for unused sick leave for members of the County Employees Retirement System who began participating before January 1, 2014. This administrative regulation establishes the requirements for participation in the program by individual county agencies, calculation of the service credit, and payment of the employer's cost of the credit. This administrative regulation also establishes the formula for prorating sick leave if it is earned by a member partly under SPRS, partly under KRS hazardous duty coverage, and partly under the Kentucky Employees Retirement System nonhazardous coverage. This administrative regulation also establishes when service credit due to sick leave may be used to calculate health insurance payments under KRS 61.702 or 78.5536.

Section 1. Definitions.

(1) "Alternate plan" means the sick leave program established[described] in KRS 78.616(5).

(2) "Standard plan" means the sick leave program established[described] in KRS 61.546 or 78.616(1), (3) and (4).

Section 2.

(1) An employer[agency] participating in the County Employees Retirement System:

(a)[***(1)***] May[may] provide a sick leave program under KRS 78.616 by adopting an order appropriate to the employer;[agency.]

(b)[***(a)***] [(1)]Shall offer only[Only] one (1) sick leave program under KRS 78.616 to its employees;[shall be offered to the employees of an agency.]

(c)[***(b)***] [(2)]Shall[The agency shall] certify to the agency[retirement system] that the program shall be universally administered;[.]

(d)[***(c)***] [(3)]Shall[The agency shall] pay all costs of the program; and[.]

(e)[***(d)***] [(4)]Shall[The agency shall] certify to the agency[retirement system] the number of hours that constitutes a regular working day for its employees[of the agency].

(2)[(5)]

(a) If an employer[agency] participating in the County Employees Retirement System has no retirement sick leave program, it may choose the standard plan or it may choose the alternate plan.

1. An employer[agency] adopting the standard plan may elect to purchase credit:

a. Only[To purchase credit only] for the first six (6) months of accrued sick leave;

b. For[To purchase credit for] the first six (6) months and to pay fifty (50) percent of the cost for service above six (6) months; or

c. For[To purchase credit for] all accumulated sick leave.

2. An employer[agency]***that***[***which***] elects to pay only for the first six (6) months of accumulated sick leave may at a later date elect to pay fifty (50) percent or all of the cost of service above six (6) months. An employer[agency]***that***[***which***] elects to pay for the first six (6) months and fifty (50) percent of the cost for service above six (6) months, may at a later date elect to pay for all accrued sick leave.

3. If an employer[the agency] adopted the standard plan prior to July 1988, it may choose to adopt the alternate plan.

4. Within thirty (30) days of adoption of a sick leave plan, the employer[agency] shall file at the agency[retirement office] a description of the employer's[agency's] sick leave policy**,** which shall specify:

a. The maximum sick leave that may be accrued;

b. Whether the policy applies to sick leave accrued prior to the adoption of the sick leave plan; and

c. Whether the policy applies to current and former employees or only to employees who retire from the employer[agency].

(b) Employers[Agencies] participating in the Kentucky Employees Retirement System or the State Police Retirement System shall provide sick leave credit for all accrued sick leave.

(c) Once a sick leave program is adopted, the employer[agency] shall continue to offer a sick leave program to its employees.

Section 3. If an employer[the agency] adopts the standard plan, upon a member's retirement:

(1) Each employer[agency] participating in the Kentucky Employees Retirement System, County Employees Retirement System, or State Police Retirement System with which the member has accrued sick leave credit or to which ***his or her***[***their***][his] accrued sick leave transferred, shall certify the unused sick leave credit ***that***[***which***] the member has accrued on ***"Standard Plan*** Sick Leave Authorization***"***, Form 6500.

(2)

(a) The agency[retirement system] shall determine the number of days of credit and divide the number of days by twenty-one (21), the average number of working days in a month, unless the employer[agency] verifies an alternate number of average working days per month. If the remainder is equal to or greater than eleven (11), the member shall receive credit for an additional month. If an employee has an alternate work schedule, the employer[agency] shall verify an alternate number of average working days per month.

(b) For each employer[agency] participating in the Kentucky Employees Retirement System or County Employees Retirement System with which the member accrued sick leave credit, the cost of the credit, determined by utilizing the member's final compensation with the formula established[described] in KRS 61.552(10)(a)[61.5525], shall be paid by the employer[agency] within thirty (30) days of notification by the agency[retirement system].

(c) If the member accrued sick leave credit in the Kentucky Employees Retirement System, the last employer[agency] with which the member was employed shall pay the cost of sick leave credit[in excess of six (6) months, if any]. If the member has multiple last employers, the cost due from the last employers under this subsection shall be equally apportioned between them.

(3)

(a) If the total sick leave accrued at a County Employees Retirement System employer[agency] is greater than six (6) months and the employer[agency] does not pay for service greater than six (6) months, the employee may purchase some or all of the additional months by paying the cost, determined by utilizing the member's final compensation with the formula established[described] in KRS 61.552(10)(a)[61.5525], to the agency[retirement system] before ***his***

or her[***their***][~~his~~] termination, but no earlier than three (3) months from ***his or her***[***their***][~~his~~] effective retirement date.

(b) If the total sick leave accrued at a County Employees Retirement System employer[~~agency~~] is greater than six (6) months and the employer[~~agency~~] pays fifty (50) percent of the cost of additional months, the employee shall receive credit for all or some of the additional months if the employee pays fifty (50) percent of the cost determined by utilizing the member's final compensation with the formula established[~~described~~] in KRS 61.552(10)(a)[~~61.5525~~], to the agency[~~retirement system~~] before ***his or her***[***their***][~~his~~] termination, but no earlier than three (3) months from ***his or her***[***their***][~~his~~] effective retirement date, and the employer pays the remaining fifty (50) percent.

Section 4. Alternate Sick Leave Plans. An employer[~~agency~~] adopting the alternate plan shall also certify the maximum number of sick leave days that an employee may accumulate prior to termination.

(1) The employer[~~agency~~] shall compensate the member for all accrued sick leave up to the maximum allowed, upon termination. If the employee is a classified employee of a school board, the employer[~~agency~~] shall compensate the employee for accrued sick leave, upon the employee's retirement or death, pursuant to KRS 161.155. The rate of compensation for each day shall be based on the employee's current rate of pay.

(2) Each month, the employer[~~agency~~] shall withhold employer and employee contributions from the sick leave compensation of employees who terminate, and shall remit the contributions along with the Form 6501***, "Alternate Plan Sick Leave Authorization",*** for each employee. The forms and contributions deducted during the month shall be sent to the agency[~~retirement office~~] within ten (10) days following the end of the month. The contributions and compensation shall not be reported with the regular payroll.

(3) If the member has one (1) or more months of service credit as determined in Section 3 of this administrative regulation, the service shall be added to the member's total service credit.

(4) Compensation and service shall be included in the member's final compensation as established in this subsection.[~~follows:~~]

(a) The member's sick leave credit expressed in months and the compensation for those months shall be included in the fiscal year with the highest average monthly salary used in ***his or her***[***their***][~~his~~] final compensation until the service credit in the fiscal year has reached twelve (12) months.

(b) When service credit in the fiscal year with the highest average monthly salary has reached twelve (12) months, the remaining months of service and compensation shall be included in the fiscal year with the lowest average monthly salary used in ***his or her***[***their***][~~his~~] final compensation until service credit in the fiscal year has reached twelve (12) months.

(c) When service credit in the two (2) fiscal years with the highest and lowest average monthly salary used in ***his or her***[***their***][~~his~~] final compensation has[~~have~~] reached twelve (12) months, the remaining months and compensation shall be used in lieu of the member's service and salary in the fiscal year with the lowest average monthly salary of the member's[~~members~~] final compensation. The salary replaced shall be the monthly average of the member's actual salary in the fiscal year.

Section 5. An employee who has service credit in the Kentucky Employees Retirement System as hazardous and nonhazardous, or who has service credit in both the Kentucky Employees Retirement System and the State Police Retirement System, shall have accrued sick leave prorated between the systems and between the hazardous and nonhazardous accounts based on the ratio of service in each account, including purchased service, and to the total service credit.

Section 6. Use of Sick Leave in Calculating Months of Service for Health Insurance Benefits.

(1) Unless otherwise prohibited by statute or this section, service credit attributable to sick leave shall be used to calculate health insurance benefits pursuant to KRS 61.702 or ***78.5536***[~~***71.5536***~~] in the same manner as the credit is used to calculate eligibility for retirement benefits.

(2) Service credit attributable to sick leave shall not be used to determine whether a member with service in a:

(a) Nonhazardous position meets the minimum service requirements of "career threshold" as defined by KRS 61.702(4)(e)9. or KRS 78.5536(4)(e)9.; and

(b) Hazardous position meets the minimum service requirements of "career threshold" as defined by KRS 61.702(4)(e)9. or 78.5536(4)(e)9. if the member began membership on or after September 1, 2008.

(3) A member who otherwise qualifies for career threshold status shall have the service credit attributable to sick leave used to calculate any insurance contribution due pursuant to KRS 61.702(4)(e)6.b. or 78.5536(4)(e)6.b. for service as a participating employee beyond the career threshold.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 6500, "***Standard Plan*** Sick Leave Authorization", KPPA, 1/2026[~~11/00~~]; and

(b) Form 6501, "Alternate ***Plan*** Sick Leave Authorization", KPPA, 1/2026[~~11/00~~].

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

FILED WITH LRC: April 13, 2026

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

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(As Amended at ARRS, April 13, 2026)

105 KAR 1:170. Membership form requirements.

RELATES TO: KRS 16.530, ***61.510,*** 61.525, 61.526, 61.540, 61.542, 61.545, 61.625, ***78.510,*** 78.540***, 78.545***

STATUTORY AUTHORITY: KRS 61.505(1)(g)[~~61.645(9)(e)~~], 26 C.F.R. 1.401-1(b)(1)(i), 26 U.S.C. 401(a)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g)[~~61.645(9)(e)~~] authorizes the[~~Board of Trustees of~~] Kentucky Public Pensions Authority[~~Retirement Systems~~] to promulgate all administrative regulations necessary or proper in order to carry out the provisions of KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852. KRS 16.530, 61.526, and 61.540 require a member of the Kentucky Employees Retirement System, County Employees Retirement System, or State Police Retirement System to file information with the Kentucky Public Pensions Authority[~~Board of Trustees~~] as a condition of membership. KRS 61.542 requires a member to file a designation of beneficiary. KRS 61.625 establishes the conditions under which a member may apply for a refund. KRS 78.545 requires that designations of beneficiaries and refunds for County Employees Retirement System members be administered in the same manner as for Kentucky Employees Retirement System members. 26 U.S.C. 401(a) provides that a qualified pension plan ***shall not***[~~***cannot***~~] make distributions prior to normal retirement age if a separation from service has not occurred. This administrative regulation establishes the information and forms required for membership,[~~and establishes~~] that the member shall not receive a refund unless the member has terminated employment, when a member serving simultaneously in hazardous and nonhazardous positions may make an irrevocable election to participate only in the hazardous plan, and how to update member contact information with the agency.

Section 1. An employee eligible for participation on the date ***his or her***[~~***their***~~] employer[~~his agency~~] first participates shall complete a [~~***"***~~]Form 2010, ***"***Election or Rejection of Participation", designating ***his or her***[~~***their***~~][~~his~~] desire to participate in or waive participation and benefits in the retirement system. The original form shall be kept on file at the agency[~~in the retirement office~~].

Section 2. Within thirty (30) days of participation, an employee who is required to participate or who elects to participate may[~~shall~~] complete a [~~***"***~~]Form 2001, ***"***Membership Information". The membership form shall be kept on file at the agency[~~in the retirement office~~].

Section 3. An employee shall file with the agency a valid[~~may also complete a~~][~~***"***~~]Form 2035, ***"***Beneficiary Designation" to designate or change a beneficiary prior to retirement. If a valid beneficiary designation is not on file at the agency**,** the employee's estate shall be the beneficiary[~~which shall be sent to the retirement office~~].

Section 4.

(1) If an employee is participating in a hazardous position, as defined by KRS 61.592, that meets the definition of a regular full-time position under KRS 61.510(21) or 78.510(21) based solely upon ***his or her***[~~***their***~~] service in a hazardous position, and is simultaneously employed in a nonhazardous position with a different participating employer that ***is***[~~***would***~~] not [~~***be***~~]considered a regular full-time position based solely upon ***his or her***[~~***their***~~] service in the nonhazardous position, the employee may make a one (1) time irrevocable election within thirty (30) days of employment in the nonhazardous position to not participate in the system for ***his or her***[~~***their***~~] employment in the nonhazardous position with that employer by filing with the agency a valid Form 2014, ***"***Rejection of Nonhazardous Part-Time Participation***"***[~~If an employee is simultaneously eligible to participate in more than one (1) of the Kentucky Retirement Systems, the employee may elect to participate in only one (1) system and waive participation in and any rights to benefits from the employment in the other system during the period of simultaneous employment~~].

(2) [~~The employee shall notify the retirement system in writing of his intent to exercise this right under KRS 61.545(3). Upon receipt of the notification, the retirement system shall provide the employee with an estimate of the benefits that may be forfeited by the employee and the "Form 2026, Simultaneous Employment Choice of Systems", necessary for making an election.~~]

[~~(3)~~] If the employee does not make an election pursuant to subsection 1 of this section[~~complete and return the form~~], the employee shall participate in both systems simultaneously and ***his or her***[~~***their***~~][~~his~~] service shall be prorated between the systems pursuant to ***Section 2 of*** 105 KAR 1:320[~~ ***Section 2***~~][~~based on his ratio of his creditable compensation in each system to his total creditable compensation from all systems~~].

(3)[~~(4)~~] If the employee makes an election pursuant to subsection 1 of this section[~~submits the completed form~~], the employer that participates in the system in which the employee rejected participation shall be notified that it shall not report creditable compensation or contributions on the employee while the member is employed by the nonhazardous employer[~~for the period of simultaneous employment~~]. If contributions were reported prior to the employee making an election[~~receipt of the form~~], the employer and employee contributions shall be refunded to the employer and employee and all service credit under that system shall be deleted from the employee's account for the period of simultaneous employment.

Section 5. Pursuant to KRS 61.625, a former[~~an~~] employee who is not eligible to retire[~~vested for monthly benefits~~] may request a refund of ***his or her***[~~***their***~~][~~his~~] account by filing with the agency a valid[~~***completing and returning a "***~~]Form 4525, ***"***Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection". The agency[~~Kentucky Retirement Systems~~] shall not issue a refund to a member unless the member has terminated employment with all employers participating in the retirement system from which the member is attempting to take a refund[~~his employer~~].

Section 6.

(1) A member may update ***his or her***[~~***their***~~] contact information on file with the agency:

(a) On the Self-Service website at http://myretirement.ky.gov;

(b) By telephone with an agency-issued PIN; or

(c) By submitting a valid Form 2040, Change of Contact Information.

(2) An attorney in fact, guardian, or other fiduciary shall file a valid Form 2040 with the agency to change contact information on behalf of a member.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 2010, "Election or Rejection of Participation", KPPA, 1/2026[~~12/2006~~];

(b) Form 2001, "Membership Information", KPPA, 1/2026[~~2/02~~];

(c) Form 2035, "Beneficiary Designation", KPPA, 1/2026[~~6/03~~];

(d) [~~Form 2026, "Simultaneous Employment Choice of Systems", 5/98; and~~]

[~~(e)~~] Form 4525, "Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection", KPPA, 1/2026;[~~5/08.~~]

(e) Form 2040, "Change of Contact Information", KPPA, 1/2026; and

(f) Form 2014, ***"***Rejection of Nonhazardous Part-Time Participation***"***, 1/2026.

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

FILED WITH LRC: April 13, 2026

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

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(As Amended at ARRS, April 13, 2026)

105 KAR 1:330. Purchase of service credit.

RELATES TO: KRS ***16.505,*** 16.545,16.645, 61.505, ***61.510,*** 61.543, 61.552, 61.592, ***61.645, 61.685, 78.510, 78.545,*** 78.5520, [~~***61.685, 78.545,***~~]78.610, 26 U.S.C. 415

STATUTORY AUTHORITY: KRS 61.545(9)(e), 61.505(1)(f)***-(g)***[~~***and (1)(g)***~~]

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(f)***-(g)***[~~***and (1)(g)***~~] and 61.645(9)(e) authorize[~~authorizes~~] the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with and necessary or proper to carry out the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510[[~~20~~]] to 78.852. KRS 16.545,16.645, 61.543, 61.552, 61.592, 78.5520, 61.685, 78.545, and 78.610 provide for purchasing service credit and out-of-state service credit for Kentucky Employees Retirement Systems members. KRS 16.645(19) and 78.545(7) provide that purchase of service credit for members of the State Police Retirement System and County Employees Retirement System, respectively, shall be administered in the same manner subject to the same limitations and requirements as provided for the Kentucky Employees Retirement System. 26 U.S.C. 415 establishes federal requirements regarding purchases of service credit. This administrative regulation

establishes the requirements and forms for eligibility and purchase of[documentation required from the employee or person as proof of eligibility for purchasing] service credit, and the filing deadlines on which the cost calculation ***shall***[***will***] be made[, and the procedures for purchase of service credit].

Section 1. [Definitions.]

[(1)] [Unless otherwise defined in this section, the definitions contained in KRS 16.505, 61.510, and 78.510 shall apply to this administrative regulation.]

[(2)] [Prior to April 1, 2021, "agency" means the Kentucky Retirement Systems, which administers the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System. Effective April 1, 2021, "agency" means the Kentucky Public Pension Authority, which is authorized to carry out the day-to-day administrative needs of the Kentucky Retirement Systems (comprised of the State Police Retirement System and the Kentucky Employees Retirement System) and the County Employees Retirement System.]

[(3)] ["File" means delivering or submitting a form to the retirement office by mail, fax, secure email, in-person delivery, or upload via Self Service on the Web site maintained by the agency (if available). A form shall not be deemed filed until it has been received at the retirement office.]

[(4)] ["Provide" means the agency makes a form or document available to a member, retired member, or person by mail, fax, secure email, or upload via Self Service on the Web site maintained by the agency (if available).]

[(5)] ["Systems" means the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System.]

[(6)] ["Valid" means that all required sections on a form are completed and all required signatures on a form are executed.]

[Section 2.] Cost Calculation Date for Determining the Cost of the Service Purchase.

(1) The cost calculation date for determining the cost of the service to be purchased shall be the later of the last day of the month:

(a) In[The last day of the month in] which the request for the cost of the service is filed at the agency[retirement office];

(b) The[last day of the month the] employee or person designates as the intended purchase date;

(c) In[The last day of the month in] which documentation of the service is filed at the agency[retirement office];

(d) In[The last day of the month in] which the employee attains sufficient service credit to be eligible to make the purchase; or

(e) In[The last day of the month in] which the employee terminates employment if the employee files a completed Form 4172, Notice of Intent to Transfer Lump Sum Payment(s) to Qualified Employer Sponsored Plan, at the agency[retirement office] indicating that the employee intends to defer the employee's lump sum payment for accrued compensatory and annual leave to be paid to the employee at termination to the Kentucky Public Employees Deferred Compensation Authority or other qualified employer sponsored plan. The employee shall then rollover the funds from the Kentucky Public Employees Deferred Compensation Authority or other qualified employer sponsored plan to the agency as payment, in whole or in part, for the employee's service purchase.

(2)

(a) The purchase deadline date shall be the later of the end of the day as defined by 105 KAR 1:001 on the cost calculation date or thirty (30) days from the date the purchase cost is provided to the employee[, unless day thirty (30) is a Saturday, Sunday, a public holiday listed in KRS 2.110, a day on which the public office is actually and legally closed, or any other federal or state holiday that disrupts mail service, then the purchase deadline date shall be the next business day].

(b) Upon discovery of a delay in providing the purchase cost to the employee or person, the agency may extend the purchase deadline date in paragraph (a).

(3) An employee or person shall not make a new request for cost calculation for purchase of service previously requested until the purchase deadline date has passed.

(4) Payment for purchase of service credit shall be filed at the agency[retirement office] while the employee is participating in an eligible retirement system and prior to the employee's termination date, except if the:

(a) Purchase[If the purchase] of service credit is made pursuant to KRS 61.552(2)(a)[under KRS 61.552(2)];

(b) Employee[If the employee] files a Form 4170, Direct Transfer/Rollover Authorization Form, at the agency[retirement office] while the employee is participating in an eligible retirement system and prior to the employee's termination date, and[so long as] the financial institution completes the transfer or rollover within sixty (60) days of the payment due date, the payment for purchase of service credit by transfer or rollover may occur when the employee is no longer participating in an eligible retirement system and after the employee's termination date; or

(c) Agency[If the agency] discovers an error or omission in the service purchase cost, the:[,]

1. Agency[then the agency] may provide corrected costs to the employee, person, member, or retired member; and[,]

2. Employee[to have the service purchase credited to his or her account, the employee], person, member, or retired member shall pay any additional amount due for the corrected costs to have the service purchase credited to ***his or her***[***their***] account.

(5) If the employee elects to purchase only a portion of the service for which ***he or she has***[***they have***][he or she has] requested a cost calculation, the employee shall be required to obtain a new cost calculation for the remaining service unless the remaining service is service pursuant to[under] KRS 61.552(2) or (3).

Section 2.[Section 3.] General Requirements to Purchase Service.

(1) The employee or person shall file at the agency[retirement office] all documentation necessary for the agency to determine that the service meets the eligibility requirements for purchase of service.

(2) The agency may require that any statement, letter, form, or other document required by[in] this administrative regulation be notarized, made under oath as defined in KRS 523.010, or both.

(3) An employee or person shall not certify ***his or her***[***their***][his or her] own service on any of the statements, letters, forms, or other documents required by this administrative regulation.

(4)

(a) The agency shall determine how much service is eligible for purchase by statute and shall notify the employee or person in writing of the cost of the service that qualifies for purchase.

(b) If the agency determines that the service is not eligible for purchase, it shall notify the employee or person in writing of the reasons.

Section 3.[Section 4.] Purchase of Omitted Service.

(1)

(a) To purchase omitted service pursuant to KRS 61.552(2) and 78.545, the employee or person shall file at the agency[retirement office] a valid Form 4225, Verification of Past Employment.

(b) If the employee or person is seeking to purchase omitted service based on employment with the Executive Branch, copies of personnel and wage records provided by the employer may[shall] be filed at the agency[retirement office] instead of Form 4225[, Verification of Past Employment].

(c) The agency may determine eligibility to purchase omitted service based on records submitted pursuant to KRS 61.675, 78.625, or 105 KAR 1:130 without an application by the employee.

(2) If the agency determines that the employer records[submitted on Form 4225, Verification of Past Employment, or the personnel and wage records from the Executive Branch employer] are not sufficient, the agency may require the employee or person to supplement the employer records with copies of check stubs, W-2 forms, personnel action forms, or payroll records in the employee's or person's possession.

(3) If the employee or person does not have additional documentation of the service, the employee or person may file at the agency[retirement] office a report of detailed earnings from the Social Security Administration for the period of service, along with two (2) Form 4160s, Affidavit and Certification for Documentation of

Service completed by persons who earned, or were eligible for, service for the same period in a state-administered[~~state administered~~] retirement system with the same employer. Each affiant shall detail the employee's or person's employment status and length of service.

Section 4.[~~Section 5.~~] Purchase of School Board Service. For service with a school board, the employee shall file at the agency[~~retirement office~~] a valid Form 4225, Verification of Past Employment.

Section 5.[~~Section 6.~~] Vested Service Purchases.

(1) In order to purchase service credit pursuant to this section, a member shall be:

(a) Participating in one of the retirement systems administered by the Kentucky Public Pensions Authority; and

(b) Vested as defined by KRS 16.505(29), 61.510(22), or 78.510(30).

(2)

(a)[~~(1)~~]

[~~(a)~~] To purchase service credit for active duty service in the Armed Forces of the United States pursuant to KRS 61.552(5)(d) and 78.545, the employee shall file at the agency[~~retirement office~~] a copy of the federal form DD-214 or other official military documents clearly indicating the:

1. Date[~~The date~~] of entry into active duty service;
2. Date[~~The date~~] of discharge from active duty service; and
3. Type[~~The type~~] of discharge.

(b) To purchase service credit for service in the National Guard or the military reserve forces pursuant to KRS 61.552(5)(e) and 78.545, including periods of active duty training,[~~or for service in the National Guard,~~] the employee shall file at the agency[~~retirement office~~] copies of official military documents clearly indicating the date of entry and current participation or date of discharge.

(c) The documents required by[~~in~~] paragraphs (a) or (b) of this subsection shall be verified by a statement or letter signed by an authorized employee of the military.

(d) The agency shall verify with the employer the beginning and ending dates of the period of leave associated with active duty service in the Armed Forces of the United States, or service in the National Guard[~~,~~] or[~~service in~~] the military reserve forces.

(3)[~~(2)~~]

(a) To purchase service for a period when the employee was on educational, maternity, or sick leave without pay pursuant to KRS 61.552(5)(i) and 78.545, the employee shall file at the agency[~~retirement office~~] a statement or letter from the reporting official, personnel director, or agency head certifying the beginning and ending dates of[~~the period of leave~~] and the type of leave designated by the employer.

(b) The agency shall verify with the employer the beginning and ending dates of[~~the period of~~] educational, maternity, or sick leave without pay.

(4)[~~(3)~~] To purchase state university service pursuant to KRS 61.552(5)(b) and 78.545, the employee shall file at the agency[~~retirement office~~] a valid Form 4120, Verification of Employment with a State University.

(5)[~~(4)~~] To purchase federal service pursuant to KRS 61.552(5)(f) and 78.545, the employee shall file at the agency[~~retirement office~~] a valid Form 4115, Federal Verification.

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

(a) To purchase past seasonal, emergency, interim, probationary, temporary, or part-time employment that averages the required hours of work per month pursuant to KRS 61.552(5)(g) and 78.545, the employee shall file at the agency[~~retirement office~~] a valid Form 4225, Verification of Past Employment.

(b) If the employee is seeking to purchase service based on past seasonal, emergency, interim, probationary, temporary, or part-time employment with the Executive Branch, documentation to be filed at the agency shall include:

1. Copies[~~copies~~] of personnel and wage records provided by the employer;
2. A Form 4225; or
3. Other documentation the agency deems necessary to confirm the employment that the service purchase is being based on[~~shall be filed at the retirement office instead of Form 4225, Verification of Past Employment~~].

(7)[~~(6)~~] To purchase service with a non-participating agency whose service is authorized pursuant to KRS 61.552(5)(j) and 78.545, the employee shall file at the agency[~~retirement office the following documentation and may be required to file additional information, if necessary for determination~~]:

(a) The beginning and ending dates of the service and any breaks that may have occurred during the service, listed by fiscal year;

(b) The number of calendar months worked;

(c) The position title and status, including full-time, part-time, probationary, emergency, seasonal, temporary, or interim;[~~and~~]

(d) If the employee participated in a retirement plan, and if so, if the:

1. Plan[~~plan~~] was a defined contribution or defined benefit plan;[~~, and~~]
2. Employee[~~if the employee~~] has taken a refund of contributions to the plan; and

(e) Any other documentation the agency deems necessary to determine eligibility.

(8)[~~(7)~~] To purchase urban-county government service pursuant to KRS 61.552(5)(k) and 78.545, the employee shall file at the agency[~~retirement office~~] a valid Form 4131, Verification of Urban-County Government Service.

(9)[~~(8)~~] Out-of-State Service Credit.

(a) To purchase service credit for any out-of-state public service pursuant to KRS 61.552(5)(c) and 78.545, the employee shall file at the agency[~~retirement office~~] a valid Form 4140, Verification of Out-of-State Service.

(b) To purchase nonhazardous out-of-state service credit pursuant to KRS 61.552(5)(c), a member shall:

1. Have been employed in a regular, full-time position;
2. Have earned the out-of-state service credit in a state or local defined benefit plan other than a plan for teachers; and
3. Provide documentation or other evidence that they are not eligible for a retirement benefit from the out-of-state plan for the same period of service.

(c)[~~(b)~~] To purchase out-of-state service credit for a hazardous duty position, the employee shall:[~~also~~]

1. File[~~file~~] at the agency a Form 4140 and[~~retirement office~~] a copy of the description of the duties of the out-of-state position from ***his or her***[~~***their***~~][~~his or her~~] former out-of-state employer;[~~.~~]
2. Meet the eligibility requirements established in subsection (9)(b) of this section;
3. Be vested in any system in which the member has a hazardous service account based solely upon service in that system; and
4. Have been employed in an out-of-state

[~~(c)~~] [~~Out-of-state service credit shall be eligible for purchase as hazardous duty if the~~] position that is the same as or substantially similar to positions for which hazardous duty credit has been approved pursuant to, and meets the definition of a hazardous position as established in,[~~under~~] KRS 61.592 or 78.5522.

(d) Nonhazardous service may not be used to meet the vesting requirement for a hazardous service credit purchase.

Section 6.[~~Section 7.~~] Service Purchase Calculations Based on Actuarial Cost.

(1) Except for employees of a school board paid under an employment contract, for a purchase based on the actuarial cost, in accordance with KRS 61.552(10)(a) and 78.545, the higher of the current rate of pay, final rate of pay, or final compensation times the actuarial age factor shall be[~~determined as follows~~]:

(a) Current rate of pay shall be[~~determined as follows~~]:

1. For an hourly employee paid on a seven and one-half (7 1/2) hour day, the hourly rate times 1,950;
2. For an hourly employee paid on an eight (8) hour day, the hourly rate times 2,080;
3. For an employee paid by the day, the daily rate times 260;
4. For an employee paid by the week, the weekly rate times fifty-two (52);
5. For an employee paid by the month, the monthly rate times twelve (12);

6. For a part-time employee who averages 100 or more hours per month, the hourly rate times hours per day times 260. If the number of hours worked per day is not fixed by the employer, seven and one-half (7 1/2) hours shall be used;

7. For an employee who receives a fixed amount in addition to an hourly, daily, weekly, monthly, or annual rate, the current rate shall include all fixed amounts, averaged into the same period;

8. For an employee simultaneously employed in more than one (1) of the systems, the higher of the combined current rate of pay, combined final rate of pay, or combined final compensation shall be used as of the cost calculation date.

(b) Final compensation shall be determined as of the cost calculation date, except that if the agency provides or corrects a cost calculation for a retired member, final compensation shall be based on the definition of final compensation as established in 105 KAR 1:001 in effect on ***the member's***[***their***] retirement date. To determine final compensation in effect for the cost calculation or correction for a retired member, the agency shall use[~~the final compensation of nonhazardous members of the County Employees Retirement System or Kentucky Employees Retirement System with an effective retirement date within the window provided in KRS 61.510(14)(b) and 78.510(14)(b) shall be based on the three (3) fiscal years with the highest average monthly earnings if the sum of the employee's service when added to his age would equal at least seventy-five (75), assuming~~] the employee's actual service, including[~~includes~~]:

1. All service[~~remaining on an active installment purchase agreement;~~]

[~~2.~~] [~~All service~~]***that***[***which***] the employee purchased pursuant to[~~is eligible to purchase under~~] KRS 61.552(2), 61.552(3), and 78.545; and

2. The employee's age at retirement

[~~3.~~] [~~All service the employee would accrue if employment continued through December 31, 2008.~~]

[~~(c)~~] [~~The employee's age rounded to the nearest year as of the cost calculation date shall be used~~].

(c)[~~(d)~~] The benefit factor used to determine the actuarial cost, in accordance with KRS 61.552(10)(a) and 78.545, shall be the benefit factor to which the employee is entitled on the first day of the month following the cost calculation date, except that the benefit factor for nonhazardous employees of the County Employees Retirement System and the Kentucky Employees Retirement System with an effective retirement date within the window established[~~provided~~] in KRS 61.510(14)(b) and 78.510(14)(b) shall be the highest benefit factor to which the employee would be entitled, assuming total service as determined in paragraph (b) of this subsection.

(2) For employees of a school board paid under an employment contract, for a purchase based on the actuarial cost, in accordance with KRS 61.552(10)(a) and 78.545, the higher of the current rate of pay, final rate of pay, or final compensation times the actuarial age factor shall be[~~determined as follows~~]:

(a) The current rate of pay shall be equal to the final compensation as of the cost calculation date.

(b) Final compensation shall be determined as of the cost calculation date, except that the final compensation of nonhazardous members of the County Employees Retirement System or Kentucky Employees Retirement System with an effective retirement date within the window established[~~provided~~] in KRS 61.510(14)(b) and 78.510(14)(b) shall be based on the three (3) fiscal years with the highest average monthly earnings if the sum of the employee's service when added to ***his or her***[***their***][~~his~~] age would equal at least seventy-five (75), assuming the employee's service includes all service:

1. Remaining[~~All service remaining~~] on an active installment purchase agreement;

2. Which[~~All service which~~] the employee is eligible to purchase under KRS 61.552(2), 61.552(3), and 78.545; and

3. The[~~All service the~~] employee would accrue if employment continued through December 31, 2008.

(c) The employee's age rounded to the nearest year as of the cost calculation date shall be used.

(d) The benefit factor used to determine the actuarial cost, in accordance with KRS 61.552(10)(a) and 78.545, shall be the benefit factor to which the employee is entitled on the first day of the month following the cost calculation date, except that the benefit factor for nonhazardous employees of the County Employees Retirement System and the Kentucky Employees Retirement System with an effective retirement date within the window established[~~provided~~] in KRS 61.510(14)(b) and 78.510(14)(b) shall be the highest benefit factor to which the employee would be entitled, assuming total service as determined in paragraph (b) of this subsection.

Section 7.[~~Section 8.~~] Correction Upon Discovery of Error or Omission in Service Purchase Costs.

(1) After the employee, member, or retired member has purchased service, the agency may recalculate the cost of the service if, upon audit, the agency determines that any of the information utilized to calculate the cost of the service was incorrect.

(2) If the recalculation results in an increase in the cost of $100 or more, the employee or person, member, or retired member shall have thirty (30) days to pay the additional amount.

(3) If the employee, member, retired member, or the employer, fails to pay the additional amount, the employee's, member's, or retired member's service shall be reduced to the next lower increment or number of months for which the employee, member, or retired member is eligible based on the original payment, and the difference shall be refunded to the employee, member, or retired member.

Section 8.[~~Section 9.~~] Special Considerations for Purchase of Refunded or Past Service.

(1) The verified wages associated with service purchased under the provisions of KRS 61.552 and 78.545 that would have qualified as creditable compensation shall be added to the employee's account and shall be used in determining the employee's final compensation.

(2) An employee purchasing service pursuant to[~~under the preceding~~] subsection (1) of this section by increments or by installment purchase agreement shall have the service credited in chronological order beginning with the earliest service.

Section 9.[~~Section 10.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 4172, "Notice of Intent to Transfer Lump Sum Payment(s) to Qualified Employer Sponsored Plan," April 2021;

(b) Form 4170, "Direct Transfer/Rollover Authorization Form" 1/2026[~~April 2021~~];

(c) Form 4225, "Verification of Past Employment," 1/2026[~~April 2021~~];

(d) Form 4160, "Affidavit and Certification for Documentation of Service," 1/2026[~~September 2010~~];

(e) Form 4120, "Verification of Employment with a State University," April 2021;

(f) Form 4115, "Federal Verification," 1/2026[~~April 2021~~];

(g) Form 4131, "Verification of Urban-County Government Service," April 2021; and

(h) Form 4140, "Verification of Out-of-State Service," April 2021.

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

FILED WITH LRC: April 13, 2026

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FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(As Amended at ARRS, April 13, 2026)

105 KAR 1:400. Federal taxation limitation year.

RELATES TO: KRS ***16.505, 16.568,*** 61.505[***(1)(g);***]***, 61.510, 61.552, 61.663, 78.510, 78.652,*** 26 U.S.C.[***415***]***, 125, 3401, 402,*** 415***, 417, 457, 6041, 6051***[61.645(9)(e)]

STATUTORY AUTHORITY: KRS 61.505(1)(g)[61.645(9)(e)]

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority on behalf of Kentucky Retirement Systems and County Employees Retirement System[61.645(9)(g) requires the Board of Trustees of Kentucky Retirement Systems] to promulgate administrative regulations necessary or proper in order to carry out the provisions of KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852 and to conform to federal statutes and regulations. 26 U.S.C. 415(c) limits post-tax contributions by a member. This administrative regulation concerns the administration of testing contribution and benefit limits in accordance with 26 U.S.C. Section 415.

Section 1. Definitions.

(1) "Annual addition" is defined by 26 U.S.C. 415(c)(2).

(2) "Annual benefit" is defined by 26 U.S.C. 415(b)(2).

(3)[(1)] "Fiscal year" is defined by KRS 16.505(32), 61.510(19), and 78.510(19).

(4)[(2)] "415(b) limit" means[to] the limitation on benefits established by 26 U.S.C. 415(b).

(5)[(3)] "415(c) limit" means the limitation on annual additions established by 26 U.S.C. 415(c).

Section 2. The ***limitation year***[***"fiscal year" shall be the limitation year***]established[as set out] in 26 U.S.C. Section 415 for determining contribution and benefit limits in the plans administered by the Kentucky Retirement Systems or County Employees Retirement System ***shall be the fiscal year***.

Section 3. This administrative regulation shall apply to all plans administered by Kentucky Retirement Systems or County Employees Retirement System. Subject to the provisions of this administrative regulation, benefits paid from, and employee contributions made to, these plans shall not exceed the maximum benefits and the maximum annual addition, respectively, as established in[applicable under] 26 U.S.C. 415. The provisions of this section shall not prevent the member receiving benefits from the funds created by KRS 16.568, 61.663, and 78.652.

Section 4. Participation in Other Qualified Plans: Aggregation of Limits. The 415(b) limit with respect to any member who at any time has been a member in any other defined benefit plan as defined in 26 U.S.C. 414(j) maintained by the member's employer in a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan shall apply as if the total benefits payable under all those defined benefit plans in which the member has been a member were payable from one (1) plan.

Section 5. The 415(c) limit with respect to any member who at any time has been a member in any other defined contribution plan as defined in 26 U.S.C. 414(i) maintained by a participating employer[the member's employer in a KRS plan] shall apply as if the total annual additions under all those defined contribution plans in which the member has been a member were payable from one (1) plan.

Section 6. Basic 415(b) Limitation. On and after January 1, 1995, a member shall not receive an annual benefit that exceeds the dollar amount established[specified] in 26 U.S.C. 415(b)(1)(A), subject to the applicable adjustments established in 26 U.S.C. 415(b) and subject to any additional limits established[that are specified] in this section. A member's annual benefit payable in any limitation year from a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan shall not be greater than the limit applicable on[at] the annuity starting date, as increased in subsequent years pursuant to 26 U.S.C. 415(d) and 26 C.F.R. 1.415(d)-1.

Section 7. [Definition of] Annual Benefit.

(1) For purposes of 26 U.S.C. 415(b), the "annual benefit" is the[means a] benefit payable annually in the form of a straight life annuity with no ancillary benefits[(with no ancillary benefits)] without regard to the benefit attributable to:

(a) After-tax[after-tax] employee contributions other than permissive service credit as defined by 26 U.S.C. 415(n); or

(b) [***To***]Rollover contributions as defined by 26 U.S.C. 415(b)(2)(A)[(except pursuant to 26 U.S.C. 415(n)) and to rollover contributions (as defined in 26 U.S.C. 415(b)(2)(A))].

(2) The "benefit attributable" shall be determined in accordance with 26 C.F.R. 1.415(b)-1(b)(2).

Section 8. Adjustments to Basic 415(b) Limitation for Form of Benefit.

(1) If the benefit under a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan is other than the form specified in Section 6 of this administrative regulation, then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors established[prescribed] in 26 C.F.R. 1.415(b)-1(c).

(2) If the form of benefit without regard to the automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then subsection (1) of this section shall be applied by either reducing the section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount[determined] using the assumptions established[specified] in Treasury Regulation Section 1.415(b)-1(c)(2)(ii) that take[takes] into account the additional benefits under the form of benefit as established in this subsection.[follows:]

(a) For a benefit paid in a form to which 26 U.S.C. 417(e)(3) does not apply a monthly benefit, the actuarially equivalent straight life annuity benefit that is the greater of, or[(or] the reduced 415(b) limit applicable at the annuity starting date which is the "lesser of" when adjusted in accordance with the assumptions established in subparagraphs 1 and 2 of this paragraph.[following assumptions):]

1. The annual amount of the straight life annuity[(if any)] payable to the member under the Kentucky Retirement Systems or County Employees Retirement Systems[KRS] plan commencing on[at] the same annuity starting date as the form of benefit to the member; or

2. The annual amount of the straight life annuity commencing on[at] the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a five (5) percent statutory interest assumption established in 26 U.S.C. 415(b)(2) E)(i); and[(or the applicable statutory interest assumption), and:]

[a.] [On or before December 31, 2008, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62); or]

[b.] [On or after January 1, 2]009[,] the applicable mortality tables established[described] in 26 U.S.C. 417(e)(3)(B)[, (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing 26 U.S.C. 417(e)(3)(B))]; or

(b) For a benefit paid in a form to which 26 U.S.C. 417(e)(3) applies[a lump sum benefit], the actuarially equivalent straight life annuity benefit that is the greatest of, or[(or] the reduced 415(b) limit applicable at the annuity starting date which is the "least of" when adjusted in accordance with the assumptions established in subparagraphs 1 through 3 of this paragraph.[following assumptions):]

1. The annual amount of the straight life annuity commencing on[at] the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, established[specified] in the Kentucky Retirement Systems or County Employees Retirement System[KRS] plan for actuarial experience;

2. The annual amount of the straight life annuity commencing on[at] the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a five and one-half (5.5)[5.5] percent statutory interest assumption established in 26 U.S.C. ***415(b)(E)(ii)(I)***[***415(b)€(ii)(I)***] and the[(or the applicable statutory interest assumption), and:]

[a.] [On or before December 31, 2008, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62); or]

[b.] [On or after January 1, 2]009[, the applicable] mortality tables established[described] in 26 U.S.C. 417(e)(3)(B)[(Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing 26 U.S.C. 417(e)(3)(B))]; or

3. The annual amount of the straight life annuity commencing on[at] the annuity starting date that has the same actuarial present value as the particular form of benefit payable[(computed] using the applicable interest rate for the distribution established in 26 C.F.R.[under Treasury Regulation section] 1.417(e)-1(d)(3)[(the thirty (30) year Treasury rate (prior to January 1 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate] in effect for the first day of the plan year with a one (1) year stabilization period and[period)); and:]

[a.] [On or before December 31, 2008, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), divided by 1.05; or]

[b.] [On or after January 1, 2]009[,] the applicable mortality tables established[described] in 26 U.S.C. 417(e)(3)(B)[(Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing 26 U.S.C. 417(e)(3)(B))] divided by 1.05.

Section 9. Benefits Not Taken into Account for 415(b) Limit.[(1)] For purposes of this administrative regulation, the following benefits shall not be taken into account in applying these limits:

(1) Any ancillary benefit ***that***[***which***] is not directly related to retirement income benefits;

(2) That portion of any joint and survivor annuity[and] that constitutes a qualified joint and survivor annuity pursuant to 26 U.S.C. 415(b)(2)(g); and

(3) Any other benefit not required under 26 U.S.C. 415(b)(2) and 26 C.F.R. 1.415(b)-1 to be taken into account for purposes of the limitation of 26 U.S.C. 415(b)(1).

Section 10. Other Adjustments in 415(b) Limitation.

(1) If the member's retirement benefits become payable before age sixty-two (62), the limit established in[prescribed by] this section shall be reduced in accordance with 26 C.F.R. 1.415(b)-1(d), so that the reduced limit[(as so reduced)] equals an annual straight life benefit when the retirement income benefit begins,[(when the retirement income benefit begins)] which is equivalent to an adjusted $160,000[a $160,000 (as adjusted)] annual benefit beginning at age sixty-two (62).

(2) If the member's benefit is based on at least fifteen (15) years of service as a full-time employee of any police or fire department or on fifteen (15) years of military service, the adjustments established[provided for] in subsection (1) of this section shall not apply.

(3) The reductions established[provided for] in subsection (1) of this section shall not apply to preretirement disability benefits or preretirement death benefits.

Section 11. Less than Ten (10) Years of Participation.

(1) The maximum retirement benefits payable to any member who has completed less than ten (10) years of participation in a system shall be the amount determined under Section 6 of this administrative regulation as adjusted under Sections 8 or 10 of this administrative regulation multiplied by a fraction, the numerator of which is the number of the member's years of service and the denominator of which is ten (10).

(2) The reduction established in[provided by] this section shall not:

(a) Reduce[reduce] the maximum benefit below ten (10) percent of the limit determined without regard to this section; or

(b) Apply[. The reduction provided by this section shall not apply] to preretirement disability benefits or preretirement death benefits.

Section 12. $10,000 Limit Less than Ten (10) Years of Service.

(1) Notwithstanding any provision of[anything in] this administrative regulation to the contrary, the retirement benefit payable[with respect to a member] shall be deemed not to exceed the limit established[set forth] in this section if the benefits payable[, with respect to the member] under a Kentucky Retirement Systems or County Employee Retirement System[KRS] plan and under all other qualified defined benefit pension plans to which the member's employer contributes:[,]

(a) Do[do] not exceed $10,000 for the applicable limitation year and for any prior limitation year; and

(b) The[the] employer has not at any time maintained a qualified defined contribution plan in which the member participated.

(2) If the member has completed less than ten (10) years of service with the employer, the limit under this section shall be a reduced limit equal to $10,000 multiplied by a fraction, the numerator of which is the number of years of service the member has and the denominator of which is ten (10).

Section 13. Effect of COLA without a Lump Sum Component on 415(b) Testing. On[Effective on] and after January 1, 2003, for purposes of applying the 415(b) limit to a member with no lump sum benefit[, the following shall apply]:

(1) A member's[applicable] 415(b) limit shall be applied to the member's annual benefit in the member's first limitation year without regard to any automatic cost of living adjustments;

(2) To the extent that the member's annual benefit equals or exceeds the limit[Limit], the member shall not be eligible for cost of living increases from the funds created by KRS 16.510, 61.515, 78.520, until the[time that the] benefit added to[plus] the accumulated increases are less than the 415(b) limit; and

(3) In[Thereafter, in] any subsequent limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the current[then applicable] 415(b) limit including any adjustment to the 26 U.S.C. 415(b)(1)(A) dollar limit under 26 U.S.C. 415(d), and 26 C.F.R. 1.415(b)-1(d)[. The provisions of this section shall not prevent the member receiving benefits from the funds created by KRS 16.568, 61.663, and 78.652].

Section 14. Effect of COLA with a Lump Sum Component on 415(b) Testing. On and after January 1, 2009, with respect to a member who receives a portion of ***his or her***[***their***][the member's] annual benefit in a lump sum, the[a member's applicable] limit shall be applied taking into consideration cost of living increases as required by 26 U.S.C. 415(b) and 26 C.F.R. 1.415(b)-1.

Section 15. 415(c) Limit. After-tax member contributions or other annual additions with respect to a member shall not exceed the lesser of $40,000, as adjusted pursuant to 26 U.S.C. 415(d),[(as adjusted pursuant to 26 U.S.C. 415(d))] or 100 percent of the member's compensation.

(1) [Annual additions shall mean the sum (for any year) of employer contributions to a defined contribution plan, post-tax member contributions, and forfeitures credited to a member's individual account. Member contributions shall be determined without regard to rollover contributions and to picked-up employee contributions that are paid to a defined benefit plan.]

[(2)] For purposes of applying the 415(c) limits only, compensation[and for no other purpose, the definition of compensation if applicable] shall be compensation actually paid or made available during a limitation year, except as established[noted] in subsection (3) of this section and as permitted by Treasury Regulation Section 1.415(c)-2,[or successor regulation;] except that member contributions picked up under 26 U.S.C. 414(h) shall not be treated as compensation.

(2)

(a)[(3)] Unless another definition of compensation that is permitted by Treasury Regulation Section 1.415(c)-2[, or successor regulation,] is specified by a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan, compensation shall be:[defined as]

1. Wages as defined by[wages within the meaning of] 26 U.S.C. 3401(a);

2. All[and all] other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under 26 U.S.C. 6041(d), 6051(a)(3), and 6052; and

3. Determined[shall be determined] without regard to any rules under 26 U.S.C. 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed, including[(such as] the exception for agricultural labor in 26 U.S.C. 3401(a)(2)[3401(a)(2))].

(b)[(a)] For[However, for] limitation years beginning on and after January 1, 1998, compensation shall also include amounts that would otherwise be included in compensation but for an election under 26 U.S.C. 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b).

(c) For limitation years beginning on and after January 1, 2001, compensation shall also include any elective amounts that are not includible in the gross income of the employee by reason of 26 U.S.C. 132(f)(4).

(d)[(b)] For limitation years beginning on and after January 1, 2009, compensation[for the limitation year] shall also include compensation paid by the later of two and one-half (2 1/2) months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:

1. The payment is:

a. Regular compensation for services during the employee's regular working hours;

b. Compensation for services outside the employee's regular working hours, including[such as] overtime or shift differential; or

c. Commissions, bonuses, or other similar payments; and

2. Absent a severance from employment, the employee would have been able to use the payments including[(including] unused accrued bona fide sick, vacation or other leave[leave)] if employment had continued.

(e)[(c)] Any payments not established[described] in paragraph (d)[(b)] of this subsection shall not be considered compensation if paid after severance from employment, even if they are paid within two and one half (2 1/2) months following severance from employment, except for payments to the individual who does not currently perform services for the employer by reason of qualified military service as established in 26 U.S.C. 414(u)(1)[(within the meaning of 26 U.S.C. 414(u)(1))] to the extent these payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service. An employee who is in qualified military service[(within the meaning of 26 U.S.C. 414(u)(1))] shall be treated as receiving compensation from the employer during the period of qualified military service equal to:

1. The compensation the employee would have received during the period if the employee were not in qualified military service, determined based on the rate of pay the employee would have received from the employer but for the absence during the period of qualified military service; or

2. If the compensation the employee would have received during the period was not reasonably certain, the employee's average compensation from the employer during the twelve (12) month period immediately preceding the qualified military service or,[(or,] if shorter, the period of employment immediately preceding the qualified military service[service)].

(f)[(d)] Back pay, as established in 26 C.F.R.[within the meaning of Treasury Regulation section] 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

Section 16. Service Purchases Under Section 415(n).

(1) Beginning[Effective for permissive service credit contributions made in limitation years beginning] after December 31, 1997, if a member makes one (1) or more contributions to purchase permissive service credit under a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan,[then] the requirements of 26 U.S.C. 415(n) shall be treated as met only if determined by treating:

(a) The[requirements of 26 U.S.C. 415(b) are met, determined by treating the] accrued benefit derived from all these contributions as an annual benefit for purposes of the 415(b) limit; or

(b) All of the[The requirements of 26 U.S.C. 415(c) are met, determined by treating all these] contributions made pursuant to this subsection as annual additions for purposes of the 415(c) limit.

(2) For purposes of applying this section, a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan shall not fail to meet solely by reason of this section the:

(a) Reduced[reduced] limit under 26 U.S.C. 415(b)(2)(C); and

(b) Percentage[solely by reason of this section and shall not fail to meet the percentage] limitation under 26 U.S.C. 415(c)(1)(B)[solely by reason of this section].

(3)

(a) For purposes of this section the term "permissive service credit" shall mean service credit:

1. Recognized by a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan for purposes of calculating a member's benefit under a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan;

2. ***That***[***Which***] the member has not received under a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan; and

3. ***That***[***Which***] the member may receive only by making a voluntary additional contribution, in an amount determined under a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan, which does not exceed the amount necessary to fund the benefit attributable to the service credit.

(b) Permissive[Effective for permissive] service credit contributions made in limitation years beginning after December 31, 1997[, the term] may include service credit for periods for which there is no performance of service, and, notwithstanding paragraph (a)2 of this subsection, may include service credited[in order] to provide an increased benefit for service credit which a member is receiving under a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan.

(4) The Kentucky Retirement Systems or County Employees Retirement System[KRS] plan shall fail to meet the requirements of this section if:

(a) More than five (5) years of nonqualified service credit are taken into account for purposes of this section; or

(b) Any nonqualified service credit is taken into account under this section before the member has at least five (5) years of participation under a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan.

(5) For purposes of subsection (4) of this section,[effective] for permissive service credit contributions made in limitation years beginning after December 31, 1997,[the term] "nonqualified service credit" shall be[mean] permissive service credit other than that allowed with respect to:

(a) Service as an employee of the Government of the United States, any state or political subdivision thereof, or any agency or instrumentality of any of the foregoing other[(other] than military service or service for credit which was obtained as a result of a repayment described in 26 U.S.C. 415(k)(3)[26 U.S.C. 415(k)(3))];

(b) Service as an employee other[(other] than that established[as an employee described] in paragraph (a) of this subsection[subsection)] of an education organization established[described] in 26 U.S.C. 170(b)(1)(A)(ii) which is a public, private, or sectarian school which provides elementary,[or] secondary through grade twelve (12)[education (through grade 12)], or a comparable level of education, pursuant to[as determined under] the applicable law of the jurisdiction in which the service was performed;

(c) Service as an employee of an association of employees as established[who are described] in paragraph (a) of this subsection; or

(d) Military service other[(other] than qualified military service under 26 U.S.C. 414(u)[26 U.S.C. 414(u))] recognized by the Kentucky Retirement Systems or County Employees Retirement System[KRS] plan.

(6) Service established[For service described] in subsection (5)(a), (b), or (c) of this section[, the service] shall be nonqualified service if recognition of the service would cause a member to receive a retirement benefit for the same service under more than one plan.

(7) For a trustee-to-trustee transfer after December 31, 2001, to which 26 U.S.C. 403(b)(13)(A) or 457(e)(17)(A) applies without[(without] regard to whether the transfer is made between plans maintained by the same employer, the[employer)]:

(a) Limitations[The limitations] of subsection (4)[shall] of this section shall not apply in determining whether the transfer is for the purchase of permissive service credit; and

(b) Distribution[The distribution] rules applicable under federal law to a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan shall apply to these amounts and any benefits attributable to these amounts.

(8) For individuals who began membership in a Kentucky Retirement Systems or County Employees Retirement System plan before January 1, 1998[an eligible member], the 415(c) limit shall not be applied to reduce the amount of permissive service credit which may be purchased to an amount less than the amount which was allowed to be purchased under the terms of a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan as in effect on August 5, 1997[.][For purposes of this subsection an eligible member shall be an individual who first became a member in a KRS plan before January 1, 1998].

Section 17. Modification of Contributions for 415(c) and 415(n) Purposes. The agency[department] may modify a request by a member to make a contribution to a Kentucky Retirement Systems or County Employees Retirement System[KRS] plan if the amount of the contribution would exceed the limits provided in Section 415 by using the methods established in this section[following methods:]

(1) If the law requires a lump sum payment for the purchase of service credit, the agency[Kentucky Retirement Systems] may establish a periodic payment plan for the member to avoid a contribution in excess of the limits under 26 U.S.C. 415(c) or 415(n).

(2) If payment pursuant to subsection (1) of this section will not avoid a contribution in excess of the limits imposed by 26 U.S.C. 415(c) or 415(n), the agency[Kentucky Retirement Systems] may either reduce the member's contribution to an amount within the limits of those sections or refuse the member's contribution.

Section 18. Repayments of Cashouts. Any service purchase pursuant to KRS 61.552(3) of repayment of contributions, including interest, is a repayment of a cashout under 26 U.S.C. 415(k)(3) and[(including interest thereon) to the KRS plan with respect to an amount previously refunded upon a forfeiture of service credit under the KRS plan or another governmental plan maintained by the State or a local government within the state] shall not be taken into account for purposes of the 415(b) or (c) limits.

FILED WITH LRC: April 13, 206

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

BOARDS AND COMMISSIONS
Kentucky Board of Medical Licensure
(As Amended at ARRS, April 13, 2026)

201 KAR 9:086. License renewal and registration; reregistration of inactive license for physician assistants.

RELATE TO: KRS ***311.842, 311.844***[***311.842(1); 311.8422)(e); 311.844(3)***]

STATUTORY AUTHORITY: KRS 311.565***, 311.842(1),***[***;***] 311.842(2)(e)

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 311.842(1) authorizes the board to promulgate administrative regulations relating to the licensing and regulation of physician assistants. ***This***[***The purpose of this***] administrative regulation ***establishes***[***is to establish***] procedures and rules regarding the renewal and activation of inactive licenses held by physician assistants.

Section 1. Renewal of an Active License. On or about February 1, every two (2) years, the executive director shall send by electronic communication ("email") notification to all physician assistants ("licensees") holding an active regular license to practice as a physician assistant in the Commonwealth that renewal of their license ***shall***[***must***] be executed on or before March 31 of that same year. The notification shall indicate the renewal fee and shall warn the licensee that failure to timely renew shall cause his or her license to become inactive.

Section 2. Survey.

(1) In conjunction with ***the***[***any***] notification required to be sent by Section 1 of this administrative regulation, the executive director shall also send a survey to be completed by the licensee's current or most recent primary supervising physician.

(2) The survey shall ask the supervising physician to evaluate the licensee's reliability, accountability, ***and*** fund of medical knowledge and to recommend whether to approve or deny renewal of the licensee's renewal application.

(3) A license shall not be renewed, or an inactive license activated, until the survey has been completed to the executive director's satisfaction.

Section 3. Late Renewal.

(1) Any licensee holding a regular license who fails to renew his or her active license on or before March 31 of the year notified shall be sent a second notification that shall indicate the renewal fee, the penalty fee for late renewal**,** and the time allowed for late renewal**,** which shall not be longer than thirty (30) days beyond the date designated on the first notification for renewal.

(2) If the licensee fails to complete a late renewal of his or her active license ***on or before***[***by***] April 30 of that same year, the license shall be considered inactive or cancelled accordingly and continued practice by the physician assistant shall be considered unauthorized and unlicensed.

Section 4. Activation of Inactive Regular License.

(1) Upon failure of a licensee to renew his or her active license before the expiration of the time allowed for late renewal, the license shall become inactive and continued practice by the physician assistant shall be considered unauthorized and unlicensed.

(2) At any subsequent time, the holder of an inactive license may apply to activate his or her inactive license by paying the fee for activation of an inactive license, and satisfactorily completing the forms necessary for obtaining sufficient information concerning the physician assistant's present fitness to practice.

Section 5. All notifications required to be sent by this administrative regulation shall be sent by email to the licensee's last known self-entered email address of which the board has record. Failure of the licensee to receive notice if emailed to the licensee's last known self-entered email address shall not excuse the licensee from compliance with [***~~the~~***]statutes or this administrative regulation.

FILED WITH LRC: April 13, 2026

CONTACT PERSON: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502)764-2613, fax (502) 429-7118, email leanne.diakov@ky.gov.

BOARDS AND COMMISSIONS
Kentucky Board of Medical Licensure
(As Amended at ARRS, April 13, 2026)

201 KAR 9:305. License renewal and registration; reregistration of inactive licenses; and continuing education requirements for[~~Continued licensure of~~] athletic trainers.

RELATES TO: KRS 311.901(1), 311.905[***~~(2)~~***][***~~and (5)~~***][***~~, 311.909(1)(o)~~***]
STATUTORY AUTHORITY: KRS 311.565***(1)(b),***[***~~;~~***][***~~KRS~~***] 311.901(1)[***~~; 311.905(2) and (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 311.901(1) requires the Kentucky Board of Medical Licensure to promulgate administrative regulations relating to the licensure and regulation of athletic trainers, including procedures for licensure renewal and reinstatement and continuing education requirements. ***KRS 311.565(1)(b) authorizes the board to promulgate reasonable administrative regulations establishing qualifications of applicants for licenses and permits issues by the board.*** This administrative regulation establishes the continuing education requirements and the renewal and reinstatement processes for the continued licensure of athletic trainers.

Section 1. Definition. "CEU" means the completion of ten (10) hours of educational courses approved by the:
(1) Kentucky Board of Medical Licensure; or
(2) Board of Certification, Inc.

Section 2. An athletic trainer licensed to practice in the Commonwealth of Kentucky shall complete six (6) CEUs during each three (3) year renewal cycle[***~~beginning with the renewal cycle that ends on June 30, 2015~~***].

Section 3. Renewal of an Active License. On or about May 1, every three (3) years, the executive director shall send by electronic communication ("email") notification to all athletic trainers ("licensees") holding an active regular license to practice as an athletic trainer in the Commonwealth that renewal of their license ***shall***[***~~must~~***] be executed on or before June 30 of that same year. The notification shall indicate the renewal fee and shall warn the licensee that failure to timely renew shall cause his or her license to become inactive.

Section 4. Failure to ***Timely Renew***[***~~timely renew~~***]. If a licensee holding a regular license fails to renew his or her active license on or before June 30 of the year notified, the license shall be considered inactive or cancelled accordingly and continued practice by the athletic trainer shall be considered unauthorized and unlicensed.

Section 5. Activation of Inactive Regular License.
(1) Upon failure of a licensee to renew his or her active license before the expiration of the time allowed[***~~for late renewal~~***], the license shall become inactive and continued practice by the athletic trainer shall be considered unauthorized and unlicensed.

(2) At any subsequent time, the holder of an inactive license may apply to activate his or her inactive license by paying the fee for activation of an inactive license, and satisfactorily completing the forms necessary for obtaining sufficient information concerning the athletic trainer's present fitness to practice.

Section 6. All notifications required to be sent by this administrative regulation shall be sent by email to the licensee's last known self-entered email address of which the board has record. Failure of the licensee to receive notice if emailed to the licensee's last known self-entered email address shall not excuse the licensee from compliance with [***~~the~~***]statutes or this administrative regulation.

FILED WITH LRC: April 13, 2026

CONTACT PERSON: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502)764-2613, fax (502) 429-7118, email leanne.diakov@ky.gov.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, April 13, 2026)

301 KAR 3:012. Public use of Otter Creek Outdoor Recreation Area.

RELATES TO: KRS 150.010, 150.240, 150.620, 150.640, 150.990
STATUTORY AUTHORITY: KRS 150.025(1), 150.240(2), 150.620
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area. KRS 150.240(2) authorizes the department to promulgate administrative regulations to establish permits for public or commercial shooting areas. KRS 150.620 authorizes the department's commission to acquire, improve, and maintain lands for public shooting, fishing, and other recreational uses, to impose and enforce special regulations in the maintenance and operation of these lands, to pay for the cost of the operations and maintenance of these areas, and to charge fair and reasonable fees to the public for use of these areas. This administrative regulation establishes requirements for the use of the Otter Creek Outdoor Recreation Area.

[~~Section 1.~~] [~~Definitions.~~]
[~~(1)~~)] [~~"Camp Piomingo" means a designated area within Otter Creek Outdoor Recreation Area that is leased from the department for an outdoor summer camp.~~]
[~~(2)~~)] [~~"Event" means a planned gathering of thirty (30) or more people twelve (12) years or older on the area at the same time.~~]
[~~(3)~~)] [~~"Shooting range" means a department built:~~]
[~~(a)~~)] [~~Firearm target range facility in which a person is required to shoot through a metal tube at various stationary targets; or~~]
[~~(b)~~)] [~~Archery range facility in which a person shoots at stationary targets from specified locations.~~]

Section 1.[~~Section 2.~~] General Area Use Restrictions.
(1) A person, except for permit exempt individuals, shall possess and carry:

(a) A valid daily or annual Area Entry Permit when using the Otter Creek Outdoor Recreation Area; and

(b) A valid daily or annual Special Activities Permit if:

1. Biking on designated trails;

2. Horseback riding on designated trails; or

3. Using designated shooting range facilities, except individuals possessing a valid shooting range permit shall not be required to possess a Special Activities Permit when using designated shooting range facilities.

(2) A shooting range permit shall not be required of a person who holds an Area Entry Permit and Special Activities Permit.[; ***however***] The person shall follow safety rules and provisions for use of a shooting range as established in 301 KAR 3:015.

(3)[(2)] [.] The department may enter into a lease agreement with Camp Piomingo to establish an annual flat-rate fee that allows permit-exempt use of the area by Camp Piomingo:

(a) Campers; and

(b) Staff.

(4)[(3)] A person shall not be on the area when the area is closed, except for:

(a) Registered campers at the designated campground area;

(b) Authorized hunters;

(c) Department staff;

(d) Department authorized contractors; or

(e) Individuals taking part in a special activity or event authorized by the department.

(5)[(4)] The department shall notify the public when the area is closed by:

(a) A pre-recorded phone message;

(b) An internet posting; and

(c) Visible signage on the area.

(6)[(5)] A person shall park vehicles in designated parking areas only.

(7)[(6)] A person who is hunting, fishing, trapping, or boating on the area shall follow all applicable administrative regulation requirements pursuant to 301 KAR Chapters 1, 2, 3, and 6.[;]

(8)[(7)] The area shall be closed to the general public, except for authorized hunters, during:

(a) A firearms deer quota hunt pursuant to 301 KAR 2:178; and

(b) Spring turkey season, pursuant to 301 KAR 2:142.

(9)[(8)] The following activities ***shall be***[***are***] prohibited without prior department authorization:

(a) Cutting or removing live or standing trees, shrubs, or other vegetation;

(b) Riding motorized all-terrain or off-highway vehicles;

(c) Allowing unleashed dogs, except at times and areas designated by the department;

(d) Camping, except in designated areas;

(e) Setting fires, except for attended fires:

1. In designated camping areas; or

2. In grills at designated picnic areas;[.]

(f) Blocking a roadway or gate;

(g) Igniting fireworks or rockets;

(h) Participating in a commercial activity or endeavor;

(i) Damaging or destroying crops or wildlife food plots;

(j) Damaging or defacing buildings, structures, signs, or other property;

(k) Hunting in an area closed to hunting;

(l) Tethering a horse to a tree, shrub, or sign; or

(m) Discharging a firearm:

1. Within 100 yards of a building;

2. Except on a designated firearm shooting range; or

3. Except during an authorized hunting season in an authorized hunting area.

Section 2.[Section 3.] Trail Requirements.

(1) A person shall only ride a horse or bike on designated trails or roadways.

(2) A person shall not possess a wheeled vehicle other than a bike on a designated bike trail, except for department authorized maintenance activities.

(3) A person shall not ride a bike or a horse on designated trails that have been temporarily closed by the department due to:

(a) Hunting activity;

(b) Wet conditions;

(c) Trail maintenance activity;

(d) Downed trees;

(e) Unsafe conditions; or

(f) An event authorized by the department.

(4) The department shall provide the public with a reasonable notification system for temporary trail closures that includes:

(a) A pre-recorded phone message;

(b) An internet posting; and

(c) Visible signage on the area.

Section 3.[Section 4.] Event Permits.

(1) A group of people conducting an event shall not meet on the area without first applying for and obtaining a completed Event Permit from the department ***by submitting an Otter Creek Event Permit Application***.

(2) A person, on behalf of the people involved with an event, shall apply for an Event Permit at least thirty (30) days in advance of the planned event.

(3) [***The application for an Event Permit shall be on a form provided by the department.***]

[***(4)***] The department shall deny an Event Permit if the planned activity or event:

(a) Is prohibited pursuant to this administrative regulation; or

(b) Is in conflict with:

1. Another Event Permit activity already authorized by the department;

2. A hunting season;

3. A quota hunt; or

4. Recreational use of the area.

Section 4.[Section 5.] Incorporation by Reference.

(1) "Otter Creek Event Permit Application", 2011 Edition, is incorporated by reference.

(2) The permit application 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, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time or online at: Otter Creek Event Permit Application:https://fw.ky.gov/Wildlife/Documents/Otter-Creek-Event-Permit-Application.pdf

FILED WITH LRC: April 13, 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, April 13, 2026)

301 KAR 3:013. Peabody Wildlife Management Area use requirements and restrictions.

RELATES TO: KRS 150.250, 150.620, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.195(4)(f), (g), 150.620

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.620 authorizes the ***department's commission***[***department***] to acquire lands for public use, to promulgate administrative regulations for their management, and to charge fees for their use. KRS

150.195(4)(f) and (g) authorize the department to establish the term and manner of license and permit sales. KRS 150.025(1) authorizes the department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. This administrative regulation establishes a permit for public use of the Peabody Wildlife Management Area and places necessary restrictions on ***the area's***[***its***] use by the public.

[Section 1.] [Definitions.]

[(1)] ["The area" means the Peabody Wildlife Management Area.]

[(2)] ["Group" means a family, organization, or gathering using the area for a specific event.]

[(3)] ["The Peabody Wildlife Management Area" means the lands in Hopkins, Ohio, and Muhlenberg Counties owned or managed by the Department of Fish and Wildlife Resources.]

[(4)] ["Permanent structure" means a blind, pit, stand, or other structure left in place for more than twenty-four (24) hours.]

Section 1.[Section 2.] Permits Required. Except as established in Sections 3 and 4 of this administrative regulation, a person sixteen (16) years or older while on the Peabody Wildlife Management area (PWMA) in Hopkins, Ohio, and Mulhenburg Counties owned or managed by the Department of Fish and Wildlife Resources shall:

(1) Have in his or her possession a Peabody Wildlife Management Area user permit; or

(2) Be a member of a group with an event permit, either an individual event permit or annual event permit.

Section 2.[Section 3.] Individual and Annual Event Permits.

(1) In lieu of individual user permits, a person representing a group using the PWMA[area] shall have in possession both an event permit and the Wildlife Management Area Use Permit[area use permit] as established in 301 KAR 3:010, Section 5[6].

(2) An event permit shall:

(a) Apply to each member of the group;

(b) ***Include***[***Specify***]:

1. If it is an individual event permit, ***the permit's***[***its***] period of validity, not to exceed four (4) days or, if it is an annual event permit, the dates the permit is not valid;

2. The activities in which the group will engage;

3. The name of the group; and

4. The name and address of an individual representing the group.

(3) The department may:

(a) Limit the number of event permits issued; or

(b) Assign a specific location for an event.

(4) The department shall:

(a)

1. Deny the application for an event ***that***[***which***] would interfere with:

a.[***1.***] A management objective for the PWMA[area]; or

b.[***2.***] Other uses or users; or

2.[***(b)***] Revoke individual or event permits for violations of the terms of the application or this administrative regulation; and

(b)[***(c)***] Not issue an event permit for an event at which wildlife is taken.

Section 3.[Section 4.] Permit Exceptions. An individual or event permit shall not be required of a person:

(1) On official business and employed by or an agent of:

(a) Peabody Coal Company;

(b) Beaver Dam Coal Company;

(c) Peabody Holding Company; or

(d) The Kentucky Department of Fish and Wildlife Resources:

(2) En route through the PWMA[area] on a state or county road; or

(3) On the PWMA[area]:

(a) As a necessary part of his or her job; or

(b) For the protection of public safety or well-being.

(4) A shooting range permit shall not be required of a person who:

(a) Holds a Peabody Wildlife Management Area use permit; or

(b) Is a member of a group that holds a Peabody WMA Event Permit and a Wildlife Management Area Use Permit, pursuant to 301 KAR 3:010, Section 5, for an event on the shooting range.

(5) All individuals shall follow safety rules and provisions for use of a shooting range as established in 301 KAR 3:015.

Section 4.[Section 5.] Permit Applications.

(1) An applicant for an individual permit shall:

(a) Apply at an authorized license agent; and

(b) Pay the fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022.

(2) An applicant for an event permit shall:

(a) Apply on the Peabody WMA Event[Wildlife Management Area] Permit Application; and

(b) Pay the fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022.

(3) The department shall keep applications and copies of event permits issued in a retrievable form for a minimum of one (1) year after the permits expire.

Section 5.[Section 6.] Prohibited Activities. While on the PWMA[area], a person shall not:

(1) Swim for recreational purposes;

(2) Camp, except in a primitive fashion along an existing road;

(3) Leave a campfire unattended;

(4) Operate a motorized vehicle:

(a) Off an existing road; or

(b) Where prohibited by signs;

(5) Block a road or gate;

(6) Park, except in a designated parking area unless none are available;

(7) Park or camp within 100 feet of well heads;

(8) Target shoot, except at a designated area;

(9) Construct a permanent structure;

(10) Leave a temporary blind or stand in place overnight;

(11) Operate a boat:

(a) With a centerline exceeding eighteen (18) feet six (6) inches in length, except:

1. A canoe shall not have a length restriction; and

2. A pontoon boat shall not exceed twenty-two (22) feet in length***;***

(b) At greater than idle speed; or

(c) With an internal combustion engine on:

1. Goose Lake;

2. Island Lake; or

3. South Lake.

Section 6.[Section 7.] Incorporation by Reference.

(1) "Peabody WMA Event[Wildlife Management Area] Permit Application", May 2025; is incorporated by reference.

(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[Game Farm Road], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at: https://fw.ky.gov/Licenses/Documents/Peabody-Event-Permit-App.pdf.

FILED WITH LRC: April 13, 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.

EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Unemployment Insurance
(As Amended at ARRS, April 13, 2026)

787 KAR 1:370. Professional Employer Organization contribution and reporting requirements[~~Organizations~~].

RELATES TO: KRS 336.232
STATUTORY AUTHORITY: KRS 336.248, 341.115
NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the secretary to promulgate administrative regulations for the proper administration of KRS Chapter 341. KRS 336.248 requires professional employer organizations to make certain reports and contributions to the unemployment insurance fund. This administrative regulation provides the procedures to file client unemployment insurance wage and premium reports, the procedures to complete the [~~"~~]Professional Employer Organization Application for Unemployment Insurance Employer Reserve Account[~~"~~] form, the procedures to add or delete clients, the treatment of experience history transfers, [***and***~~—~~]the application[~~effect~~] of successorship provisions under KRS Chapter 341, and the procedures to change the professional employer organization's contribution election.

Section 1. Definitions.

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

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

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

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

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

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

Section 2. Professional Employer Organization Reporting Requirements and Election of Contribution.

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

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

(a) Assigned tax rate of the PEO ***pursuant to***[~~, per~~] KRS 336.248 (1)(a); or

(b) Assigned tax rate of the client ***pursuant to***[~~, per~~] KRS 336.248(1)(b).

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

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

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

(4)[~~(2)~~]

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

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

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

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

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

4. The federal identification number of the client;

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

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

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

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

Section 3. Effect of Successorship.

(1) The transfer of benefit experience history required under KRS 336.248(1)(b)(3)(b) shall occur without regard to[~~A PEO shall not be considered a successor employer to any client and shall not acquire the experience history of any client with whom there is not any~~] common ownership, management, or control. The client, upon terminating its relationship with the PEO, shall retain its own reserve account and shall not acquire any portion of the[~~not be considered a successor employer to the PEO and shall not acquire any portion of the experience history of the aggregate~~] reserve account of the PEO unless otherwise required under KRS Chapter 341[~~with whom there is not any common ownership, management, or control. For purposes of this regulation, the existence of a professional employer agreement, without other evidence of common control, shall not constitute common ownership, management, or control~~].

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

Section 4. Change of Contribution Election.

(1) KRS 336.248(5) permits a PEO to change its contribution election under KRS 336.248 (1)(a) or KRS 336.248(1)(b) only once. The change of contribution election shall be submitted in writing ***through***[~~via~~] the methods listed at https://kewes.ky.gov.

(2) Any changes to the initial election are effective in the calendar year following the date the Office approves the change in accordance with KRS 336.248(5).

FILED WITH LRC: April 13, 2026

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KENTUCKY HORSE RACING AND GAMING CORPORATION
(As Amended at ARRS, April 13, 2026)

810 KAR 3:020. Licensing of racing participants.

RELATES TO: KRS 12.357, ***13B,*** 230.215, 230.260, 230.280, 230.290, 230.300, 230.310, 230.320, 230.330, ***321.441,*** 321.443, Chapter 335B, Chapter 342

STATUTORY AUTHORITY: KRS 12.357, 230.215(2), 230.240(2), 230.260(4), 230.290(2), 230.310(1)

CERTIFICATION STATEMENT: This certifies that this administration regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing and Gaming Corporation to promulgate administrative regulations to regulate conditions under which horse racing shall be conducted in Kentucky. KRS 230.310(1) ***requires the corporation to promulgate***[***authorizes***] administrative regulations ***establishing***[***and requires the corporation to establish***] licensing requirements for participation in horse racing. This administrative regulation establishes licensing procedures and requirements for participation in horse racing.

Section 1. Definitions.

(1) "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, limited liability company, association, club, committee, organization, lessor, lessee, racing stable, farm name, or other group of persons acting in concert.

(2) "Restricted area" means a portion of association grounds to which access is limited to licensees whose occupation or participation requires access, and to those individuals accompanying a licensee as allowed[permitted] by the association, corporation, stewards, or judges.

Section 2. Persons Required to Be Licensed.

(1) A person shall not participate in pari-mutuel racing under the jurisdiction of the corporation without a valid license issued by the corporation.

(2) License categories shall include:

(a) Allied Animal Health Professional Animal Chiropractor;
(b) Allied Animal Health Professional Equine Dental Provider;
(c) Assistant trainer;
(d) Association employee;
[(b)] [Assistant trainer;]
(e)[(c)] Claiming;
(f)[(d)] Corporation employee[member];
(g)[(e)] Corporation member[employee];
[(f)] [Dental technician;]
(h)[(g)] Driver;
1. Qualifying-fair (QF) license;
2. Provisional (P) license; and
3. Full (A) license;
(i)[(h)] Driver/trainer;
(j)[(i)] Equine therapist;
(k)[(j)] Exercise rider;
(l)[(k)] Farm manager[or agent];
(m)[(l)] Farrier;
(n)[(m)] Farrier apprentice;
(o)[(n)] Jockey;
(p)[(o)] Jockey agent;
(q)[(p)] Jockey apprentice;
(r)[(q)] Matinee driver;
(s)[(r)] Mutuel employee;
(t)[(s)] Owner;
[(t)] [Owner (Temporary);]
(u) Owner/assistant trainer;
(v) Owner/driver[trainer];
(w) Owner (Temporary)[/trainer/driver];
(x) Owner/trainer[driver];
(y) Owner/trainer/driver;
(z) Racing official;
(aa)[(z)] Special event employee;
(bb)[(aa)] Stable agent;
(cc)[(bb)] Stable employee;
(dd)[(cc)] Steeplechase jockey;
(ee)[(dd)] Trainer;
(ff)[(ee)] Vendor;
(gg)[(ff)] Vendor employee;
(hh)[(gg)] Veterinarian;
(ii)[(hh)] Veterinary assistant; and
(jj)[(ii)] Veterinary technologist or technician.

(3) A person working at a licensed racing association in the Commonwealth shall obtain a valid license issued by the corporation. The president[executive director], the chief racing steward, the presiding judge, or their designee may refuse entry or scratch any horse involving any person who, after being requested to obtain a valid license, fails or is unable to obtain a license.

(4)

(a) A person required to be licensed shall submit:

1. A completed written application on the form Licensing Application, 3-020-1, or a multi-jurisdictional license form pursuant to Section 8 of this administrative regulation; or[and]

2. A written request for a waiver of the requirements of this paragraph and Section 6 of this administrative regulation for a person holding another individual license issued by the Corporation.

(b) A written request for a waiver shall include at least:

1. The name and contact information of the waiver applicant;

2. All horse racing and gaming licenses issued to the waiver applicant; and

3. The waiver applicant's current position and job description.

(c) The Corporation may grant or deny a waiver upon consideration of at least the:

1. Current horse racing and gaming licenses issued to the waiver applicant; and

2. Best interests and integrity of horse racing, pari-mutuel wagering, and sports wagering.[The fee required by Section 6 of this administrative regulation.]

(d)[(b)] A temporary license may be obtained by an authorized representative of an owner in accordance with Section 18 of this administrative regulation.

[(c)] [A conditional license may be issued by the corporation or its designee.]

Section 3. General License Application Requirements for All Applicants.

(1) Any person required to be licensed by Section 2 of this administrative regulation and desiring to participate in horse racing in the Commonwealth may apply to the corporation for a license.

(2)

(a) An application, or request for a waiver in accordance with Section 2, may be submitted on or after October 1[November 1] of the calendar year preceding the calendar year in which the license is to be in force.

(b) An application, or request for a waiver in accordance with Section 2, shall be submitted no later than twenty-four (24) hours after an applicant has arrived on association grounds, unless a temporary license is obtained in accordance with Section 18 of this administrative regulation.

(c) The license application, or request for a waiver in accordance with Section 2, shall be reviewed and, if approved, the license issued by corporation personnel.

(3) Information provided on or with a license application shall be complete and correct. Material misrepresentation by a license applicant or his or her agent shall result in ***one (1) or both of the following penalties.*** An immediate***:***

(a) License suspension, revocation, refusal, or denial***; or***[***, and/or the***]

(b) Imposition of a fine by the corporation***,***[***or the***] chief racing steward***,*** or presiding judge.

(4)

(a) An applicant for licensing shall be a minimum of sixteen (16) years of age except as provided by paragraph (b) of this subsection. An applicant may be required to submit a certified copy of his or her birth certificate or work permit.

(b) The corporation may grant an owner's license to a person less than sixteen (16) years of age if the person's parent or legal guardian is licensed by the corporation. An application under this subsection shall be signed by the applicant's parent or legal guardian in the presence of one (1) or more of the stewards or judges.

(5) An application from a person or other entity consisting of more than one (1) individual person desiring to race horses in the Commonwealth shall, upon request, in addition to designating the person or persons representing the entire ownership of the horses, be accompanied by documents that[~~which~~] fully disclose the identity, degree, and type of ownership held by all individual persons who own or control a present or reversionary interest in the horses.

(6) The corporation shall notify an applicant that the license has been issued or denied. If all requirements for licensure are met, a license shall be issued to the license applicant.

Section 4. Additional Licensing Requirements for Standardbred Driver's License.

(1) A person desiring to drive a harness horse at a race meeting licensed by the corporation shall obtain a license from:

(a) The corporation; and

(b) The United States Trotting Association, Standardbred Canada, or appropriate international harness racing governing agency.

(2) Corporation licenses. A driver's license from the corporation shall be issued in one of the following categories:

(a) A qualifying-fair (QF) license, which shall be valid for fairs, matinees, qualifying races, and if approved by the presiding judge, nonwagering races at extended pari-mutuel meetings;

(b) A provisional (P) license, which shall be valid at fairs, matinees, qualifying races, and extended pari-mutuel meetings; or

(c) A full (A) license, which shall be valid at all race meetings.

(3) License advancement. An applicant shall initially obtain a qualifying-fair license. Advancement to a provisional license and a full license shall be determined by Rule 17, Sections 1 through 10, of the United States Trotting Association, 2009/2010.

(4) General qualifications. An applicant for a driver's license shall:

(a)

1. Be at least sixteen (16) years of age for a (QF) license;

2. Be at least eighteen (18) years of age for a (P) or (A) license; and

3. Not be denied a driver's license solely on the basis of age if the applicant has previously held any type of license; and

(b) Submit satisfactory evidence of an eye examination indicating:

1. 20/40 corrected vision in both eyes; or

2. If one (1) eye is blind, at least 20/30 corrected vision in the other eye.

Section 5. Additional Licensing Requirements for Specific Licenses.

(1) Veterinary personnel.

(a) An application from a person desiring to treat, prescribe for, or attend to any horse on association grounds as a practicing veterinarian shall be accompanied by evidence that the person is currently licensed as a veterinarian by the [~~Commonwealth of~~]Kentucky Board of Veterinary Examiners.

(b) An application from a person desiring to work on association grounds as a veterinary technologist or veterinary technician shall be accompanied by:

1. Evidence that the person is currently registered as a veterinary technologist or veterinary technician by the [~~Commonwealth of~~]Kentucky Board of Veterinary Examiners; and

2. A Veterinarian Approval Form, KHRGC 3-020-4, signed by a licensed veterinarian certifying that the applicant is working for the veterinarian as required by KRS 321.441[~~321.443~~].

(c) An application from a veterinary assistant shall be accompanied by a Veterinarian Approval Form, KHRGC 3-020-4, signed by a licensed veterinarian certifying that the applicant works for him or her as required by KRS 321.443.

(d) Equine therapist. An [~~application from an~~]equine therapist who does not fall into a licensure category[~~not~~] defined by KRS Chapter 321 shall include with their license application[~~be accompanied by~~] a Veterinarian Approval Form, KHRGC 3-020-4, detailing their specialization and experience, and signed by a licensed veterinarian [~~and the chief state veterinarian~~]attesting to the skill and integrity of the applicant.

(2) Farriers. An application from a person not previously licensed in the capacity of farrier shall submit a diploma or other document signifying successful completion of a farrier course or examination recognized by the American Farrier's Association, or submit a letter of recommendation from a licensed farrier.

(3) Standardbred Licensees.

(a) A standardbred owner, trainer, owner/trainer, driver, driver/trainer, owner/trainer/driver, or owner/driver shall have a valid license issued by the United States Trotting Association, Standardbred Canada, or other appropriate international harness racing governing agency in order to participate in pari-mutuel racing in Kentucky.

(b) Any standardbred horse under lease shall race in the name of the lessee, and a copy of the lease shall be filed with the clerk of the course. A standardbred horse shall not race under lease without an eligibility certificate issued by the United States Trotting Association, Standardbred Canada, or other appropriate international harness racing governing agency in the name of the lessee. Both the lessee and lessor shall be licensed by the corporation prior to post.

(c) If any licensed standardbred trainer is absent from a racing meet for more than six (6) days, the trainer shall appoint and have properly licensed a new trainer of record.

(4) Farm manager or stable agent. An application from a person desiring a license as a farm manager or stable agent shall be accompanied by evidence of that person's position with a farm or stable.

(5) Special event licenses.

[~~(a)~~] A special event license shall be:

(a)[~~1.~~] Issued to employees who are employed by an association only for the duration of a special event; and

(b)[~~2.~~] Valid for the days of the event only.

[~~(b)~~] [~~The duration of the license shall not exceed three (3) calendar days.~~]

Section 6. Licensing Fees.

(1) Except as provided by subsection (2) of this section, the following annual fees shall accompany the application and shall not be refundable:

(a) Allied Animal Health Professional:

1. Animal Chiropractor:

a. For thoroughbreds: $100;

b. For standardbreds: $100;

c. For quarter horses: $50; or

d. For other breeds: $50; or

2. Equine Dental Provider:

a. For thoroughbreds: $100;

b. For standardbreds: $100;

c. For quarter horses: $50; or

d. For other breeds: $50;[~~Association employee:~~]

[~~1.~~] [~~For thoroughbreds: $25;~~]

[~~2.~~] [~~For standardbreds: $25; or~~]

[~~3.~~] [~~For other horses: $10;~~]

(b) Assistant trainer:

1. For thoroughbreds: $150;[~~ or~~]

2. For standardbreds: $125;

3. For quarter horses: $50; or

4. For other breeds[~~horses~~]: $35;

(c) Association employee:

1. For thoroughbreds: $25;

2. For standardbreds: $25;

3. For quarter horses: $25; or

4. For other breeds: $10;

(d)[(c)] Claiming: $150;
[(d)] [Dental technician: $100;]
(e) Driver: $125;
(f) Driver/trainer: $125;
(g) Equine therapist:
1. For thoroughbreds: $50;
2. For standardbreds: $50;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $25;
(h) Exercise rider: $10;
(i) Farm manager[or agent]:
1. For thoroughbreds: $50;
2. For standardbreds: $50;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $25;
(j) Farrier:
1. For thoroughbreds: $100;
2. For standardbreds: $100;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $35;
(k) Farrier apprentice:
1. For thoroughbreds: $50;
2. For standardbreds: $50;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $25;
(l) Jockey:
1. For thoroughbreds: $150;[or]
2. For quarter horses: $50; or
3. For other breeds[horses]: $35;
(m) Jockey agent:
1. For thoroughbreds: $150;[or]
2. For quarter horses: $50; or
3. For other breeds[horses]: $35;
(n) Jockey apprentice:
1. For thoroughbreds: $100;[or]
2. For quarter horses: $50; or
3. For other breeds[horses]: $35;
(o) Matinee driver: $125;
(p) Mutuel employee:
1. For thoroughbreds: $50;
2. For standardbreds: $50;[or]
3. For quarter horses: $25; or
4. For other breeds[horses]: $20;
(q) Owner:
1. For thoroughbreds: $150;
2. For standardbreds: $125;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $35;
(r) [Owner (temporary):]
[1.] [For thoroughbreds: $150;]
[2.] [For standardbreds: $125; or]
[3.] [For other horses: $35;]
[(s)] Owner/assistant trainer:
1. For thoroughbreds: $150;[or]
2. For standardbreds: $125;
3. For quarter horses: $50; or
4. For other breeds[horses]: $35;
(s) Owner/driver: $125;
(t) Owner (temporary):
1. For thoroughbreds: $150;
2. For standardbreds: $125; or
3. For other breeds: $35;
(u)[(t)] Owner/trainer:
1. For thoroughbreds: $150;
2. For standardbreds: $125;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $35;
(v)[(u)] Owner/trainer/driver: $125;
[(v)] [Owner/driver: $125;]
(w) Racing official:
1. For thoroughbreds: $100;
2. For standardbreds: $100;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $35;
(x) Special event employee: $10;
(y) Stable agent: $50;
(z) Stable employee: $10;
[1.] [For thoroughbreds: $10;]
[2.] [For standardbreds: $5; or]
[3.] [For other horses: $5;]
(aa) Steeplechase jockey: $150;
(bb) Trainer:
1. For thoroughbreds: $150;
2. For standardbreds: $125;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $35;
(cc) Vendor:
1. For thoroughbreds: $50;
2. For standardbreds: $50;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $25;
(dd) Vendor employee: $25;
(ee) Veterinarian:
1. For thoroughbreds: $150;
2. For standardbreds: $125;[or]
3. For quarter horses: $50; or
4. For other breeds[horses]: $35;
(ff) Veterinary assistant:
1. For thoroughbreds: $50;
2. For standardbreds: $50;[or]
3. For quarter horses: $25; or
4. For other breeds[horses]: $25; or
(gg) Veterinary technologist or technician:
1. For thoroughbreds: $50;
2. For standardbreds: $50;[or]
3. For quarter horses: $25; or
4. For other breeds[horses]: $25.

(2) A military spouse meeting the requirements of KRS 12.357(1) shall not be required to pay the licensure fee if:

(a) The fee waiver is requested on the Licensing Application form, 3-020-1; and

(b) The documentation required by KRS 12.357(2) is submitted with the application.

(3) A replacement fee for a duplicate license shall be ten (10) dollars, except that this fee shall be waived for the first duplicate license issued during any calendar year.

Section 7. Fingerprinting.

(1) If requested by the corporation, a license applicant shall submit[furnish] to the corporation a set of fingerprints or submit to fingerprinting prior to issuance of a license.

(2) If the license applicant has been fingerprinted in the Commonwealth or another racing jurisdiction within the five (5) years preceding the date of the license application, then the corporation may accept the previous fingerprints or require new fingerprints.

(3) The cost of fingerprinting and fingerprint analysis shall be paid by the license applicant.

Section 8. Multi-state/National Licenses.

(1) In lieu of the corporation license application form, an applicant may submit an ARCI Multi-Jurisdiction Racing License Owner's Application, ***www.arci.com,***[***or***] the National Racing License Application***, www.racinglicense.com,*** or Renewal Application.

(2) The corporation shall accept a multi-state or national license if the license[it] complies with licensing requirements in this administrative regulation and KRS Chapter 230.

Section 9. Consent to Investigate by License Applicants and Licensees. After an applicant files a license application, the corporation may:

(1) Investigate the criminal background, employment history, and racing history record of the applicant;

(2) Engage in research and interviews to determine the applicant's character and qualifications; and

(3) Verify information provided by the applicant.

Section 10. Search and Seizure.

(1) The corporation or designee may search any location described in KRS 230.260(7).

(2) The corporation or designee may seize any medication, drug, substance, paraphernalia, object, or device in violation or suspected violation of KRS Chapter 230 or KAR Title 810.

(3) A licensee shall:

(a) Cooperate with the corporation or designee during an investigation; and

(b) Respond correctly to the best of the licensee's knowledge if questioned by the corporation or designee about a racing matter.

(4) A licensee shall consent to out-of-competition testing in accordance with 810 KAR 8:040.

Section 11. Employer Responsibility.

(1)

(a) An employer shall not employ an unlicensed person for a position that requires a license under KRS 230.300 or 230.310 or this administrative regulation.

(b) If an employer violates subsection (a) of this subsection, the employer may be fined or have his or her license suspended, denied, or revoked as established in[~~be subjected to license suspension, denial, or revocation under~~] KRS Chapter 230 or KAR Title 810.

(2) Every employer shall report in writing to the corporation or its designee, within twenty-four (24) hours, the discharge of any licensed employee, including the employee's name, occupation, and reason for the discharge.

(3) Every employer shall be responsible for ensuring compliance with all applicable employment laws.

(4) The license application of an employee shall be signed by the employer.

(5) A licensed employer shall carry workers' compensation insurance covering his or her employees as required by KRS Chapter 342.

Section 12. Financial Responsibility.

(1) A licensee shall maintain financial responsibility during the period for which the license is issued.

(2) A licensee's failure to satisfy a final judgment rendered against him or her by a Kentucky court, or a domesticated judgment from another jurisdiction, for goods, supplies, services, or fees used in the course of any occupation for which a license is required by this administrative regulation shall constitute a failure to meet the financial responsibility requirements of KRS 230.310(1)(c) and (2)(c).

(3) If the licensee fails to show just cause for his or her failure to satisfy the judgment, then his or her license may be suspended or revoked until the licensee provides written documentation of satisfaction of the judgment.

(4) An applicant for a license may be required to submit evidence of financial responsibility to the corporation if a judgment has been rendered against him or her.

Section 13. Voluntary Withdrawal of License Application.

(1) A license applicant may, with the approval of the license review committee, voluntarily withdraw his or her license application from the license review process.

(2) If the applicant chooses to voluntarily withdraw his or her application, then the withdrawal shall not constitute a denial or suspension of a license and shall be without prejudice.

(3) The stewards or judges shall issue a ruling noting a withdrawal, and the ruling shall be communicated to the Association of Racing Commissioners International.

Section 14. License Review Committee.

(1) The president[~~executive director~~], chief racing steward, presiding judge, or director of licensing may refer a license application to the license review committee in lieu of denying the application.

(2) The license review committee shall be composed of the president[~~executive director~~] or designee, the director of licensing or designee, the chief state steward or presiding judge or their designee, and at least one (1) other corporation member or corporation staff member as designated by the president[~~executive director~~]. At least three (3) members of the committee shall participate in any license review committee meeting.

(3) If a referral to the committee is made, then a license shall not be issued until the committee makes a favorable ruling on the license application.

(a) The applicant may be required by the committee to appear personally.

(b) If the committee is unable to make a favorable ruling on the license application, then the committee may give the license applicant the opportunity to voluntarily withdraw his or her license application in accordance with Section 13 of this administrative regulation.

(c) If the license applicant is given the opportunity to withdraw his or her application and does not wish to do so[~~voluntarily withdraw his or her application~~], then the committee shall deny the application.

(4) A[~~The~~] denial of a license[~~the~~] application may be appealed in accordance with KRS Chapter 13B.

(5) In the alternative, the corporation, the license review committee, or the president[~~executive director~~] may refer the case directly to the corporation without denial or approval of the application.

Section 15. License Denial, Revocation, or Suspension.

(1) The corporation, president[~~executive director~~], chief racing steward or presiding judge, or director of licensing may deny a license application, and the corporation or chief state steward or presiding judge may suspend or revoke a license, or otherwise penalize in accordance with KRS 230.320(1) a licensee, or other person participating in horse racing, for any of the following reasons:

(a) The public interest, for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering, might[~~may~~] be adversely affected if the license is issued;

(b) The licensee or applicant has any felony or misdemeanor criminal conviction from any jurisdiction, including having entered into any form of diversionary program, if[~~within fifteen (15) years preceding the date of submission of a license application, provided~~] all requirements of KRS 335B.010 et seq. are satisfied;

(c) The licensee or applicant has pending criminal charges or is criminally charged during the license period in any jurisdiction;

(d) The licensee or applicant has had a license issued by the legally constituted racing or gaming corporation of a state, province, or country denied, suspended, or revoked;

(e) The licensee or applicant has had a license issued by the Commonwealth revoked, suspended, or denied;

(f) The licensee or applicant has applied for and received a license issued by the corporation at less than sixteen (16) years of age, except as permitted in Section 3(4)(b) of this administrative regulation;

(g) The licensee or applicant has made a material misrepresentation, falsification, or omission of information in an application for a license;

(h) The licensee or applicant has been ejected[~~, ruled off,~~] or excluded from racing association grounds in the Commonwealth of Kentucky or a racetrack in any jurisdiction;

(i) The licensee or applicant has violated or attempted to violate a statute, administrative regulation, or similar rule respecting horse racing in any jurisdiction;

(j) The licensee or applicant has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of a horse or pari-mutuel wagering;

(k) The licensee or applicant has caused, attempted to cause, or participated in any way in an attempt to cause the pre-arrangement of a race result, or has failed to report knowledge of this kind of activity immediately to the stewards or judges;

(l) The licensee or applicant has failed to demonstrate financial responsibility as required[~~demonstrated financial irresponsibility as described~~] by Section 12 of this administrative regulation;

(m) The licensee or applicant has knowingly failed to disclose to the corporation complete ownership or beneficial interest in a horse entered to be raced;

(n) The licensee or applicant has misrepresented or attempted to misrepresent facts in connection with the sale of a horse or other

matter pertaining to horse racing or registration of a horse[~~thoroughbred~~];

(o) The licensee or applicant has offered, promised, given, accepted, or solicited a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failed to report conduct of this nature immediately to the stewards or judges;

(p) The licensee or applicant has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse;

(q) The licensee or applicant has engaged in conduct that is against the best interest of horse racing[~~,~~] or compromises the integrity of operations at a track, training facility, or satellite facility;

(r) The licensee or applicant has knowingly entered, or aided and abetted the entry, of a horse ineligible or unqualified for the race entered;

(s) The licensee or applicant has possessed on association grounds, without written permission from the corporation or the chief state steward or presiding judge, any appliance or device, other than an ordinary crop[~~whip~~], which could be used to alter the speed of a horse in a race or workout;

(t) The licensee or applicant has violated any of the alcohol or substance abuse provisions in KRS Chapter 230 or 810 KAR 2:030;

(u) The licensee or applicant has failed to comply with a written order or ruling of the corporation, the stewards, or the judges pertaining to a racing matter or investigation;

(v) The licensee or applicant has failed to answer truthfully questions asked by the corporation or its representatives pertaining to a racing matter;

(w) The licensee or applicant has failed to return to an association any purse money, trophies, or awards paid in error or ordered redistributed by the corporation;

(x) The licensee or applicant has participated in or engaged in any conduct of a disorderly nature on association grounds, including:

1. Failure to obey ***orders from*** the ***stewards,***[~~***stewards' or***~~]***judges,***[~~***judges'***~~] or other ***officials***[~~***official's orders***~~] that are expressly authorized by KAR Title 810;

2. Failure to race when programmed unless excused by the stewards or judges;

3. Fighting;

4. Assaults;

5. Offensive and profane language;

6. Smoking on the track while in colors during actual racing hours;

7. Warming up a horse[~~ prior to racing~~] without colors prior to racing; and

8. Disturbing the peace;

(y) The licensee or applicant has used profane, abusive, or insulting language to or interfered with a corporation member, employee or agent, or racing official, while these persons were[~~are~~] in the course of discharging their duties;

(z) The licensee or applicant is unqualified to perform the duties for which the license is issued;

(aa) The licensee or applicant has discontinued or is ineligible for the activity for which the license is to be issued, or for which a previous or existing license was issued;

(bb) The licensee or applicant has made a material misrepresentation in the process of registering, nominating, entering, or racing a horse as Kentucky owned, Kentucky bred, or Kentucky sired;

(cc) The licensee or applicant has failed to pay a required fee or fine, or has otherwise failed to comply with KRS Chapter 230 or KAR Title 810;

(dd) The licensee or applicant has failed to comply with a written directive or ruling of the corporation or the chief state racing steward or presiding judge;

(ee) The licensee or applicant has failed to advise the corporation of changes in the application information as required by Section 17 of this administrative regulation;

(ff) The licensee or applicant has failed to comply with the temporary license requirements of Section 18 of this administrative regulation;

(gg) The licensee or applicant has violated the photo identification badge requirements of Section 21 of this administrative regulation;

(hh) The licensee or applicant has knowingly aided or abetted any person in violation of KRS Chapter 230, KAR Title 810, or any other statute or administrative regulation pertaining to horse racing;

(ii) The licensee or applicant has hired an unlicensed person required by KRS 230.300, 230.310, or this administrative regulation to be licensed;

(jj) The licensee or applicant, being a person other than a licensed veterinarian, has possessed on association grounds:

1. A hypodermic needle, hypodermic syringe, or other device that could be used to administer any substance to a horse, except as permitted by 810 KAR 8:010, Section 3(5); or

2. A medication, stimulant, sedative, depressant, local anesthetic, or any[~~ other foreign~~] substance prohibited by KRS Chapter 230 or KAR Title 810; or

(kk) The licensee or applicant has manufactured, attempted to manufacture, or possessed a false license photo identification badge.

(2) A license suspension, revocation, or denial shall be reported in writing to the applicant by the chief steward or presiding judge, and to the ARCI by the Division of Licensing, to ensure that other racing jurisdictions shall be advised of the license suspension, revocation, or denial.

(3) A licensee or applicant may appeal the suspension, revocation, or denial. Appeals shall be in accordance with KRS 230.320 and Chapter 13B.

Section 16. Reciprocity.

(1) If a person's license has been denied, suspended, or revoked in another jurisdiction, the corporation may require reinstatement of the license in that jurisdiction before a license is granted by the corporation.

(2) If a person has been [~~ruled off, ~~]excluded, or ejected from a racetrack in Kentucky or in another jurisdiction, the corporation may require reinstatement of the person at that track before a license is granted by the corporation.

Section 17. Changes in Application Information.

(1) The licensee or applicant shall report changes in any information required for licensing in writing to the corporation.

(2) Except as established in ***subsection***[~~***subjection***~~] (3) of this section, any change in information required for licensing shall be submitted in writing upon the ["]Change in Application Information Form["], KHRGC 3-020-3, signed by the licensee, and filed at the corporation central office, within thirty (30) days of the change[~~, unless it is information listed in subsection (3) of this section~~].

(3) The licensee shall report changes in information in writing within seventy-two (72) hours of the occurrence of[~~for these items~~]:

(a) Criminal charges;

(b) Criminal convictions;

(c) License denials and license suspensions of ten (10) days or more;

(d) License revocations or fines of $1,000[~~500~~] or more in other jurisdictions;

(e) Racing-related disciplinary charges pending in any jurisdiction[~~other jurisdictions~~]; and

(f) Withdrawal, with or without prejudice, of a license application by the licensee in any jurisdiction.

Section 18. Temporary Licenses.

(1)

(a) Only an owner shall be[~~is~~] eligible for a temporary license.

(b) A horse in a trainer's care shall not start in a race unless the owner has a current license or has an application for a temporary license, ["]Temporary Owner's License Application["], KHRGC 3-020-2, on file with the corporation.

(c) A licensed trainer or their designee may apply for a temporary license on behalf of an owner for whom the licensed trainer trains.

(d) [~~The corporation may refuse the license if the applicant fails to supply a name, Social Security number, and mailing address for a temporary license.~~]

[~~(e)~~] A temporary license shall be valid for no more than thirty (30) days from the date of issuance and shall automatically lapse after the 30th day pending completion of all licensing procedures.

(e)[(f)] Upon expiration of the thirty (30) day temporary license, the owner's license shall be suspended or the owner's horses shall be ineligible to race in Kentucky pending completion of all licensing procedures.

(f)[(g)] Completion of all owner licensing procedures prior to the expiration of the temporary license shall extend the owner's license to the end of the calendar year.

(g)[(h)] If a temporary license expires prior to the completion of all owner licensing procedures, the applicant shall pay the[an additional] licensing fee again.

(2) An owner shall not be eligible to be issued more than one (1) temporary license in any calendar year.

(3) A temporary license shall not be valid for claiming.

Section 19. Eligibility for Multiple Licenses. More than one (1) license to participate in horse racing may be granted to a person ***unless***[***except if***] prohibited by Section 20 of this administrative regulation due to a potential conflict of interest.

Section 20. Conflict of Interest.

(1) The license review committee and the chief state steward or presiding judge or their designees shall deny or refuse to process the license of a person, and the corporation or the chief state steward or presiding judge shall revoke or suspend the license of a licensee, who is determined to have a conflict of interest. A conflict of interest may exist if a spouse, immediate family member, or other person in a similar relationship to the licensee or applicant holds a license that the license review committee or chief state steward or presiding judge finds to be a conflict of interest with the licensee's or applicant's license. A finding of a conflict of interest may be appealed to the corporation pursuant to KRS 230.320 and KRS Chapter 13B.

(2) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official during that race.

(3) A person who is licensed as an owner or trainer, or who has any financial interest in a horse entered in a race, shall not participate in that race as any of the following:

(a) Racing official;

(b) Assistant starter;

(c) Practicing veterinarian for any horse other than the owner's;

(d) Veterinary technician, veterinary technologist, veterinary assistant, or equine therapist for any horse other than the owner's;

(e) Officer or managing employee;

(f) Track maintenance supervisor or employee;

(g) Outrider;

(h) Race[]track security employee;

(i) Farrier;

(j) Photo finish operator;

(k) Horsemen's bookkeeper;

(l) Racing chemist;

(m) Testing laboratory employee;

(n) Jockey;

(o) Apprentice jockey; or

(p) Jockey agent.

Section 21. License Photo Identification Badges.

(1)

(a) If a licensee desires access to restricted areas of a racing association grounds, then the licensee shall carry on his or her person at all times within the restricted area his or her assigned corporation license (photo identification badge).

(b) A photo identification badge shall be[is] available to a licensee upon presentation of appropriate, valid photo identification by the licensee to corporation personnel at corporation licensing offices.

(2) A person shall present an appropriate license to enter a restricted area.

(3) The stewards or judges or racing association may require visible display of a license in a restricted area.

(4) A license may only be used by the person to whom it is issued, and a licensee shall not allow another person to use his or her badge for any purpose.

(5) Licensee credentials***, such as***[*(*] photo identification badges***, shall be***[***) are***] the property of the corporation and shall be surrendered to the president[executive director], the stewards or judges, the corporation director of enforcement, or director of licensing, or designee, upon request.

Section 22. Duties of Licensees.

(1) A licensee shall be knowledgeable of this administrative regulation and, by acceptance of the license, agrees to comply with[abide by] this administrative regulation.

(2) A licensee shall report to track security or the stewards or judges any knowledge the licensee has that a violation of this administrative regulation has occurred or might[may] occur.

(3) A licensee shall comply with[abide by] all rulings and decisions of the stewards or judges and the corporation, and all decisions by the stewards or judges and the corporation shall remain in force unless reversed or modified by the corporation or a court of competent jurisdiction upon proper appeal pursuant to KRS 230.330.

(4) Rulings and decisions of the stewards or judges may be appealed to the corporation, except those made by the stewards or judges as to:

(a) Findings of fact as occurred during and incident to the running of a race; and

(b) A determination of the extent of disqualification of horses in a race for fouls committed during the race.

(5) A licensee shall cooperate fully with all investigations and inquiries made by corporation representatives or association security, or both.

(6) A licensee shall comply with[obey] instructions from corporation representatives or association security, or both.

(7) All licensees shall immediately report to the corporation any known or suspected irregularities, or any violation of KRS Chapter 230 or KAR Title 810,[or any wrongdoings by any person,] and shall cooperate in any subsequent investigation.

Section 23. Common Law Rights of Associations. The validity of a license shall[does] not preclude or infringe on the common law rights of associations to eject or exclude persons, licensed or unlicensed, from association grounds.

Section 24. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Licensing Application", KHRGC 3-020-1, 02/2022[10/2025];

(b) "Temporary Owner's License Application", KHRGC 3-020-2, 11/2018;

(c) "Change in Application Information Form", KHRGC 3-020-3, 4/2019;

(d) "Veterinarian Approval Form", KHRGC 3-020-4, 4/2019; and

(e) "Rule 17, Sections 1 through 10", United States Trotting Association, 2009/2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing and Gaming Corporation[Commission], 4047 Iron Works Parkway, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at http://khrc.ky.gov.

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CONTACT PERSON: Ashleigh Bailey, Chief Legal Officer, Kentucky Horse Racing & Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511, phone (859) 246-2040, fax (859) 246-2039, email Ashleigh.Bailey@ky.gov.

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

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Administration and Financial Management
(As Amended at ARRS, April 13, 2026)

902 KAR 8:060. Salary adjustments for local health departments.

RELATES TO: KRS 211.170(1), (2), 211.1751, 211.1752, 211.1755, 212.170, 212.870

STATUTORY AUTHORITY: KRS 194A.050(1), 211.1755(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 211.1755(2) requires the cabinet to promulgate administrative regulations establishing the policies and procedures of the local health department personnel program. This administrative regulation establishes the policies and procedures regarding salary adjustments for local health departments.

Section 1. Salary Upon Appointment.

(1) The entrance salary of an employee entering employment shall be at the minimum of the range established for the class to which the employee is appointed, unless otherwise approved by the department, based on the criteria established in subsections (2) and (3) of this section.

(2)

(a) Prior to the start date of a new employee, and upon approval by the department, a new minimum entrance salary may be established by an agency if it is determined that it is not possible to recruit qualified employees for a class of positions at the established entrance salary.

(b) If an appointment is made at the newly established minimum entrance salary, employees of the agency in the same class paid at a lower salary shall have their salaries adjusted to the newly established minimum entrance salary.

(c)

1. If a new minimum entrance salary is established by an agency for a specified class, in addition to the adjustment required by subsection (3) of this section, based on documented recruitment needs, or a new entrance salary is established by a compensation plan change, the department may approve a salary adjustment for employees in the same class.

2. The adjustment shall be a fixed amount provided to each employee in the classification and shall not exceed the amount of increase applied to the newly established minimum.

3. In fixing salaries for this adjustment, an appointing authority shall afford equitable treatment to all employees affected by the adjustment.

(3)

(a) An appointment of an applicant who meets the minimum requirements for a position may be above minimum salary within the salary range applicable to the class, if:

1. The newly appointed employee has previous, relevant experience above the minimum requirements of the job;

2. It is necessary to attract qualified applicants; and

3. The newly appointed employee's hire rate does not exceed the salary of a present employee in the same classification with the comparable years of relevant experience, education, and training.

(b) If the individual possesses qualifications in training and experience in addition to the minimum requirements for the class, the rate of pay may be between the classification minimum and midpoint for appointment[~~newly appointed employee may receive a two (2) percent salary adjustment, not to exceed the midpoint, for each year of appropriate experience and education or training in excess of the minimum requirements for the respective classification~~].

(c) An employee possessing the same qualifications, in the same class of positions, in the same agency, and who is paid below the entrance salary level as adjusted for the newly appointed employee, shall have his or her salary adjusted to the approved entrance salary level plus five (5) percent.

Section 2. Initial Probationary Salary Adjustment.

(1) The appointing authority shall grant an employee a five (5) percent increase in salary upon successful completion of the required initial employment probationary period as ***established***[~~***specified***~~] in 902 KAR 8:080 Section 9(2). The salary adjustment shall take effect the first pay period following completion of the probationary period.

(2) Except as ***established***[~~***provided***~~] for in 902 KAR 8:080, Section 3(2)(a), an employee shall not be given an original probationary increment more than once for successful completion of the probationary period in the same classification.

Section 3. In-Range Salary Adjustment.

(1) An appointing authority may request a salary adjustment not to exceed five (5) percent if an employee is assigned permanent job duties and responsibilities that are more complex and difficult than current job duties and grade level, but are less than those indicated through a reclassification.

(2) Only one (1) in-range salary adjustment shall be allowed for an employee per classification.

(3) The appointing authority may request to remove the in-range salary adjustment if the in-range duties are removed. The salary shall be decreased by the equivalent dollar amount of the increase at the time of[~~revert to the previous amount prior to~~] the in-range adjustment.

Section 4. Reclassification.

(1) A position shall be reclassified if the duties and responsibilities of a position have materially changed.

(2) An agency may request a reclassification of a regular status employee to a different position:

(a) Within the same classification series that has more complex nonsupervisory job duties and responsibilities and has a higher grade level; or

(b) In a different classification series that has the same or higher grade level.

(3) A regular status employee to be reclassified shall:

(a) Meet the minimum requirements of the new classification; and

(b) Have not previously performed the primary duties of the new classification.

(4) An employee ***who***[~~***that***~~] is reclassified with or without probation to a position having a higher pay grade shall receive a salary increase that is the higher of:

(a) Five (5) percent of the employee's current salary;

(b) Three (3) percent for each grade increase to the new position**.** not to exceed ten (10) percent; or

(c) The minimum salary of the grade assigned to the new position.

(5) A reclassified employee shall serve a probationary period of thirteen (13) pay periods if the reclassification is to a supervisory position or a different classification series within the same grade. If the employee has performed satisfactorily, as determined by the employee's supervisor, the employee shall receive a five (5)[~~three (3)~~] percent salary increase at the end of the probationary period.

Section 5. Promotion of an Employee to a Vacant Position.

(1) An employee may be promoted upon the request of an appointing authority if the employee meets the minimum requirements of the vacant position having a higher salary determined by the department to have more extensive and complex job duties and responsibilities.

(2) An employee who is advanced to a higher pay grade through a promotion shall receive a salary increase that is the higher of:

(a) Five (5) percent;

(b) Three (3) percent for each grade increase to the new position not to exceed ten (10) percent; or

(c) The minimum salary of the new position.

(3)

(a) The employee shall serve a promotional probationary period of thirteen (13) pay periods and, except as ***established in***[***provided by***] paragraph (b) of this subsection, shall receive a five (5)[~~three (3)~~] percent salary increase following satisfactory completion of the probationary period, as documented by the performance evaluation; or

(b) If the employee was promoted while serving an initial probation, this shall be considered a new initial probation, and the probation timeline shall start again from the date of promotion[~~the employee shall receive a five (5) percent increment in salary instead of a three (3) percent increase~~].

Section 6. Demotion. If an employee is demoted, the appointing authority shall determine the salary in one (1) of the following ways:

(1) If an employee requests a voluntary demotion:

(a)

1. The employee's salary shall be reduced by five (5) percent for one (1) grade; or

2. For multiple grades, three (3) percent for each grade decrease not to exceed ten (10) percent; and

(b) The employee's salary shall be reduced by an additional three (3) percent if the voluntary demotion is to a position that no longer requires supervisory responsibilities;

(2)

(a) If the demotion is due to reorganization by the agency, the employee may retain the salary received prior to demotion. If the employee's salary is not reduced upon demotion[~~,~~] and funding is sufficient, the appointing authority shall explain the reason in writing and place the explanation in the employee's personnel files; or

(b) The salary of an employee who is demoted because of a documented disciplinary problem or inability to perform a duty or responsibility required of the position shall be reduced by ten (10) percent of their current salary or to the minimum of the new grade; and

(3) The salary of an employee demoted as a result of documented unsatisfactory performance during the promotional probationary period shall be reduced to the level prior to promotion.

Section 7. Salary Upon Reinstatement of a Former Employee.

(1) A former employee may be reinstated to a position for which the employee was previously employed.

(2) The salary of an employee ***who***[***that***] is reinstated shall be at the higher of:

(a) The same pay rate the employee had been paid at the termination of service, if the time period between separation and reinstatement does not exceed three (3) years;

(b) The current established minimum entrance salary above the former salary; or

(c) Compensation plan changes.

Section 8. Salary Upon Re-employment.

(1) A former employee may be re-employed to a position for which the employee was previously employed up to one (1) year after separation.

(2) The salary of an employee ***who***[***that***] is re-employed shall be:

(a) At the same pay rate the employee had been paid at the termination of service, if the period between separation and re-employment does not exceed one (1) year; or

(b) In accordance with Section 6(1) of this administrative regulation if re-employed to a lower classification.

Section 9. Lump Sum Merit Payment.

(1) The appointing authority, with the approval of the department ***and as established in this section***, may award a regular, full-time, part-time 100 hour, or part-time employee a merit lump sum payment.

(2) The appointing authority may grant a lump sum merit payment to an employee meeting the eligibility criteria of this section in an amount not to exceed eight (8) percent of the employee's current salary or established minimum of the employee's classification grade during the annual evaluation period of twenty-six (26) pay periods.

(3) A lump sum merit payment may be granted by the appointing authority with the approval of the department, to an employee meeting the following eligibility criteria:

(a) The employee has completed the initial probationary period required on appointment; and

(b)

1. The employee's job performance is consistently above what is normally expected or required by the job duties and responsibilities; or

2. The employee has successfully completed a special project of significant importance to warrant special attention.

(4) The appointing authority shall prepare and submit written documentation to the department that shall substantiate that the employee satisfies the eligibility criteria in this section for the lump sum merit payment to be effective.

(5) The appointing authority shall inform the Board of Health of the number of lump sum merit payments granted during the fiscal year that exceed $2,000 per payment unless the payment is based on the 902 KAR 8:096 annual evaluation.

(6) An agency may grant a one (1) time lump sum merit payment across the board during the fiscal year to all regular status employees in recognition of the agency exceeding expectations.

(a) The flat amount per employee shall not exceed $1,500[~~$1,000~~]; and

(b) The appointing authority shall receive prior approval from the Board of Health and the department.

Section 10. Detail to Special Duty.

(1) A regular status[~~An~~] employee may be detailed to special duty on a temporary basis, not to exceed twenty-six (26) pay periods, to:

(a) Occupy a position and assume the job duties and responsibilities of an employee on an approved leave of absence or an employee ***who***[***that***] has separated from the agency; or

(b) To undertake a special project assigned by the appointing authority in addition to the employee's regular duties and responsibilities.

(2) An employee who is approved for detail to special duty shall receive a salary increase of five (5) percent during the detail to special duty.

(3) After completion of the special assignment, the employee shall be transferred to the classification or resume normal duties with the employee's salary reduced by an equivalent dollar amount of the increase at the time of the appointment to special duty[~~five (5) percent~~].

(4) An employee shall be entitled to salary increases provided by the agency during the special assignment.

Section 11. Educational Achievement and Skill Enhancement Pay.

(1) The job-related skill enhancement pay shall be granted to recognize and reward an employee who takes the initiative through his or her own efforts to increase job worth and significantly enhance his or her value to the agency by achieving a higher level of performance through a [***prescribed***]course of study in the employee's job field.

(2) An agency may elect not to participate in the educational achievement program if sufficient funds are not available.

(3) An employee shall not receive more than one (1) educational achievement salary increase.

(4) An appointing authority may grant a five (5) percent increase to an employee's salary for obtaining a high school diploma, high school equivalency certificate, or a passing score on the GED test:

(a) Outside of work hours; and

(b) While in the employment of the agency.

(5) An appointing authority may grant a five (5) percent increase to an employee's salary for postsecondary education or training if:

(a) The department has determined the employee has completed 260 hours of job-related classroom instruction;

(b) The employee began the course work after becoming an employee of the agency and completed the course work after establishing an increment date;

(c) The employee has completed the course work within five (5) years of the date on which it began;

(d) The course work has not previously been applied toward an educational achievement award;

(e) The agency has not paid for the course work or costs associated with it; and

(f) The employee was not on educational or extended sick leave when the courses were taken.

(6) An appointing authority may grant, with the approval of the department, an employee a lump sum merit payment not to exceed three (3) percent of the employee's grade minimum to an employee that presents a certificate, license, or other evidence of mastering a body of knowledge obtained through a [***~~prescribed~~***]course of study that is directly related to the position held and based on this evidence is identified as an approved program by the department.

(7) The salary adjustment for educational achievement shall not include ***on-the-job***[***~~on the job~~***] training provided by or required by the agency as part of the assigned job duties and responsibilities.

Section 12. Other Salary Adjustments.

(1)

(a) An agency may submit a request to the department substantiating the need for a specific salary adjustment for a regular status employee in classified service to address:

1. Compensation issues of the agency that negated the ability of the agency to commit available financial resources to salary adjustments based on the most recent compensation plan changes;

2. Special working conditions;

3. After hours adjustment if working hours cannot be adjusted;

4. Internal or external equity issues among individual employees or groups of employees; or

5. Other specific circumstances.

(b) The request shall address:

1. The nature of the salary issue;

2. The consequences of the salary issue;

3. Recommendation of an equitable resolution; and

4. Other pertinent information substantiating the need for the salary adjustment.

(c) The department may undertake a review of the request to determine the validity of the request, the impact on the submitting agency, and the impact on other agencies.

(2)

(a) An agency may grant a one (1) time salary adjustment for all employees during the fiscal year to:

1. Respond to retention and recruitment needs and issues of the agency based on the inability of the agency to attract and maintain a qualified workforce in order to provide services; or

2. Place the agency in a more favorable competitive market and equity position based on an assessment of comparable agencies.

(b) The salary adjustment shall be a ***set***[***~~prescribed~~***] amount given to an employee determined by:

1. Applying an amount not to exceed five (5) percent to the employee's grade minimum;

2. Applying an amount not to exceed five (5) percent to the employee's grade midpoint; or

3. Specifying a fixed hourly amount that would be provided to an employee.

Section 13. Discretionary Salary Increases.

(1) The appointing authority may grant, with the approval of the department, a salary increase not to exceed five (5) percent for a regular status employee or employees who have demonstrated, based on the current performance evaluation, excellent performance and achievement. This increase shall be limited to one (1) increase per evaluation year[~~annually~~].

(2) The Board of Health may grant a salary increase for a regular status public health director or administrator who has demonstrated, based on the current performance evaluation, excellent performance and achievement. The increase shall be limited to one (1) increase per evaluation year[~~annually~~].

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CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Administration and Financial Management
(As Amended at ARRS, April 13, 2026)

902 KAR 8:070. Recruitment, examination, and certification of eligible applicants for local health departments.

RELATES TO: KRS 61.872, 211.170(1), (2), 211.1751, 212.170, 212.870

STATUTORY AUTHORITY: KRS 194A.050(1), 211.1755(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 211.1755(2) requires the cabinet to promulgate administrative regulations that establish policies and procedures for the personnel program for local health departments. This administrative regulation establishes a recruitment program, procedures, and standards for the recruitment, examination, and certification of individuals for potential employment by local health departments.

Section 1. Announcement of a Vacant Position.

(1) An agency, prior to announcing a specific vacancy, shall determine whether to recruit for a vacant position on a scheduled basis or on a continuous basis for positions that are difficult to recruit and fill with qualified applicants.

(2) Except as ***established in***[***~~provided by~~***] 902 KAR 8:090, Sections 1 and 2, and 902 KAR 8:080, Section 3, an agency desiring to fill a vacant position shall announce the vacant position ***by***[***~~in the following manner~~***]:

(a) ***Providing***[***~~Provide~~***] notice of the vacant position within the agency in a manner that affords the ability of current employees to know of the vacancy and procedures for submitting an application;

(b) ***Providing***[***~~Provide~~***] notice of the vacant position through recruitment resources that are external to the agency; or

(c) A combination of paragraphs (a) and (b) of this subsection.

(3) An announcement shall contain[~~***the following information***~~]:

(a) The conditions under which an application for potential employment will be received;

(b) The assessment method utilized to select the individual, which may include an interview or demonstration of skills and abilities;

(c) The title and minimum salary or approved salary range of the class of position;

(d) [~~The rates of pay at which appointments are expected to be made;~~]

[~~(e)~~] A general statement of the duties to be performed;

(e)[~~(f)~~] The minimum qualifications of education, training, and experience required as stated in the classification plan;

(f)[~~(g)~~] The date, if required, on which an application is to be received in the agency; and

(g)[~~(h)~~] If an agency requires pre-employment drug testing, criminal records information, physical examination, or other special conditions, a statement that they shall be required upon an offer of employment.

(4) The notice of the external recruitment effort shall meet the criteria of subsection (3) of this section and shall be distributed to one (1) or more of the following advertising methods:

(a) Newspapers;

(b) Web site;

(c) Other media viewable by the public;

(d) Employment services offices;

(e) Educational institutions;

(f) Professional and vocational societies; or

(g) Other media, individuals, and organizations as appropriate.

Section 2. Application for Employment Submittal and Review Process.

(1) The agency shall be the custodian of applications.

(2) An applicant shall apply for employment electronically at https://chfs.wd12.myworkdayjobs.com/CHFS[~~Until July 1, 2020, an Application for Employment, form CH-36, shall be required of an individual seeking employment with an agency.~~]

[~~(3)~~] [~~Effective July 1, 2020, all applications for employment shall be submitted electronically via https://kog.chfs.ky.gov/home/ and form CH-36 shall not be accepted~~].

Section 3. Review of Applications by the Department.

(1) The department shall review and determine the eligibility of an applicant for a position announced by an agency.

(2)

(a) The department shall take one (1) or more of the actions listed in paragraph (b) of this subsection if an applicant, eligible, or appointee:

1. Lacks a specific requirement established for the assessment for the class or position;

2. Is unable to perform the duties of the class;

3. Makes a false statement or misrepresentation in the application;

4. Has used or attempted to use political pressure or bribery to secure an advantage in obtaining the position in the examination or appointment;

5. Has directly or indirectly obtained information regarding the assessment method to which the applicant was not entitled;

6. Has failed to submit a complete application;

7. Has failed to submit the application by the end date established by the agency in a published announcement;

8. Has taken part in the compilation or administration of the interview process;

9. Has submitted an application for an unadvertised position to an agency that is not on continuous open recruitment; or

10. Has failed a background check or drug screen.

(b) Based on one (1) or more of the reasons listed in paragraph (a) of this subsection, the department shall take any of the following actions:

1. Refuse to examine an applicant;

2. Not qualify an applicant;

3. Remove the applicant's name from a register;

4. Refuse to certify an eligible on a register; or

5. Consult with the appointing authority in taking steps to remove a person already appointed.

(3) An applicant or employee who has been convicted of a misdemeanor or felony may be employed, or continue employment, if the appointing authority and the department determine after review that:

(a) The applicant is highly qualified and eligible for appointment;

(b) The misdemeanor or felony conviction will not adversely affect the applicant's job performance;

(c) A specific need exists for the appointment or continuing appointment of this applicant or employee; and

(d) Every determination made is fully supported by written documentation available for public inspection under the provisions of KRS 61.872.

(4) A disqualified applicant shall be promptly notified of the action in writing.

Section 4. Establishment of Registers of Eligible Applicants.

(1) An agency may announce a position on a continuous basis for a position that is difficult to recruit for and fill.

(2) A qualified[~~If a job classification requires an applicant to meet the minimum qualifications,~~][~~an~~] individual may[~~shall~~] remain on the register for a period not to exceed six (6) months[~~of one (1) year~~] from the date [~~on which~~]the individual is determined qualified.

(3) If a vacancy exists in a class of positions for which there is no appropriate register, the department may certify a new register for the class from a previous existing register.

(4) [~~A register may be deemed to be exhausted by the department if fewer than five (5) eligible applicants remain on the register.~~]

[~~(5)~~] The department may remove the name of an eligible from a register:

(a) For a disqualifying cause ***established***[~~***stipulated***~~] in Section 3(2)(a) of this administrative regulation;

(b) On receipt of a statement from the eligible stating that he or she no longer desires consideration for a position;

(c) If an offer of a probationary appointment to the class for which the register was established has been declined by the eligible;

(d) If the eligible declines an offer of appointment for which the eligible previously indicated acceptance;

(e) If the eligible fails to report for a scheduled interview without valid reason; or

(f) If an eligible has [~~been certified three (3) times to a valid register and has~~]not been offered employment within six (6) months[~~one (1) year~~] of the application.

(5)[~~(6)~~] If an eligible receives a probationary appointment, the eligible shall be removed from the applicable register unless otherwise requested in writing.

Section 5. Issuance of Certification of Eligible Applicants.

(1) The department shall issue a certification of eligible applicants to an agency in the ***form of***[~~***following manner***~~]:

(a) A promotional certification of eligible applicants ***who***[~~***that***~~] responded to an announcement provided within an agency;

(b) A regular certification of eligible applicants that responded to an announcement provided to recruitment resources external to the agency; or

(c) A combination of paragraphs (a) and (b) of this subsection.

(2) The certification of eligible applicants shall expire sixty (60) days from the date of issue unless otherwise ***stated***[~~***specified***~~] on the certification of eligible applicants.

(3) A regular status employee, placed in a layoff category, shall be considered in filling a vacancy in a classified position for which the employee is qualified in the agency from which the employee was laid off, for up to one (1) year.

(4) A regular status employee in the layoff category shall indicate in writing to the agency that he or she desires[~~desire~~] reemployment.

(5) If a laid-off regular status employee desires reemployment in a different job classification, the employee shall meet the minimum requirements of the classification.

Section 6. Assessment Method.

(1) An assessment method shall be practical in nature, constructed to reveal the capacity of the applicant for the particular position, as well as general background and related knowledge. An assessment method may be:

(a) A personal interview;

(b) Physical examination;

(c) An evaluation of experience and training;

(d) A demonstration of skill; or

(e) A combination of ***the methods established in paragraphs (a) through (d) of this subsection***[~~***types***~~], if all applicants for a position are given the same assessment method.

(2) An agency may form an interview committee to evaluate an eligible applicant through a structured interview process.

(3) The interview committee shall structure questions to assess the knowledge, skills, abilities, education, and work experience of the applicants chosen to be interviewed.

(4) The interview questions, criteria for selecting applicants to be interviewed, profiles of interviewed applicants, and results of the interview process shall be maintained by the agency for a period of ***at least*** thirteen (13) months after an applicant has been appointed to the vacant position.

Section 7. Incorporation by Reference.

(1) "Application for Employment", form CH-36, January, 2021, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, Division of Administration and Financial Management, 275 East Main Street, Frankfort, Kentucky, 40621, Monday through Friday, 8 AM to 4:30 PM.

(3) This material is also available at the agency's website at: https://chfs.wd12.myworkdayjobs.com/CHFS.

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

[~~(1)~~] [~~"Form CH-36 Application for Employment", 2/2011, Cabinet for Health and Family Services, is incorporated by reference.~~]

[~~(2)~~] [~~Until July 1, 2020, this material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, Division of Administration and Financial Management, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

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

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

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Administration and Financial Management
(As Amended at ARRS, April 13, 2026)

902 KAR 8:080. Initial appointment, probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments.

RELATES TO: KRS 211.170(1), (2), 212.040, 212.850, 212.870
STATUTORY AUTHORITY: KRS 194A.050(1), 211.1755(2)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 211.1755(2) requires the cabinet to promulgate administrative regulations establishing the policies and procedures for the local health department personnel program. This administrative regulation establishes employment categories of permissible appointments, employment probationary periods, and an employee evaluation process.

Section 1. Initial Appointments.

(1) The appointing authority of a local health department shall make an initial appointment of an eligible applicant from a certification of eligible applicants issued by the department.

(2) The reemployment of a person shall be an initial appointment if the person:

(a) Was formerly employed by an agency; and

(b) Is receiving retirement benefits from the:

1. Kentucky Public Pensions Authority[~~Employee Retirement System~~]; or

2. Kentucky Teachers Retirement System.

Section 2. Provisional Appointments.

(1) If there is an urgent reason for filling a position and no appropriate register exists, the appointing authority may submit to the department the name of a person to fill the position pending establishment of a register. If the person's qualifications have been certified by the department as meeting the minimum qualifications, the person may be provisionally appointed to fill the existing vacancy.

(2) A provisional appointment shall not:

(a) Be made until the position has been classified and minimum qualifications established for the class of position; and

(b) Exceed thirteen (13) pay periods from the date of appointment.

(3) Successive provisional appointments of the same person shall not be ***allowed***[~~***permitted***~~].

(4) Provisional service immediately prior to initial appointment may be credited, at the request of the appointing authority, toward the required probationary period.

Section 3. Reinstatement.

(1)

(a) For a period of time not to exceed thirty-six (36) months since termination of employment from an agency, a regular-status employee who [~~has~~] resigned [~~while~~] in good standing[~~,~~] or separated without prejudice, ***shall***[~~***may***~~] be eligible for reinstatement to the same position or in a corresponding position within the agency, with the same seniority rights and leave status.

(b) The individual being considered for reinstatement shall be certified by the department as meeting the current minimum qualifications.

(c) The individual being considered for reinstatement shall not be required to serve an initial probationary period if the employee has had a break in service of not more than twelve (12) months.

(d) The accumulated balance of sick leave earned during prior employment with the agency shall be reinstated upon employment**,** and the period of time of prior employment with the agency shall be used to determine the rate at which the employee earns annual leave.

(2)

(a) If the employee has had a break in service of more than twelve (12) months[~~,~~] and the break in service does not exceed thirty-six (36) months, the employee shall serve an initial probationary period and be eligible to receive a probationary increment based on satisfactory performance.

(b) If the employee satisfactorily completes the initial probationary period, the accumulated balance of sick leave earned during prior employment with the agency shall be reinstated and the period of time of prior employment with the agency shall be used to determine the rate at which the employee earns annual leave.

(3) The annual increment date shall be twenty-six (26) pay periods from the effective date of reinstatement.

Section 4. Emergency Appointments.

(1)

(a) If an emergency exists that requires the immediate services of one (1) or more persons and it is not possible to secure a person from an appropriate register, or there is no person qualified for a provisional appointment, the appointing authority may appoint***, as established in this section,*** a person with the approval of the department.

(b) An emergency appointment shall not exceed seven (7) pay periods in duration and shall not be renewable.

(c) The department may make investigations as necessary to determine if an emergency exists.

(2) The appointing authority shall report an emergency appointment to the department, providing the name of the appointee, rate of pay, length of employment, nature of emergency, and duties to be performed. Separation from service of an emergency appointee shall also be reported.

(3) An emergency appointment shall not confer upon the incumbent a privilege or right to promotion, transfer, salary adjustment, or reinstatement to a position under the merit system.

(4) An individual appointed to an emergency position shall be considered in the unclassified service**,** and continued employment shall be ***based on***[~~***subject to***~~] the current employment needs of the agency.

Section 5. Temporary Appointment.

(1) The appointing authority may, with the approval of the department, establish a position on a temporary basis for up to nineteen (19) pay periods to accommodate[~~***the following***~~]:

(a) Increased work activity of a seasonal nature;

(b) Work study or job training programs;

(c) Special projects; or

(d) Summer employment.

(2) An applicant shall not be appointed to a temporary position unless the applicant meets established minimum requirements.

(3) Continuous appointments to the same temporary position shall not be made.

(4) The period of temporary service shall not constitute a part of the initial employment probationary period.

(5) An individual appointed to a temporary position shall be considered in the unclassified service, and continued employment shall be ***based on***[~~***subject to***~~] the current employment needs of the agency.

Section 6. Appointment of an Individual to a Variable Hour Position.

(1) An agency, because of special working requirements in meeting programmatic service needs, may establish a position having variable hours of work.

(2) An agency may appoint to a variable hour position an individual who meets the minimum requirements of education and experience established for the position.

(3) The hours of work of the individual shall not exceed 800 hours per year.

(4) An individual appointed to the variable hour position shall be considered in the unclassified service, and continued employment shall be ***based on***[~~***subject to***~~] the current employment needs of the agency.

(5) The compensation of the individual employed shall be determined by the appointing authority.

[~~(6)~~] [~~The individual employed shall not be eligible for salary adjustments.~~]

Section 7. Partial year Appointment.

(1) An agency may establish a partial year position to accommodate foreseeable seasonal fluctuations in staffing, budgetary, operational, programmatic, or other needs.

(2) An employee in a designated partial year position shall receive the following agency provided benefits:

(a) Health and life insurance benefits provided by the agency for full-time and part-time 100-hour employees;

(b) Sick and annual leave, in accordance with 902 KAR 8:120, Sections 2 and 4, for pay periods the employee actually works;

(c) Enrollment in the Kentucky Employee Retirement System and receipt of appropriate service credit for those pay periods of actual work; and

(d) Service credit for computation of seniority for those pay periods the employee has actually worked.

(3) The employee in a designated partial year position shall be considered a regular-status employee following completion of the initial probationary period in accordance with Section 9 of this administrative regulation.

(4) The employee in a designated partial year position shall:

(a) Work the required number of hours, unless the employee is absent due to illness or needing to provide care for an immediate family member; and

(b) Work at the request of the agency during periods of nonwork to cover during coworker periods of illness, vacation schedules, and other periods of agency demand.

Section 8. Performance Evaluation.

(1) Effective July 1, 2030, all local health departments shall use the performance evaluation system provided in 902 KAR 8:096.[~~Except as provided in 902 KAR 8:096, the appointing authority, or designated supervisory staff, shall conduct a performance appraisal pursuant to this administrative regulation using the Employee Performance Appraisal, form CH-40 for a:~~]

(2) Between ***July 1, 2026***[~~***the effective date of this administrative regulation***~~] and July 1, 2030, the appointing authority[,] or designated supervisory staff shall conduct a performance appraisal pursuant to this administrative regulation.

(a) Regular status employee on an annual basis; and

(b) Probationary employee prior to completion of the required probationary period.

(3)[~~(2)~~] An employee who receives a rating of "meets requirements," [,] "exceeds requirements," [,] or "outstanding," [,] shall receive the Board of Health approved annual increment not to exceed five (5) percent of the employee's salary.

(4)[~~(3)~~] An overall rating of "below requirements" or "inadequate" shall require that a new rating of the employee be made within ninety (90) days.

(a) If the employee performance has improved, the appointing authority shall approve the annual increment as approved by the Board of Health.

(b) If employee has not improved or performance deteriorates, the appointing authority shall initiate a disciplinary action.

(c) An employee shall be notified by the appointing authority in writing at least fourteen (14) days prior to the annual increment date if the employee:

1. Is denied an annual increment; or

2. Only receives a portion of the annual increment.

(5)[~~(4)~~] Performance evaluations shall be considered in determining:

(a) An annual and probationary salary advancement;

(b) Requesting and approving a:

1. Promotion;

2. Demotion; or

3. Dismissal; and

(c) The order of separation due to a reduction of work force.

(6)[~~(5)~~] Each agency shall elect, by Board of Health vote, to participate in one (1) of the following employee performance evaluation programs:

(a) The current employee performance evaluation ***established***[~~***described***~~] in this section; or

(b) The evaluation program ***established***[~~***described***~~] in 902 KAR 8:096.

(7) Until July 1, 2030, an agency utilizing the evaluation process ***established***[~~***outline***~~] in this section may[~~(6)~~]

[~~(a)~~] [~~An agency choosing the current employee evaluation program described in this section shall notify the department at the beginning of the new fiscal year.~~]

[~~(b)~~] [~~The agency shall~~] remain under [~~the requirements of~~]this section, unless the agency, by vote of the Board of Health, elects to participate in the provisions of 902 KAR 8:096 at the beginning of a subsequent fiscal year.

(8) Prior to July 1, 2030

[~~(c)~~] [~~An agency choosing the current employee evaluation program, as described in this section, shall not be subject to any provision of 902 KAR 8:096.~~]

[~~(7)~~] an agency, by vote of the Board of Health, that elects to participate in the employee evaluation program of 902 KAR 8:096, shall notify the department at the beginning of the new fiscal year. [~~The agency electing to participate under 902 KAR 8:096 shall not convert to another employee evaluation program.~~]

Section 9. Initial Probationary Period.

(1) An employee shall be required to serve a probationary period upon initial employment.

(2) The initial probationary period shall be thirteen (13) pay periods, except as ***established***[~~***provided***~~] in subsection (7) of this section.

(3) If the employee has satisfactorily completed the initial probationary period based on a performance evaluation, the appointing authority shall notify the department ***at least*** seven (7)[~~fourteen(14)~~] days prior to the expiration of the initial probationary period that regular status has been confirmed.

(4) An employee may be separated from ***the employee's***[~~***his***~~] position during the initial probationary period and shall not have the right to appeal, except as ***established in***[~~***provided by***~~] 902 KAR 8:110, Section 1(3).

(5)

(a) Except as ***established in***[~~***provided by***~~] paragraph (b) of this subsection, if an employee is to be dismissed during the initial

probationary period, the employee shall be notified in writing at least seven (7) calendar days prior to the effective date of dismissal and prior to the expiration of the probationary period.

(b) If the employee commits a serious infraction of agency policy as ***established in***[~~***defined by***~~] 902 KAR 8:100, Section 4, the employee shall be dismissed in writing immediately without pay.

[~~(c)~~] [~~The dismissed employee shall not be placed on a register.~~]

(6) Unless the appointing authority notifies the employee in writing ***a minimum of*** seven (7) calendar days prior to the end of the initial probationary period that the employee is separated, the employee shall be deemed to have served satisfactorily and shall acquire regular status in the classified service.

(7) The initial probationary period may be extended[~~, by informing the employee in writing,~~][~~ ***for one (1) of the following reasons***~~~~]:

(a) For the same length of time as leave granted to cover an absence due to medical reasons causing the employee to be absent from work for twenty (20) days or more during the probationary period;

(b) If the employee, acting with due diligence, has been unable to complete a required job related training course during the probationary period; or

(c) ***If*** the appointing authority ***requires***[~~***may require***~~] an initial probationary period in excess of thirteen (13) pay periods, not to exceed a total probationary period of twenty-six (26) pay periods, for determination of competency.

(8) An employee whose initial probationary period is extended in accordance with subsection (7)***(c)*** of this section shall be notified of the extension a minimum of seven (7) calendar days prior to the initial probationary period end date.

(9) The employee serving a probationary period may be eligible for promotion to a position in a higher class. If an employee is promoted during a probationary period, the new probationary period shall begin with the date the employee was promoted.

Section 10. Resignations.

(1) An employee who terminates[~~desires to terminate~~] service with an agency shall submit a written resignation or notice of retirement to the appointing authority.

(2) The written resignation or notice of retirement[~~A resignation~~] shall be submitted at least fourteen (14) calendar days before the final working day. A copy of an employee's written resignation or notice of retirement shall be filed in the employee's personnel file.

(3) An employee's lump sum payment for accumulated annual leave may be held by an agency until the employee who has resigned, retired, or been dismissed, returns agency credit cards, keys to buildings and automobiles, or other agency property in the possession of the employee.

Section 11. Voluntary and Involuntary Furlough.

(1) An agency may implement a voluntary or involuntary furlough program as part of a layoff plan established in Section 12 of this administrative regulation.

(2) A voluntary or involuntary furlough shall be considered a temporary non disciplinary leave without pay, for a ***stated***[~~***specified***~~] period of time if major organizational program and funding changes occur that ***could***[~~***may***~~] result in work reductions of one (1) or more employees of an agency.

(3) A furlough may apply to the entire agency, certain organizational units of the agency, or to one (1) or more employees as the need arises.

(4) A furlough may be for periods of up to twenty-two (22) working days per fiscal year. The furlough may be designated as one (1) continuous period of twenty-two (22) working days or may be discontinuous days or periods, including portions of days.

(5) Employees shall not be paid for days while on furlough. If the furlough is for a continuous period:

(a) An employee's benefits shall not be adversely affected**,** except for[~~ ***the following***~~]:

1. Retirement contributions shall be based on actual earnings;

2. Holidays that occur during a consecutive furlough period shall not be paid;

3. Annual leave, compensatory time, and sick leave shall not be used; and

4. Medical, dental, life insurance, and flexible spending accounts shall continue to be in effect upon payment of required contributions by the employee; and

(b) Accrual of annual and sick leave, anniversary dates, and seniority shall be treated as if the employee is in pay status for the duration of the furlough.

(6) An employee who is interested in being placed in a voluntary furlough status shall request prior approval from the appointing authority. The request shall include the reason for and the manner in which the employee proposes to use the furlough period that may include:

(a) Shorter work days;

(b) Intermittent days off; or

(c) Consecutive days off.

(7) An appointing authority may direct an employee to be placed in a furlough status instead of a layoff status. The written notice of the required furlough shall:

(a) Be received at least fifteen (15) calendar days prior to the beginning date of furlough;

(b) Include the period of the furlough and if the furlough is continuous or non-continuous;

(c) Include the status of employee benefits; and

(d) State that failure to return to work after the completion of the mandatory furlough may be grounds for disciplinary action, up to and including dismissal from employment.

Section 12. Layoffs.

(1) An agency shall have a Board of Health approved workforce reduction plan on file with the department to lay off an employee in the classified service if necessary because of:

(a) Curtailment of work;

(b) Shortage of funds;

(c) Abolishment of a position;

(d) Modification of service requirements; or

(e) Other material change in the duties or organization of the agency.

(2)

(a) Prior to the notification of an employee that he or she is subject to layoff and prior to the layoff of an employee, the appointing authority shall submit a layoff plan to the department for approval.

(b) The plan shall contain the names of the employees, months of service, and the reasons, in detail, for the layoff and criteria used to select those employees subject to layoff.

(c) Upon written approval of the plan by the department, the employee shall be notified that the employee is subject to layoff and of the:

1. Reason for the layoff;

2. Procedures established for the layoff of employees; and

3. Rights granted employees subject to layoff.

(3) An agency established under KRS 212.040 shall undertake the [~~***following***~~]procedures ***established in paragraphs (a) through (d) of this subsection,*** in assisting an employee subject to layoff**.**[**:**]

(a) An employee subject to layoff shall be transferred to a vacant position of the same pay grade, level of duties, and responsibilities for which the employee is qualified within the agency.

(b) If a vacancy does not exist for a position of the same pay grade, level of duties, and responsibilities for which the employee is qualified within the agency, the employee shall be notified of all vacant positions within the agency for which the employee is qualified.

(c) The employee shall have the right to be appointed to a vacant position within the agency for which the employee is qualified before another applicant or eligible on a register.

(d) If no position is available to an employee subject to layoff, the employee shall be notified in writing:

1. That the employee is to be laid off effective at least fifteen (15) calendar days after receipt of the notice; and

2. Of the rights and privileges granted laid-off employees.

(4) An agency established under KRS 212.850 shall undertake the following procedures in assisting an employee subject to layoff:

(a) An employee subject to layoff shall be transferred to a vacant position of the same pay grade, level of duties**,** and responsibilities for which the employee is qualified within the agency. The position

shall be located in the same county as the position from which the employee is subject to layoff;

(b) If a vacancy does not exist for a position of the same pay grade, level of duties, and responsibilities for which the employee is qualified within the same county as the position from which the employee is subject to layoff, the employee shall be transferred to a vacant position within the agency for which the employee is qualified. The position shall be located in the same county as the position from which the employee is subject to layoff;

(c)

1. If a position is not available, the employee shall be notified of all vacant positions within the agency for which the employee is qualified.

2. The employee shall have the right to be appointed to a vacant position within the agency for which the employee is qualified.

3. The employee shall have the right to be appointed to a vacant position within the agency for which the employee is qualified before another applicant or eligible on a register; and

(d) If no position is available to an employee subject to layoff, the employee shall be notified in writing:

1. That the employee is to be laid off effective at least fifteen (15) calendar days after receipt of the notice; and

2. Of the rights and privileges granted laid-off employees.

(5) In the same agency, county**,** and job classification, provisional, temporary, emergency, and probationary employees shall be laid off before regular full-time or regular part-time employees with status. An employee serving a promotional probation shall not be considered a probationary employee for purposes of layoff.

(6) If two (2) or more employees subject to layoff in a layoff plan submitted to the department have the same qualifications, the employee with the lesser seniority shall be laid off first.

(7) An employee who is laid off, upon written request, shall be considered for the class of position from which the employee was laid off and for any class for which the employee is qualified.

(8) For a period of one (1) year, a laid-off employee shall be given priority consideration by the agency before another applicant or eligible except another laid-off employee with greater seniority.

(9) For a period of one (1) year, a laid-off employee shall not be removed from a register unless the employee:

(a) Notifies the agency in writing that the employee no longer desires consideration for a position on a register;

(b) Declines two (2) written offers of appointment to a position of the same classification and salary, and located in the same county or agency, as the position from which the employee was laid off;

(c) Without good cause, fails to report for an interview after being notified in writing at least ten (10) calendar days prior to the date of the interview;

(d) Is unable to perform the duties of the class;

(e) Has been convicted of a ***job-related***[~~***job related***~~] misdemeanor; or

(f) Cannot be located by postal authorities at the last address provided by the laid-off employee.

[~~Section 13.~~] [~~Incorporation by Reference.~~]

[~~(1)~~] [~~" Employee Performance Appraisal", CH-40, 4/93, is incorporated by reference.~~]

[~~(2)~~] [~~This material may be inspected, copied or obtained, subject to applicable copyright law, at the Department for Public Health, Division of Administration and Financial Management, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

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CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Administration and Financial Management
(As Amended at ARRS, April 13, 2026)

902 KAR 8:096. Local health department employee performance evaluation program.

RELATES TO: KRS 211.090(2)[~~(3)~~], 211.170(1), 211.1751, 212.170(4), 212.870, 38 U.S.C. 4301-4335

STATUTORY AUTHORITY: KRS 194A.050(1), 211.1755(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 211.1755(2) requires the cabinet to promulgate administrative regulations establishing the policies and procedures of the personnel program for local health departments. This administrative regulation establishes the requirements and [~~the~~ procedures for the evaluation of local health department employee performance.

Section 1.

(1) Upon Board of Health approval, each agency shall elect to participate in one (1) of the following employee performance evaluation programs:

(a) The evaluation program ***established***[~~***described***~~] in 902 KAR 8:080, Section 8, effective until July 1, 2030; or

(b) The evaluation program ***established***[~~***described***~~] in this administrative regulation.

(2) Between ***July 1, 2026***[~~***the effective date of this administrative regulation***~~] and July 1, 2030**:**[**;**]

(a) An agency electing to participate in the employee evaluation program pursuant to this administrative regulation shall notify the department prior to the start of each fiscal year; and

(b) [**.**]

[~~(3)~~] An agency electing to participate in the employee evaluation program pursuant to 902 KAR 8:080, Section 8, shall:

1.[~~(a)~~] Notify the department prior to the start of each fiscal year;

2.[~~(b)~~] Remain under the requirements of that administrative regulation unless the agency elects to participate in the provision of this administrative regulation at the start of a subsequent fiscal year; and

3.[~~(c)~~] Not be subject to any provisions of this administrative regulation.

(3) Effective July 1, 2030, all employee performance evaluation programs shall be in accordance with this administrative regulation.

(4) The department shall provide technical assistance and training for appropriate local health department supervisory employees if requested by the agency and upon notification of the board's approval.

Section 2. Purpose of the Employee Performance Evaluation Program.

(1) The purpose of the employee performance evaluation program shall be to establish a uniform process for the evaluation of an employee's performance during a specified ***time*** period[~~ ***of time***~~].

(2) Specific objectives of the program shall include the following:

(a) Increase the efficiency of the agency and employee through the annual planning of job duties, objectives, and performance characteristics, and assisting the employee to improve performance through prior knowledge of the expectations of the supervisor;

(b) Serve as a medium which brings the supervisor and employee together for constructive performance discussion and written documentation;

(c) Serve as a means to determine the level at which an employee is performing;

(d) Recognize performance that meets and exceeds performance standards;

(e) Identify and correct substandard performance;

(f) Assist in determining and recording special talents, skills, and capabilities that might otherwise not be noticed or recognized;

(g) Ensure understanding of duties and standards expected of the employee;

(h) Provide assistance in assigning work and delegating responsibility based on a mutual understanding of the employee's skills and abilities;

(i) Encourage the continued growth and development of employees; and

(j) Serve as a basis to review the employee's performance for granting work related salary adjustments.

Section 3. Designated Employee Performance Evaluations. Employee performance evaluations shall be completed at the following times:

(1) Prior to the completion of the required initial appointment probationary period established in 902 KAR 8:080, Section 9;

(2) At the annual employee performance evaluation in accordance with Section 4 of this administrative regulation;

(3) Prior to completion of the required probationary period following promotion established in 902 KAR 8:090, Section 1(3); or

(4) Following reinstatement of an employee that had a gap of service with an agency of more than one (1) year**.** but does not exceed three (3) years from date of separation in accordance with 902 KAR 8:080, Section 3(2)[~~; or~~]

[~~(5)~~] [~~At a special performance evaluation required by Section 10 of this administrative regulation~~].

Section 4. Annual Employee Performance Evaluation.

(1) An employee that has gained regular status shall be evaluated by the appointing authority or designated supervisor on an annual basis.

(2)

(a) An employee's established annual increment date shall be the first day of the first pay period after completion of twenty-six (26) pay periods of service during which the employee earned annual and sick leave pursuant to 902 KAR 8:120.

(b) A designated part-time employee's established annual increment date shall be the first day of the first pay period upon completion of twenty-six (26) pay periods of service.

(3) An employee returning to duty from leave without pay shall receive an annual increment when the employee has completed twenty-six (26) pay periods of service since the date the employee last received an annual increment.

(4) An annual increment date shall not change when an employee:

(a) Is in a position that is assigned a new or different salary grade;

(b) Receives a salary adjustment as a result the employee's position being reallocated;

(c) Is transferred;

(d) Receives a demotion;

(e) Is approved for detail to special duty;

(f) Returns from military leave covered under the Employment and Reemployment Rights of Members of the Uniformed Services, 38 U.S.C. 4301 to 4335;

(g) Is reclassified; or

(h) Is promoted.

Section 5. Employee Performance Evaluation Process.

(1) The supervisor shall maintain a record throughout the evaluation period for each employee supervised.

(2) The record shall provide a chronological record of accomplishments or problems of an employee. The records shall include:

(a) Dates;

(b) Details;

(c) Names; and

(d) Any written statements regarding accomplishments or problems.

(3) The purpose of the record shall be to ensure that the evaluations are based on actual activities and performance during the review period and provide documentation necessary for the performance salary adjustment or indicated disciplinary actions necessary in the case of unacceptable performance.

(4) ***A performance evaluation shall be completed for each regular status employee using the Local Health Department Employee Performance Evaluation form CH-40B.***

(5) The CH-40B shall contain documented efforts made during the review period to correct unacceptable performance of the employee.[~~A performance evaluation shall be completed for each regular status employee using the Local Health Department Employee Performance Evaluation form CH-40B.~~]

[~~(5)~~] [~~The CH-40B shall contain documented efforts made during the review period to correct unacceptable performance of the employee.~~]

(6) [~~(6)~~] At the beginning of the review period, the supervisor shall identify and develop an annual, written performance plan that ***establishes***[~~***outlines***~~] for each employee supervised:

(a) The performance competencies;

(b) Expectations;

(c) Goals; and

(d) Objectives.

(7)[~~***(5)***~~] [~~(7)~~][~~A supervisor shall develop an annual, written performance plan for each employee supervised.~~]

[~~(8)~~] The supervisor and employee shall meet to discuss the identified performance competencies, expectations, goals, and objectives, and decide on an individual development plan to assist the employee in performing the job. The annual performance plan shall include:

(a) An annual performance plan period;

(b) Job-related performance competencies, goals, and objectives that are consistent with the employee's position description and relate to the agency's goals and performance competencies. Each performance competency shall describe:

1. Standards or indicators of success; and

2. Measurable results and time frames if applicable; and

(c) Provisions for a minimum of one (1) interim performance plan review during the plan year to discuss performance progress, any deficiencies, and plan updates as necessary.

(8)[~~***(6)***~~] [~~(9)~~] The supervisor, at the end of the review period, shall rate the performance of an employee on the identified performance competencies, indicating both the level of work performed and examples of the employee's work supporting the rating given on each measure and the final rating the employee will receive.

(9)[~~***(7)***~~] [~~(10)~~] The supervisor shall identify the performance competencies, goals, expectations, and objectives for the next plan year.

(10)[~~***(8)***~~] [~~(11)~~] The results of the employee performance evaluation may be submitted to the second line supervisor, if other than the appointing authority, and the appointing authority prior to meeting with the employee.

(11)[~~***(9)***~~] [~~(12)~~] The supervisor and the employee shall meet to discuss the supervisory ratings, performance competencies, goals, and expectations, objectives identified for the next review period, and the employee's development plan for the next review period. The employee ***may***[~~***shall have the opportunity to***~~] provide input, examples of work, and a self-evaluation for the supervisor's consideration.

(12)[~~***(10)***~~] [~~(13)~~] The employee shall have an opportunity to provide[~~attach written~~] comments concerning the rating of the supervisor's evaluation. The comments shall be provided to the supervisor no later than five (5) working days after the supervisor and employee meet to discuss the performance evaluation.

(13)[~~***(11)***~~] [~~(14)~~] An employee that disagrees with the performance rating conducted by the employee's supervisor may ask for a review with the second line supervisor or appointing authority. If the employee is not satisfied with the response, the

employee may submit a grievance through the agency's grievance procedure.

Section 6. Employee Performance Evaluation Competencies.

(1) An employee shall be evaluated on at least the following performance competencies:

(a) Position knowledge;

(b) Communication;

(c) Concern for accuracy;

(d) Service orientation;

(e) Organizational awareness; and

(f) Performance orientation.

(2) A supervisor shall be evaluated on the following competencies in addition to those stated above:

(a) Staff development;

(b) Functional planning; and

(c) Decision making.

(3) In addition to the required competencies established in subsections (1) and (2) of this section, additional competencies may be added to the employee's or supervisor's evaluation that reflects the level of development of the employee, level of responsibility, degree of independence, complexity of duties, and the overall scope of the employee's job duties.

Section 7. Employee Evaluation Rating Factors. The following ratings shall be used by the supervisor to evaluate an employee's job performance for the competencies identified:

5	Highly Commendable Performance
4	Proficient and Commendable Performance
3	Effective and Competent Performance
2	Needs Development Performance
1	Unacceptable Performance

Section 8. Overall Performance Rating of the Employee. The supervisor shall provide an overall rating of the employee's performance based on the following levels of performance:

(1) Highly commendable performance rating level for the employee who:

(a) Consistently surpasses skill expectations in execution of the majority of critical job responsibilities and objectives;

(b) Makes exceptional contributions to the overall functioning of a department by demonstrating initiative, flexibility, and creativity in addressing issues or developing systems, procedures, or enhancements for greater efficiencies and effectiveness;

(c) Possesses superior skills and knowledge;

(d) Constantly anticipates or responds quickly to changing situations and departmental needs;

(e) Constantly contributes workable solutions to projects or problems;

(f) Demonstrates work of a superior quality; and

(g) Is a solution-oriented team player who maintains and promotes excellent working relationships.

(2) Proficient and commendable performance rating level for the employee who:

(a) Consistently demonstrates skill in the execution of the majority of critical job responsibilities and objectives;

(b) Makes important contributions to the overall functioning of a department by demonstrating solid performance with respect to productivity and quality;

(c) Possesses strong skills and knowledge; and

(d) Is an excellent team player who maintains and promotes good working relationships.

(3) Effective and competent performance rating level for the employee who:

(a) Competently executes the majority of critical job responsibilities and objectives;

(b) Makes positive contributions to the overall functioning of an agency by demonstrating sufficient performance with respect to productivity and quality of work;

(c) Possesses appropriate level of skills and knowledge;

(d) Maintains and promotes positive working relationships as a team player;

(e) Works positively to influence the work group; and

(f) Adjusts readily to changing situations and work assignments.

(4) Needs development performance rating level for the employee who:

(a) The overall performance to ensure consistent execution of all job responsibilities and objectives needs development;

(b) Demonstrates success in some areas**,** but guidance in other areas has been needed; and

(c) Demonstrates performance competencies that need further development and consistent application.

(5) Unacceptable performance rating level for the employee whose overall performance indicates that:

(a) Job duties, responsibilities, and objectives have not been consistently met;

(b) Employee's performance requires close monitoring and has not kept pace with ***job-related***[~~***job related***~~] requirements; and

(c) Successes have been only occasional or of minimal impact and performance has failed to demonstrate sufficient level of competencies required.

Section 9. Salary or Annual Leave Adjustment for an Employee Based on the Levels of Performance.

(1) An employee who receives an overall rating at the highly commendable or proficient and commendable level, shall be eligible to receive:

(a) The annual increment rate adopted by the Board of Health at the beginning of the fiscal year not to exceed five (5) percent of the employee's salary; and

(b)

1. An additional lump sum payment that was adopted by the Board of Health at the beginning of the fiscal year not to exceed five (5) percent of the employee's salary if adequate documented justification is provided to the department for approval; or

2. An additional one (1) or two (2) days annual leave.

(c) The lump sum payment or annual leave adjustment shall be effective the same date as the annual increment awarded.

(2) An employee who receives a performance rating at the effective and competent level shall be eligible to receive the annual employee performance rate adopted by the Board of Health at the beginning of the fiscal year not to exceed five (5) percent of the employee's salary.

(3)

(a) An employee who receives a rating at the needs development level after appropriate supporting documentation has been made, shall be eligible to receive a salary adjustment equivalent to fifty (50) percent of the annual performance evaluation rate adopted by the Board of Health at the beginning of the fiscal year not to exceed five (5) percent of the employee's salary.

(b) An employee shall be notified by the appointing authority in writing at least seven (7) days prior to the annual increment date if the employee:

1. Is denied an annual increment; or

2. Only receives a portion of the annual increment.

(c) An appointing authority shall require a special evaluation to be conducted no later than 120 days following the annual evaluation to determine if the employee's level of performance has improved.

(d)[~~(c)~~] If the employee's performance has improved to the effective and competent level, the appointing authority shall approve the employee's receipt of the additional fifty (50) percent over the remainder of the evaluation period.

(e)[~~(d)~~] For the employee who shows no improvement in performance or whose performance deteriorates, the appointing authority shall:

1. Remove the [~~fifty (50) percent~~] salary increment allowed under paragraph (a) of this subsection; and

2. Initiate appropriate disciplinary action in accordance with 902 KAR 8:100.

(4)

(a) For an employee who receives a rating at the unacceptable level, the appointing authority shall not grant a salary increase except as ***established***[~~***provided***~~] in paragraph (d) of this subsection.

(b) The appointing authority shall initiate dismissal action if indicated by supporting documentation.

(c) If the supporting documentation does not indicate a dismissal action, the appointing authority shall initiate appropriate disciplinary action followed by a performance re-evaluation to be completed no later than 120 days after the disciplinary action was initiated.

(d) The appointing authority shall provide the employee a salary adjustment equivalent to fifty (50) percent of the annual performance evaluation rate at the needs development performance level if an employee improves the level of performance and satisfactorily meets the performance improvement objectives as determined by the re-evaluation.

(5) The employee performance salary adjustment shall be given to the eligible employee at the beginning of the first pay period following twenty-six (26) pay periods of service during which the employee was in pay status.

[~~(6)~~] [~~An employee whose annual increment is denied shall be notified by the appointing authority in writing at least fourteen (14) calendar days prior to the annual increment date.~~]

Section 10. Special Performance Evaluation. A special performance evaluation may be conducted at any time by the employee's supervisor to gauge the level of performance or to improve performance.

Section 11. Incorporation by Reference.

(1) "Local Health Department Employee Performance Evaluation", CH-40B 5/2019, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, Division of Administration and Financial Management, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m., or online at https://www.chfs.ky.gov/agencies/dph/dafm/lhpb/Forms%20for%20HR%20Staff/096EmployeePerformanceEvaluation.pdf.

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

[~~(1)~~] [~~" Local Health Department Employee Performance Evaluation", CH-40B 5/2019, is incorporated by reference.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, Division of Administration and Financial Management, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

FILED WITH LRC: April 13, 2026

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

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Administration and Financial Management
(As Amended at ARRS, April 13, 2026)

902 KAR 8:120. Leave provisions applicable to employees of local health departments.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870, Chapter 337, 29 C.F.R. Part 825,

STATUTORY AUTHORITY: KRS 194A.050(1), 211.1755(2), (3)(a)1

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 211.1755(2) requires the cabinet to promulgate administrative regulations establishing the policies and procedures of the local health department personnel program. KRS 211.1755(3)(a)1. requires the cabinet to promulgate administrative regulations for local health department personnel leave policies. This administrative regulation establishes work hours, leave, and compensatory time provisions for employees of local health departments.

Section 1. Hours of Work.

(1) The normal work week shall consist of thirty-seven and one-half (37.5) hours per week.

(a) The appointing authority shall establish the hours and days of work for the agency or for specific employees.

(b) The work schedule may be changed by the appointing authority to provide for flexibility in meeting particular work requirements of the agency or specific employees whose schedules may require them to work different hours.

(2) Hours worked in excess of the thirty-seven and one-half (37.5) hours during the established work week shall be:

(a) Approved by the appointing authority; and

(b) Subject to compensatory time and overtime provisions of this administrative regulation.

(3) The standard pay period shall consist of seventy-five (75) hours.

(4) An appointing authority, with department approval, may establish a position having special conditions of employment based on the needs of the agency.

(5) The employee who requests and receives consideration for special conditions shall acknowledge acceptance of the special conditions in writing.

Section 2. Earning of Annual Leave.

(1) Except for a temporary or an emergency employee, a full-time employee shall earn annual leave credit at the following rate:

Years of Service	Annual Leave Hours Earned[~~Per Pay Period-Per Year of Twenty-six (26)Pay Periods~~]
0 to 5 years	3.5 hours per pay period-91.0 hours per year
5 to 10 years	4.4 hours per pay period-114.4 hours per year
10 to 15 years	5.2 hours per pay period-135.2 hours per year
15 to 20 years	6.1 hours per pay period-158.6 hours per year
20 years or more	7.0 hours per pay period-182 hours per year

(2) Annual leave for a full-time employee shall not accrue unless the employee has been in pay status at least thirty-seven and one-half (37.5) hours of the standard pay period. The employee shall be credited with additional leave credit upon the first day of the pay period following the pay period in which the leave was earned.

(3) Except for a temporary or an emergency employee, a part-time employee, who is designated as serving on a part-time 100 hour basis and is in pay status at least twenty-three (23) hours each pay period, shall earn annual leave credit at the following rate:

Years of Service	Annual Leave Hours Earned[~~Per Pay Period~~]-[~~Per Year of Twenty-six (26) Pay Periods~~]
0 to 5 years	2.1 hours per pay period-54.6 hours per year
5 to 10 years	2.6 hours per pay period-67.6 hours per year
10 to 15 years	3.1 hours per pay period-80.6 hours per year
15 to 20 years	3.6 hours per pay period-93.6 hours per year

20 years or more	4.2 hours per pay period-109.2 hours per year

(4) In computing years of total service for determining the rate of earning annual leave for designated part-time 100 hour employees, only the months the employee was designated as a full-time, part-time 100 hour, or was on educational leave with pay shall be used.

(5) An employee who has retired from a position covered by a state retirement system, is receiving retirement benefits, and returns to an agency, shall not receive credit for months of service prior to retirement.

(6) An employee who has resigned from one (1) agency and returns to another agency as an original appointment shall not receive credit for months of service prior to resignation.

(7) Annual leave shall not accrue unless an employee is working or on authorized leave with pay. Annual leave shall not accrue if an employee is on authorized educational leave with pay.

(8) The maximum amount of annual leave earned by a full-time employee that may be accumulated and carried forward to the next calendar year shall not exceed the following amounts:

Years of Service	Maximum Amount of Annual Leave Earned by Full-time Employees
0 to 5 years	225.0 hours
5 to10 years	277.5 hours
10 to 15 years	337.5 hours
15 to 20 years	390.0 hours
Over 20 years	450.0 hours

(9) The maximum amount of annual leave for a designated part-time 100 hour employee who works an average of 100 hours per month that may be accumulated and carried forward to the next calendar year shall not exceed the following amounts:

Years of Service	Maximum Amount of Annual Hours Earned by Designated Part-time 100 Employees
0 to 5 years	120 hours
5 to 10 years	148 hours
10 to 15 years	180 hours
15 to 20 years	208 hours
Over 20 years	240 hours

(10) Except as provided for in Section 3***(9)***[***(8)***] of this administrative regulation, annual leave earned in excess of that which is allowed to be accumulated shall be converted to sick leave and credited during the first pay period following the end of the calendar year. Annual leave shall not be granted in excess of that earned.

Section 3. Use of Annual Leave Credit.

(1) An employee who has accumulated annual leave credit, upon timely request and subsequent approval of the supervisor, shall be granted leave subject to the operating requirements of the agency.

(2) An employee shall not be charged with annual leave for absence except on a day upon which they would otherwise work and receive pay.

(3) Absence for a fraction or part of a day that is chargeable to annual leave shall be charged in fifteen (15) minute periods.

(4) An employee shall be paid a lump sum for accumulated annual leave, not to exceed the maximum amounts established in Section 2 of this administrative regulation, if separated by proper resignation, layoff, retirement, or change from full-time or part-time 100 hour to part-time. Following payment of annual leave, leave remaining after the payment of the maximum provided in Section 2 of this administrative regulation shall be removed from the balance.

(5)

(a) An employee who has been dismissed for cause shall not be paid for accumulated annual leave.

(b) An appointing authority may withhold payment of accumulated annual leave for an employee who has failed to give proper notice of resignation or retirement, or who has submitted notice of resignation or retirement after receiving an intent to dismiss letter.

(c) Annual leave withheld shall result in a determination that the employee resigned not in good standing.

(6) Upon the death of an employee, the employee's estate shall be entitled to be paid for the unused portion of the employee's accumulated annual leave.

(7)[~~(6)~~] Annual leave shall not be advanced or taken until it is earned.

(8)[~~(7)~~] An absence due to sickness, injury, or disability in excess of accumulated sick leave, may be charged against annual leave if approved by the appointing authority.

(9)[~~(8)~~] An employee who has accumulated annual leave in excess of 275 hours may request payment of an amount of annual leave not to exceed seventy-five (75) hours during the fiscal year of the agency. The requested annual leave payment, if approved by the appointing authority, shall not reduce the employee's balance of annual leave below 275 hours and shall be paid in a manner convenient to the agency.

(10)[~~(9)~~] An appointing authority may require an employee who has a balance of compensatory leave hours to use compensatory leave before the employee's request to use annual leave balance is granted, unless the employee's annual leave balance will exceed the maximum number of hours that may be carried forward pursuant to Section 2(8) and (9) of this administrative regulation.

Section 4. Earning of Sick Leave.

(1) A full-time employee, except for an emergency employee, shall earn sick leave at the rate of three and one-half (3.5) hours per pay period.

(a) An employee shall have worked or been in pay status for at least thirty-seven and one-half (37.5) hours of the seventy-five (75) standard hours in each pay period in order to accumulate sick leave.

(b) The employee shall be credited with sick leave upon the first day of the pay period following the pay period in which the leave was earned.

(2) An employee designated as a part-time 100 hour employee, except for an emergency employee, who is in pay status at least twenty-three (23) hours in a pay period shall earn sick leave at the rate of two and one-tenth (2.1) hours per pay period. A part-time 100 hour employee shall be credited with additional sick leave upon the first day of the pay period following the pay period in which the leave was earned.

(3) A full-time employee completing ten (10) years of total service in full-time status with an agency shall be credited with seventy-five (75) additional hours of sick leave.

(4) An employee designated as a part-time 100 hour employee completing ten (10) years of total service in a part-time 100 status with an agency shall be credited with forty-five (45) additional hours of sick leave.

(5) A full-time employee completing 240 months of total service in a full-time status with one (1) or more agencies shall be credited with an additional seventy-five (75) hours of sick leave.

(6) An employee designated as a part-time 100 hour employee completing 240 months of total service in a part-time 100 status with one (1) or more agencies shall be credited with forty-five (45) additional hours of sick leave.

Section 5. Uses of Sick Leave Credit.

(1) The appointing authority, upon proper request, may grant sick leave with pay to a full-time or designated part-time 100 hour employee with sufficient leave credit, if the employee:

(a) Receives medical, psychiatric, dental, or optical examination or treatment;

(b) Is disabled by sickness or injury;

(c) Is required to provide care for a sick or injured spouse, child, step-child, parent, step-parent, brother, step-brother, sister, step-sister, grandparent, step-grandparent, grandchild, step-grandchild, mother- or father-in-law, or daughter- or son-in-law;

(d) Would jeopardize the health of others at his or her workstation post because of exposure to a contagious disease;

(e) Has lost by death a spouse, child, step-child, parent, step-parent, brother, step-brother, sister, step-sister, grandparent, step-grandparent, grandchild, step-grandchild, mother- or father-in-law, or daughter- or son-in-law; or

(f) Is required to take the employee's spouse, child, step-child, parent, step-parent, brother, step-brother, sister, step sister, grandparent, step-grandparent, grandchild, step-grandchild, mother- or father-in-law, or daughter- or son-in-law for medical, psychiatric, dental, or optical examination or treatment.

(2) Accumulated sick leave may be granted for death in the employee's family, as described in subsection (1) of this section, and shall be limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(3) An employee shall file a written request for sick leave with or without pay within a reasonable time. An employee shall request advance approval for sick leave for medical, dental, or optical examination and for sick leave without pay.

(4) Except for an unexpected absence from work because of an illness, the employee shall notify the employee's supervisor or other designated person in advance. Failure to do so in a reasonable time period may be cause for denial of the sick leave for the period of absence or for disciplinary action.

(5)

(a) An appointing authority may, for good cause and on notice, require an employee to supply supporting evidence in order to receive sick leave for the days or hours sick leave is requested.

(b) A medical certificate may be required signed by a licensed practitioner and certifying to the incapacity, examination, and treatment during the time for which sick leave was taken.

(c) An appointing authority may grant sick leave if the application is supported by acceptable evidence, but may require confirmation if there is reasonable cause to question the authenticity of the certificate or its contents.

(6) If an employee requests leave in excess of five (5) working days, a statement from the employees' licensed practitioner shall accompany the request for leave. The statement shall contain:

(a) The licensed practitioner's judgment that the employee is incapable of performing the essential duties of the job;

(b) Estimate of the length of time that the employee's illness or disability will last;

(c) Restrictions that render the employee incapable of performing the essential duties of the job; and

(d) Recommendation for special considerations to accommodate the employee once released to return to work.

(7) An appointing authority may place an employee on sick leave with or without pay, if:

(a) The employee's health might jeopardize others;

(b) The employee's health prevents performance of job duties and responsibilities;

(c) The employee fails to produce a satisfactory medical certificate upon request; or

(d) The employee exhibits behavior that disrupts the agency's ability to function in providing services or that might endanger the employee or others.

(8) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in fifteen (15) minute periods.

(9) An employee who is transferred or otherwise changed from one (1) agency to another shall retain accumulated sick leave in the receiving agency.

(10) A former employee who is reinstated or reemployed shall have his or her previous rate of earning annual leave and unused sick leave balances reinstated upon successful completion of probation, if applicable.

(11) Sick leave may be utilized in cases of absence due to illness or injury for which workers' compensation income benefits are received for lost time to the extent of the differences between these benefits and the employee's regular salary.

Section 6. Family and Medical Leave.

(1) An appointing authority shall comply with the requirements of the Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. 2601 et seq., Pub.L. 103-3, and the federal regulations implementing the Act, 29 C.F.R. Part 825.

(2) An employee shall qualify for twelve (12) weeks of unpaid family and medical leave if the employee has:

(a) Completed twelve (12) months of service; and

(b) Worked at least 1,250 hours in the twelve (12) months immediately preceding the first day of family and medical leave.

(3) An employee shall be entitled to a maximum of twelve (12) weeks of unpaid family and medical leave for the birth, placement, or adoption of the employee's child.

(4) While an employee is on unpaid family and medical leave, the employer contribution for health and life insurance shall be maintained by the employer.

(5) An employee shall use accrued paid leave concurrently with FMLA leave, except an employee may reserve up to ten (10) days of accumulated sick leave while on FMLA leave. If an employee reserves accumulated sick leave, the remaining FMLA leave will be unpaid.

Section 7. Maternity Leave.

(1) The appointing authority shall grant a maternity leave of absence to an employee because of pregnancy or the adoption of a child. Maternity leave shall not exceed twelve (12) weeks, unless the appointing authority approves additional maternity leave. However, the total leave shall not exceed twenty-six (26) pay periods.

(2) The employee on maternity leave shall use accumulated sick leave credit if available:

(a) For the period of time medically necessary to be absent from work as indicated by the certification of a licensed practitioner; or

(b) For the period of time for placement of a child for adoption with the employee that includes:

1. Counseling sessions;

2. To appear in court;

3. Consult with attorneys or doctors representing the birth parents;

4. Submit to a physical; or

5. Travel to complete adoption.

(c) If sick leave is not available, the employee shall use accumulated annual or compensatory leave if available.

(d) If leave credit is exhausted, the employee shall be placed on leave without pay.

(3) Accumulated annual and compensatory time shall be used for maternity leave that extends beyond the period of absence that is medically necessary for the employee as certified by the employee's medical practitioner.

(4) The employee shall submit a written request for maternity absence, which shall include a statement from a licensed practitioner indicating the expected date of delivery.

(a) The request shall be submitted to the appointing authority as soon as practical to allow for adjustments in the work schedule during the employee's absence.

(b) Additional information from the employee's licensed practitioner may be required if there are complications and the period of absence begins sooner than agreed, extends further than agreed, or requires the use of maternity leave beyond twelve (12) weeks.

Section 8. Workers' Compensation.

(1)

(a) The required medical expense for a service rendered by a hospital or doctor, or for a prescribed medication, shall be paid subject to approval of the claim.

(b) A percentage of the employee's average weekly wage shall be paid if the employee is unable to work for an extended period due to a job-related injury or illness.

(c)

1. Except as provided in subparagraph 2. of this paragraph, compensation shall not be payable for the first seven (7) days of disability.

2. If the disability continues over two (2) weeks, compensation shall be allowed from the first day of disability.

(2) The appointing authority shall offer an employee one (1) of the following options of compensation for an absence due to illness or injury for which workers' compensation benefits are eligible:

(a) Allow employee to accept the workers' compensation benefits directly and use accumulated leave in order to maintain regular full salary; or

(b) Allow employee to use accumulated leave to maintain regular full salary, or a portion thereof, and remit the workers compensation benefits to the agency to reinstate accumulated leave used for the period of time benefits were paid.

(3) The employee shall not receive and retain the benefit of paid leave and workers' compensation income benefits that exceeds his or her regular full salary for the same period of time.

Section 9. Sick Leave Without Pay.

(1) An appointing authority may approve sick leave without pay upon appropriate request of an employee.

(2) An employee shall have used accumulated annual, sick, and compensatory leave credit prior to approved leave without pay.

(3) If an employee approved for leave with pay exhausts accumulated annual, sick, and compensatory leave credit, the employee shall be placed on sick leave without pay, if the total absence does not exceed twenty-six (26) pay periods.

(4) The appointing authority may require periodic statements from a licensed practitioner during the sick leave without pay period attesting to the employee's inability to perform the essential functions of the employee's job duties with or without reasonable accommodation.

Section 10. Return from Sick Leave With or Without Pay.

(1) At the termination of sick leave with pay not exceeding thirteen (13) pay periods, the appointing authority shall return the employee to his or her former position.

(2) At the termination of sick leave with pay exceeding thirteen (13) pay periods, the appointing authority shall return the employee to a position for which he or she is qualified and that resembles his or her former position as closely as circumstances permit. If the employee is unable to perform the essential functions of the position, and there is no other vacant position for which the employee qualifies and is able to perform, the employee may be laid off.

(3) If an employee on approved sick leave without pay for less than twenty-six (26) pay periods has given notice of his or her ability to resume his or her duties, the appointing authority shall return the employee to a position for which he or she is qualified and that resembles his or her former position as closely as circumstances permit. If the employee is unable to perform the essential functions of the position, and there is no other vacant position for which the employee qualifies and is able to perform, the employee may be laid off.

(4) An employee shall be considered to have resigned if the employee:

(a) Has been on continuous sick leave without pay for twenty-six (26) pay periods;

(b) Has been requested by the appointing authority in writing to return to work at least ten (10) days prior to the expiration of sick leave;

(c) Is unable to return to the employee's former position or to a position for which the employee is qualified and that resembles the former position as closely as circumstances permit;

(d) Has been given priority consideration by the appointing authority for a vacant position with the agency, for which the employee qualifies and is capable of performing its essential functions with or without reasonable accommodation; and

(e) The appointing authority has been unable to place the employee in a vacant position.

Section 11. Sharing of Sick Leave.

(1) An employee of the local health department who has accrued a sick leave balance of more than seventy-five (75) hours may, with the approval of the appointing authority, request the transfer of a specified amount of the employee's sick leave balance in excess of seventy-five (75) hours to another named status employee of the local health department who is authorized to receive sick leave.

(2) The appointing authority may approve the amount of sick leave received under this section if:

(a) The employee or a member of his or her immediate family suffers from a medically certified illness, injury, impairment, or physical or psychiatric condition that has caused, or is likely to cause, the employee to go on leave;

(b) The employee's need for absence and use of leave are certified by a licensed practitioner; and

(c) The employee has exhausted his or her accumulated sick leave, annual leave, and compensatory leave balances.

(3) Leave may be transferred from an employee of one (1) agency to an employee within the same agency or may be transferred from an employee of one (1) agency to an employee of another agency. The agency shall maintain records of leave transferred between employees and the utilization of transferred leave.

(4) If an employee is on leave transferred under this section, he or she shall receive the same treatment with respect to salary, wages, and employee benefits.

(5) Salary and wage payments made to an employee while on leave transferred under this section shall be made by the agency employing the person receiving the leave.

(6) Leave transferred under this section which remains unused shall be returned, on a prorated basis, to the employees who transferred the leave if the appointing authority finds that the leave is no longer needed and will not be needed at a future time in connection with the illness or injury for which the leave was transferred to an employee in his or her agency.

(7) An employee shall not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, either directly or indirectly, another employee for the purpose of interfering with the employee's right to voluntarily contribute leave as authorized under this section.

Section 12. Court Leave. An employee shall be entitled to a leave of absence, without loss of pay or time, for each day the employee is subpoenaed by a court to serve as a juror or witness, except in a case where the employee or a member of the employee's family is a party plaintiff. If relieved from duty as a juror or witness during normal working hours, the employee shall return to work. An employee shall retain the fees earned while serving as a potential juror.

Section 13. Military Leave.

(1) Upon request, an employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from duty without the loss of pay or time to serve under orders on training duty for a period of up to ten (10) working days, not to exceed seventy-five (75) hours in any one (1) federal fiscal (October 1 to September 30) year. The appointing authority, before granting military leave, may require a copy of the orders requiring the attendance of the employee.

(2) The appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of active duty not to exceed six (6) years. Accumulated annual leave and compensatory leave may be paid in lump sum at the request of the employee, upon being placed on leave.

(3) A part-time 100 or full-time status employee, who is a spouse or a member of the U.S. Armed Forces, including a member of a state National Guard or a Reserve component on federal duty, shall receive one (1) day off, with pay, from work when the member is deployed and one (1) day off, with pay, from work when the member returns.

Section 14. Voting Leave. The appointing authority shall allow each employee four (4) hours paid leave to vote, if requested in advance. The absence shall not be charged against accumulated leave.

Section 15. Special Leave of Absence.

(1) An appointing authority may grant special leave for education, training, or for other circumstances.

(2) Leave may be granted for a period not to exceed twenty-six (26) pay periods.

(3) Leave may be granted without pay if all other leave has been exhausted.

(4) Leave for attendance at a college, university, vocational or business school shall be for training in subjects that:

(a) Relate to the employee's work; and

(b) Will benefit the agency.

Section 16. Administrative Leave for Investigative Purposes.

(1) An appointing authority may place an employee on special leave with pay for investigative purposes pending an investigation of a work-related incident or an allegation of employee misconduct.

(2) Leave shall not exceed thirty (30) working days.

(3) The employee shall be notified in writing by the appointing authority that he or she is being placed on special leave for investigative purposes and the reasons for being placed on leave.

(4) If the investigation reveals no misconduct by the employee:

(a) The employee shall be made whole for the period of the leave; and

(b) Records relating to the investigation shall be purged from agency files.

(5) The appointing authority shall notify the employee, in writing, of the completion of the investigation and the action taken. Notification shall be made to the employee, whether the employee has remained with the agency, or has voluntarily resigned during the interim between being placed on special leave for investigative purposes and the completion of the investigation.

Section 17. Absence Without Leave.

(1) An employee who is absent from duty without prior approval shall report the reason for the absence to the employee's supervisor immediately.

(2) Unauthorized or unreported absence shall:

(a) Be considered absence without leave;

(b) Be treated as leave without pay for an employee covered by the provisions of the Fair Labor Standards Act, 29 U.S.C. Chapter 8; and

(c) Constitute grounds for disciplinary action.

(3) A deduction of pay may be made by the appointing authority for each period of absence.

(4) An employee who has been absent without leave or notice to the supervisor for more than three (3) working days shall be considered to have resigned the employee's position.

Section 18. Holidays.

(1) Agency full-time employees shall be given a 7.5 hours holiday on the following days:

(a) The first day of January and one (1) extra day;

(b) The third Monday in January;

(c) One-half (1/2) day for Good Friday (3.75 hours);

(d) The last Monday in May;

(e) The fourth day of July;

(f) The first Monday in September;

(g) The 11th day of November;

(h) The fourth Thursday in November plus one (1) extra day;

(i) The 25th of December and one (1) extra day;[~~and~~]

(j) Presidential election day; and

(k) Holidays issued by Executive Order of the Governor while in effect.

(2) If a day enumerated in subsection (1) of this section falls on a Saturday, the preceding Friday shall be observed as the holiday. If the day enumerated falls on a Sunday, the following Monday shall be observed as the holiday. If an extra day is provided for, it shall be observed as stated by the department.

(3) A full-time employee shall be in pay status on the work day prior to the holiday in order to receive the 7.5 hour holiday benefit.

(4) Full-time exempt employees required to work on a holiday shall accrue compensatory time for the time worked.

Section 19. Absences Due to Adverse Weather.

(1) An employee who chooses not to report to work, or who leaves early, in the event of adverse weather conditions, shall have the absence:

(a) Charged to annual or compensatory leave; or

(b) Taken as leave without pay, if annual and compensatory leave has been exhausted.

(2) An employee who is on prearranged annual, compensatory, or sick leave shall charge leave as originally requested unless the agency closes down. Once the agency closes, all employees are paid other paid leave.

(3) If catastrophic, life-threatening weather conditions occur, such as that created by hurricane, tornado, flood, or blizzard, and it becomes necessary for authorities to order evacuation or shutdown of the place of employment, the following provisions shall apply:

(a) An employee who is required to evacuate or who would report to a location that has been shut down shall not be required to make up the time lost from work during the period officially declared hazardous to life and safety.

(b) An employee who is required to work in an emergency situation shall be compensated pursuant to Section 20 of this administrative regulation.

Section 20. Earning of Compensatory Time.

(1) An employee determined to be exempt under the provisions of the Fair Labor Standards Act, 29 U.S.C. 207, and Kentucky Wage and Labor Law, KRS Chapter 337, authorized by the appointing authority to work in excess of the prescribed thirty-seven and one-half (37.5) hours of duty in one (1) week shall accumulate compensatory time in fifteen (15) minute periods for excess time worked on an hour-for-hour basis. The maximum amount of compensatory time accumulated shall be 200 hours.

(2) An employee shall have the prior approval of the appointing authority or the employee's immediate supervisor before compensatory leave may be earned.

(3) A nonexempt employee authorized by the appointing authority to work in excess of the prescribed thirty-seven and one-half (37.5) hours of duty in one (1) week shall be paid at the employee's current salary for each hour not subject to the provisions of the Fair Labor Standards Act, 29 U.S.C. 207, and Kentucky Wage and Labor Law, KRS Chapter 337.

(4) Any time worked in excess of forty (40) working hours in one (1) week shall be paid overtime at a rate of one and one-half (1 1/2) for each hour exceeding forty (40) working hours. Holiday pay and other types of non-working hours paid are not included in the total number of working hours subject to time and a half overtime pay.

Section 21. Using Accumulated Compensatory Time.

(1) An employee who has accrued compensatory time shall be permitted by the appointing authority to take compensatory time off if practical and upon proper request by the employee.

(2) An employee who has accumulated at least thirty (30) hours of compensatory time may be paid for the accumulated leave by the appointing authority upon written request. If payment is approved by the appointing authority, it shall be at the employee's regular rate of pay and in thirty (30) hour increments.

(3) If an employee has accumulated the maximum amount of compensatory leave, the appointing authority shall pay the employee for at least fifty (50) hours of accumulated compensatory leave at the employee's regular rate of pay and shall reduce the employee's compensatory leave balance accordingly.

(4) Upon separation from service or transfer to another agency, unused compensatory time shall be reimbursed in a lump sum payment to the employee.

(5) Upon the death of an employee, the employee's estate shall be paid for unused accumulated compensatory time.

[~~***(6)***~~] [***~~Employees dismissed for cause may have unused compensatory time forfeited in lieu of payment.~~***]

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

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Audits and Investigations
(As Amended at ARRS, April 13, 2026)

902 KAR 55:095. Prescription for Schedule II controlled substance – authorization of oral prescriptions for immediate administration, facsimile transmission, or partial filling.

RELATES TO: KRS 216.510(1), 216B.042, 218A.060, 218A.180, 218A.200, 21 C.F.R. 290.10, 1306.05, 1306.11-1306.14

STATUTORY AUTHORITY: KRS 194A.050,[~~***218A.180(1),***~~] 218A.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS ***194A.050 requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth; operate the programs and fulfill the responsibilities vested in the cabinet; implement programs mandated by federal law; qualify for the receipt of federal funds; and cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS***218A.250 requires the Cabinet for Health and Family Services to promulgate administrative regulations for carrying out the provisions of KRS Chapter 218A relating to controlled substances. This administrative regulation permits the transmission of prescriptions for Schedule II controlled substances between the prescriber and dispenser via oral authorization for immediate administration or by facsimile to facilitate the delivery of medications to certain patients whose need for medication shall be initiated or changed quickly. This administrative regulation also permits the partial filling of prescriptions for Schedule II controlled substances if requested by the patient or prescribing practitioner to patients whose medication needs may be long term but who wish to store limited quantities or in situations where the pharmacy is unable to supply the full quantity prescribed.

Section 1. Definitions.

(1) "Hospice" means a hospice program licensed pursuant to KRS 216B.042.

(2) "Immediate administration" means an emergency situation in which the prescribing practitioner ***authorizes***[***~~determines the following criteria exists for the purposes of authorizing~~***] an oral prescription for a Schedule II controlled substance***, pursuant to KRS 218A.180(1)***:

(a) Immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user;

(b) ***An***[***~~No~~***] appropriate alternative treatment is ***not*** available, including administration of a drug that is not a Schedule II controlled substance; and

(c) It is not reasonably possible for the prescribing practitioner to provide a written prescription to be presented to the person dispensing the substance prior to the dispensing.

(3) "Long-term care facility" or "LTCF" is defined by KRS 216.535(1)(a) and, pursuant to KRS 218A.180(1), ***excludes***[***~~shall not include~~***] a family care home or personal care home.

Section 2. Oral Prescription Only for Immediate Administration.

(1) A pharmacist may dispense a Schedule II controlled substance upon receiving oral authorization from a prescribing practitioner under the following conditions:

(a) Pursuant to KRS 218A.180(1), the prescription shall be needed for immediate administration to a patient enrolled in a hospice program or a resident of a long-term care facility;

(b) The quantity prescribed and dispensed shall be limited to the amount adequate to treat the patient or resident during the period in which immediate administration is necessary; and

(c) The prescribing practitioner personally communicates the oral prescription.

(2) Except for the signature of the prescribing practitioner, the prescription shall:

(a) Be immediately reduced to writing by the pharmacist in accordance with KRS 218A.180(6); and

(b) Contain all information required by KRS 218A.180(5) and 21 C.F.R. 1306.05.

(3) If the prescribing practitioner is not known to the pharmacist, the pharmacist shall make a reasonable effort to determine that the oral authorization came from a registered practitioner, which may include:

(a) A callback to the prescribing practitioner using the practitioner's phone number as listed in the telephone directory; or

(b) Other good faith efforts to ensure the practitioner's identity.

(4) Within seven (7) days after authorizing an oral prescription for immediate administration, the prescribing practitioner shall cause a written or electronic prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist and demonstrate compliance with the requirements established in this subsection.

(a) In addition to conforming to the requirements of KRS 218A.180(5),[~~and~~]21 C.F.R. 1306.05, 902 KAR 55:105 and 902 KAR 55:130, the prescription shall:

1. Have written on its face "Authorization for Emergency Dispensing" and the date of the oral order; and

2. Be delivered to the pharmacist:

a. In person;

b. By mail; or

c. Electronically pursuant to paragraph (d) of this subsection.

(b) If delivered by mail, the prescription shall be postmarked within seven (7) days of the date of the oral prescription for immediate administration.

(c) Upon receipt, the dispensing pharmacist shall attach the paper prescription to the oral prescription for immediate administration that was earlier reduced to writing.

(d) For electronic prescriptions, the pharmacist shall annotate the record of the prescription with the:

1. Original authorization; and

2. Date of the oral order.

(e) If the prescribing practitioner fails to deliver a written prescription to the pharmacist in accordance with this subsection, the pharmacist shall notify the nearest Drug Enforcement Administration (DEA) office.

(f) Failure of the pharmacist to comply with paragraph (e) of this subsection shall void the authority conferred by this subsection to dispense without a written prescription of a prescribing practitioner.

(5) A central fill pharmacy shall not be authorized under subsection (4) of this section to prepare prescriptions for a Schedule II controlled substance upon receiving an oral authorization from a retail pharmacist or a prescribing practitioner.

(6) Dispensing a Schedule II controlled substance beyond the period necessary for immediate administration shall be pursuant to a written or electronic prescription signed by the prescribing practitioner.

Section 3. Transmission by Facsimile of a Prescription for a Schedule II Controlled Substance.

(1) A prescription prepared in accordance with KRS 218A.180, 21 C.F.R. 1306.05, 902 KAR 55:080, and 902 KAR 55:105, Section 2, for a Schedule II narcotic substance to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion may be transmitted by a practitioner or the practitioner's agent to the dispensing pharmacy by facsimile.

(2) A prescription prepared in accordance with KRS 218A.180, 21 C.F.R. 1306.05, 902 KAR 55:080, and 902 KAR 55:105, Section 2, for a Schedule II controlled substance for a resident of a long-term care facility may be transmitted by a practitioner or the practitioner's agent to the dispensing pharmacy by facsimile.

(3)

(a) A prescription prepared in accordance with KRS 218A.180, 21 C.F.R. 1306.05, 902 KAR 55:080, and 902 KAR 55:105, Section 2, for a Schedule II controlled substance for a hospice patient may be transmitted by a practitioner or the practitioner's agent to the dispensing pharmacy by facsimile.

(b) The practitioner or the practitioner's agent shall note on the prescription that the patient is a hospice patient.

(4) The facsimile prescription shall:

(a) Serve as the original written prescription for the purposes of subsections (1) to (3) of this section and as allowed by KRS 218A.180(1) for the dispensing of a Schedule II controlled substance; and

(b) Be maintained in the same manner as an original prescription.

Section 4. Partial Filling of a Prescription for a Schedule II Controlled Substance.

(1) Except as provided in subsections (2) and (3) of this section, a pharmacist may partially fill a prescription for a controlled substance listed in Schedule II if the pharmacist:

(a) Is unable to dispense the full quantity called for in a written prescription or oral prescription for immediate administration as authorized by Section 2 of this administrative regulation;

(b) Makes a notation of the quantity dispensed:

1. On the face of the written prescription;

2. In the written record of the oral prescription for immediate administration; or

3. In the electronic prescription record; and

(c) Dispenses the remaining portion of the prescription within seventy-two (72) hours of the first partial filling. If the remaining portion is not or cannot be filled within the seventy-two (72) hour period, the pharmacist shall notify the prescribing practitioner. No further quantity shall be dispensed without a new written prescription.

(2) A prescription for a Schedule II controlled substance written for a patient in a long-term care facility or for a patient with a documented terminal illness may be dispensed in partial quantities, including individual dosage units, if:

(a) The pharmacist records on the prescription whether the patient is "terminally ill" or an "LTCF patient";

(b) The pharmacist records on the back of the written prescription or on another appropriate record, uniformly maintained and readily retrievable, the following data:

1. The date of the partial dispensing;

2. The quantity dispensed;

3. The remaining quantity authorized to be dispensed; and

4. The identification of the dispensing pharmacist;

(c) The pharmacist contacts the practitioner prior to dispensing the partial quantity if there is any question whether the patient is terminally ill because both the pharmacist and the prescribing practitioner have a corresponding responsibility to assure that the controlled substance is for a terminally ill patient;

(d) The total quantity dispensed in all partial dispensings does not exceed the quantity prescribed;

(e) The partial dispensing occurs at the pharmacy where the original prescription is on file; and

(f) No dispensing occurs beyond sixty (60) days from date of issuance of the prescription.

(3) For a patient who is not terminally ill or a resident of a long-term care facility, a written prescription for a Schedule II controlled substance may be dispensed in partial quantities in accordance with the requirements established in this subsection.

(a) The partial dispensing shall be requested by the patient or the prescribing practitioner who issued the prescription.

(b) Dispensing shall not occur beyond thirty (30) days from the date of issuance of the prescription.

(c) The pharmacist shall comply with requirements established in subsection (2)(b), (d), and (e) of this section.

(4) The information required by this section pertaining to current Schedule II prescriptions may be maintained in a computerized system if the system has the capability to permit:

(a) Output (display or printout) of the:

1. Original prescription number;

2. Date of issue;

3. Identification of the prescribing practitioner;

4. Identification of the patient;

5. Address of the long-term care facility, hospital, or residence of the patient, if applicable;

6. Identification of medication authorized, including:

a. Dosage;

b. Form;

c. Strength; and

d. Quantity;

7. Listing of the partial fillings that have been dispensed under each prescription; and

8. Information required in 21 C.F.R. 1306.13(b);

(b) Immediate ***or*** [~~(~~real time[~~)~~] updating of the prescription record each time a partial filling of the prescription is conducted; and

(c) Retrieval of partially filled Schedule II prescription information that is the same as required by KRS 218A.180(7) for Schedule III and IV prescription refill information.

[~~(5)~~] [~~If a record keeping system is being used that does not permit refills of Schedule II controlled substances, a new prescription number for the partial dispensing shall be permitted.~~]

(5)[~~(6)~~] A prescription that is partially filled and does not comply with the requirements of this section shall be deemed to have been filled in violation of KRS 218A.200(3), (4) and 21 C.F.R. 1306.13.

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CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Healthcare Policy
(As Amended at ARRS, April 13, 2026)

907 KAR 3:005. Coverage of physicians' services.

RELATES TO: KRS 205.510, [~~205.520, 205.560, ~~]205.622, 205.8451, 311.840-311.862, 314.011, 369.101-369.120, 42 C.F.R. 400.203, 413.75(b), 415.174, 415.184, 431.17, 438.2, 440.40(b), 440.50, 441.20, 441.200-441.208, 441.250-441.259, 447.26, 455.410, Part 493, 45 C.F.R. Parts 160, 164, 42 U.S.C. 1320 - 1320d-8, 1396a(a)(19), (30), 1396r-8(a)

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.560(1)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the Medicaid program coverage provisions and requirements relating to physicians' services.

Section 1. Definitions.

(1) "Advanced practice registered nurse" or "APRN" is defined by KRS 314.011(7).

(2) "Behavioral health practitioner under supervision" means an individual who is:

(a)

1. A licensed psychological associate;

2. A licensed professional counselor associate;

3. A certified social worker;

4. A marriage and family therapy associate;
5. A licensed professional art therapist associate;
6. A licensed assistant behavior analyst;
7. A licensed clinical alcohol and drug counselor associate;
8. A certified psychologist; or
9. A certified alcohol and drug counselor; and

(b) Employed by or under contract with the same billing provider as the billing supervisor.

(3) "Common practice" means an arrangement through which a physician assistant administers health care services under the supervision of a physician via a supervisory relationship that has been approved by the Kentucky Board of Medical Licensure.

(4) "CPT code" means a code used for reporting procedures and services performed by medical practitioners and published annually by the American Medical Association in Current Procedural Terminology.

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

(6) "Designated controlled substance provider" means the provider designated as a lock-in recipient's controlled substance prescriber:

(a) Pursuant to 907 KAR 1:677, if the recipient is not an enrollee; or

(b) As established by the managed care organization in which the lock-in recipient is enrolled, if the lock-in recipient is an enrollee.

(7) "Designated primary care provider" means the provider designated as a lock-in recipient's primary care provider:

(a) Pursuant to 907 KAR 1:677, if the recipient is not an enrollee; or

(b) As established by the managed care organization in which the lock-in recipient is enrolled, if the lock-in recipient is an enrollee.

(8) "Direct physician contact" means that the billing physician is physically present with and evaluates, examines, treats, or diagnoses the recipient.

(9) "Early and periodic screening and diagnosis and treatment" or "EPSDT" is defined by 42 C.F.R. 440.40(b).

(10) "Emergency care" means:

(a) Covered inpatient or outpatient services furnished by a qualified provider that are needed to evaluate or stabilize an emergency medical condition that is found to exist using the prudent layperson standard; or

(b) Emergency ambulance transport.

(11) "Enrollee" means a recipient who is enrolled with a managed care organization.

(12) "Federal financial participation" is defined by 42 C.F.R. 400.203.

(13) "Global period" means the period of time in which related preoperative, intraoperative, and postoperative services and follow-up care for a surgical procedure are customarily provided.

(14) "Graduate medical education program" or "GME program" means:

(a) A residency program approved by:

1. The Accreditation Council for Graduate Medical Education of the American Medical Association;
2. The Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association;
3. The Commission on Dental Accreditation of the American Dental Association; or
4. The Council on Podiatric Medicine Education of the American Podiatric Medical Association; or

(b) An approved medical residency program as defined by 42 C.F.R. 413.75(b).

(15) "Incidental" means that a medical procedure:

(a) Is performed at the same time as a primary procedure; and

(b)

1. Requires little additional resources; or
2. Is clinically integral to the performance of the primary procedure.

(16) "Integral" means that a medical procedure represents a component of a more complex procedure performed at the same time.

(17) "Lock-in recipient" means:

(a) A recipient enrolled in the lock-in program in accordance with 907 KAR 1:677; or

(b) An enrollee enrolled in a managed care organization's lock-in program pursuant to 907 KAR 17:020, Section 6.

(18) "Locum tenens APRN" means an APRN:

(a) Who temporarily assumes responsibility for the professional practice of a physician participating in the Kentucky Medicaid program; and

(b) Whose services are billed under the APRN's provider number.

(19) "Locum tenens physician" means a substitute physician:

(a) Who temporarily assumes responsibility for the professional practice of a physician participating in the Kentucky Medicaid program; and

(b) Whose services are paid under the participating physician's provider number.

(20) "Managed care organization" means an entity for which the Department for Medicaid Services has contracted to serve as a managed care organization as defined by 42 C.F.R. 438.2.

(21) "Medicaid basis" means a scenario in which:

(a) A provider provides a service to a recipient as a Medicaid-participating provider in accordance with:

1. 907 KAR 1:671; and
2. 907 KAR 1:672;

(b) The Medicaid program is the payer for the service; and

(c) The recipient is not liable for payment to the provider for the service other than any Medicaid cost sharing obligation owed by the recipient to the provider.

(22) "Medical necessity" or "medically necessary" means that a covered benefit is determined to be needed in accordance with 907 KAR 3:130.

(23) "Medical resident" means:

(a) An individual who participates in an approved graduate medical education (GME) program in medicine or osteopathy; or

(b) A physician who is not in an approved GME program, but who is authorized to practice only in a hospital, including:

1. An individual with a:
a. Temporary license;
b. Resident training license; or
c. Restricted license; or
2. An unlicensed graduate of a foreign medical school.

(24) "Mutually exclusive" means that two (2) procedures:

(a) Are not reasonably performed in conjunction with each other during the same patient encounter on the same date of service;

(b) Represent two (2) methods of performing the same procedure;

(c) Represent medically impossible or improbable use of CPT codes; or

(d) Are described in Current Procedural Terminology as inappropriate coding of procedure combinations.

(25) "Non-Medicaid basis" means a scenario in which:

(a) A provider provides a service to a recipient;

(b) The Medicaid program is not the payer for the service; and

(c) The recipient is liable for payment to the provider for the service.

(26) "Other licensed medical professional" means a health care provider:

(a) Other than a physician, physician assistant, advanced practice registered nurse, certified registered nurse anesthetist, nurse midwife, or registered nurse; and

(b) Who has been approved to practice a medical specialty by the appropriate licensure board.

(27) "Other provider preventable condition" is defined by 42 C.F.R. 447.26(b).

(28) "Physician administered drug" or "PAD" means any rebateable covered outpatient drug that is:

(a) Provided or administered to a Medicaid recipient;

(b) Billed by a provider other than a pharmacy provider through the medical benefit, including a provider that is a physician office or another outpatient clinical setting; and

(c) An injectable or non-injectable drug furnished incident to provider services that are billed separately to Medicaid.

(29) "Physician assistant" is defined by KRS 311.840(3).

(30) "Podiatrist" is defined by KRS 205.510***(13)***[~~(12)~~].

(31) "Provider group" means at least one ***(1)*** licensed physician[~~a group of at least two (2) individually licensed physicians~~] who:

(a) Is[~~Are~~] enrolled with the Medicaid program individually and as a group; and

(b) Share the same Medicaid group provider number, if more than one ***(1)*** physician is in the group.

(32) "Rebateable" means a drug for which the drug manufacturer has entered into and has in effect a rebate agreement in accordance with 42 U.S.C. 1396r-8(a).

(33) "Recipient" is defined by KRS 205.8451(9).

(34) "Screening" means the evaluation of a recipient by a physician to determine:

(a) If a disease or medical condition is present; and

(b) If further evaluation, diagnostic testing, or treatment is needed.

(35) "Supervising physician" is defined by KRS 311.840(4).

(36) "Supervision" is defined by KRS 311.840(6).

(37) "Timely filing" means receipt of a Medicaid claim by the department:

(a) Within twelve (12) months of the date the service was provided;

(b) Within twelve (12) months of the date retroactive eligibility was established; or

(c) Within six (6) months of the Medicare adjudication date if the service was billed to Medicare.

(38) "Unlisted procedure or service" means a procedure or service:

(a) For which there is not a specific CPT code; and

(b) That is billed using a CPT code designated for reporting unlisted procedures or services.

Section 2. Conditions of Participation.

(1)

(a) A participating physician shall:

1. Be licensed as a physician in the state in which the medical practice is located;

2. Comply with the:

a. Terms and conditions established in 907 KAR 1:005, 907 KAR 1:671, and 907 KAR 1:672; and

b. Requirements regarding the confidentiality of personal records pursuant to 42 U.S.C. 1320d to 1320d-8 and 45 C.F.R. Parts 160 and 164;

3. Have the freedom to choose whether to provide services to a recipient; and

4. Notify the recipient referenced in paragraph (b) of this subsection of the provider's decision to accept or not accept the recipient on a Medicaid basis prior to providing any service to the recipient.

(b) A provider may provide a service to a recipient on a non-Medicaid basis:

1. If the recipient agrees in writing to receive the service on a non-Medicaid basis before the service begins; and

2. The service is not a Medicaid-covered service.

(c)

1. If a provider renders a Medicaid-covered service to a recipient, regardless of if the service is billed through the provider's Medicaid provider number or any other entity including a non-Medicaid provider, the recipient shall not be billed for the service.

2. The department shall terminate from Medicaid program participation a provider who participates in an arrangement in which an entity bills a recipient for a Medicaid-covered service rendered by the provider.

(2) If a provider agrees to provide services to a recipient, the provider:

(a) Shall bill the department rather than the recipient for a covered service;

(b) May bill the recipient for a service not covered by Medicaid if the physician informed the recipient of noncoverage prior to providing the service; and

(c) Shall not bill the recipient for a service that is denied by the department on the basis of:

1. The service being incidental, integral, or mutually exclusive to a covered service or within the global period for a covered service;

2. Incorrect billing procedures, including incorrect bundling of services;

3. Failure to obtain prior authorization for the service; or

4. Failure to meet timely filing requirements.

(3)

(a) If a provider receives any duplicate payment or overpayment from the department, regardless of reason, the provider shall return the payment to the department.

(b) Failure to return a payment to the department in accordance with paragraph (a) of this subsection may be:

1. Interpreted to be fraud or abuse; and

2. Prosecuted in accordance with applicable federal or state law.

(4)

(a) A provider shall maintain a current health record for each recipient.

(b)

1. A health record shall document each service provided to the recipient including the date of the service and the signature of the individual who provided the service.

2. The individual who provided the service shall date and sign the health record within seventy-two (72) hours from the date that the individual provided the service.

(5)

(a) Except as established in paragraph (b) of this subsection, a provider shall maintain a health record regarding a recipient for at least five (5) years from the date of the service or until any audit dispute or issue is resolved beyond five (5) years.

(b) If the secretary of the United States Department of Health and Human Services requires a longer document retention period than the period referenced in paragraph (a) of this subsection, pursuant to 42 C.F.R. 431.17, the period established by the secretary shall be the required period.

(6) A provider shall comply with 45 C.F.R. Part 164.

Section 3. Covered Services.

(1) To be covered by the department, a service shall be:

(a) Medically necessary;

(b) Clinically appropriate pursuant to the criteria established in 907 KAR 3:130;

(c) Except as provided in subsection (2) of this section, furnished to a recipient through direct physician contact; and

(d) Eligible for reimbursement as a physician service.

(2) Direct physician contact between the billing physician and recipient shall not be required for:

(a) A service provided by a:

1. Medical resident if provided under the direction of a program participating teaching physician in accordance with 42 C.F.R. 415.174 and 415.184;

2. Locum tenens physician who provides direct physician contact;

3. Physician assistant in accordance with Section ***6***[~~7~~] of this administrative regulation; or

4. Locum tenens APRN who provides direct APRN contact;

(b) A radiology service, imaging service, in office lab, pathology service, ultrasound study, echographic study, electrocardiogram, electromyogram, electroencephalogram, vascular study, or other service that is usually and customarily performed without direct physician contact;

(c) The telephone analysis of emergency medical systems or a cardiac pacemaker if provided under physician direction;

(d) A sleep disorder service; or

(e) A telehealth consultation provided in accordance with 907 KAR 3:170.

(3) A service provided by another licensed medical professional shall be covered if the other licensed medical professional is:

(a) Employed by the supervising physician; and

(b) Licensed in the state of practice.

[~~(4)~~] [~~A sleep disorder service shall be covered if performed in:~~]

[~~(a)~~] [~~A hospital; or~~]

[~~(b)~~] [~~A sleep laboratory if the sleep laboratory has documentation demonstrating that it complies with criteria approved by the:~~]

[~~1.~~] [~~American Sleep Disorders Association; or~~]

[~~2.~~] [~~American Academy of Sleep Medicine.~~]

Section 4. Service Limitations.

(1) A covered service provided to a lock-in recipient shall be limited to a service provided by the lock-in recipient's designated primary care provider or designated controlled substance provider unless:

(a) The service represents emergency care; or

(b) The lock-in recipient has been referred to the provider by the lock-in recipient's designated primary care provider.

(2) An EPSDT screening service shall be covered in accordance with 907 KAR 11:034.

(3) A laboratory procedure performed in a physician's office shall be limited to a procedure for which the physician has been certified in accordance with 42 C.F.R. Part 493.

(4) A drug listed on the Physician Administered Drug List shall be covered in accordance with 907 KAR 23:010.

(5) A service allowed in accordance with 42 C.F.R. 441, Subpart E (441.200 to 441.208) or Subpart F (441.250 to 441.259 and the Appendix to Subpart F), shall be covered within the scope and limitations of 42 C.F.R. 441, Subpart E and Subpart F.

(6)

(a) Except as provided in paragraph (b) of this subsection, coverage for a service designated as a psychiatry service CPT code and provided by a physician shall be limited to four (4) services, per physician, per recipient, per twelve (12) months.

(b) Coverage for a service designated as a psychiatry service CPT code that is provided by a board certified or board eligible psychiatrist or by an advanced practice registered nurse with a specialty in psychiatry shall not be subject to the limits established in paragraph (a) of this subsection.

(7) [~~Coverage for an evaluation and management service shall be limited to one (1) per physician, per recipient, per date of service.~~]

[~~(8)~~] Coverage for a fetal diagnostic ultrasound procedure shall be limited to two (2) per nine (9) month period per recipient unless the diagnosis code justifies the medical necessity of an additional procedure.

(8)[~~(9)~~] An anesthesia service shall be covered if:

(a) Administered by:

1. An anesthesiologist who remains in attendance throughout the procedure; or

2. An individual who:

a. Is licensed in Kentucky to practice anesthesia;

b. Is licensed in Kentucky within his or her scope of practice; and

c. Remains in attendance throughout the procedure;

(b) Medically necessary; and

(c) Not provided as part of an all-inclusive CPT code.

(9)[~~(10)~~] The following shall not be covered:

(a) An acupuncture service;

(b) An autopsy;

(c) A cast or splint application in excess of the limits established in 907 KAR 3:010;

(d) Except for therapeutic bandage lenses, contact lenses;

(e) A hysterectomy performed for the purpose of sterilization;

(f) Lasik surgery;

(g) Paternity testing;

(h) A procedure performed for cosmetic purposes only;

(i) A procedure performed to promote or improve fertility;

(j) Radial keratotomy;

(k) A thermogram;

(l) An experimental service that is not in accordance with current standards of medical practice;

(m) A service that does not meet the requirements established in Section 3(1) of this administrative regulation; or

(n) Medical assistance for another provider preventable condition in accordance with 907 KAR 14:005.

(10)[~~(11)~~]

(a) In accordance with 42 C.F.R. 455.410, to prescribe medication, order a service for a recipient, or refer a recipient for a service, a provider shall be currently enrolled and participating in the Medicaid program.

(b) The department shall not reimburse for a:

1. Prescription prescribed by a provider that is not currently:

a. Participating in the Medicaid program pursuant to 907 KAR 1:671; and

b. Enrolled in the Medicaid program pursuant to 907 KAR 1:672; or

2. Service:

a. Ordered by a provider that is not currently:

(i) Participating in the Medicaid program pursuant to 907 KAR 1:671; and

(ii) Enrolled in the Medicaid program pursuant to 907 KAR 1:672; or

b. Referred by a provider that is not currently:

(i) Participating in the Medicaid program pursuant to 907 KAR 1:671; and

(ii) Enrolled in the Medicaid program pursuant to 907 KAR 1:672.

Section 5. Prior Authorization Requirements for Recipients Who are Not Enrolled with a Managed Care Organization.

(1) Except as provided by subsection (3) of this section, the following procedures for a recipient who is not enrolled with a managed care organization shall require prior authorization by the department:

(a) Magnetic resonance imaging;

(b) Magnetic resonance angiogram;

(c) Magnetic resonance spectroscopy;

(d) Positron emission tomography;

(e) Cineradiography or videoradiography;

(f) Xeroradiography;

(g) Ultrasound subsequent to second obstetric ultrasound;

(h) Myocardial imaging;

(i) Cardiac blood pool imaging;

(j) Radiopharmaceutical procedures;

(k) Gastric restrictive surgery or gastric bypass surgery;

(l) A procedure that is commonly performed for cosmetic purposes;

(m) A surgical procedure that requires completion of a federal consent form;

(n) An organ transplant in accordance with 907 KAR 1:350;

(o) Genetic testing; or

(p)[~~(o)~~] A covered unlisted procedure or service.

(2)

(a) Prior authorization by the department shall not be a guarantee of recipient eligibility.

(b) Eligibility verification shall be the responsibility of the provider.

(3) The prior authorization requirements established in subsection (1) of this section shall not apply to:

(a) An emergency service;

(b) A radiology procedure if the recipient has a cancer or transplant diagnosis code; or

(c) A service provided to a recipient in an observation bed.

(4) A referring physician, a physician who wishes to provide a given service, a podiatrist, a chiropractor, or an advanced practice registered nurse:

(a) May request prior authorization from the department; and

(b) If requesting prior authorization, shall request prior authorization by:

1. [~~Mailing or faxing:~~]

a. A written request to the department with information sufficient to demonstrate that the service meets the requirements established in Section 3(1) of this administrative regulation; and

b. If applicable, any required federal consent forms; or

2. Submitting a request via the department's web-based portal with information sufficient to demonstrate that the service meets the requirements established in Section 3(1) of this administrative regulation.

Section 6. [~~Therapy Service Limits.~~]

[~~(1)~~] [~~Speech-language pathology services shall be limited to twenty (20) service visits per recipient per calendar year, except as established in subsection (4) of this section.~~]

[~~(2)~~] [~~Physical therapy services shall be limited to twenty (20) service visits per recipient per calendar year, except as established in subsection (4) of this section.~~]

[~~(3)~~] [~~Occupational therapy services shall be limited to twenty (20) service visits per recipient per calendar year, except as established in subsection (4) of this section.~~]

[~~(4)~~] [~~A service in excess of the limits established in subsection (1), (2), or (3) of this section shall be:~~]

[~~(a)~~] [~~Prior authorized in accordance with subsection (5) of this section if the recipient is not enrolled with a managed care organization; and~~]

[~~(b)~~] [~~Approved if the additional service is determined to be medically necessary by:~~]

[~~1.~~] [~~The department, if the recipient is not enrolled with a managed care organization; or~~]

[~~2.~~] [~~The managed care organization in which the enrollee is enrolled, if the recipient is an enrollee.~~]

[~~(5)~~] [~~Prior authorization by the department shall be required for each service visit that exceeds the limit established in subsection (1), (2), or (3) of this section for a recipient who is not enrolled with a managed care organization.~~]

[~~Section 7.~~] Physician Assistant Services.

(1) Except for a service limitation specified in subsection (2) or (3) of this section, a service provided by a physician assistant in common practice with a Medicaid-enrolled physician shall be covered if:

(a) The service meets the requirements established in Section 3(1) of this administrative regulation;

(b) The service is within the legal scope of certification of the physician assistant;

(c) The service is approved in the contractual supervisory relationship between the physician assistant, their supervising physician, and the Kentucky Board of Medical Licensure; and

(d) The physician assistant complies with:

1. KRS 311.840 to 311.862; and

2. If applicable, Section 2(1)(b) of this administrative regulation.

(2) A same service performed by a physician and either a physician assistant or an APRN on the same day within a common practice shall be considered as one (1) covered service.

(3) The following physician assistant services shall not be covered:

(a) A physician noncovered service specified in Section 4***(9)***[***(10)***] of this administrative regulation;

(b) An anesthesia service;

(c) An obstetrical delivery service; or

(d) A service provided in assistance of surgery.

Section 7.[~~Section 8.~~] Behavioral Health Services Covered Pursuant to 907 KAR 15:010. The requirements and provisions established in 907 KAR 15:010 for a service covered pursuant to this administrative regulation and 907 KAR 15:010 shall apply if the service is provided by:

(1) A physician who is the billing provider;

(2) A provider group that is the billing provider; or

(3) A behavioral health practitioner under supervision who works for a:

(a) Physician who is the billing provider; or

(b) Provider group that is the billing provider.

Section 8.[~~Section 9.~~] Duplication of Service Prohibited.

(1) The department shall not reimburse for a service provided to a recipient by more than one (1) provider of any program in which the service is covered during the same time period.

(2) For example, if a recipient is receiving a speech-language pathology service from a speech-language pathologist enrolled with the Medicaid program, the department shall not reimburse for the same service provided to the same recipient during the same time period via the physicians' services program.

Section 9.[~~Section 10.~~] Third Party Liability. A provider shall comply with KRS 205.622.

Section 10.[~~Section 11.~~] Use of Electronic Signatures.

(1) The creation, transmission, storage, and other use of electronic signatures and documents shall comply with the requirements established in KRS 369.101 to 369.120.

(2) A provider that chooses to use electronic signatures shall:

(a) Develop and implement a written security policy that shall:

1. Be adhered to by each of the provider's employees, officers, agents, or contractors;

2. Identify each electronic signature for which an individual has access; and

3. Ensure that each electronic signature is created, transmitted, and stored in a secure fashion;

(b) Develop a consent form that shall:

1. Be completed and executed by each individual using an electronic signature;

2. Attest to the signature's authenticity; and

3. Include a statement indicating that the individual has been notified of his or her responsibility in allowing the use of the electronic signature; and

(c) Provide the department, immediately upon request, with:

1. A copy of the provider's electronic signature policy;

2. The signed consent form; and

3. The original filed signature.

Section 11.[~~Section 12.~~] Auditing Authority. The department ***may***[~~***shall have the authority to***~~] audit any claim, medical record, or documentation associated with the claim or medical record.

Section 12.[~~Section 13.~~] Federal Approval and Federal Financial Participation. The department's coverage of services pursuant to this administrative regulation shall be contingent upon:

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

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

Section 13.[~~Section 14.~~] Appeal Rights. An appeal of a department decision regarding:

(1) A Medicaid recipient who is not enrolled with a managed care organization based upon an application of this administrative regulation shall be in accordance with 907 KAR 1:563; or

(2) An enrollee based upon an application of this administrative regulation shall be in accordance with 907 KAR 17:010.

FILED WITH LRC: April 13, 2026

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ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR RECEIPT OF WRITTEN COMMENTS

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(Amended After Comments)

105 KAR 1:380. Minimum distribution.

RELATES TO: KRS **61.635(4)(16),** 61.645(9)(e), 26 C.F.R. 1.401(a)(9)-1-1.401(a)(9)-9, 26 U.S.C. 401(a)(9), 26 U.S.C. 414(d)

STATUTORY AUTHORITY: KRS **61.635(4)(16)(b)(4),** 61.645(9)(e)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.645(9)(g) requires the Kentucky Public Pensions Authority[Board of Trustees of Kentucky Retirement Systems] to promulgate administrative regulations necessary to carry out the provisions of KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852. KRS 61.645(9)(e) and this administrative regulation implement the statutory requirements of IRC Section 401(a)(9), which is codified as 26 U.S.C. 401(a)(9)[, and are meant to be a reasonable good faith interpretation of those statutory requirements]. **KRS 61.635(4)(16)(b)(4) authorizes the KPPA to promulgate administrative regulations regarding beneficiaries of state-administered plans that are special needs trusts.** This administrative regulation establishes minimum distribution requirements as applied to a governmental plan pursuant to 26 U.S.C. 414(d),[in compliance with 26 U.S.C.] 401(a)(9), and the federal SECURE Act of 2022.

Section 1. Definitions.

(1) "Applicable age" means the age established in 26 U.S.C. 401(a)(9)(C)(v).["Member" means a member of a retirement fund established in accordance with KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852, and administered by the Kentucky Retirement Systems.]

(2) "Designated beneficiary" means:

(a) An[**an**] individual designated as the beneficiary under applicable plan provisions or by a participant's affirmative election**; or**

(b) A special needs trust as defined by KRS 16.505, 61.510, or 78.510 that is also a trust described in 26 C.F.R. 1.401(a)(9)-(4)(f)(1)(i) designated as the beneficiary under applicable plan provisions or by a participant's affirmative election.

(3)[(2)] "Required beginning date" means April 1 of the calendar year following the later of the calendar year in which the member attains the applicable age or retires[:]

[(a)] [The calendar year in which the member attains age seventy and one-half (70 1/2); or]

[(b)] [The calendar year in which the member retires].

Section 2.

(1) This administrative regulation shall apply to members of a fund established in accordance with KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852.

(2) Kentucky Public Pensions Authority[Retirement Systems] shall pay all benefits in accordance with[a good faith interpretation of the requirements of] 26 U.S.C. 401(a)(9) and the Code of Federal Regulations in effect under that section, as applicable to a governmental plan within the meaning of 26 U.S.C. 414(d). The requirements of 26 U.S.C. 401(a)(9) and Title 26 of the Code of Federal Regulations shall take precedence over any inconsistent provisions of this administrative regulation or KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852.

(3) The member's entire interest shall be distributed over the member's life or lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary.

Section 3.

(1) Except as provided in subsection (2) of this section, the member's entire interest shall be distributed[,] or begin to be distributed[, to the member] no later than the member's required beginning date.

(2) If the member dies before distributions begin, the member's entire interest shall be distributed, or begin to be distributed, no later than as established in this subsection.[follows:]

(a) Except as provided in subsection (3) of this section,[if the member's surviving spouse is][the member's sole designated beneficiary,] distributions to a member's sole designated beneficiary[the surviving spouse] shall begin by the later of:

1. December 31 of the calendar year immediately following the calendar year in which the member died; or

2. December 31 of the calendar year in which the member would have attained the applicable age.[seventy and one-half (70 1/2);]

(b) [If the member's surviving spouse is not the member's sole designated beneficiary, distributions to each designated beneficiary shall begin by December 31 of the calendar year immediately following the calendar year in which the member died; or]

[(c)] If there is no designated beneficiary as of September 30 of the year following the year of the member's death, or if the beneficiary on file is a trust **other than a trust that is a designated beneficiary**, the member's entire interest shall be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.

(c) If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, this subsection, except for paragraph (a), shall apply as if the surviving spouse were the member as established in 26 C.F.R. 1.401(a)(9)-3(e).

(3) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest shall be distributed at least as rapidly as under the method of distribution before the member's death.

(4)

(a) For purposes of Section 3(2) to (3) and Section 6 of this administrative regulation, distributions shall[be required to] begin on the member's required beginning date.

(b) If annuity payments irrevocably commence to the member before the member's required beginning date, or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse pursuant to subsection (2)(a) of this section, the date distributions are considered to begin shall be the date distributions actually commence.

Section 4.

(1) If the member's interest is paid in the form of annuity distributions, payments pursuant to the annuity shall[satisfy the following requirements]:

(a) Be[The annuity distributions shall be] paid in monthly periodic payments;

(b) Have a[The] distribution period[shall be] over a life or lives,[(or lives)] or over a period certain not longer than the period established in Title 26 of the Code of Federal Regulations[described in this section or Section 5 or 6 of this administrative regulation];

(c) Not change the period certain once[Once] payments have begun over a period certain,[the period certain shall not be changed] even if the period certain is shorter than the maximum permitted; and

(d) Increase payments only[Payments shall increase only as follows]:

1. By the annual percentage increase provided for pursuant to KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852;

2. To the extent of the reduction in the amount of the member's payments to provide for a survivor benefit upon death, but only if the beneficiary whose life was being used to determine the distribution

period described in this section dies, or if the beneficiary is the member's spouse and they divorce, as provided in KRS 61.635(10);

3. To provide cash refunds of employee contributions upon the member's death; or

4. To pay any increased benefits that result from a plan amendment.

(2)

(a) The amount that shall be distributed on or before the member's required beginning date, or if the member dies before distributions begin, the date distributions are required to begin pursuant to Section 3[~~3(2)~~] of this administrative regulation, shall be the payment that is required for one (1) month.

(b) The second payment shall not be required to be made until the end of the next payment interval even if that payment interval ends in the next calendar year.

(c) All of the member's benefit accruals as of the last day of the first distribution calendar year shall be included in the calculation of the amount of the annuity payments for months ending on or after the member's required beginning date.

Section 5.

(1) The amount of annuity paid to a member's beneficiary shall not exceed the maximum determined under the incidental death benefit requirement established in[~~of~~] 26 U.S.C. 401(a)(9)(G), and the minimum distribution incidental benefit rule established in 26 C.F.R. 1.401(a)(9)-6(b)[~~under 26 C.F.R. 1.401(a)(9)-6, Q&A-2~~].

(2) The death and disability benefits provided by Kentucky Retirement Systems and County Employees Retirement System[~~systems~~] shall be limited by the incidental benefit rule established[~~set forth~~] in 26 U.S.C. 401(a)(9)(g) and 1.401-1(b)(1)(i)[~~or any successor law~~]. As a result, the total death or disability benefits payable shall not exceed twenty-five (25) percent of the cost of all of the members' benefits received from Kentucky Retirement Systems and County Employees Retirement System.

(3)

(a) Unless the member's spouse who is more than ten (10) years younger than the member is the sole designated beneficiary and the form of distribution is a period certain and no life annuity, the period certain for an annuity distribution commencing during the member's lifetime shall not exceed the applicable distribution period for the member pursuant to the uniform lifetime table established in 26 C.F.R. 1.401(a)(9)-9 for the calendar year that contains the annuity starting date.

(b) If the member is younger than the applicable age on the member's birthday in the calendar year that includes the annuity starting date, the period certain may not exceed the limitation on the period certain for a person who has attained the applicable age, increased by the number of years the member is younger than the applicable age on that birthday[~~annuity starting date precedes the year in which the member reaches age seventy (70), the applicable distribution period for the member shall be the distribution period for age seventy (70) under the uniform lifetime table established in 26 C.F.R. 1.401(a)(9)-9 plus the excess of seventy (70) over the age of the member as of the member's birthday in the year that contains the annuity starting date~~].

(4) If the member's spouse is ten (10) years younger than the member and is the member's sole designated beneficiary and the form of distribution is a period certain and no life annuity, the period certain shall not exceed the longer of the member's applicable distribution period, as determined pursuant to this subsection, or the joint life and last survivor expectancy of the member and the member's spouse as determined pursuant to the joint and last survivor table established in 26 C.F.R. 1.401(a)(9)-9, using the member's and spouse's attained ages as of the member's and spouse's birthdays in the calendar year that contains the annuity starting date.

Section 6.

(1) If the member dies before the date distribution of the member's interest begins and there is a designated beneficiary, the entire interest payable to the member shall be distributed, beginning no later than the time established in Section 3(2)(a) or (b) of this administrative regulation, over the life of the designated beneficiary or over a period certain not exceeding:

(a) Unless the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the member's death; or

(b) If the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

(2) If the member dies before the date distribution of their[~~his or her~~] interest begins, the member's surviving spouse is the member's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this section shall apply as if the surviving spouse were the member, except that the time by which distributions are required to begin shall be determined without regard to Section 3(2)(a) of this administrative regulation.

RYAN BARROW, Executive Director

APPROVED BY AGENCY: April 14, 2026
FILED WITH LRC: April 14, 2026 at 10:45 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo
Subject Headings: Boards and Commissions, Retirements and Pensions, State Employees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes minimum distribution requirements as applied to a governmental plan pursuant to 26 U.S.C. 414(d), 26 U.S.C. 401(a)(9), and the federal SECURE Act of 2022.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish minimum distribution requirements as applied to a governmental plan pursuant to 26 U.S.C. 414(d),26 U.S.C. 401(a)(9), and the federal SECURE Act of 2022.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.645(9)(g) requires the Kentucky Public Pensions Authority to promulgate administrative regulations necessary to carry out the provisions of KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852. KRS 61.645(9)(e) and this administrative regulation implement the statutory requirements of IRC Section 401(a)(9), which is codified as 26 U.S.C. 401(a)(9). This administrative regulation establishes minimum distribution requirements as applied to a governmental plan pursuant to 26 U.S.C. 414(d),26 U.S.C. 401(a)(9), and the federal SECURE Act of 2022.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing the minimum distribution requirements as applied to governmental plans pursuant to 26 U.S.C. 414(d),26 U.S.C. 401(a)(9), and the federal SECURE Act of 2022.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation revises definitions, updates references to and the requirements of the Code of Federal Regulations, adds the new rule regarding distributions to a spouse who is ten (10) or more years younger than the member pursuant to the federal SECURE Act of 2022, and updates language to comply with KRS Chapter 13A drafting requirements. Since filing this administrative regulation, SB 85, signed by Governor Beshear on April 3, 2026, amends sections of KRS 116.505, 61.510, 78.510 to include a definition for "special needs trust", redefine "beneficiary" to include special needs trusts for the purposes of the state-administered retirement systems, and enact KRS 61.635(4)(16)(b)(4) which establishes parameters for beneficiaries that are special needs trusts and authorizes the KPPA to promulgate administrative regulations regarding beneficiaries of state-administered plans that are special needs trusts. The amendment to the regulation revises the definition of "beneficiary" to include a special needs trust, and clarifies when a member's entire interest

must be distributed if the beneficiary is a trust.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to revise definitions, update references to and the requirements of the Code of Federal Regulations, add the new rule regarding distributions to a spouse who is ten (10) or more years younger than the member pursuant to the federal SECURE Act of 2022, and update language to comply with KRS Chapter 13A drafting requirements. The amendment to this administrative regulation is necessary to implement the provisions of SB 85 of the 2026 Regular Session related to designated beneficiaries that are special needs trusts. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.645(9)(g) requires the Kentucky Public Pensions Authority to promulgate administrative regulations necessary to carry out the provisions of KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852. KRS 61.645(9)(e) and this administrative regulation implement the statutory requirements of IRC Section 401(a)(9), which is codified as 26 U.S.C. 401(a)(9). This administrative regulation establishes minimum distribution requirements as applied to a governmental plan pursuant to 26 U.S.C. 414(d),26 U.S.C. 401(a)(9), and the federal SECURE Act of 2022. SB 85 of the 2026 Regular Session, signed by Governor Beshear on April 3, 2026, establishes a definition for "special needs trust" and enacts KRS 61.635(4)(16)(b)(4) which establishes parameters for beneficiaries that are special needs trusts, and authorizes the KPPA to promulgate administrative regulations regarding beneficiaries of state-administered plans that are special needs trusts. The amendment to the regulation revises the definition of "beneficiary" to include a special needs trust, and clarifies the time period over which a member's entire interest must be distributed if the beneficiary is a trust.
(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: The amendment to this administrative regulation will assist in the effective administration of the statutes by revising definitions, updating references to and the requirements of the Code of Federal Regulations, adding the new rule regarding distributions to a spouse who is ten (10) or more years younger than the member pursuant to the federal SECURE Act of 2022, and updating language to comply with KRS Chapter 13A drafting requirements. The amendment will assist in the effective administration of the statutes by expanding the definition of "beneficiary" to include "special needs trust", and clarifying when a member's entire interest must be distributed if the beneficiary is a trust.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes, this amendment implements SB 85 of the 2026 Regular Session.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Of the approximate 433,461 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System, this amendment will affect only those members who designate a special needs trust as their beneficiary.
(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 community will not need to take any additional actions to comply. The amendment is primarily technical in nature.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment because it is primarily technical in nature.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from revised definitions, updated references to and requirements of the Code of Federal Regulations, adding the new rule regarding distributions to a spouse who is ten (10) or more years younger than the member pursuant to the federal SECURE Act of 2022, and updating language to comply with KRS Chapter 13A drafting requirements. The regulated community will benefit from having clarified rules regarding distributions to beneficiaries that are special needs trusts, and special needs trusts will benefit from a longer distribution period.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional costs to the administrative body.
(b) On a continuing basis: There will be no additional costs to the administrative body.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and 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, an increase in fees or funding will not be necessary.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? (Explain why or why not) No, tiering is not applied. The regulation applies equally to all special needs trusts.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.635(4)(16)(b)(4), 61.645(9)(g) and (9)(e), 26 U.S.C. 401(a)(9) and 414(d), and the federal SECURE Act of 2022
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: The amendment after comments is authorized by SB 85 of the 2026 Regular Session, signed by Governor Beshear on April 3, 2026. The original amendment is authorized by KRS 61.645(9)(e) and (9)(g).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: 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): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A

For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact.
(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for implementing federal minimum distribution requirements as applied to a governmental plan.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for implementing federal minimum distribution requirements as applied to a governmental plan.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 26 U.S.C. 401(a)(9) and 414(d), and the federal SECURE Act of 2022.
(2) State compliance standards. KRS 61.635(4)(16), 61.645(9)(e) and (9)(g)
(3) Minimum or uniform standards contained in the federal mandate. KRS 61.635(4)(16) (enacted in SB 85 of the 2026 Regular Session, signed by the Governor on April 3, 2026) implements federal requirements for minimum distributions to special needs trusts. KRS 61.645(9)(e) and this administrative regulation implement the statutory requirements of IRC Section 401(a)(9), which is codified as 26 U.S.C. 401(a)(9). This administrative regulation establishes minimum distribution requirements as applied to a governmental plan as established in 26 U.S.C. 414(d), 26 U.S.C. 401(a)(9), and the federal SECURE Act of 2022.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements, than the federal standard.

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

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(Amended After Comments)

601 KAR 1:114. Peer-to-peer services.

RELATES TO: KRS 186.050, 189.290, 189A.010, 281.010, 281.600, 281.630, 281.6301, 281.631, 281.640, 281.655, 281.656, 281.990, 304.3-070, 304.10-070, 304.20-020, 304.39-020(2), 304.39-040, 304.39-320

STATUTORY AUTHORITY: KRS 281.600**(1)**, 281.630, 281.655

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.600**(1)** authorizes the Department of Vehicle Regulation to promulgate administrative regulations to regulate and establish requirements for the safe operation of motor carriers. KRS 281.630 authorizes the department to establish requirements for a transportation network company to apply for authority to operate in Kentucky. KRS 281.655 requires the department to establish standards for pre-trip acceptance policies and prearranged ride liability policies for transportation network companies. This administrative regulation establishes the standards and application requirements for a transportation network company to operate in Kentucky.

Section 1. Definitions.

(1) **"Certificate" is defined by KRS 281.010(9).**[**"Basic reparation benefits" is defined by KRS 304.39-020(2).**]

(2) **"Motor carrier" is defined by KRS 281.010(34).**[**"Certificate" is defined by KRS 281.010(9).**]

(3) **"Operating authority" means the authority to operate under a peer-to-peer car sharing certificate.**[**"Motor carrier" is defined by KRS 281.010(34).**]

(4) **"Peer-to-peer car sharing" is defined by KRS 281.010(40).**[**"Motor carrier vehicle" is defined by KRS 281.010(35).**]

(5) **"Peer-to-peer car sharing certificate" is defined by KRS 281.010(41).**[**"Operating authority" is defined by KRS 281.010(41).**]

(6) **"Peer-to-peer car sharing company" is defined by KRS 281.010(42).**[**"Passenger" is defined by KRS 281.010(39).**]

(7) **"Peer-to-peer car sharing program" is defined by KRS 281.010(43).**[**"Peer-to-peer car sharing" is defined by KRS 281.010(40).**]

(8) **"Personal information" is defined by KRS 61.931(6).**[**"Peer-to-peer car sharing certificate" is defined by KRS 281.010(41).**]

(9) **"Shared vehicle" is defined by KRS 281.010(54).**[**"Peer-to-peer car sharing company" is defined by KRS 281.010(42).**]

(10) **"Shared vehicle driver" is defined by KRS 281.010(55).**[**"Peer-to-peer car sharing program" is defined by KRS 281.010(43).**]

(11) **"Shared vehicle owner" is defined by KRS 281.010(56).**[**"Personal information" is defined by KRS 61.931(6).**]

[**(12)**] [**"Underinsured vehicle coverage" is defined by KRS 304.39-320(1).**]

[**(13)**] [**"Uninsured vehicle coverage" is defined by KRS 304.20-020(2).**]

Section 2. Application and Renewal.

(1) To apply for a certificate to operate, a peer-to-peer car sharing company shall:

(a) **Submit an application electronically using**[**Use**] the Kentucky Motor Carrier Portal at https://drive.ky.gov/;

(b) Pay an application fee of $250 pursuant to KRS 281.630(3)(b); and

(c) Pay a vehicle qualification fee of **fifteen (15)**[**thirty (30)**] dollars per vehicle **or use the bulk vehicle qualification payment option in subsection (2)**[**prorated for the month the vehicle is qualified pursuant to KRS 281.631(3) and (8)**].

(2) A peer-to-peer car sharing company with fifty-one (51) or more vehicles may qualify vehicles to operate by[**:**]**paying a calendar year bulk qualification fee pursuant to the following schedule:**

[**(a)**] [**Adding each vehicle using the Kentucky Motor Carrier Portal at https://drive.ky.gov/;**]

[**(b)**] [**Paying an application fee of $250 pursuant to KRS 281.630(3)(b); and**]

[**(c)**] [**Paying a calendar year bulk qualification fee pursuant to the following schedule:**]

(a)[**1.**] **$1,500**[**$3,000**] for fifty-one (51) to 100 vehicles;
(b)[**2.**] **$2,250**[**$4,500**] for 101 to 150 vehicles;
(c)[**3.**] **$3,000**[**$6,000**] for 151 to 200 vehicles;
(d)[**4.**] **$3,750**[**$7,500**] for 201 to 250 vehicles;
(e)[**5.**] **$4,500**[**$9,000**] for 251 to 300 vehicles;
(f)[**6.**] **$5,250**[**$10,500**] for 301 to 350 vehicles;
(g)[**7.**] **$6,000**[**$12,000**] for 351 to 400 vehicles;
(h)[**8.**] **$7,500**[**$15,000**] for 401 to 500 vehicles; and
(i)[**9.**] **$11,250**[**$22,500**] for 501 or more vehicles.

(3) A peer-to-peer car sharing company shall [**annually**] submit the following using the Kentucky Motor Carrier Portal at https://drive.ky.gov/ to renew a certificate **no later than December 31of each renewal year**:

(a) A certificate renewal fee of $250 pursuant to KRS 281.630(4)(d); and

(b) A vehicle qualification fee of **fifteen (15)**[~~thirty (30)~~] dollars per vehicle**, or a renewal bulk fee pursuant to the schedule in subsection (2)**[~~prorated for the month the vehicle is qualified pursuant to KRS 281.631(3) and (8)~~].

(4) If a peer-to-peer car sharing company elects to use the bulk vehicle qualification[~~registration~~] payment option in the initial or renewal application, the peer-to-peer car sharing company shall not be required to submit additional vehicle qualification information and fees to the Division of Motor Carriers in connection with vehicles that are added during the duration of the period for which the bulk payment was made.

(5) A peer-to-peer car sharing company shall pay a renewal bulk fee by December 15 of each calendar year.

(6) **If a peer-to-peer car sharing company does not elect to use the bulk vehicle qualification payment option in the initial or renewal application, a**[~~A~~] peer-to-peer vehicle shall be added to the peer-to-peer car sharing company's current list by submitting a vehicle qualification fee of **fifteen (15)**[~~thirty (30)~~] dollars per vehicle prorated for the month the vehicle is qualified pursuant to KRS 281.631(3) and (8) to the Division of Motor Carriers using the Kentucky Motor Carrier Portal at https://drive.ky.gov/.

(7) [~~An application shall be submitted electronically using the Kentucky Motor Carrier Portal at https://drive.ky.gov/.~~]

[~~(8)~~] Operating authority obtained pursuant to this section shall not be transferable.

Section 3. Demonstration of Financial Responsibility and Insurance. **Before a certificate may be issued or renewed, a**[~~A~~] peer-to-peer car sharing company shall **file or have on file with the department proof of insurance that demonstrates that the peer-to-peer car sharing company meets the motor vehicle insurance coverage requirements in KRS 365.522**[~~maintain primary automobile insurance that complies with the provisions set forth in KRS 281.655~~].

Section 4. **Recordkeeping**[~~Insurance Exclusions~~]. **Pursuant to KRS 365.524(2), a peer-to-peer car sharing company shall collect and verify records pertaining to the use of a shared vehicle and provide the information collected to facilitate a claim coverage investigation, settlement, negotiation, or litigation, as provided in that subsection.**

[~~(1)~~] [~~An automobile insurer whose policy excludes coverage for a peer-to-peer car sharing company vehicle shall have no duty to defend or indemnify a claim for personal or property damages.~~]

[~~(2)~~] [~~In a claims coverage investigation, the peer-to-peer car sharing company and an insurer potentially providing coverage shall cooperate to facilitate the exchange of relevant information with directly involved parties.~~]

[~~(3)~~] [~~Information relevant to a claims coverage situation shall include:~~]

[~~(a)~~] [~~The name of the insurer or potential insurer of the vehicles of the peer-to-peer car sharing company; and~~]

[~~(b)~~] [~~A complete description of the insurance coverage including the exclusions and limits.~~]

[~~Section 5.~~] [~~Vehicles.~~]

[~~(1)~~] [~~A vehicle used for peer-to-peer car sharing shall be added by using the Kentucky Motor Carrier Portal at https://drive.ky.gov/and submitting the fees required in Section 2 of this administrative regulation.~~]

[~~(2)~~] [~~A peer-to-peer car sharing company shall collect and maintain the following information on the vehicles being used to provide peer-to-peer services:~~]

[~~(a)~~] [~~The VIN and license plate number; and~~]

[~~(b)~~] [~~An electronic copy of the current peer-to-peer certificate.~~]

Section 5.[~~Section 6.~~] [~~Passenger~~] Service.

(1) A peer-to-peer car sharing company shall adopt a policy of non-discrimination based on the following:

[~~(a)~~] [~~Destination;~~]

(a)[~~(b)~~] Race or color;

(b)[~~(c)~~] National origin;

(c)[~~(d)~~] Religious belief or affiliation;

(d)[~~(e)~~] Sex; and

(e)[~~(f)~~] Disability**.**[~~;~~]

[~~(g)~~] [~~Age; and~~]

[~~(h)~~] [~~The presence of a service animal.~~]

(2) A peer-to-peer car sharing company shall **make the notifications and disclosures to shared vehicle drivers and shared vehicle owners provided in KRS 365.524.**[~~provide the following information to the public on its Web site and mobile device application software:~~]

[~~(a)~~] [~~A schedule of its rates or the method used to calculate rates and peak pricing; and~~]

[~~(b)~~] [~~A passenger support telephone number or email address where a suspected violation may be immediately reported.~~]

[~~(3)~~] [~~A peer-to-peer car sharing company shall provide the following information to a person requesting peer-to-peer car sharing:~~]

[~~(a)~~] [~~The expected cost of service; and~~]

[~~(b)~~] [~~A photograph or description, including license plate number, of the vehicle that will be used for the service.~~]

Section 6.[~~Section 7.~~] Terms of Service. **A peer-to-peer car sharing company shall not disclose to a third party the personal information of a shared vehicle driver or shared vehicle owner unless:**

[~~(1)~~] [~~The peer-to-peer car sharing company shall not require a hold harmless or indemnification clause in the terms of service for a customer that may be used to evade the insurance requirements of this administrative regulation and KRS Chapter 281.~~]

[~~(2)~~] [~~A peer-to-peer car sharing company shall not disclose to a third party the personally identifiable information of a user of the peer-to-peer car sharing program unless:~~]

(1)[~~(a)~~] The peer-to-peer car sharing company obtains the **shared vehicle driver's or shared vehicle owner's**[~~user's~~] consent to disclose **or provides notice in its privacy policy about the disclosure**[~~personally identifiable information~~];

(2)[~~(b)~~] The disclosure is required to comply with a legal obligation; or

(3)[~~(c)~~] The disclosure is required to protect or defend the terms of use of the service or to investigate violations of the terms of use.

Section 7.[~~Section 8.~~] Penalties.

(1) A peer-to-peer car sharing company that operates in violation of the requirements of this administrative regulation shall be fined pursuant to KRS 281.990(1).

(2) A peer-to-peer car sharing company that operates in violation of the terms of its certificate or permit or operates without a valid permit shall be fined [~~per occurrence~~] pursuant to KRS 281.990(2).

(3) A peer-to-peer car sharing company that fails to produce requested records and information pursuant to KRS 281.820 within **one week**[~~forty-eight (48) hours~~] of the request by the department shall be fined $200.

JIM GRAY, Secretary
MATTHEW COLE, Commissioner
JON JOHNSON, Staff Attorney Manager/Assistant General Counsel

APPROVED BY AGENCY: March 19, 2026
FILED WITH LRC: March 20, 2026 at 1:40 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson
Subject Headings: Transportation, Rideshare, Motor Carriers
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes procedures to allow peer-to-peer companies to comply with KRS 281 and also establishes bulk upload fees not in KRS 281.
(b) The necessity of this administrative regulation: This regulation is needed to establish bulk vehicle upload fees.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation established the minimum standards needed to achieve the intent of KRS 281.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It establishes bulk upload vehicle fees.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) Does this administrative regulation or amendment implement legislation from the previous five years? N/A
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Peer-to-Peer companies, Division of Motor Carriers and enforcement agencies.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Increased revenue for the road fund once the Peer-to-Peer comply by registering with the division of motor carriers. Once commercial insurance is posted enforcement will be able to take action.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Zero cost for the Division or KSP. Peer-to-Peer would expect to pay $22,500 plus a $250 first time application fee. There would be no fees until the next renewal cycle. Based on comments received, KYTC amended this regulation to reflect a reduction from $22,500 to $11,250. The application fee of $250 did not change.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Road fund revenues for the Division of Motor Carriers. Posted commercial insurance coverage for enforcement to review. The Peer-to-Peer company will be in compliance with KRS 281.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Zero as the programming has already been updated.
(b) On a continuing basis: Zero
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The bulk upload fees are being newly established. This implements a simpler way for Peer-to-Peer companies to report their entire fleet one time instead of each time a new vehicle is added.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Establishes a new bulk upload feature that makes Peer-to-Peer operations simpler.
(10) TIERING: Is tiering applied? : Yes, bulk application fees under these administrative regulations may use a tiered system based on the type of certificate and the number of vehicles pursuant to KRS 281.631(3)(b).

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 281
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 281.990(6). Amended Kentucky Acts ch.152, sec. 7, effective June 27, 2025.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No costs
For subsequent years: No costs
2. Revenues:
For the first year: $22,500 Based on comments received, KYTC amended this regulation to reflect a reduction from $22,500 to $11,250.
For subsequent years: $22,500 Based on comments received, KYTC amended this regulation to reflect a reduction from $22,500 to $11,250.
3. Cost Savings:
For the first year: No savings
For subsequent years: No savings
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: (3)(a)-Additional $22,500; (4)(a) – N/A; (5)(a) – N/A Based on comments received, KYTC amended this regulation to reflect a reduction from $22,500 to $11,250 for (3)(a).
(b) Methodology and resources used to reach this conclusion: (3)(a)-The requested bulk upload for 501 or more peer-to-peer vehicles is $22,500. Google shows Turo with thousands of vehicles; (4)(a) – N/A; (5)(a) – N/A. Based on comments received, KYTC amended this regulation to reflect a reduction from $22,500 to $11,250 for (3)(a).
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, as it will streamline adding vehicles for a peer-to-peer certificate. They will only register one time per year instead of adding a vehicle every time a new one is added to the Peer-to-Peer certificate.
(b) The methodology and resources used to reach this conclusion: The peer-to-peer currently only has an option to add vehicles one-by-one at $30 per vehicle. Bulk upload fee schedule allows for a one time per year upload and payment. Based on comments received, KYTC amended this regulation to reflect a reduction from $30 per vehicle to $15 per vehicle.

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

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Driver Licensing
(Amended After Comments)

601 KAR 12:130. Third-party issuance of identity documents.

RELATES TO: KRS 186.400 to 186.640.
STATUTORY AUTHORITY: KRS 186.400 to 186.640.
NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes procedures by which a third-party entity may apply to the cabinet to serve as application processors for identity documents pursuant to KRS 186.400 to 186.640.

Section 1. Definitions.
(1) "Cabinet" means the Transportation Cabinet.
(2) "Identity document" means an operator's license or personal identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, or 186.4123.
(3) "Third-party entity" means a person or entity, including a business entity or nonprofit member association, that has received approval from the Cabinet to process identity documents. A "third-party entity" does not include any governmental entity other than the Cabinet.

Section 2. Application. Any third-party entity seeking to issue identity documents pursuant to KRS 186.400 to 186.640 shall apply by completing TC form 94-207 and submitting to Division of Driver Licensing. The Cabinet shall have twenty (20) working days to process and approve or disapprove an application.

Section 3. Approval. The Cabinet reserves the right to approve or disapprove any application based upon review of properly completed and duly filed TC form 94-207, Application for Third-Party Issuance of Identity Documents. If the third-party entity is approved they shall comply with all relevant administrative regulations and policies of the Cabinet. This shall include collecting all fees as set forth in KRS 186.531. An approved application shall allow the approved third-party entity to process identity documents for three (3) calendar years starting from the date of approval. Third-party entities shall agree to obtain and maintain all equipment required to perform identity document issuance as well as software application fees. All associated costs shall be the responsibility of the third-party issuer.

Section 4. Revocation. The Cabinet reserves the right to revoke any approved application for cause. Grounds for cause shall include the following:
(1) Failure to maintain ADA compliant facilities, including first aid stations, parking, reception areas, and restrooms;
(2) Failure to maintain trained personnel and equipment to handle work-flow and customer service needs;
(3) Failure to request and maintain background checks on all employees that access the system;
(4) Failure to follow all requirements for issuance of identity documents;
(5) Improper issuance of identity documents to persons not entitled to receive a legal identity document;
(6) Failure to maintain all necessary business insurances to include liability, workers compensation, unemployment insurance, or other costs of doing business such as failure to deduct and pay all necessary local, state, federal taxes and fees;
(7) Failure to collect all fees as set forth in KRS 186.531 and transmit the same to the Cabinet;
(8) Failure to maintain all requirements for a business in good standing with the Commonwealth;
(9) Failure to report breach of security or improper issuance of identity documents within one (1) hour of actual notice of occurrence;
(10) Failure to suspend and remove an employee who is found to be engaging in breach of security or illegal activities; and
(11) Any breach of security **resulting in a release of personal identifiable information to a third party** shall be subject to fines of **$155**[~~**$1,000**~~] per each individual's record exposed.

Section 5. Appeals. If an application is denied or a previously approved application is revoked, the Cabinet shall notify the third-party entity in writing the cause of the denial, or revocation. The third-party shall have thirty (30) days to file an appeal by written appeal to the Commissioner of the Department of Vehicle Regulation at 200 Mero Street, Frankfort, Kentucky 40622. Appeals shall be pursuant to KRS Chapter 13B.

Section 6. Site Closure or Non-renewal of Certificate. For a site closure or non-renewal of operating certificate, all equipment obtained for identity document issuance including any printer, camera, computer hardware or software, scanner shall be returned within thirty (30) days to the Department of Vehicle Regulation located at 200 Mero Street, Frankfort, Kentucky 40622. A third-party issuer shall notify KYTC immediately of any site closure, including providing a list of all staff associated with the site closure.

Section 7. Incorporation by Reference.
(1) "Application for Third-Party Issuance of Identity Documents", TC 94-207, (**02/2026**[~~**07/2025**~~] Edition), Transportation Cabinet, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Office Building, Department of Vehicle Regulation, 2nd Floor, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8:00 a.m. to 4:30 p.m.
(3) This material is also available on Transportation Cabinet's Web site at drive.ky.gov.

JIM GRAY, Secretary
MATTHEW COLE, Commissioner
JON JOHNSON, Staff Attorney Manager/Assistant General Counsel

APPROVED BY AGENCY: March 19, 2026
FILED WITH LRC: March 20, 2026 at 1:40 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson
Subject Headings: Transportation; Driver Licensing; Licensing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes a process for third party entities to issue drivers' licenses and identity documents.
(b) The necessity of this administrative regulation: This administrative regulation is required to comply with the requirements of 2025 RS SB43, Section 4.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is required to establish procedures by which a third-party entity may apply to the cabinet to serve as application processors for identity documents pursuant to KRS 186.400 to 186.640.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is required to establish procedures by which a third-party entity may apply to the cabinet to serve as application processors for identity documents pursuant to KRS 186.400 to 186.640.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This is a new regulation.
(b) The necessity of the amendment to this administrative regulation: This is a new regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.
(d) How the amendment will assist in the effective administration of

the statutes: This is a new regulation.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation is required to comply with the requirements of 2025 RS SB43, Section 4.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect state and local governments, as well as individuals and legal entities that apply for the ability to issue identity documents on the behalf the cabinet. (5) Provide an analysis of how the entities identified in the 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: The implementation of this regulation will reduce state and local government workload, provide needed locational conveniences for individuals and will increase outlets for issuances of identity documents.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Prospective the third-party entities will have to make proper application to show they have the capacity in sufficient capital and financial standing to own and operate an identity issuance business. If approved, they will keep all laws pertaining to the issuance identity documents.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Costs will be established between the third-party applicant and the vendors supplying the equipment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Will increase foot traffic to their locations and allow an audience to promote their core business services.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: $258,000. Based on 2.5 full time employees (FTE) administrative work.
(b) On a continuing basis: Costs should remain subject to personnel changes and increases in personnel costs.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in cost, as we are passing costs to the third parties. This includes implementation costs and ongoing service costs. Therefore, upon approval of the regulation there will not be any additional funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No new fees were part of this regulation, nor did any fees increase indirectly.
(10) TIERING: Is tiering applied? Explain why or why not. Tiering does not apply.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . KRS Chapter 186A.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required to comply with the requirements of 2025 RS SB 43, Section 4. This administrative regulation is also being promulgated to meet a deadline established by 2025 legislation.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet, local governments. There is not any revenue or savings to KYTC for this initiative.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $258,000
For subsequent years: Costs should remain subject to personnel changes and increases in personnel costs.
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Negligible.
(b) Methodology and resources used to reach this conclusion: Based on past performance and information gathered studying numerous jurisdictions.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.
(b) The methodology and resources used to reach this conclusion: Based on past performance and information gathered studying numerous jurisdictions.

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

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

781 KAR 1:001. Definitions.

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).

VICKIE WISE, Deputy Secretary

APPROVED BY AGENCY: April 15, 2026
FILED WITH LRC: April 15, 2026 at 9:30 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Brooke McDaniel, Administrative
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 statute: This regulation conforms to the authorizing statutes by providing the definitions needed.
(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 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
(Amended After Comments)

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

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 **appeals**[**~~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 **vocation**[**~~vocations~~**] rehabilitation services for an individual are **denied,** 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 in writing 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[~~appellant~~], or virtually, 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.~~]

VICKIE WISE, Deputy Secretary

APPROVED BY AGENCY: April 15, 2026
FILED WITH LRC: April 15, 2026 at 9:30 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
(Amended After Comments)

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

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).[(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; **including the income of the individual and, if applicable, the person(s) claiming the individual as a dependent for federal tax purposes.**

(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) **A case may be closed if the individual fails to maintain current contact information with the office or fails to participate**

in services necessary to achieve the employment outcome identified in the individualized plan for employment (IPE).

(10) Prior to closing a consumer case under this Section, the office shall:

(a) Make reasonable and documented attempts to contact the individual using the most recent contact information available in the case record; and

(b) Provide written notice to the individual of the proposed case closure, which explains that if the individual does not make contact with the office within thirty (30) days, the case will be closed.

(11) If a case is closed under this Section, the individual shall have a right to an appeal in accordance with 781 KAR 1:010.

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

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

(14)[**(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.

(15)[**(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.

(16)[**(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.**]

[**(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 **an**[**this**] administrative regulation when permitted under federal law, including 34 C.F.R. 361.50(d), and **only** when **the office determines it is required to achieve an employment outcome listed on the IPE**[**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 **listed on the IPE.**

[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: April 15, 2026
FILED WITH LRC: April 15, 2026 at 9:30 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
(Amended After Comments)

781 KAR 1:030. Order of selection[~~and economic need test for vocational rehabilitation services~~].

RELATES TO: KRS 151B.190, 34 C.F.R. 361.36, 361.53, 361.54, 29 U.S.C. 721(a)(5), (15), (21)(A)
STATUTORY AUTHORITY: KRS 151B.185(2), (3), 151B.195(1), 29 U.S.C. 709(c), 34 C.F.R. 361.36, 361.54
NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.195(1) 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. 34 C.F.R. 361.36(c) requires the office to determine, prior to the beginning of each fiscal year, whether to establish and implement an order of selection for state vocational rehabilitation services. 34 C.F.R. 361.36(d) requires federal guidelines for the imposition of an order of selection. [~~34 C.F.R. 361.54(b) authorizes the office to consider an individual's financial need for vocational rehabilitation services.~~] This administrative regulation establishes when an order of selection[~~and an economic need test~~] shall be applied to the provision of vocational rehabilitation services in order to distribute limited funds more equitably over the entire population of otherwise eligible individuals.

Section 1. [~~Definitions.~~]
[~~(1)~~] [~~"Eligible individual" means an individual who has been determined by the office to meet the basic conditions of eligibility for vocational rehabilitation services.~~]
[~~(2)~~] [~~"Executive director" means Executive Director of the Office of Vocational Rehabilitation.~~]
[~~(3)~~] [~~"Individual with a most significant disability" means an individual who has a disability that limits two (2) or more areas of functional capacity.~~]
[~~(4)~~] [~~"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.]
[(5)] ["Office" means the Office of Vocational Rehabilitation, and its appropriate staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.]
[(6)] ["Non-significant disability" means a disability that does not limit a functional capacity.]

[Section 2.] [Economic Need.]
[(1)] [Economic need shall be considered in determining whether to grant vocational rehabilitation services.]
[(2)] [The executive director shall exempt services from the economic needs test if the office is able to provide services to all eligible individuals with significant disabilities pursuant to Section 3 of this administrative regulation, with consideration of applicable comparable benefits as provided in 34 C.F.R. 361.53.]
[(3)] [An economic needs test as established in subsection (5) of this section shall be applied as a condition for furnishing the following vocational rehabilitation services:]
[(a)] [Physical and mental restoration services;]
[(b)] [Tuition and registration fees for vocational or college training;]
[(c)] [Maintenance other than diagnostic;]
[(d)] [Transportation other than diagnostic;]
[(e)] [Services, other than diagnostic, to members of an individual's family necessary to the adjustment or rehabilitation of the individual with a disability;]
[(f)] [Occupational licenses, tools, equipment, or initial stock (including livestock) or supplies;]
[(g)] [Postemployment services except as provided in subsection (4)(a)-(m) of this section;]
[(h)] [Other goods and services which can reasonably be expected to benefit an eligible individual in terms of employment outcomes;]
[(i)] [Initial vehicle and property modifications in excess of $10,000;]
[(j)] [Second or subsequent vehicle modifications regardless of cost;]
[(k)] [Vehicle modification repair or upgrades; or]
[(l)] [Hearing aid in excess of $1,000.]
[(4)] [The following services shall be excluded from an economic needs test:]
[(a)] [Assessment for determining eligibility and vocational rehabilitation needs;]
[(b)] [Counseling and guidance;]
[(c)] [Placement;]
[(d)] [Services provided by staff at state-owned and operated rehabilitation facilities;]
[(e)] [Rehabilitation technology except as specifically provided in subsection (3) of this section;]
[(f)] [Communication assistance in the individual's native language;]
[(g)] [Books, supplies, tools, or equipment for vocational or other training;]
[(h)] [Supported employment;]
[(i)] [Interpreter services for the deaf;]
[(j)] [Reader services for the blind;]
[(k)] [Personal assistance services;]
[(l)] [Tutors, note takers, or assistive technology education aids; or]
[(m)] [Other training, including driver training, on-the-job training, job coaching, job development, or job training.]
[(5)] [The office's economic needs test shall be based on the most current Kentucky Median Adjusted Gross Income developed by the U.S. Department of Commerce. If the individual has a monthly income that exceeds 100 percent of the most current median gross income, the individual shall apply the excess income to rehabilitation services necessary to achieve the employment goal except as provided for in 34 C.F.R. 361.54.]

[Section 3.] Order of Selection.
(1) If the executive director determines that the office's projected fiscal or personnel resources are insufficient[shall be unable] to provide the full range of services as required by the Rehabilitation Act of 1973, as amended, to all eligible individuals[applicants], the office shall inform the Statewide Council and implement the order of selection on a state-wide basis in compliance with 34 C.F.R. **361**[**6**]**.36**.
(2)[(1)] An eligible individual previously declared eligible for and receiving vocational rehabilitation services under an individualized plan for employment shall not be affected if the office implements an order of selection.
[(2)] [The order of selection shall not regulate the provision of information or referral services].
(3) On implementation of the order of selection, the office shall continue to accept referrals of and applications from individuals with disabilities and continue determining eligibility for services.
(4) The order of selection shall not impact[regulate] the provision of information, referral services, or authorization of assessment for determining eligibility.
(5) [An applicant shall be declared eligible or ineligible as appropriate.]
[(6)]
[(a)] [An eligible individual entering accepted status after implementation of the order of selection shall be assigned to a priority category.]
[(b)] [If the priority category is open, the individual shall be served.]
[(c)] [If the priority category is closed, the individual's case shall be held on a waitlist in accepted status until the priority category assigned is opened or the order of selection is lifted.]
[(7)] [The order of selection shall permit immediate reclassification into a higher priority category if circumstances justify the reclassification.]
[(8)] If the office is unable to provide services to all eligible individuals[with significant disabilities], the office shall first serve [eligible]individuals with the[a] most significant disability in the highest open priority category. Within each priority category, individuals shall be served in order of application date[first and then serve eligible individuals with a significant disability on a first-applied, first-served basis, as established by the date of application within a category. If funds become available, the executive director and Statewide Council for Vocational Rehabilitation shall adjust the priority categories to be served as appropriate to provide services to as many consumers as funds allow].
(6)[(9)] The order of selection established in this section shall be followed with the categories to be served designated at the time of implementation.
(7) The executive director may serve individuals from the waitlist, open, or close one or more priority categories as appropriate, to provide services to as many individuals as funds allow.
[(10)] [The order of selection shall have priority categories as follows:]
[(a)] [Priority Category I - eligible individuals with a most significant disability that limits three (3) or more functional capacities;]
[(b)] [Priority Category II - eligible individuals with a most significant disability that limits two (2) functional capacities;]
[(c)] [Priority Category III - eligible individuals with a significant disability that limits (1) one functional capacity;]
[(d)] [Priority Category IV - Eligible individuals with a non-significant disability.]

VICKIE WISE, Deputy Secretary

APPROVED BY AGENCY: April 15, 2025
FILED WITH LRC: April 15, 2026 at 9:30 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., specifically the order of selection regarding priority categories.
(b) The necessity of this administrative regulation: This administrative regulation is required to implement order of selection as required by 29 U.S.C. 721(a)(5), 34 C.F.R. § 361.36.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation ensures order of selection is compliant with 29 U.S.C. 721(a)(5) and 34 C.F.R. § 361.36.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation outlines the requirements for the implementation of order of selection as mandated by 29 U.S.C. 721(a)(5) and 34 C.F.R. § 361.36.
(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 amendment changes the definitions for the priority categories to bring them into compliance with federal law, specifically 29 U.S.C. 721(a)(5) and 34 C.F.R. § 361.36.
(b) The necessity of the amendment to this administrative regulation: Changes to the regulations are required to ensure compliance with 29 U.S.C. 721(a)(5) and 34 C.F.R. § 361.36.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment brings Kentucky's priority categories into compliance with federal law.
(d) How the amendment will assist in the effective administration of the statutes: This amendment is required to ensure Kentucky's priority categories are compliant with federal law.
(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: This administrative regulation does not require action by any entity or individual. It merely sets forth the guidelines for implementation of order of selection.
(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.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This administrative regulation does not grant benefits; it establishes the requirements for implementation of order of selection.
(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 and state match funds received by the Office of Vocational Rehabilitation.
(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 administrative regulation does not establish fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all affected individuals.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 13B.170, 151B.017, 151B.185, 151B.190, 151B.195, 151B.200; 29 U.S.C. 721(a)(5); 34 C.F.R. 361.36.
(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, 151B..017, 151B.185, 151B.190, 151B.195, 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
(Amended After Comments)

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

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 **reasonably**[~~**responsible**~~] 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.

[~~(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[~~:~~]

[~~(a)~~)] [~~P~~]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 **an assistive**[**~~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 Sections19 and 20[4(2)])] of this administrative regulation.

(12) Vehicle modification services may be provided when appropriate to support the individual's transportation needs related to employment, including when the vehicle is only used to transport the individual or the individual's disability related equipment.

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[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;]

[(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 **consistent with 781 KAR 1:020**[**~~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) **Personal computing devices.**

(a) Personal computing devices, including computers and laptops, shall not automatically be considered assistive technology or vocational rehabilitation services, and shall only be approved when the Office determines the device is necessary as assistive technology.

(b) Requests for personal computing devices, including computers and laptops, shall be referred to the Assistive Technology Branch which shall determine if the requested device is assistive technology necessary to address an identified functional limitation to support participation in vocational rehabilitation services or achievement of the employment outcome identified in the individualized plan for employment (IPE).

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

(6)[~~(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.

(7)[~~(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.

(8)[~~(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 may 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: April 15, 2026
FILED WITH LRC: April 15, 2026 at 9:30 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 the amendment 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.
(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)
(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.

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Health, Life, Managed Care
(Amended After Comments)

806 KAR 17:595. Dental Benefits Assignment.

RELATES TO: KRS 14A.4-010, [~~KRS~~]304.1-050, [~~KRS~~]304.17C-130, [~~KRS~~]304.17C-137
STATUTORY AUTHORITY: KRS 304.2-110(1), [~~KRS~~]304.17C-137
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the commissioner to promulgate reasonable administrative regulations necessary for or as an aid to the effectuation of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.17C-137(1)(a)1.b. requires insurers to accept dental benefit assignments made by covered persons in writing on a form established by the commissioner in an administrative regulation. KRS 304.17C-137 requires the department to promulgate administrative regulations to implement and enforce the provisions of 304.17C-137. This administrative regulation establishes the required dental benefit assignment form.

Section 1. Definitions.
(1) "Benefit assignment" means written consent of a covered person **choosing to allow**[~~for~~] a dental carrier to pay claim benefit payments directly to a non-participating dental service provider in accordance with KRS 304.17C-137.
(2) "Covered person" is defined by KRS 304.17C-130(1).
(3) "Dental carrier" is defined by KRS 304.17C-130(3).
(4) "Dental services" is defined by KRS 304.17C-130(4).
(5) "Non-participating provider" means a dental services provider that has not entered into an agreement with a dental carrier to provide dental services.
(6) "Provider" is defined by KRS 304.17C-130(7).

Section 2. Dental Benefit Assignment Form. A **provider shall comply with a** written **assignment**[~~assignments~~] of benefits under a dental benefit plan made in accordance with KRS 304.17C-137(1)(a)1.b. [~~shall be made~~]on the Dental Benefit Assignment Form. **Nothing in this administrative regulation shall be construed to require a covered person to assign a dental benefit. A provider shall not condition treatment on the execution of the Dental Benefit Assignment Form.**

Section 3. Incorporation by Reference.
(1) "Dental Benefit Assignment[~~"~~] Form,**" HL-DBA13/2026**[~~7/2025~~], is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Web site at: http://insurance.ky.gov/ppc/CHAPTER.aspx.

SHARON P. CLARK, Commissioner
RAY A. PERRY, Secretary

APPROVED BY AGENCY: April 1, 2026
FILED WITH LRC: April 2, 2026 at 9:00 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shaun T. Orme
Subject Headings: Dentistry, Insurance, Health
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes a dental benefit assignment form, pursuant to 2025 Regular Session House Bill 210.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide the form proscribed by the new requirements of 2025 Regular Session House Bill 210.
(c) How this administrative regulation conforms to the content of the authorizing statutes: 2025 Regular Session House Bill 210 requires the regulation to provide for a new form for dental benefit assignments. This new regulation provides the form required by the new dental benefit assignment statute.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment provides the form required by the new dental benefit assignment statute.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment establishes a form required by the new dental benefit assignment statute.
(b) The necessity of the amendment to this administrative regulation: This amendment is required to implement 2025 Regular Session

House Bill 210.
(c) How the amendment conforms to the content of the authorizing statutes: 2025 Regular Session House Bill 210 requires the regulation to create the new dental benefit assignment form.
(d) How the amendment will assist in the effective administration of the statutes: This amendment provides the new dental benefit assignment form.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2025 Regular Session House Bill 210.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Over forty-four (44) insurance entities will be affected by this administrative regulation. In addition, individuals that have dental insurance plans will be affected.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Dental insurance providers will have to accept the new dental benefit assignment form. Individuals that have dental insurance will allowed to assign the rights to their dental insurance claims to their dental providers.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost associated is expected to be de minimus.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Insureds will be able to use a uniform form to assign their dental benefits to their dental providers. Additionally, dental insurers will have a universal form for accepting assignment of dental benefit claims.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No cost is anticipated.
(b) On a continuing basis: No cost is anticipated.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Department of Insurance's operational budget.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None is anticipated.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fee is associated with this new form.
(10) TIERING: Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 304.2-110(1) and 304.17C-137(1)(a)1.b.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. 2025 Regular Session House Bill 210 requires the Kentucky Department of Insurance to establish a form for the assignment of dental benefits provided by dental benefit plan.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Insurance as the implementer. (b) Estimate the following for the first year:
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities affected. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None. (b) Estimate the following for the first year:
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation will not have a fiscal impact on those entities.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: Not applicable. This administrative regulation will not have major impact in the aggregate for either the Department, insurers, dental providers, or insureds. HB 210 was enacted during the 2025 legislative session. HB 210 required the Department to provide a form for insureds to assign their dental benefits to providers.

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 12:300. [~~Issuance of permit to use automated~~]Automated calling equipment operators.

RELATES TO: KRS 367.461, 367.463, 367.465, 367.467, 367.469

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.469

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 367.469 requires the Attorney General to promulgate an administrative regulation to establish an automated calling equipment use permit application. KRS 367.469(1) requires an automated calling equipment operator to file a surety bond. KRS 367.469(2) authorizes the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of KRS 367.461 to 367.469. This administrative regulation establishes an online permit application, an online permit renewal application and a surety bond form to be used by automated calling equipment operators[~~Sets forth the basis for issuance of permit to use automated calling equipment in the Commonwealth of Kentucky~~].

Section 1. Automated Calling Equipment Operator Permit Application.

(1) An operator shall not use automated calling equipment to call Commonwealth of Kentucky resident telephone numbers unless the Attorney General approves the operator's permit application in accordance with this administrative regulation. An applicant shall submit an online permit application using the "Automated Calling Equipment Operator Permit application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) To complete an online application, an applicant shall submit:

(a) 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

(b) A completed Automated Calling Equipment Operator Surety Bond, form T-4, a completed surety bond complying with KRS 367.469; or alternate form of surety acceptable to the Attorney General.

(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.

[~~(1)~~] [~~An "Application Form for Permit to Use Automated Dialing Equipment" shall be filed with the Office of the Attorney General.~~]

[~~(2)~~] [~~The Office of the Attorney General may verify the information contained in an application.~~]

[~~(3)~~] [~~An application that contains false or incomplete statements shall be denied.~~]

Section 2. Automated Calling Equipment Operator Permit Renewal Application.

(1) An approved automated calling equipment operator permit 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 permit, an automated calling equipment operator may renew its permit. Permit renewal shall be accomplished by submitting an online renewal application using the "Automated Calling Equipment Operator Permit Renewal application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) To complete the online renewal application portal, a permit holder shall submit a completed Automated Calling Equipment Operator Surety Bond, form T-4, a completed surety bond complying with KRS 367.469, or an alternate form of surety acceptable to the Attorney General, if a prior submitted surety bond or surety is no longer current.

(4)

(a) A permit holder 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 permit holder fails to timely complete the application by not submitting requested information or documents.

(5) Any permit renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any permit renewal and shall not prevent subsequent proceedings against a permit holder.

[~~(1)~~] [~~The surety bond required by KRS 367.469 shall be in favor of the Attorney General's Division of Consumer Protection.~~]

[~~(2)~~] [~~It shall be held for compensation to consumers if an applicant or permittee:~~]

[~~(a)~~] [~~Becomes insolvent or bankrupt; or~~]

[~~(b)~~] [~~Is unavailable, unable, or unwilling to:~~]

[~~1.~~] [~~Address consumer complaints; or~~]

[~~2.~~] [~~Satisfy claims for restitution or civil penalties under the provisions of KRS Chapter 367.~~]

Section 3. Written Notification of Material Changes. A permit holder shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the original application, any renewal application, application attachments, or prior written notices.[~~Issuance, Renewal of Permit.~~]

[~~(1)~~] [~~A permit shall be issued if:~~]

[~~(a)~~] [~~An applicant has filed an "Application Form for Permit to Use Automated Dialing Equipment" with the Office of the Attorney General;~~]

[~~(b)~~] [~~The application form contains the required information; and~~]

[~~(c)~~] [~~The Office of the Attorney General has verified that the requirements of KRS Chapter 367 have been met.~~]

[~~(2)~~] [~~A permit shall be valid for one (1) year.~~]

[~~(3)~~] [~~A request for renewal of a permit shall be:~~]

[~~(a)~~] [~~Made on the "Application Form for Permit to Use Automated Dialing Equipment"; and~~]

[~~(b)~~] [~~Subject to the same conditions as an initial application for a permit.~~]

Section 4. Record Requests. An automated calling equipment operator shall make requested business records, documents and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.[~~Revocation of Permit. The Attorney General may revoke a~~

~~permit if he determines that the permittee has violated KRS Chapter 367.~~]

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Automated calling Equipment Operator Permit application portal", March 2026;[~~"Application Form for Permit to Use Automated Dialing Equipment (1992)" is incorporated by reference.~~]

(b) "Automated Calling Equipment Operator Permit Renewal application portal", March 2026; and

(c) Automated Calling Equipment Operator Surety Bond", Form T-4, March 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,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.[~~This form may be inspected, copied or obtained at the Office of the Attorney General, Consumer Protection Division, 209 St. Clair Street, Frankfort, Kentucky 40601-1875, 8 a.m. to 4:30 p.m., Monday through Friday.~~]

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: March 24, 2026
FILED WITH LRC: March 24, 2026 at 12:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on June 23, 2026, at 10:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, 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 June 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: 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; Telecommunications, and Bonds
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the online permit application, online permit renewal application, and surety bond form to be used by automated calling equipment operators.
(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 recommend administrative regulations in the consumers' interest. KRS 367.469 requires the Attorney General to promulgate an administrative regulation to establish an automated calling equipment use permit application. KRS 367.469(1) requires an automated calling equipment operator to file a surety bond. KRS 367.469(2) authorizes the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of KRS 367.461 to 367.469.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the online permit application, permit renewal application, and surety bond form to be used by automated calling equipment operators.
(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 establishes an online permit application, an online permit renewal application, and updates the surety bond form. The amendment removes unnecessary language from the regulation as duplicative and already incorporated by reference in incorporated online application processes.
(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 also needs to update its regulation and forms to make both easier to be understood by regulated entities and consumers. The Attorney General also needs to modernize application and documentation processes by providing online processes.
(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, 367.150(4), and 367.469 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 form used by regulated entities to be more easily understood and completed. Regulation amendments will result in saved administrative resources and time and produce 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 thirteen (13) automated calling equipment operators holding permits, 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: Automated calling equipment permit holders will be required to use the online renewal application incorporated into this regulation. Future applicants will be required to use the online permit application incorporated into this regulation. Attorney General staff will review and process the new online submissions and new bond 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 telemarketing companies will bear no additional costs as they will be able to use the online application processes and download the updated form at no cost from the Attorney General's website. The Attorney General will have no additional costs to review the new online submissions or new forms.
(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 forms more easily understood and completed. The online application and renewal processes will make it easier for applicants and regulated entities to apply, renew 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 automated calling equipment operators.

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 367.469.
(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 1992 Ky. Acts Ch. 32, sec. 5.
(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.
For subsequent years: The administrative regulation will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the Attorney General will have cost savings from efficient and quicker processing of 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): Automated calling equipment operators 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 automated calling equipment operators to have additional expenditures for the first year.
For subsequent years: This administrative regulation will not cause automated calling equipment operators to have additional expenditures for subsequent years.
2. Revenues:
For the first year: Automated calling equipment operators will not receive any revenues directly from this administrative regulation for the first year.
For subsequent years: Automated calling equipment operators will not receive any revenues directly from this administrative regulation for subsequent years.
3. Cost Savings:
For the first year: For the first year, automated calling equipment operators will receive cost savings from quicker processing of applications. These cost savings are difficult to estimate currently but are estimated to be de minimis.
For subsequent years: For subsequent years, Automated calling equipment operators will receive cost savings from quicker processing of applications. These cost savings are difficult to estimate currently 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 an online permit application, an online renewal application, and updates a surety bond form for use by automated calling equipment operators. 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.

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amendment)

40 KAR 12:310. [~~Procedure for registration of telemarketing~~]Telemarketing companies.

RELATES TO: KRS 367.46971, 367.46973, 367.46981
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.46971, 367.46983
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 367.46971 requires the Attorney General to promulgate administrative regulations to establish a telemarketing company registration form. KRS 367.46981 requires telemarketing companies to file surety bonds and to notify the Attorney General when offering a premium promotion. KRS 367.46983 authorizes the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of[required to enforce] KRS 367.46951 to 367.46999[governing the sales of goods and services to Kentucky consumers by use of telephone solicitations]. This administrative regulation establishes an online registration application, an online renewal application, surety bond forms, and premium promotion report form to be used by telemarketing companies.[procedures for the registration of telemarketing companies governed by the provisions of KRS 367.46951 to 367.46999.]

Section 1. Telemarketing Company Registration Application.

(1) A telemarking company shall not initiate or receive telephone calls with Commonwealth of Kentucky residents unless the Attorney General approves the telemarketing company's online registration application in accordance with this administrative regulation. An applicant shall submit an online registration application using the "Telemarketing Company Registration Application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) To complete an online application, an applicant shall submit:

(a) Payment of the $300.00 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 the applicant's articles of incorporation, bylaws and any amendments to those if applicant is a corporation, or copies of applicant's articles of organization, operating agreement, and any amendments to those if the applicant is a limited liability company, or copies of the applicant's partnership agreement if applicant is a partnership, and copies of the same organizational documents for any parent or affiliated organization disclosed in the online registration application;

(d) A completed Telemarketing Company Surety Bond, form T-1 or other surety bond complying with KRS 367.46981;

(e) A completed Telemarketing Company Surety Bond, form T-3 or other surety bond complying with KRS 367.46981, when the applicant intends to offer a premium promotion in accordance with Section 3 of this administrative regulation; and

(f) Copies of the applicant's sales information and literature.

(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.

[(a)] [Registration, or a renewal of registration, for telephone solicitation pursuant to KRS 367.46971 shall be made on the "Commonwealth of Kentucky Telemarketing Company Registration Statement". Each telemarketing company shall register by:]

[1.] [Completing the information required by the "Commonwealth of Kentucky Telemarketing Company Registration Statement"; and]

[2.] [Paying fees required by KRS 367.46971.]

[(b)] [At the time of filing the "Commonwealth of Kentucky Telemarketing Company Registration Statement", a telemarketing company shall file:]

[1.] ["Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company Consent for Service "; and]

[2.] [One (1) of the following bond forms:]

[a.] ["Commonwealth of Kentucky, Office of the Attorney General, Bond for Telemarketing Company "; or]

[b.] ["Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company Premium Surety Bond".]

[(2)] [A registration may be withdrawn prior to approval by submitting a written request that the application be withdrawn.]

[(3)] [If, upon receipt, the division determines that the materials filed by the telemarketing company do not contain all information required by KRS 367.46971, 367.46973 and 367.46981 or this administrative regulation, the division shall notify the telemarketing company in writing, specifying the information that was not completed in the registration statement or bond form. The registration shall not be completed until an amended filing is received by the division that contains all information required by KRS 367.46971, 367.46973 and 367.46981 or this administrative regulation. Upon receipt of the completed registration materials, the division shall provide a written confirmation of receipt of the completed filing.]

Section 2. Telemarketing Company Renewal Application.

(1) An approved telemarketing company 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 telemarketing company may renew its registration. Registration renewal shall be accomplished by submitting an online renewal application using the "Telemarketing Company Renewal Application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) To complete an online renewal application, a registrant shall submit:

(a) Payment of the $50.00 registration renewal fee;

(b) A completed Telemarketing Company Surety Bond, form T-1, or other surety bond complying with KRS 367.46981, if a prior submitted surety bond is no longer current; and

(c) A completed Telemarketing Company Surety Bond, form T-3, or other surety bond complying with KRS 367.46981, if the registrant intends to offer a premium promotion in accordance with Section 3 of this administrative regulation; and

(d) Copies of any new sales information and literature not previously provided.

(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.

Section 3. Premium Promotion Report and Surety Bond. Ten (10) days prior to starting a promotion offering a premium with an actual or advertised market value of five hundred dollars ($500.00) or more, a registered telemarketing company shall complete and submit a Telemarketing Company Premium Promotion Report, form T-2, to the Attorney General's office and submit a copy of a completed Telemarketing Company Premium Promotion Surety Bond, form T-3, or other surety bond complying with KRS 367.46981.

Section 4. Written notification of material changes.

(1) Except as provided in Section 4(2), a registered telemarketing company shall notify the Attorney General, in writing, within fourteen (14) days of any material change in the information provided in the registrant's original application, any renewal application, application attachments, or written notices.[A change in the information specified in this subsection shall be considered a material change that a telemarketing company shall file in an addendum to the original or annual registration:]

(2) A registered telemarketing company shall provide written notice of any material changes relating to salespersons in its application, renewal applications or prior written notices in quarterly intervals computed from the effective date of registration or renewal.

[(a)] [A change relating to information in an original or annual filing required by KRS 367.46971(3) or 367.46973(11), (12), and (13);]

[(b)] [An addition or deletion of factual matter that differs from the factual matter contained in a telemarketing company's original filing; or]

[(c)] [An association with an officer, director, trustee, general or limited partner, sole proprietor, owner, or person having management responsibility in an applicant's business, or other person specified by KRS 367.46973(5) and (7), who, after a telemarketing company's original filing:]

[1.] [Has committed an act or offense specified by KRS 367.46973(8)(a);]

[2.] [Is subject to a final judgment or order specified by KRS 367.46973(8)(b) and (c);]

[3.] [Has filed in bankruptcy or been adjudged as bankrupt as specified by KRS 367.46973(8)(d).]

[(2)] [Information filed pursuant to subsection (1) of this section shall contain the information required by 367.46973(8)].

[(3)]

[(a)] [A change in information required pursuant to this section shall be filed on "Commonwealth of Kentucky Telemarketing Company Registration Statement".]

[(b)] [Information required pursuant to this section shall be filed with the division].

Section 5. Record Requests. A telemarketing company shall make requested business records, documents and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.

Section 6.[Section 3.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Telemarketing Company Registration application portal", March 2026;["Commonwealth of Kentucky Telemarketing Company Registration Statement", Form Ts-1, 2002;]

(b) "Telemarketing Company Renewal application portal", March 2026;["Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company, Consent For Service, Form Ts-2, 2002;]

(c) "Telemarketing Company Surety Bond", Form T-1, March 2026;["Commonwealth of Kentucky, Office of the Attorney General, Bond for Telemarketing Company", Form Ts-4, 2002; and]

(d) "Telemarketing Company Premium Promotion Report," Form T-2, March 2026; and"["Commonwealth of Kentucky, Office of the Attorney General, Telemarketing Company Premium Surety Bond", Form Ts-5, 2002]

(e) "Telemarketing Company Premium Promotion Surety Bond", Form T-3, March 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, 1024 Capital Center Drive, Frankfort, Kentucky, 40601, Monday through Friday, 8 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: March 24, 2026

FILED WITH LRC: March 24, 2026 at 12:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 10:30 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, 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 June 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: 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; Telecommunications, and Bonds

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the online registration application, an online registration renewal application, a surety bond form, a premium promotion report form, and a premium surety bond form to be used and filed by telemarketing companies.

(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 telemarketing companies 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 recommend administrative regulations in the consumers' interest. KRS 367.46971 requires the Attorney General to promulgate administrative regulations to establish a telemarketing company registration application. KRS 367.46981 requires telemarketing companies to file surety bonds. KRS 367.46983 authorizes the Attorney General to promulgate administrative regulations necessary for the proper administration and enforcement of KRS 367.46951 to 367.46999.

(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, the online renewal application, a surety bond form, a premium promotion report form, and a premium surety bond form to be used and filed by telemarketing companies.

(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 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 forms. 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 regulations 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, 367.150(4), 367.46971, and 367.46981 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. Regulation amendments will result in saved administrative resources and time and produce 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 forty-two (42) registered telemarketing companies, 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 registration application incorporated into this regulation. Registered telemarketing companies will be required to use the new online renewal application 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 telemarketing companies will bear no additional costs as they will be able to use the online application processes and download updated forms at no cost from the Attorney General's website. The Attorney General will have no additional costs to review the new online submissions and new forms.
(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 regulations and forms more easily understood and completed. The online application and renewal processes will make it easier for applicants and regulated entities to apply, renew 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 telemarketing companies.

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), 367.46971, and 367.46981.
(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 1994 Ky. Acts Ch. 302, sec. 11.
(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): Telemarketing companies and applicants 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 telemarketing companies and applicants to have additional expenditures for the first year.
For subsequent years: This administrative regulation will not cause telemarketing companies and applicants to have additional expenditures for subsequent years.
2. Revenues:
For the first year: Telemarketing companies and applicants will not receive any revenues directly from this administrative regulation for the first year.
For subsequent years: Telemarketing companies and applicants will not receive any revenues directly from this administrative regulation for subsequent years.
3. Cost Savings:
For the first year: For the first year, telemarketing companies and applicants will receive cost savings from quicker processing of applications. These cost savings are difficult to estimate currently but are estimated to be de minimis.
For subsequent years: For subsequent years, telemarketing companies and applicants will receive cost savings from quicker processing of applications. These cost savings are difficult to estimate currently 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 an online registration application, a registration renewal application, and updates forms for use by telemarketing companies. 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.

OFFICE OF ATTORNEY GENERAL
Office of Regulatory Relief
(Amendment)

40 KAR 12:420. Recreational and retirement use land sellers[~~, disclosure costs~~].

RELATES TO: KRS 367.472, 367.474, 367.477 367.478, 367.480, 367.486
STATUTORY AUTHORITY: KRS 15.180, KRS 367.150(4), 367.480, 367.484(5)
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 367.478 requires recreational and retirement use land sellers to register with the Attorney General. KRS 367.474 requires recreational and retirement use land sellers to submit bonds or approved escrow accounts to the Attorney General. KRS 367.480 requires the Attorney General to promulgate administrative regulations to ensure adequate disclosures to potential purchasers of recreational and retirement use land. KRS 367.480 and KRS 367.484(5) authorize the Attorney General to promulgate administrative regulations necessary to carry out the provisions of KRS 367.470 to 367.486, pertaining to recreational and retirement use land sales. This administrative regulation establishes an online registration application, bond form, and escrow agreement from to be used by recreational and retirement use land sellers, and provides for oral and written disclosure requirements to potential purchasers.[~~This administrative regulation is necessitated by KRS 367.480, which requires the Attorney General to promulgate rules and administrative regulations which will ensure an adequate disclosure to the purchaser of recreational and retirement use land the probable costs of any necessary maintenance or improvements of such land which may accrue in the future.~~]

Section 1. Definitions.
(1) "Recreational and retirement use seller" shall not mean to include sellers of "timeshares" or "vacation clubs".
(2) "Timeshare" means an arrangement whereby several joint owners have the right to use a property as a vacation home under a time-sharing agreement.
(3) "Vacation club" means an arrangement whereby club members purchase discount vacation stays, vacation plans, or services connected with the scheduling of vacations at properties owned or provided by a vacation club seller.

Section 2. Registration of recreational use land sellers and retirement use land sellers.
(1) A seller shall not make sales of recreational and retirement use land to Commonwealth of Kentucky residents for specific land unless the Attorney General approves a recreational and retirement use land seller registration application in accordance with this regulation. An applicant shall submit an online registration application using the "Recreational and Retirement Use Land Sellers Registration Application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.
(2) To complete an online application, an applicant shall submit:
(a) Payment of the $10.00 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 the written disclosures provided to potential purchasers in accordance with Section 3 of this administrative regulation;
(d) Copies of all advertising and promotional materials; and
(e) If improvements to the land are not completed, or improvements are completed but material or labor costs for same have not been paid:
1. A completed Recreational & Retirement Use Land Sellers Performance Surety Bond, form RR-2, a completed Recreational & Retirement Use Land Sellers Escrow Agreement, form RR-3; or a completed surety bond or approved escrow agreement complying with KRS 367.474;
2. A detailed list of the breakdown of each mortgage or other security instruments for improvements;
3. If KRS 367.474(1) improvements have not been made, a list of the improvements which includes breakdown of costs, expected completion date for each improvement, and copies of the general contractor's bid or other documents that support improvement costs;
4. If improvements have been made but labor or material costs for same have not been paid, a detailed list of the unpaid costs and copies of the contractors' bills supporting these costs;
(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 3. Written and Oral Disclosures. A recreation and retirement use land seller shall give a full and complete disclosure to potential purchasers of recreational and retirement use land regarding probable costs of any necessary maintenance of improvements of said land which may accrue in the future. A recreational and retirement use land seller shall make disclosures, both orally and in writing, prior to a purchaser's signing and execution of a purchase contract or agreement. Said disclosure shall include but is not limited to:[~~Disclosures. Any subdivider of recreation and retirement use land as defined by KRS 367.472 shall give a full and complete disclosure to the purchaser of a lot, parcel, unit or other interest thereof of any probable costs of any necessary maintenance of improvements of said land which may accrue in the future. Said disclosure must be made both orally and in writing prior to the signing of a contract or agreement to purchase. Said disclosure shall include but is not limited to:~~]

(1) The probable costs for each of the following:

(a) Maintenance of improvements;

(b) The cost of taxes for the property as of the date the contract or agreement to purchase is signed, as well as any tax increases that will occur or which there is reasonable cause to believe could occur within the next five (5) years;

(c) The cost of any assessments to the property at the time the contract or agreement to purchase is signed, as well as a reasonable projection of increases in such assessments which could occur within the next five (5) years;

(d) Cost of repairs and other improvements;

(2) Whether any maintenance of improvements costs, taxes, assessments, repair or other improvement costs are being assumed or borne by the seller[~~subdivider~~] at the time the sale solicitation[~~for sale~~] is made and, if so, the amount assumed by the seller[~~subdivider~~] for each such item, the date the seller[~~subdivider~~] will no longer assume or bear said costs, and identity of other persons[~~those~~] who will assume or bear such costs once the seller[~~subdivider~~] is no longer liable;

(3) Whether any person or persons,[~~as defined by KRS 367.472(3),~~] other than the seller[~~subdivider~~], assumes or bears any maintenance costs, taxes, assessments, repair or improvement costs at the time the solicitation for sale is made and, if so, the amount assumed by this person or persons for each such item, the date this person or persons will no longer assume or bear such costs, and those who will assume or bear such costs once this person or persons is no longer liable;

(4) Whether membership in an organization or association of property owners is required and whether the cost of said association is borne in whole or in part by the seller[~~subdivider~~] or the purchaser. If such costs are borne in whole or in part by the seller[~~subdivider~~], the seller[~~subdivider~~] must disclose:

(a) The amount of costs being borne by the seller[~~subdivider~~] and the amount being borne by the purchasers;

(b) The amount of cost to the purchaser when the seller[~~subdivider~~] stops bearing the costs;

(c) The date on which the seller[~~subdivider~~] will stop bearing the costs; and

(d) The number of property owners and/or association members upon which this cost figure is based;

(5) Any projection of cost that has been made or can reasonably be made for future repairs or improvements to the property within the next five (5) years which will be paid directly or indirectly by the purchaser;

(6) Whether future development and/or construction is anticipated by the seller[~~subdivider~~] and whether said development and/or construction can reasonably be expected to result directly or indirectly in added costs for maintenance of improvements, taxes, assessments, repairs, or other improvements to a property owner. If additional costs are anticipated, the seller[~~subdivider~~] must disclose:

(a) Whether these costs will be borne in whole or in part by the seller[~~subdivider~~];

(b) The amount of costs being borne by the seller[~~subdivider~~];

(c) The date on which the seller[~~subdivider~~] will stop bearing the cost;

(d) The amount of the costs to the purchaser for the next five (5) years; and

(e) The number of property owners upon which this cost figure is based;

(7) Any other costs or fees assessed directly or indirectly to the purchaser for maintaining the property that can be reasonably anticipated by the seller[~~subdivider~~] for the next five (5) years.

[~~Section 2.~~] [~~The subdivider shall file with the Office of the Attorney General, Division of Consumer Protection, a copy of the written disclosures required by Section 1 of this regulation. The subdivider is required to keep current the information on which the disclosures required by Section 1 of this regulation are based and shall immediately notify the division of any material changes in the information contained in the disclosure and shall make appropriate amendment of the written and oral disclosure statements.~~]

[~~Section 3.~~] [~~Penalties. Any person who fails to make the oral and written disclosures required by~~][~~ Section 1 of this regulation shall be subject to prosecution pursuant to KRS 367.484.~~]

Section 4. Exemptions. A recreational and retirement use land seller who is exempt from registration by reason of KRS 367.486 and the Interstate Land Sale Full Disclosure Act (15 U.S.C. Secs. 1701-1720) shall submit copies of its federal registration statements using the "Recreational and Retirement Use Land Sellers Registration Application portal" available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx

Section 5. Written notification of material changes. A registered recreational and retirement use land seller shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, application attachments, written disclosures to purchasers, or written notices.

Section 6. Record Requests. A recreational and retirement use land seller shall make requested business records, 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) "Recreational and Retirement Use Land Sellers Registration Application Portal", March 2026;

(b) "Recreational & Retirement Use Land Use Sellers Bond" Form RR-1, March 2026; and

(c) "Recreational & Retirement Use Land Sellers Escrow Agreement", Form RR-2, March 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, 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: March 24, 2026
FILED WITH LRC: March 24, 2025 at 12:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on June 23, 2026, at 11:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, 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 June 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: 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; Real Estate
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes am online registration application form, surety bond form, and an escrow agreement form to be used by recreational and retirement use land sellers and provides required disclosures to potential purchasers.
(b) The necessity of this administrative regulation: This regulation is necessary to provide the method by which the Office of Attorney General ("Attorney General") may 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 367.478 and 367.474 require recreational and retirement land use sellers to register with the Attorney General and provide a surety bond or escrow account as security. KRS 367.480 requires the Attorney General to promulgate administrative regulations to ensure adequate disclosures to recreational and retirement land use purchasers. KRS 367.484(5) authorizes the Attorney General to promulgate administrative regulations necessary to carry out the provisions of KRS 367.470 to 367.486.
(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, bond form and escrow agreement form to be used by recreational and retirement land use sellers. This administrative regulation establishes written and oral disclosures to purchasers.
(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 amendment clarifies that timeshares and vacation clubs are excluded from the provisions of KRS 367.470 to 367.486.
(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 and complete. 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), 367.480, and 367.484(5) 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 process 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 seventeen (17) recreational and retirement use land sellers, 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 process and updated forms incorporated into this regulation. Registered recreational and retirement use land sellers will not be impacted. 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 recreational and retirement use land sellers 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 have no additional costs.
(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 processes will make it easier for applicants and regulated entities 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 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 recreational and retirement use land 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), 367.472, 367.474, 367.477, 367.480, 367.486, 367.488, and 367.407
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 1978 Ky. Acts Ch. 316, sec. 6.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There are no expenditures to administer this administrative regulation for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation in subsequent years.
2. Revenues:
For the first year: The administrative regulation will generate no

revenues to the Attorney General in the first year.
For subsequent years: The administrative regulation will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the Attorney General will have cost savings 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, registered recreational and retirement use land sellers, and exempt organizations will be affected by this administrative regulation.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation will not cause applicants, recreational and retirement use land sellers, and exempt organizations to have any additional expenditures for the first year.
For subsequent years: This administrative regulation will not cause applicants, recreational and retirement use land sellers, and exempt organizations to have any additional expenditures for subsequent years.
2. Revenues:
For the first year: Applicants, recreational and retirement use land sellers, and exempt organizations will not receive any revenues directly from this administrative regulation for the first year.
For subsequent years: Applicants, recreational and retirement use land sellers, and exempt organizations will not receive any revenues directly from this administrative regulation for subsequent years.
3. Cost Savings:
For the first year: For the first year, applicants, recreational and retirement use land sellers, and exempt organizations will receive cost savings from online application processes provided by this administrative regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: For subsequent years, applicants, recreational and retirement use land sellers, and exempt organizations will receive cost savings from online application and reporting processes provided by this administrative 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 regulation amendment creates an online application for businesses and does not affect other governmental agencies or local governments. The regulation does not affect any other governmental agencies or local governments. The regulation amendment does not establish any fees. For these reasons, the regulation 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 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.

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(Amendment)

105 KAR 1:001. Definitions for KAR Title 105.[~~105 KAR Chapter 1.~~]

RELATES TO: KRS 16.505 - 16.652, 61.510 - 61.705, 78.510 - 78.852
STATUTORY AUTHORITY: KRS 61.505(1)(g)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with KRS 13A.150(2) because it does not have a major economic impact.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pension Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate administrative regulations that are consistent with the provisions of KRS 16.505 through 16.652, 61.505, 61.510 through 61.705, and 78.510 through 78.852. This administrative regulation establishes definitions for terms used in KAR Title 105[~~KAR Chapter 1~~].

Section 1. Definitions. The following definitions shall apply to KAR Title 105[~~KAR Chapter 1~~] unless otherwise required by context or otherwise defined in a specific administrative regulation:
(1) "AAC" means:
(a) Prior to April 1, 2021, the Administrative Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems; and
(b) Beginning April 1, 2021, the separate or joint Administrative Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.645(16) and 78.782(16).
(2) "Accumulated account balance" is defined by KRS 16.505(40), 61.510(41), and 78.510(38).
(3) "Accumulated contributions" is defined by KRS 16.505(7), 61.510(12), and 78.510(12).
(4) "Accumulated employer credit" is defined by KRS 16.505(39), 61.510(40), and 78.510(37).
(5) "Act in line of duty" or "in line of duty" is defined by KRS 16.505(19) and 78.510(48).
(6) "Active member" means a member who is participating in the systems.
(7) "Actuarial equivalent" is defined by KRS 16.505(13), 61.510(17), and 78.510(17).
(8) "Agency" means:
(a) Prior to April 1, 2021, the Kentucky Retirement Systems, which administered the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System; and
(b) Beginning April 1, 2021, the Kentucky Public Pensions Authority, which is authorized to carry out the day-to-day

administrative needs of the Kentucky Retirement Systems (comprised of the State Police Retirement System and the Kentucky Employees Retirement System) and the County Employees Retirement System.

(9) "Agency reporting official" is defined by KRS 78.510(20).

(10) "Alternate payee" is defined by KRS 16.505(38), 61.510(39), and 78.510(36).

(11) "Authorized leave of absence" is defined by KRS 16.505(14).

(12) "Beneficiary" is defined by KRS 16.505(25), 61.510(26), and 78.510(25).

(13) "Boards" means the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System.

(14) "Bona fide promotion or career advancement" means:

(a) The definition provided in KRS 61.598(1) and 78.545(22); and

(b) Any increases in creditable compensation for all employees in a specified class due to an increase in rate of pay authorized or funded by the legislative or administrative body of the employer, or due to an increase in rate of pay mandated in a collective bargaining agreement approved by the legislative body of the employer.

(15) "Career threshold" is defined by KRS 61.702(4)(e).9.a. and 78.5536(4)(e)9.a.

(16) "County" is defined by KRS 78.510(3).

(17) "Creditable compensation" is defined by KRS 16.505(8), 61.510(13), and 78.510(13).

(18) "Current rate of pay" is defined by KRS 16.505(24), 61.510(25), and 78.510(24).

(19) "Current service" is defined by KRS 16.505(4), 61.510(10), and 78.510(10).

(20) "DAC" means:

(a) Prior to April 1, 2021, the Disability Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems; and

(b) Beginning April 1, 2021, the separate or joint Disability Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.665(4) and 78.545(11).

(21) "Department" is defined by KRS 61.510(3).

(22) "Dependent child" is defined by KRS 16.505(17) and 78.510(49).

(23) "Disability retirement date" is defined by KRS 16.505(16), 61.590(5)(b), and 78.510(51).

(24) "Duty-related injury" is defined by KRS 61.621(2) and 78.545(20).

(25) "Early retirement date" is defined by KRS 16.505(20), 61.590(5)(c), and 78.545(4).

(26) "Employee" is defined by KRS 61.510(5) and 78.510(6).

(27) "Employer" is defined by KRS 16.505(3), 61.510(6), and 78.510(7).

(28) "Employer's effective cessation date" is defined by KRS 61.522(1)(c) and 78.535(1)(c).

(29) "End of day" means:

(a) 11:59 p.m. Eastern Time, on the date referenced; and

(b) If the date referenced falls on a Saturday, Sunday, a public holiday listed in KRS 2.110, a day on which the retirement office is actually and legally closed, or any other state or federal holiday that disrupts mail service, then the time period shall be met if the application, documentation, form, notice, or other requested or required information is filed or submitted no later than 11:59 p.m. Eastern Time on the next business day following the weekend, holiday, or date of closure.

(30) "Examiner" means the medical examiners[~~as~~] established in KRS 61.665 and 78.545(11).

(31) "File" means a form or document has been received at the retirement office by mail, fax, secure email, in-person delivery, or via Self-Service on the website[~~Web site~~] maintained by the agency[~~(if available)~~].

(32) "Final compensation" is defined by KRS 16.505(9), 61.510(14), and 78.510(14).

(33) "Final rate of pay" is defined by KRS 16.505(10), 61.510(15), and 78.510(15).

(34) "Fiscal year" is defined by KRS 16.505(32), 61.510(19), and 78.510(19).

(35) "Full-time student" means a person enrolled in:

(a) A postsecondary program of study that meets the full-time student requirements of the institution in which he or she is enrolled;

(b) A continuing education or training program that meets the full-time requirements of the program or institution in which he or she is enrolled; or

(c) High school or a GED program that meets the full-time student requirements of the program or institution in which he or she is enrolled.

(36) "Gainful employment" means work in any capacity that is, or can be, performed with regularity and is, or may be, usually done for pay, whether or not pay is received, including seasonal, volunteer, part-time, and on-call work.

(37) "Grandfathered service" is defined by KRS 61.552(9)(b) and 78.545(7).

(38) "Hazardous disability" is defined by KRS 16.505(23) and 78.510(47).

(39) "Hazardous position" means a regular full-time officer as defined by 16.505(22), or a "hazardous position" as defined by 61.592(1)(a), 78.510(42), and 78.5520(1).

(40) "Hazardous service" means the number of years and months of employment as an employee in a hazardous position.

(41) "Hospital and medical insurance plan" is defined by KRS 61.702(1)(a) and 78.5536(1)(a).

(42) "In line of duty" or "act in line of duty" is defined by KRS 16.505(19) and 78.510(48).

(43) "Inactive employer" means a participating employer that ceases to have any employees in a regular full-time position participating in the system.

(44)[~~(43)~~] "Inactive member" means a member who is not participating in the system.

(45)[~~(44)~~] "Increment" is defined by KRS 61.510(29) and 78.510(44).

(46)[~~(45)~~] "Instructional staff" is defined by KRS 61.510(48).

(47)[~~(46)~~] "Invalid," if used in reference to a form, means that the form does not meet the requirements to be valid, and will not be processed by the agency.

(48)[~~(47)~~] "Last day of paid employment" is defined by KRS 16.505(30), 61.510(32), and 78.510(45).

(49)[~~(48)~~] "Level percentage of payroll amortization method" is defined by KRS 61.510(28) and 78.510(43).

(50)[~~(49)~~] "Medical information" as used in KRS 61.610, 61.615, 61.665, 78.5526 and 78.5528:

(a) Means reports of examinations or treatments; medical signs that are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs that are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings that are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests; and

(b) Does not mean written statements from medical providers alone unless accompanied by supporting contemporaneous records as established in paragraph (a) of this subsection.

(51)[~~(50)~~] "Member" is defined by KRS 16.505(21), 61.510(8), and 78.510(8).

(52)[~~(51)~~] "Membership date" is defined by KRS 16.505(35), 61.510(36), and 78.510(33).

(53) "Merged employer" means one (1) or more participating employers:

(a) That have merged with one (1) or more participating or non-participating employers into a new single entity or operating under the name of one (1) of the participating or non-participating employers that are part of the merger; or

(b) With an actuarially accrued liability that have merged or plan to merge with one (1) or more participating or non-participating employers into a new single entity or under the name of one (1) of the participating or non-participating employers that are part of the merger.

(54)[~~(52)~~] "Month" is defined by KRS 16.505(34), 61.510(35), and 78.510(32).

(55)[~~(53)~~] "Monthly average pay" is defined by KRS 16.505(41), 61.510(45), and 78.510(52).

(56)[~~(54)~~] "Monthly contribution rate" means the maximum contribution the systems will pay toward the premium of a retired member based on the amount:

(a) Determined by the boards as established in KRS 61.702(1)(b), 61.702(4)(b) through (d), 78.5536(1)(b), and 78.5536(4)(b) through (d) for a retired member who began participating in the systems on or before June 30, 2003; or

(b) Per month earned by the retired member based on years of service as established in KRS 61.702(4)(e) and 78.5536(4)(e) for a retired member who began participating in the systems on or after July 1, 2003.[~~.~~]

(57)[~~(55)~~] "Nominal fee" is defined by KRS 61.510(43) and 78.510(40).

(58)[~~(56)~~] "Non-core services independent contractor" is defined by KRS 61.5991(9).

(59)[~~(57)~~] "Nonhazardous position" is defined by KRS 61.510(44) and 78.510(41).

(60) "Non-participating employer" means an entity that:

(a) Does not participate in the system; or

(b) Applied for participation in the system and:

1. Is pending a determination of participation;

2. Withdrew its application; or

3. Was denied or failed to complete the requirements to be approved for participation.

(61)[~~(58)~~] "Non-participating[~~Nonparticipating~~] position" means any position of employment with a participating employer other than a regular full-time position or a regular full-time officer position.

(62)[~~(59)~~] "Normal retirement age" means the age at which the member meets the requirements for his or her normal retirement date.

(63)[~~(60)~~] "Normal retirement date" is defined by KRS 16.505(15), 61.510(18), 61.590(5)(a), and 78.510(18).

(64)[~~(61)~~] "Objective medical evidence" is defined by KRS 16.505(31), 61.510(33), and 78.510(46).

(65)[~~(62)~~] "Officers and employees of the General Assembly" is defined by KRS 61.510(20).

(66)[~~(63)~~] "Optional allowance" is defined by KRS 16.505(18).

(67)[~~(64)~~] "Participant" is defined by KRS 16.505(36), 61.510(37), and 78.510(34).

(68)[~~(65)~~] "Participating" is defined by KRS 16.505(33), 61.510(34), and 78.510(31).

(69)[~~(66)~~] "Participating employer" means any employer that participates in one (1) of the systems operated by the agency.

(70)[~~(67)~~] "Participating position" means a regular full-time position, a regular full-time officer position, or other positions that meet the requirements of KRS 61.680(6)(a) and 78.545.

(71)[~~(68)~~] "Participation date" means the earlier of "membership date" as defined in this section or the date on which the member began participating in another state-administered retirement system if the member has not retired or taken a refund from the other state-administered retirement system.

(72)[~~(69)~~] "Past service" is defined by KRS 61.552(5)(a) and 78.545(7).

(73)[~~(70)~~] "Person" means a natural person.

(74)[~~(71)~~] "Premium" means the monthly dollar cost required to provide hospital and medical insurance plan coverage for a recipient, a recipient's spouse, or a disabled or dependent child.

(75)[~~(72)~~] "Prior service" is defined by KRS 16.505(5), 61.510(11), and 78.510(11).

(76)[~~(73)~~] "Provide," if used in reference to a form or other document, means the agency makes a form or document available on its Web site (if appropriate) or by mail, fax, secure email, or via Self-Service on the Web site maintained by the agency (if available).

(77)[~~(74)~~] "Qualified domestic relations order" is defined by KRS 16.505(37), 61.510(38), and 78.510(35).

(78)[~~(75)~~] "Recipient" is defined by KRS 16.505(26), 61.510(27), and 78.510(26).

(79)[~~(76)~~] "Reemployment" means the retired member's first date of employment with a participating employer following his or her most recent retirement date.

(80)[~~(77)~~] "Regular full-time officers" is defined by KRS 16.505(22).

(81)[~~(78)~~] "Regular full-time position" is defined by KRS 61.510(21) and 78.510(21).

(82)[~~(79)~~] "Retired member" is defined by KRS 16.505(11), 61.510(24), and 78.510(23).

(83)[~~(80)~~] "Retirement allowance" is defined by KRS 16.505(12), 61.510(16), and 78.510(16).

(84)[~~(81)~~] "Retirement date" means a member's effective retirement date as established in KRS 61.590(5) and 78.545(4).

(85)[~~(82)~~] "Retirement office" is defined by KRS 16.505(28), 61.510(31), and 78.510(29).

(86)[~~(83)~~] "School board" is defined by KRS 78.510(4).

(87)[~~(84)~~] "School term or year" is defined by KRS 78.510(28).

(88)[~~(85)~~] "Self-Service website[~~Web site~~]" means the secure Member Self-Service or Retiree Self-Service agency website[~~Web site~~].

(89)[~~(86)~~] "Service" is defined by KRS 16.505(6), 61.510(9), and 78.510(9).

(90)[~~(87)~~] "State" means the Commonwealth of Kentucky.

(91)[~~(88)~~] "State-administered retirement system" means the retirement systems with reciprocity as established in KRS 61.680.

(92)[~~(89)~~] "Submit" means the required form, documentation, report, or payment has been received by the agency[~~retirement office~~] via mail, fax, electronic mail, the Self-Service website[~~Web site~~], the Employer Self-Service website[~~Web site~~], or other mode specifically established[~~detailed~~] in an administrative regulation.

(93)[~~(90)~~] "Systems" means the State Police Retirement System (KRS 16.505 through 16.652), the Kentucky Employees Retirement System (KRS 61.510 through 61.705), and the County Employees Retirement System (KRS 78.510 through 78.852).

(94)[~~(91)~~] "Total and permanent disability" is defined by KRS 16.582(1)(a) and 78.5524(1)(a)1.

(95)[~~(92)~~] "Valid," if used in reference to a form, means that all required sections of a form are completed, the form has been fully executed by the required person or the person's legal representative, and all supporting documentation required by the form is included with the form.

(96)[~~(93)~~] "Volunteer" is defined by KRS 61.510(42) and 78.510(39).

RYAN BARROW, Executive Director

APPROVED BY AGENCY: March 23, 2026

FILED WITH LRC: April 7, 2026 at 1:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2026 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (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 June 30, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo
Subject Headings: Boards and Commissions, Retirement and Pensions, State Employees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes definitions for terms used in KAR Title 105.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish definitions for terms used in KAR Title 105.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pension Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate administrative regulations that are consistent with the provisions of KRS 16.505 through 16.652, 61.505, 61.510 through 61.705, and 78.510 through 78.852.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing definitions for terms used in KAR Title 105.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment will change the existing regulation by updating its title in anticipation of recodifying KAR Title 105 into separate chapters with related subjects; to add definitions for "inactive employer", "merged employer", and "non-participating employer"; and updating language to meet the drafting requirements of KRS Chapter 13A.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to update its title in anticipation of recodifying KAR Title 105 into separate chapters with related subjects; to add definitions for "inactive employer", "merged employer", and "non-participating employer"; and to update language to meet the drafting requirements of KRS Chapter 13A. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pension Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate administrative regulations that are consistent with the provisions of KRS 16.505 through 16.652, 61.505, 61.510 through 61.705, and 78.510 through 78.852.
(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: The amendment to this administrative regulation will assist in the effective administration of the statutes by updating its title in anticipation of recodifying KAR Title 105 into separate chapters with related subjects; adding definitions for "inactive employer", "merged employer", and "non-participating employer"; and updating language to meet the drafting requirements of KRS Chapter 13A.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). KRS 61.505. Amended 2024 Ky. Acts ch. 55, sec. 1, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 28, sec. 1, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 216, sec. 2, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 102, sec. 76, effective April 1, 2021. -- Created 2020 Ky. Acts ch. 79, sec. 2, effective April 1, 2021.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 433,461 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System.
(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 community will be minimally impacted because the administrative regulation only contains definitions.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment because the administrative regulation only contains definitions.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from the amendment by having an updated title in anticipation of recodifying KAR Title 105 into separate chapters with related subjects; additional definitions centrally located for "inactive employer", "merged employer", and "non-participating employer"; and updated language to meet the drafting requirements of KRS Chapter 13A.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional costs because the regulation only contains definitions.
(b) On a continuing basis: There will be no additional costs because the regulation only contains definitions.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and 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, an increase in fees or funding will not be necessary.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied. The regulation contains only definitions.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.505(1)(g).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 61.505(1)(g)
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions. (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
(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): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A

For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):
(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 has minimal fiscal impact because it contains only definitions.
(b) Methodology and resources used to reach this conclusion: The administrative regulation contains only definitions so does not require any additional analysis or resources.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: The administrative regulation contains only definitions so does not require any additional analysis or resources.

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(Amendment)

105 KAR 1:440. [~~Kentucky Retirement Systems~~] Trustee Education Programs[~~Program~~].

RELATES TO: KRS 61.645(18), 78.782(17)
STATUTORY AUTHORITY: KRS 61.505, 61.645(9)(e), 61.645(18)(c), 78.782(9)(d), 78.782(17)(c)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with KRS 13A.150(2) because it does not have a major economic impact.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the[~~61.645(9)(e) requires the Board of Trustees of~~] Kentucky Public Pensions Authority[~~Retirement Systems~~] to promulgate[~~all~~] administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with and necessary or proper in order to carry out the provisions of KRS 61.510[~~61.515~~] to 61.705, 16.505[~~16.510~~] to 16.652, and 78.510[~~78.520~~] to 78.852. KRS 61.645(18) requires the Kentucky Retirement Systems board, and KRS 78.782(17) requires the County Employees Retirement System board, to[~~shall~~] establish a formal trustee education program for all trustees of the board, which shall be incorporated by reference in an administrative regulation. This administrative regulation establishes the County Employees Retirement System Trustee Education Program and the Kentucky Retirement Systems Trustee Education Program.

Section 1. Each Kentucky Retirement Systems trustee shall comply with the Kentucky Retirement Systems Trustee Education Program.

Section 2. Each County Employees Retirement System trustee shall comply with the County Employees Retirement System Trustee Education Program.

Section 3.[~~Section 2.~~] Incorporation by Reference.
(1) The "Kentucky Retirement Systems Trustee Education Program Policy", adopted November 20, 2008 and amended December 3, 2025[~~August 18, 2011~~], is incorporated by reference.
(2) The "County Employees Retirement System Trustee Education Program", adopted September 29, 2021 and amended December 1, 2025, is incorporated by reference.
(3) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority[~~Retirement Systems, Perimeter Park West~~], 1260 Louisville Road, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. and on the agency's website at kyret.ky.gov.

RYAN BARROW, Executive Director

APPROVED BY AGENCY: March 23, 2026
FILED WITH LRC: April 7, 2026 at 1:30 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2026 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (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 June 30, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.
CONTACT PERSON: Carole J. Catalfo, Policy Specialist, Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Phone (502) 696-8679, Fax (502) 696-8615, Email: Legal.Non-Advocacy@kyret.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo
Subject Headings: Boards and Commissions, Retirement and Pensions, State Employees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the County Employees Retirement System (CERS) Trustee Education Program and the Kentucky Retirement Systems (KRS) Trustee Education Program.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the CERS Trustee Education Program and the KRS Trustee Education Program required by KRS 61.645(18) and 78.782(17).
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with and necessary or proper in order to carry out the provisions of KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852. KRS 61.645(18) requires the Kentucky Retirement Systems board, and KRS 78.782(17) requires the County Employees Retirement System board, to establish a formal trustee education program for all trustees of the board, which shall be incorporated by reference in an administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing the CERS and updating the KRS trustee education programs as required by 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 to this administrative regulation updates the regulation title and the KRS trustee education program, and newly establishes and incorporates by reference the CERS trustee education program.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to update the KRS trustee education program and establish and incorporate by reference the CERS trustee education program. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with and necessary or proper in order to carry out the provisions of KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852. KRS 61.645(18) requires the Kentucky Retirement Systems board, and KRS 78.782(17) requires the County Employees Retirement System board, to establish a formal trustee education program for all trustees of the board, which shall be incorporated by reference in an 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: The amendment to this administrative regulation will assist in the effective administration of the statutes by updating the KRS trustee education program and establishing and incorporating by reference the CERS trustee education program as required by statute.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes. KRS 78.782(17) - Amended 2024 Ky. Acts ch. 55, sec. 26, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 94, sec. 5, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 216, sec. 25, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 102, sec. 29, effective April 1, 2021. -- Created 2020 Ky. Acts ch. 79, sec. 3, effective April 1, 2021.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation directly affects the nine (9) members of the CERS Board of Trustees and the nine (9) members of the KRS Board of Trustees who oversee the retirement programs for approximately 433,461 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System.
(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 members of the CERS and KRS boards of trustees will be required to comply annually with their respective education programs.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply because reimbursement of expenses for work associated with board membership is already being implemented as written.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The CERS and KRS board of trustees will benefit from education associated with the appropriate administration of public employee retirement programs and benefits, which will in turn benefit participants and members of the respective retirement systems.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional costs because reimbursement of expenses for work associated with board membership is already being implemented as written.
(b) On a continuing basis: There will be no additional costs because reimbursement of expenses for work associated with board membership is already being implemented as written.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and 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, an increase in fees or funding will not be necessary.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied. All members of the CERS and KRS boards of trustees must comply with the same education requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . KRS 61.505(1)(g), 61.645(18), and 78.782(17)
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 61.505(1)(g), 61.645(18), and 78.782(17)
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions. (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
(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): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A (6) Provide a narrative to explain the

following for each entity identified in (3)(a), (4)(a), and (5)(a):
(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 has minimal fiscal impact. It is being implemented as written.
(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for administering the trustee education programs.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for administering the trustee education programs.

BOARDS AND COMMISSIONS
Board of Dentistry
(Amendment)

201 KAR 8:563. Licensure of dental hygienists.

RELATES TO: KRS 304.40 - 075, [~~313.010(12), ~~]313.030, 313.040, 313.060, 313.080, 313.130, 313.254
STATUTORY AUTHORITY: KRS 313.021(1)(a), (b), (c), 313.040(1), (2), (7), 313.254
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.040 requires the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dental hygienists. This administrative regulation establishes requirements and procedures for the licensure of dental hygienists.

Section 1. General Licensure Requirements. An applicant desiring initial licensure in Kentucky as a dental hygienist shall:
(1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;
(2) Submit a completed and signed Application for Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) months;
(3) Pay the fee required by 201 KAR 8:520;
(4) Not be the subject to[~~of~~] disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;
(5) Complete and pass the board's jurisprudence exam;
(6) Hold an active certification in cardiopulmonary resuscitation (CPR) or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC;
(7) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police;
(8) Provide verification of any license to practice dentistry or dental hygiene held previously or currently in any state or other licensing jurisdiction;
(9) Hold one of the following:
(a) An Associate's degree or Bachelor's degree in a dental hygiene program[~~from a school, college, or department of a university~~] accredited by the Commission on Dental Accreditation (CODA); or
(b) A degree from a dental school located outside the United States, equivalent to a Doctor of Dental Medicine (DMD) or Doctor of Dental Surgery (DDS), as determined by the board;
(10) Successfully complete the National Board Dental Hygiene Examination (NBDHE), conducted by the Joint Commission on National Dental Examinations (JCNDE);
(11) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank; and
(12) Complete all additional requirements for one (1) of the following:
(a) Licensure by clinical examination; or
(b) Licensure by credentials.

Section 2. Requirements for Licensure by Clinical Examination.
(1) An individual desiring initial licensure in Kentucky as a dental hygienist by clinical examination shall:
(a) Complete all requirements in Section 1 of this administrative regulation; and
(b) Successfully complete all components of one (1) of the following clinical examinations within five (5) years preceding the filing of the application:
1. The dental hygiene 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 hygiene 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~~]
[~~6.~~] The Dental Hygiene Licensure Objective Structured Clinical Examination (DHLOSCE) of the Joint Commission on National Dental Examinations (JCNDE).
(2) An individual applying more than two (2) years after graduating with a[~~an Associate's degree or Bachelor's~~] degree in dentistry or dental hygiene, shall:
(a) Hold a license to practice dentistry or dental hygiene in good standing in another state or other U.S. licensing jurisdiction[~~or territory of the United States or the District of Columbia~~]; or
(b) Complete a continuing education plan approved by the board.
(3) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall complete a remediation plan approved by the board.

Section 3. Requirements for Licensure by Credentials. An individual desiring initial licensure in Kentucky as a dental hygienist by credentials shall:
(1) Complete all requirements in Section 1 of this administrative regulation;
(2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in dental hygiene in 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 dental hygiene 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 Charitable Limited Dental Hygiene Licensure.
(1) An individual desiring limited licensure in Kentucky to provide charitable dental hygiene services shall:
(a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;
(b) Submit a completed and signed Application for Charitable Limited Licensure with an attached applicant photo taken within the past six (6) months;
(c) Pay the fee required by 201 KAR 8:520;
(d) Not be the subject to[~~of~~] disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;
(e) Hold a license to practice dental hygiene in good standing in another state or 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 hygiene 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.[~~These registered charitable entities are listed at https://www.chfs.ky.gov/agencies/dph/dpqi/hcab/Pages/charitablehc.aspx;~~]

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

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

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

Section 5. Continuing Education Requirements.

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

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

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

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

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

(e) A licensee may be granted a medical hardship waiver or deferment if the [~~a~~]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 6 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 hygiene treatment;

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

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

(d) Basic medical and scientific subjects;

(e) Clinical and technological subjects;

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

(g) Mass casualty or mass immunization situations;

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

(i) Business operations and best practices; and

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

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

(a) A minimum of ten (10) hours taken in a live interactive presentation format; and

(b) A maximum of ten (10) hours that meet the requirements of subsection (2)(h) - (j) of this section.

(c) A minimum of one-half (1/2) hour in Pediatric Abusive Head Trauma (PAHT) or Child Abuse and Neglect (CAN).

(4) Dental hygienists registered to practice under general supervision shall also meet the continuing education requirements of Section 12(8)[~~11(8)~~] of this administrative regulation.

(5) Dental hygienists registered to practice as public health hygienists shall also meet the continuing education requirements of Section 16(5)[~~14(9)~~] of this administrative regulation.

(6) All continuing education hours shall be documented by a certificate of completion or attendance bearing:

(a) A signature or other verification of the provider;

(b) The name of the licensee in attendance;

(c) The title of the course or meeting attended or completed;

(d) The date of attendance or completion;

(e) The number of hours earned; and

(f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(7) The licensee shall be responsible for obtaining the qualifying documentation of continuing education from the provider or organization and to retain those documents for a minimum of five (5) years.

(8) During the license renewal process, licensees shall attest to their compliance with the requirements of this section.

(9) Licensees shall[~~may~~] be subject to audit of their[~~audited to determine~~] compliance with the requirements of this section.

Section 6. 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 or expanded functions beyond general licensure.

Section 7. Renewal of a Dental Hygiene License.

(1) All dental hygienist licenses issued by the board shall expire on December 31 of even-numbered years and must[~~shall~~] be renewed to remain active. A licensee desiring renewal of an active dental hygiene license shall:

(a) Submit a completed and signed Application for Renewal of Dental Hygiene Licensure;

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

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

(d) Meet the continuing education requirements as established in Section 5 of this administrative regulation.

(2) A licensee who has not actively practiced dental hygiene in the two (2) years preceding the filing of the renewal application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.

(3) A licensee desiring renewal of a charitable limited dental hygiene license shall repeat the initial licensure process required by Section 4 of this administrative regulation.

Section 8.[~~Section 7.~~] Retirement of a Dental Hygiene License.

(1) A licensee desiring to no longer hold an active dental hygiene license shall submit a completed and signed Retirement of License Form.

(2) Upon receipt of this form, the board shall send written confirmation of retirement to the address provided.

(3) A licensee shall not retire a license that has pending disciplinary action against it.

(4) A license that is not properly retired or renewed shall be considered expired for reinstatement purposes.

Section 9.[~~Section 8.~~] Reinstatement of a Dental Hygiene License.

(1) A former licensee desiring reinstatement of an expired or properly retired dental hygiene license in Kentucky shall:

(a) Submit a completed and signed Application to Reinstate Dental or Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) months;

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

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

(d) Provide verification of any license to practice dental hygiene obtained in any state or other licensing jurisdiction since the applicant was first licensed in Kentucky;

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

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

(2) An applicant who has not actively practiced dental hygiene in the two (2) years preceding the filing of the reinstatement application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.

(3) A former licensee who applies to reinstate an expired license that was not properly retired shall be subject to[~~pay~~]:

(a) The expired license reinstatement fee established in 201 KAR 8:520 if applying less than two (2) years from when the license was last active; or

(b) The same reinstatement fees as a properly retired license if applying more than two (2) years from when the license was last active.

Section 10.[~~Section 9.~~] Verification of Licensure. An individual desiring an official verification of a dental hygiene license held currently or previously in Kentucky shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 11.[~~Section 10.~~] Requirements for Local Anesthesia Registration.

(1) A licensed dental hygienist who desires to administer infiltration or block anesthesia shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

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

(c) Complete an educational program from a dental or dental hygiene school accredited by the Commission on Dental Accreditation (CODA) that meets or exceeds the requirements established in KRS 313.060(10).

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to administer local anesthesia.

(3) A dental hygienist shall not administer local anesthesia in Kentucky unless the licensee:

(a) Holds a current board-issued registration in local anesthesia; and

(b) Performs these procedures under the direct supervision of a dentist.[~~Administers local anesthesia under the direct supervision of a dentist.~~]

(4) A licensed dental hygienist holding a local anesthesia registration from the board who has not administered block or infiltration anesthesia for one (1) year shall complete a board-approved continuing education course prior to resuming the practice of that specific technique.

Section 12.[~~Section 11.~~] Requirements for General Supervision Registration.

(1) A licensed dental hygienist who desires to practice under general supervision as provided for in KRS 313.040(6) shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Obtain at least[~~ two (2) years and~~] 3,000 hours of verifiable work experience in the practice of dental hygiene; and

(c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental hygienist to provide dental hygiene services pursuant to KRS 313.040(7) shall complete a written order specifying the dental service or procedure to be performed on a specific patient by the dental hygienist and shall retain the original order in the patient's dental record.

(4) The minimum requirements for the written order shall include:

(a) Medical history update;

(b) Radiographic records requested;

(c) Dental hygiene procedures requested;

(d) Name of the patient;

(e) Date of last oral examination;

(f) Date of the written order; and

(g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the eleven (11)[~~seven (7)~~] months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills necessary to perform dental hygiene services established in KRS 313.040(7) as part of the Application for Dental Hygiene Special Registrations.

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as established in [~~ADA~~]Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.

(8) During each biennial license period, a dental hygienist registered in general supervision shall complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies to maintain registration upon license renewal. These hours may be included in the thirty (30) overall continuing education hours required for license renewal.

(9) A dental hygienist shall not practice under general supervision unless the licensee holds a current board-issued general supervision registration.

Section 13.[~~Section 12.~~] Requirements for Intravenous Access Line Registration.

(1) A licensed dental hygienist who desires to start intravenous (IV) access lines shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

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

(c) Complete a board-approved course in starting IV access lines.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to start IV access lines.

(3) A dental hygienist shall not start IV access lines in Kentucky unless the licensee:

(a) Holds a current board-issued registration to start IV access lines; and

(b) Works[~~Starts IV access lines~~] under the direct supervision of a dentist who holds either a Moderate Sedation Permit or Deep Sedation and General Anesthesia Permit issued pursuant to 201 KAR 8:550.

Section 14.[~~Section 13.~~] Requirements for Laser Debridement Registration.

(1) A licensed dental hygienist who desires to perform laser debridement shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

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

(c) Complete a board-approved course in performing laser debridement.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to perform laser debridement.

(3) A dental hygienist shall not perform laser debridement in Kentucky unless the licensee:

(a) Holds a current board-issued registration to perform laser debridement; and

(b) Works[~~Performs laser debridement~~] under the direct supervision of a dentist.

Section 15.[~~Section 14.~~] Requirements for Public Health Registration.

(1) A licensed dental hygienist who desires to practice as a public health registered dental hygienist shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Obtain at least[~~ two (2) years and ~~]3,000 hours of verifiable work experience in the practice of dental hygiene; and

(c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to practice as a public health registered dental hygienist.

(3) A public health registered dental hygienist may[~~shall~~] only practice public health hygiene in accordance with KRS 313.040(8).

(4) A public health registered dental hygienist shall only treat a patient who is in the ASA Patient Physical Status Classification of ASA I or ASA II as established in the current edition of Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550 except as provided for in subsection (5) of this section.

(5) Subsection (4) of this section notwithstanding, a public health registered dental hygienist may provide comprehensive preventive care in nursing facilities as defined by KRS 216B, with no limitation of services on the basis of ASA classification. Additional services may include:

(a) Gross debridement;

(b) Silver diamine fluoride application; and

(c) Atraumatic restorative therapy.

(6)[~~(5)~~] Pursuant to KRS 313.040(8)(c), a public health registered dental hygienist shall only perform the following services as defined by the most recent version of Current Dental Terminology as incorporated by reference:

(a) Oral Assessment;

(b) Oral Hygiene Instruction;

(c) Nutritional Counseling;

(d) Tobacco Counseling;

(e) High Risk Substance Counseling;

(f) Prophylaxis – Adult;

(g) Prophylaxis – Child;

(h) Pit and Fissure Sealants;

(i) Fluoride Application[~~Treatment~~]; and

(j) Unspecified Preventative Procedure, by Report.

(7) A public health registered dental hygienist shall not:

(a) Restrict care based on a patient's insurance status or ability to pay; or

(b) Require out-of-pocket payments from patients.

(8)[~~(6)~~] Informed consent shall be obtained by the patient or legal guardian of the patient prior to providing services and shall include:

(a) The name of the public health entity, including the name of the dentist, that assumes responsibility and control;

(b) A request for the patient's current dental provider, if any; and

(c) A statement that services are provided by a dental hygienist without the direct supervision of a dentist.

(9)[~~(7)~~] At the conclusion of each patient visit, the treating public health entity[~~hygienist~~] shall:

(a) Provide the patient or legal guardian of the patient with a standardized handout of all available community resources; and

(b) Document that the referral to a dental home through the patient or legal guardian has begun within fourteen (14) days of the preventive visit for the patient with obvious dental needs.

(10)[~~(8)~~] This administrative regulation shall not preclude a Kentucky-licensed dentist from directly participating in a public health program as referenced in KRS 313.040(8)(c).

(11)[~~(9)~~] During each biennial license period, a dental hygienist registered in public health dental hygiene shall complete nine (9) hours of continuing education to maintain public health registration upon license renewal.

(a) These hours shall include:

1. Six (6) hours of continuing education in public health or public dental health; and

2. Three (3) hours of continuing education in the identification and prevention of potential medical emergencies.

(b) The hours of continuing education required by paragraph (a) of this subsection may be included in the thirty (30) overall continuing education hours required for license renewal.

Section 16.[~~Section 15.~~] Issuance of Initial Licensure. Upon an applicant's completion of all requirements for dental hygiene licensure, within six (6) months of the date the application was received, the board shall:

(1) Issue a license in sequential numerical order; or

(2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

Section 17.[~~Section 16.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Charitable Limited Licensure", January 2024;

(b) "Application for Dental Hygiene Licensure", September 2024;

(c) "Application for Dental Hygiene Special Registrations", September 2024

(d) "Application for Renewal of Dental Hygiene Licensure", September 2024;

(e) "Application to Reinstate Dental or Dental Hygiene Licensure", January 2024;

(f) "Retirement of License Form", January 2024;

(g) "Verification of Licensure or Registration Form", January 2024;

(h) "2020 American Heart Association Guidelines for CPR and ECC", Copyright 2024 American Heart Association"; and

(i) "CDT 2025: Current Dental Terminology, Copyright© 2024 American Dental Association".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's Web site at http://dentistry.ky.gov.

JEFFREY ALLEN, Executive Director

APPROVED BY AGENCY: April 13, 2026

FILED WITH LRC: April 15, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 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 June 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 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 dental hygiene 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 dental hygienists.
(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 dental hygienist 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 dental hygiene 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. Creates a pathway for foreign-trained dentists to be licensed as dental hygienists. 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 dental hygiene 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 2,800 licensed dental hygienists in Kentucky as well as any new applicants for licensure and, indirectly, the patients of licensed dental hygienists.
(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 dental hygienists 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 dental hygienists.
(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 hygiene licensure, which is approximately $400,000 every fiscal biennium.
For subsequent years: This amendment does not alter the existing revenue generated by dental hygiene licensure, which is approximately $400,000 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 hygiene 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 $400,000 per year, primarily from licensure fees.
(b) The methodology and resources used to reach this conclusion: Historical budget performance.

BOARDS AND COMMISSIONS
Board of Licensure for Professional Engineers and Land Surveyors
(Amendment)

201 KAR 18:150. Standards of practice for professional land surveyors.

RELATES TO: KRS 322.290[(1)(a), (2)(f)]
STATUTORY AUTHORITY: KRS 322.290(12)[KRS 322.290(2)(f)]
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 322.290[(1)(a)] authorizes the board to administer KRS Chapter 322. KRS 322.290(12)[KRS 322.290(2)(f)] requires the board to adopt appropriate[establish] standards of practice. This administrative regulation establishes standards of practice for professional land surveyors in Kentucky.

Section 1. Definitions.
(1) "Boundary" means the perimeter of a parcel or tract of land.
(2) "Boundary survey" means a survey to:
(a) Determine either the entire perimeter of a parcel or tract of land, or a portion of the perimeter of a parcel or tract of land;
(b) Establish or reestablish a parcel or tract of land's corner(s) or monument(s); or
(c) Divide or consolidate the parcels or tracts of land surveyed.
(3) "Completion Date of Survey" means the last date when all the monuments were either found or set for the boundary[plat of] survey[area].
(4) "Corner" means a point that designates a change in the direction of the boundary.
(5) "Field work" means that work performed by a land surveyor on the ground in connection with the parcel or tract being surveyed.
(6) "GIS" means Geographic Information System and is any system that captures, stores, analyzes, manages, and presents data that are linked to a land location and is the merging of cartography and database technology.
(7) "GNSS" means Global Navigation Satellite Systems. The standard [generic]term for satellite navigation systems that provide autonomous geo-spatial positioning with global coverage.
(8) "GPS" means the United States NAVSTAR Global Positioning System, a space-based global navigation satellite system[that when used in conjunction with suitable GPS receivers and processing software, provides reliable location information to the level of precision specified in this administrative regulation, in all weather and at all times and anywhere on the earth where there is an unobstructed line of sight to four (4) or more GPS satellites].
(9) "Meander point" means a survey point [or station]marking a change in direction along a linear feature such as a watercourse, ridge, road, or cliff.
(10) "Monument" means an artificial, manmade or natural object that is used as, or presumed to occupy, any of the following locations:
(a) A boundary[property] corner;
(b) A point on the boundary; or
(c) A reference point.
(11) "Plat" means any representational drawing created by a land surveyor reflecting work falling within the definition of land surveying.
(12) "Plat of survey" means a finished drawing of a completed survey of a parcel or tract of land, used to depict the final results of a boundary survey[, drawn on a dimensionally stable media suitable for reproduction of copies].
(13) "Point on Line" means a point on a boundary line other than a corner.
(14) "Reference monument" means a monument:
(a) That does not occupy the same defined position as a boundary[property] corner; [and]
(b) That is to be set on line unless physically impractical; and
(c)[(b)] Whose relationship to the corner of the boundary[property] is established by bearing and distance to the actual corner.
(15) "Relative Positional Accuracy" means the value expressed in feet that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.
(16) "Retracement survey" means a boundary survey of an existing parcel or tract of land.
(17) "Survey description" means a metes and bounds description of a survey of a parcel or tract of land.

Section 2. Application.
(1) Boundary surveys. The standards of practice established in Sections 1 through 12 of this administrative regulation:
(a) Shall apply to the work product related to:
1. Boundary surveys used for the purpose of creating, depicting, or locating interests in land;
2. Partial surveys;
3. Boundary surveys of leases; and
4. Survey[Deed] descriptions prepared[written] by a professional land surveyor[surveyors];
(b) Shall be the minimum standards of practice for a professional land surveyor; and
(c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:
1. An agency;
2. An owner;
3. A contract; or
4. The professional land surveyor.
(d) Shall not apply to surveys to determine or define political areas including historical, school, fire, voting, utility or magisterial districts, municipal or county limits, or governmental permit limits.
(2) Land surveying work other than boundary surveys. The standards of practice established in Sections 1, 2, 3, and 13 of this administrative regulation:
(a) Shall apply to the work of the professional land surveyor falling within the definition of land surveying, but not falling within the definition of a boundary survey;
(b) Shall be the minimum standards of practice for a professional land surveyor for that work; and
(c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:
1. An agency;
2. An owner;
3. A contract; or
4. The professional land surveyor.

Section 3. Compliance.
(1) Failure to comply with this administrative regulation shall constitute misconduct, gross negligence, incompetence, or a combination of these violations in the practice of professional land surveying.
(2) A professional land surveyor shall not represent that:
(a) A boundary survey determines land ownership; or
(b) A boundary survey provides more than evidence of rights in land; or
(c) Land ownership can be established by any survey.

Section 4. Actual Boundary Survey.

(1) The marks and monuments on the ground as found and verified, or as set by a professional land surveyor shall constitute the actual boundary survey.

(2) Any plat of survey shall accurately represent the actual boundary survey.

(3) Record research and field work required by the provisions of this administrative regulation:

(a) Shall be used by a professional land surveyor to determine the location of the boundary [~~of the property~~]to be surveyed; and

(b) Shall not be used by a professional land surveyor to determine ownership or title.

Section 5. Record Research. In performing a boundary survey, a professional land surveyor shall conduct research to obtain and evaluate the following:

(1) The present and relevant historical record descriptions of:

(a) Each parcel to be surveyed;[~~and~~]

(b) Each adjoining parcel; and

(c) Each adjoining right of way, both public and private.

(2) The description of the physical monument that represents each boundary[~~property~~] corner;

(3) All other relevant documents of record including deeds and prior plats and surveys;

(4) All other relevant public agency records including tax maps, GIS maps, and topographic maps; and

(5) Any other available data or documents pertinent to the boundary survey.

Section 6. Field Work. A professional land surveyor shall thoroughly:

(1) Search for the physical monuments that represent each boundary corner;

(2) Search for other physical monuments set out in the description of the parcel or tract of land being surveyed;

(3) Gather, analyze, and document evidence of occupation and physical evidence;

(4) Gather, analyze, and document relevant parole evidence; and

(5) Compare evidence discovered by field work, with that discovered by record research, to determine or reestablish the boundary of the tract or parcel of land being surveyed.

Section 7. Measurement Specifications.

(1) Every measurement made as a part of a boundary survey shall comply with the following:

(a) The standards for accuracy and precision established by the provisions of this section; or

(b) Standards for accuracy and precision that exceed the standards established by the provisions of this section but are:

1. Requested by the client;

2. Required by contract;

3. Required by the agency or entity to which the plat of survey is to be presented; or

4. Deemed desirable or necessary by the land surveyor.

(2) A professional land surveyor shall conduct measurements with instruments and equipment that are properly:

(a) Adjusted;

(b) Maintained; and

(c) Calibrated to meet the appropriate tolerance required for the classification of survey as specified in subsection (5) of this section.

(3) A boundary survey shall be conducted utilizing a method of measurement that achieves the appropriate minimum tolerance specified in subsection (5) of this section.

(4) A boundary survey for platting or describing a parcel or tract of land shall be classified as Urban or Rural.[~~"Urban" or "Rural".~~]

(a) An Urban survey shall:

1. Consist of urban or suburban land; and

2. Include a parcel or tract of land lying within, or adjacent to:

a. A city or town limit;

b. A commercial business area;

c. An industrial area; or

d. A residential area that is outside a city or town limit and contains subdivided lots smaller than five (5.0) acres.

(b) A Rural survey shall apply to all land not classified as [~~"~~]Urban[~~"~~].

(5) Table of Specifications by Class: Classification of Surveys.

	Urban	Rural	Remarks
Unadjusted Closure (Minimum)	1:10,000	1:5,000	Loop or Between Control Monuments
Angular Closure (Maximum)	15" N	30" N	N = Number of Angles in Traverse
Accuracy of Distances	+/- 0.07[~~5~~]'+50[~~100~~] PPM	+/- 0.10'+200 PPM	100PPM=1:10,000
Relative Positional Accuracy	+/- 0.07[~~5~~]'+50[~~100~~] PPM	+/- 0.10'+200 PPM	Maximum Allowable at the 95% Confidence Level

Section 8. Global Navigation Satellite System[~~Positioning Systems~~].

(1) It shall be acceptable practice to incorporate the use of survey grade GNSS[~~GPS~~] equipment into any boundary survey. The accuracy and precision of all measurements made with that equipment shall, at a minimum, meet all other accuracy and precision standards required otherwise by law or rules under Section 7(5) of this administrative regulation. If using GNSS[~~GPS~~] equipment in the course of a boundary survey, the professional land surveyor shall state on the face of the plat of survey, the following:

(a) A note stating what portion (or all) of the boundary survey was performed using GNSS[~~GPS~~] equipment;

[~~(b)~~] [~~The type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used;~~]

(b)[~~(c)~~] The type of GNSS[~~GPS~~] survey that was performed[~~, including static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.~~];

(c)[~~(d)~~] A note that discloses the actual precision of the GNSS[~~GPS~~] work done, either in relative positional accuracy[~~,~~] or vector closure;[~~.~~]

(d)[~~(e)~~] A statement identifying the horizontal datum, the vertical datum, and the Geoid model used; and

(e) Coordinates of at least one of a boundary corner to the accuracy of the boundary survey, unless stated otherwise, on the identified datum required by Section 8(1)(d) of this administrative regulation.

(2) The professional land surveyor shall [~~at a minimum~~]retain adequate documentation of all[~~, in either paper or electronic format, of raw field data, adjustment calculations and closure, or relative positional accuracy~~] calculations and[~~or~~] computations necessary to support the accuracy and precision of the work product.

Section 9. Monumentation.

(1) Monumentation standards established in this section shall apply to all boundary surveys:

(2) Unless an adequate monument already exists at each boundary corner, a professional land surveyor shall set a monument or a reference monument at each corner of the boundary as provided in this section.

(3) A monument or reference monument set by a professional land surveyor shall conform to the following categories and shall meet the following criteria:

(a) "Typical and Preferred" - an iron rod, iron pipe, or iron pin that is:

1. Not less than one-half (1/2) inch in diameter and eighteen (18) inches in length;

2. Equivalent to, or greater than, schedule-forty (40) weight if pipe is utilized; and

3. Identified with a cap bearing the license number of the professional land surveyor under whose direct supervision the

survey was performed, and which cap does not display any other professional land surveyor's license number.

(b) "Non-typical" - to be used only when it is not practical to set the monuments described in paragraph[subsection] (a) of this subsection, and that:

1. Contains[Preferably contains] a ferrous material or is otherwise capable of being located with a magnetic locator, and shall[may] include [P. K. or mag]nails at least three eighths (3/8) inch in shaft diameter and at least three (3)[one 1 1/2 and one-half] inches in length; and

2. Is identified with the license number of the professional land surveyor under whose direct supervision the survey was performed[,] and does not display any other professional land surveyor's license number.

(c) "Alternate" - to be used only when it is not practical to set the monuments described in paragraphs[subsections] (a) and (b) of this subsection and may include nails, railroad spikes, mine spikes, cross-cuts, chisel cuts, drill holes and curb notches, and shall be referenced to a durable, physical feature.

(4) The location of a[A] boundary corner shall be perpetuated[identified] by a reference monument if it is impractical to set a monument at the corner for either of the following reasons:

(a) The corner is likely to be disturbed; or

(b) The corner is inaccessible.

(5) A reference monument shall be set on the boundary line[,] if practical[practicable, to perpetuate the location of each corner].

(6) A professional land surveyor shall set each monument in a manner to avoid or minimize the likelihood of its destruction.

(7) A professional land surveyor may use a tree as a monument under the following conditions:

(a) A tree [may be]established as a boundary corner or found to occupy the position of a record corner[monument only on a Rural boundary survey. Each tree utilized as a monument] shall be marked in a conspicuous manner that is both physical and permanent and will not otherwise be harmful to the tree.

(b) A tree that a professional land surveyor establishes as a corner monument shall meet the following criteria:

1. Be at least ten (10) inches in diameter at breast height;

2. Be in sound condition;

3. Be marked in a conspicuous manner that is both physical and permanent; and

4. Be clearly described by size, species, and method of marking, on the plat and in the survey[written] description.

(c) For a Rural survey for which trees[Trees shall not] constitute more than fifty (50) percent of the boundary corners, reference[established] monuments shall be set such that no more than fifty (50) percent of the boundary corners are perpetuated by only a tree with no reference monument[for a rural boundary survey].

(d) For an Urban[urban retracement] survey for[in] which a tree is established as the boundary corner or found to occupy the position[be the monument] of a record corner, a reference monument shall be set to perpetuate the location of the boundary corner[the tree shall be reference-monumented].

(8) If[A corner monument that] a professional land surveyor has determined that a boundary corner monument is not of sound condition, fails to meet the standards established in this administrative regulation, or is inadequate under the definition of monument within this administrative regulation, a reference monument shall be set[reference-monumented] to perpetuate the location of the boundary corner[location]. All existing record monuments discovered during the performance of the survey shall be preserved and shall not be altered or destroyed.

(9)

[(a)] Linear monuments may consist of a watercourse, ridge, road, or cliff, and:

(a)[(b)]

[1.] The point at which a boundary line intersects a linear monument shall be monumented or perpetuated by a reference monument[monumented]; and

(b)[2.] A physical feature that represents a linear monument shall be monumented or perpetuated by a reference monument[monumented] at a minimum of every 1,000 feet[, and those monuments shall be set in intra-visible pairs not to exceed 1,000 feet in spacing between pairs].

(10) All monumentation shall be set prior to the time the plat of survey[, or record plat] is certified[issued] by the professional land surveyor. The signing and sealing of a plat of survey [plat]is certification by the professional land surveyor that all corners shown on the plat are set on the ground.

Section 10. Documentation of Boundary Surveys.

(1) A plat of survey shall be required to be given to the client when the professional land surveyor[does any of the following]:

(a) Performs a boundary survey which divides or consolidates parcels or tracts of land[Surveys a new boundary line]; or

(b) Performs a retracement survey and determines the found monuments:[Retraces the boundary lines of a previously established boundary; or]

1. Do not match those depicted in the record survey description or plat; or

2. Do not meet the measurement specifications described in Section 7(5) of this administrative regulation.

[(c)] [Determines that the current physical description or plat does not accurately depict the actual conditions found during the course of performing the survey.]

(2) A professional land surveyor shall retain as permanent records the original plat of survey prepared by the land surveyor, or a copy thereof, and a copy of any new survey[physical] description that was prepared from the survey.

(3) A professional land surveyor shall retain as permanent records the following items used to perform a boundary survey:

(a) Research documents including notations stating the source of each;

(b) Field and office notes;

(c) Digital[Electronic and magnetically stored] field data;

(d) Documents of calculation stating the:

1. Relative positional accuracy or closure as required by Section 7 of this administrative regulation;

2. Adjustment method; if any; and

3. [Bearing reference datum; and]

[4.] Determination of corners;

(e) [Plat of survey and written description, if any, of the surveyed parcel or tract of land;]

[(f)] All other pertinent information necessary to reproduce the boundary survey; and

(f)[(g)] All other pertinent information supporting the location of the boundary lines and corners of the boundary survey.

(4) Survey[Written] description. A survey[written] description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey, and shall[,] contain the following information:

(a) The general location of the land that was surveyed;

(b) The specific location of the land by[in] reference of at least one (1) boundary corner to:[a major physical feature or recognized control network;]

1. A durable and recognizable physical object or a properly identified primary control network; and

2. At least one boundary corner of the parent tract;

(c) [The reference of at least one (1) boundary corner to a corner of the parent tract;]

[(d)] The direction and length of each line, as follows:

1. Each bearing represented in degrees, minutes and seconds with each distance represented to the hundredths of a foot;

2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and

3. A description of each prominent terrain feature, if any, that the boundary follows or crosses;

(d)[(e)] A notation as to whether each monument was found or set;

(e)[(f)] The identification of each tree utilized as a[new] corner monument by[, including] breast height diameter, species of tree, method of marking, and a notation as to whether the tree is a record monument or a newly established monument;

(f)[(g)] A complete description of each ["]set["] monument that marks or references a boundary corner[,] to include, if appropriate, the monument's length, diameter, type of material, and the

information contained on the identification[~~identifying~~] cap or other identifier that was used;

(g)[~~(h)~~] A complete description of each [~~"~~]found[~~"~~] monument that complies with the following:

1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and

2. To the extent possible, the description shall include the monument's condition, dimensions, type of material, and the information contained on the identification cap or other identifier, or lack thereof[~~that was used~~];

(h) The record source of the tract or parcel of land surveyed;

(i) The identity of each adjoiner, as appropriate, by:

1. The names and record sources; or

2. The names and record sources of each adjoining recorded subdivision plat and lot designation thereof;

(j) The name of each adjacent or abutting road, along with any record source, or lack thereof;

[~~(i)~~] [~~A description of the location of any cemetery or grave site that is observable or evident during the performance of the field work, or discovered from the required research;~~]

[~~(j)~~] [~~The record source of the land surveyed and the names and record sources of all adjoining property owners;~~]

(k) The calculated area of the land surveyed stated to the nearest hundredth of an acre;

(l) A reference to the plat of survey for a depiction and location of any cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;

(m) A reference to the plat of survey for a depiction and location of any apparent encroachment that is observable or evident during the performance of the field work or discovered from the required research;

(n) The reference meridian and whether its basis is:

1. Astronomic;

2. Grid;

3. Record, including the source of the record meridian;

4. State plane;

5. Magnetic, including the date and location of the observation; or

6. Geodetic;

(o) A statement as to whether the distance reported are grid or ground;

(p) Completion date of survey;

(q) Name, license number, and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the land surveying firm; and

(r) A dated signature and seal of the professional land surveyor under whose direct supervision the boundary survey was performed.

[~~(l)~~] [~~Name, certification date of the written description, license number and seal of the professional land surveyor under whose direct supervision the survey was performed, and name of the land surveying firm, if any; and~~]

[~~(m)~~] [~~Completion date of the boundary survey.~~]

(5) Plat of survey. A plat of survey shall be drawn to scale [~~on durable, dimensionally-stable media, ~~]and clearly contain the following information:

(a) The specific location of the land by reference of at least one (1) boundary corner to:

1. A durable and recognizable physical object or a properly identified primary control network; and

2. At least one boundary corner of the parent tract;

[~~(a)~~] [~~Direction~~]

(b) The direction and length of each line as follows:

1. Each bearing represented in degrees, minutes, and seconds with each distance represented to the hundredths of a foot;

2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and

3. A depiction of each prominent terrain feature, if any, that the boundary follows or crosses;[~~:~~]

[~~(b)~~] [~~The calculated area of the land surveyed, stated to the nearest hundredths of an acre;~~]

(c) A notation as to whether each monument was found or set;

(d) The identification of each tree utilized as a corner monument by breast height diameter, species of tree, method of marking, and a notation as to whether the tree is a record monument or newly established monument;

(e)[~~(d)~~] A complete description of each set monument that marks or references a boundary corner to include, if appropriate, the monument's length, diameter, type of material, and the information contained on the identification[~~identifying~~] cap or other identifier that was used;

(f)[~~(e)~~] A complete description of each found monument that complies with the following:

1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and

2. To the extent possible, the description shall include the monument's condition, dimensions, type of material, and the information contained on the identification[~~identifying~~] cap or other identifier, or lack thereof;

(g) The record source of each tract or parcel of land surveyed;

(h) The location or address of each tract or parcel of land surveyed;

(i) The identity of each adjoiner, as appropriate, by:

1. The names and record sources; or

2. The names and record sources of each adjoining recorded subdivision plat and lot designation thereof;

(j) The name of each adjacent or abutting road, along with any record source, or lack thereof;

(k) The calculated area of the land surveyed stated to the nearest hundredths of an acre;

(l) The location of any cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;

(m) The location of any apparent encroachment that is observable or evident during the performance of the field work or discovered from the required research;

[~~(f)~~] [~~Reference of at least one (1) corner to at least one (1) of the following:~~]

[~~1.~~] [~~A corner of the parent tract;~~]

[~~2.~~] [~~A durable and recognizable physical object; or~~]

[~~3.~~] [~~A properly identified primary control network;~~]

[~~(g)~~] [~~The name of each road, along with any record source thereof;~~]

[~~(h)~~] [~~The name and record sources of each adjoiner;~~]

[~~(i)~~] [~~The name and record sources of each adjoining subdivision;~~]

[~~(j)~~] [~~Any apparent encroachment discovered in the course of the survey;~~]

(n)[~~(k)~~] The reference meridian and whether its basis is:

1. Astronomic[~~True~~];

2. Grid;

3. Record, including the source of the record meridian;

4. State plane;[~~ or~~]

5. Magnetic, including the date and location of the observation; or

[~~(l)~~] [~~A vicinity map of sufficient detail to locate the parcel or tract of land being surveyed, unless the location of the parcel or tract of land is clearly shown by the plat itself;~~]

6. Geodetic;

(o) A vicinity map of sufficient detail to locate the parcel or tract of land being surveyed, unless the location of the parcel or tract of land is clearly shown by the plat itself;

(p) A written and graphic scale;

(q) Notes containing the following information:

1. Name and address of the client;

2. Name and address of the property owner of record;

3. A statement identifying the classification of the survey as Rural or Urban;

4. A statement, as appropriate, of:

a. The unadjusted error of closure for the traverse; and

b. The relative positional accuracy for a GNSS based survey;

5. A statement as to whether the directions and distances shown on the plat of survey are adjusted or unadjusted;

6. A statement as to whether the distances reported are grid or ground;

7. GNSS survey notes as required by Section 8(1) of this administrative regulation, if applicable; and

8. A statement that the plat of survey represents a boundary survey and complies with 201 KAR 18:150;

[(m)] [A statement, as appropriate, of:]

[1.] [The unadjusted error of closure for the traverse; and]

[2.] [The relative positional accuracy for a GPS based survey;]

[(n)] [A statement identifying the classification of the survey as rural or urban;]

[(o)] [A statement as to whether the directions and distances shown on the plat are based on an adjusted traverse;]

[(p)] [The location of a cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;]

[(q)] [A dated signature and the seal of the professional land surveyor under whose direct supervision the boundary survey was performed;]

[(r)] [A written and graphic scale; and]

(r)[(s)] A title block containing the following:

1. Title of the survey[Name and address of the client];

2. Completion date of survey[Name and address of the property owner of record]; and

3. Name, license number, and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the surveying firm[Title of the survey]; and

(s) A dated signature and seal of the professional land surveyor under whose direct supervision the boundary survey was performed.

[4.] [Statement that the plat of survey represents a boundary survey and complies with 201 KAR 18:150; and]

[5.] [Name and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the surveying firm; and]

[(t)] [The following information shall be placed conspicuously on the face of the plat of survey:]

[1.] [The record source of the tract or parcel of land surveyed; and]

[2.] [The location or address of each tract or parcel of land surveyed.]

Section 11. Identification of Drawings and Plats.

(1) A plat of survey shall be signed, sealed, and dated by the professional land surveyor under whose direct supervision the survey was performed.

(2) Working drawings or unfinished plats of not yet completed boundary surveys shall be prominently marked or stamped in at least sixteen (16) point type (0.22 inches tall) or its equivalent, as follows: Preliminary - Not for[For] Recording or Land Transfer.

Section 12. Partial Boundary Surveys.

(1) In performing a boundary survey, a professional land surveyor shall not be required to survey the parent tract in its entirety in order to create a smaller tract for conveyance if the following conditions are met:

(a) Adequate evidence exists that conforms to the deeds of record;

(b) Sufficient monumentation exists that is verifiable to establish the lines common to the boundary of the parent tract; and

(c) There is sufficient evidence and monumentation to establish the lines common to the adjoining tracts without adversely affecting the property interests of any adjoining owners.

(2) In performing a boundary survey, a professional land surveyor is not required to survey the entire boundary of a tract of land in order to mark a boundary line or replace a boundary corner when the following conditions are met:

(a) Sufficient evidence is found and verified to establish the record location of that portion of the boundary being surveyed; and

(b) The marked boundary line or reestablished boundary corner does not adversely affect the property interests of any adjoining owners.

(3) A plat of survey for that part of the boundary surveyed pursuant to this section of this administrative regulation, shall be required to comply with this administrative regulation for the part of the boundary that was surveyed, and shall graphically delineate and designate that portion of the boundary covered by the survey.

Section 13. Plats, Drawings, and Graphic Representations of Non-Boundary Survey Work Mandatory Disclosures.

(1) Plats, drawings, and graphic representations created by a professional land surveyor, not representing either a plat of survey, or a preliminary plat, drawing, or graphic representation of a boundary survey, shall meet the following criteria:

(a) Be clearly marked as to the[their] intended use; and

(b) State affirmatively on the face of the document[in a title block] in at least sixteen (16)[twelve (12)] point type (0.22 inches tall) or its equivalent, that the work does not represent a boundary survey and is not intended for land transfer; and

(c) May be signed and sealed by the professional land surveyor under whose direct supervision the work represented by the plat, drawing, or graphic representation was performed or the document was prepared.

(2) A professional land surveyor shall state in a note or notes, on the face of any plat, drawing or graphical representation of any work product falling within the definition of land surveying but not constituting either a plat of survey, or a preliminary plat, drawing or graphic representation of a boundary survey, the following mandatory informational disclosures for the work product:

(a) For whom and by whom the work product was created;

(b) The purpose of the work product;

(c) The method employed to create the work product and its underlying values and specifications;

(d) The location of the parcel or tract of land with which the work product is concerned;

(e) The date or dates that the work was performed;

(f) The date of any certification of the work product by the licensee;

(g) The mathematical scale employed in any graphic representation of the work performed; and

(h) The degree of accuracy [or level of quality]of the work product[expressed in terms of mathematical precision].

KYLE L. ELLIOTT, Executive Director

APPROVED BY AGENCY: January 30, 2026

FILED WITH LRC: April 10, 2026 at 1:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 2:00 p.m., Eastern Standard Time, at the Kentucky Engineering Center, 160 Democrat Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Jake R. Miller, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone: (502) 573-2680, facsimile: (502) 573-6687, email: jake.miller@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jake R. Miller
Subject Headings: Boards and Commissions, Engineers and Land Surveyors, Occupations and Professions, Surveying
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation adopts the appropriate standards of practice for professional land surveyors in the Commonwealth of Kentucky.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the minimum

standards of practice for land surveying in the Commonwealth of Kentucky.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by adopting the appropriate standards of practice for land surveying in the Commonwealth of Kentucky.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by adopting the minimum standards of practice that must be met by those engaging in the practice of land surveying in the Commonwealth of Kentucky.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment will update this already existing administrative regulation to reflect changes in land surveying technology and methodology so as to update and modernize the administrative regulation. The amendment also makes minor grammatical corrections to enhance clarity of the regulation.
(b) The necessity of the amendment to this administrative regulation: The amendment to this already existing administrative regulation is necessary to bring the regulation into conformity with current standards of practice for land surveying.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this already existing administrative regulation conforms to the authorizing statute, KRS 322.290(12), by adopting appropriate standards of practice for land surveying in the Commonwealth of Kentucky that are consistent with modern land surveying techniques. The amendment also conforms to the authorizing statute, KRS 322.290(4), because the authorizing statute gives the board authority to promulgate administrative regulations reasonably necessary for the performance of its duties.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this already existing administrative regulation will assist in the effective administration of the statutes by clearly establishing minimum standards, procedures, and requirements for those engaging in the practice of land surveying in the Commonwealth of Kentucky so as to clarify what is minimally expected of professional land surveyors.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment to this already existing administrative regulation does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The amendment to this already existing administrative regulation will only affect individuals licensed as professional land surveyors in the Commonwealth of Kentucky, approximately 1,750 individuals. No businesses, organizations, or state and local governments are anticipated to be affected by the amendment to this administrative regulation.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: In order to comply with the amendment to this administrative regulation, individuals licensed as professional land surveyors in the Commonwealth of Kentucky will need to become familiar with any changes in the regulation to ensure their land surveying practice conforms with the current minimum standards of practice set forth in the administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected additional costs for individuals licensed as professional land surveyors in the Commonwealth of Kentucky in complying with the amendment to this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of complying with the amendment to this administrative regulation, individuals licensed as professional land surveyors in the Commonwealth of Kentucky will have the benefit of meeting the minimum standards of practice for land surveying and, as a result, engaging in the practice of land surveying in the Commonwealth of Kentucky in such a way so as to protect the public health, safety, and welfare of the citizens of the Commonwealth of Kentucky.
(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: No additional funds are needed for the implementation and enforcement of the amendment of this administrative regulation. However, to the extent any funds are needed for the implementation and enforcement of the amendment of this already existing administrative regulation, the funds would be from restricted agency funds. The Kentucky State Board of Licensure for Professional Engineers and Land Surveyors does not receive any general or federal funds.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement the amendment to this already existing administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this existing administrative regulation does not establish any fees. Nor does the amendment directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied to the amendment of this already existing administrative regulation as the amendment applies equally to all licensed professional land surveyors.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Kentucky Revised Statutes 322.290(4) and 322.290(12).
(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 322.290(12).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors.
(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 (cities, counties, fire departments, school districts) are affected by the amendment of this already existing administrative regulation.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: Not applicable.
For subsequent years: Not applicable.
2. Revenues:
For the first year: Not applicable.
For subsequent years: Not applicable.
3. Cost Savings:
For the first year: Not applicable.
For subsequent years: Not applicable.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Individuals licensed as professional land surveyors in the Commonwealth of Kentucky.

(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The amendment to this already existing administrative regulation will not have a fiscal impact on state or local government or regulated entities.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The amendment to this already existing administrative regulation will not have a "major economic impact."
(b) The methodology and resources used to reach this conclusion: Not applicable.

BOARDS AND COMMISSIONS
Board of Physical Therapy
(Amendment)

201 KAR 22:010. Objectives of physical therapy.

RELATES TO: KRS 327.010
STATUTORY AUTHORITY: KRS 327.040
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: The practice of physical therapy is rapidly evolving and changing in purpose and scope. The purpose of this administrative regulation is to define clearly the desired goals of physical therapy and the permissible means of achieving these goals. In this manner, standards of physical therapy practice are clearly established and may be used to evaluate particular treatments which have been used or which may later evolve.

Section 1. Goals of the patient-physical therapy team[~~unit~~] include, but are not limited to, maintaining health, preserving functional capacity, and in the presence of impairment, developing or reestablishing function through carefully planned, and implemented programs. In order to reach these objectives, the physical therapist provides consultation, evaluates patients, identifies problems, plans programs, and provides direct treatment.

Section 2. Patient Management. Adequate, effective, and efficient patient care is the ultimate goal of physical therapy. The physical therapist evaluates each patient, and determines those ways in which they[~~he~~] can contribute to total health management. The physical therapist[~~He~~] then plans and implements a treatment program, reevaluating and making modifications as necessary. A physical therapist shall refer to the appropriate[~~a~~] licensed healthcare professional[~~physician or dentist~~] any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist. When basis for treatment is referral, the physical therapist may confer with the referring licensed healthcare professional[~~physician, podiatrist, dentist, or chiropractor~~].

STEPHEN CURLEY, Executive Director

APPROVED BY AGENCY: March 19. 2026
FILED WITH LRC: April 15, 2026 at 9:35 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 3:00 p.m. (ET) at 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. 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 June 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: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, (502) 429-7140 and Fax (502) 429-7142, Stephen.Curley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen Curley, Executive Director, (502) 429-7140, Stephen.curley@ky.gov.
Subject Headings: Physical Therapy, Occupations and Professions, Boards and Commissions,
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation outlines the Objectives of physical therapy.
(b) The necessity of this administrative regulation: This administrative regulation was necessary to implement provisions of KRS Chapter 327.040.
(c) How this administrative regulation conforms to the content of the authorizing statutes: It provides the Objectives of the practice of physical therapy.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides the Objectives of the practice of physical therapy.
(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 would update the language to be uniform across 201 KAR 22.
(b) The necessity of the amendment to this administrative regulation: The necessity is to update the language to be uniform across 201 KAR 22.
(c) How the amendment conforms to the content of the authorizing statutes: The board is authorized to amend administrative regulations.
(d) How the amendment will assist in the effective administration of the statutes: amendment would update the language to be uniform across 201 KAR 22.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? NO
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 6500
(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): There will be no additional cost.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Easier reading and understanding of 201 KAR 22.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No cost.

(b) On a continuing basis: No cost.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Agency Revenue Fund, and costs will not change from current spending.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? Tiering was not used in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 327.040.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 327.040.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Physical Therapy
(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): Physical Therapist and Physical Therapist Assistants
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None
(b) Methodology and resources used to reach this conclusion: there are no fee changes or added costs.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No
(b) The methodology and resources used to reach this conclusion: there is no fee changes or added costs.

BOARDS AND COMMISSIONS
Board of Physical Therapy
(Amendment)

201 KAR 22:070. Requirements for foreign-educated physical therapists and physical therapist assistants.

RELATES TO: KRS 327.050, 327.060
STATUTORY AUTHORITY: KRS 327.040(1), (11), (13), 327.060(3), 327.310
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(11) authorizes the Board of Physical Therapy to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327. KRS 327.040(13) authorizes the board to promulgate and enforce reasonable administrative regulations regarding certification, limitations of activities, supervision, and educational qualifications for physical therapist assistants. KRS 327.060(3) authorizes the board to approve services to provide an evaluation of a foreign-educated physical therapist applicant's educational credentials. This administrative regulation establishes the requirements a foreign-educated physical therapist shall satisfy to become credentialed in the state of Kentucky.

Section 1. A foreign-educated physical therapist applicant shall be credentialed if the applicant:
(1) Complies with the requirements of KRS 327.060(1)(b);
(2) In accordance with KRS 327.060(1)(b), meets the following requirements:
(a) Furnishes the board a favorable educational credentials evaluation report from a credentialing agency that uses the appropriate edition of the "Coursework Tool" (CWT) copyrighted by the Federation of State Boards of Physical Therapy (FSBPT). An academic deficiency in general education coursework identified by the CWT shall be satisfied by the applicant through submission of evidence identifying one (1) of the following:
1. Completion of appropriate coursework at a regionally accredited academic institution;
2. Continuing education in a course approved by the board; or
3. Submission of a portfolio including a detailed resume and description of relevant work experience approved by the board;
(b) Shows proof of English Language Proficiency by:
1. A score of not less than fifty (50) on the Test of Spoken English (TSE);
2. Verification that the applicant has achieved the following minimum scores for each category of the Test of English as a Foreign Language, TOEFLE Internet-based test (TOEFL IBT):
a. Writing, four point three (4.3);[~~twenty-two (22);~~]
b. Speaking, four point three (4.3);[~~twenty-four (24);~~]
c. Listening, four point three (4.3);[~~twenty-one (21);~~]
d. Reading, four point three (4.3);[~~twenty-two (22);~~] and
e. With an overall score of not less than four point three (4.3);[~~eighty-nine (89); or~~]
3. Verification that English is the native language of the country of origin; or
4. Other English proficiency exam approved by the Board.
(c) Submits a satisfactorily-completed application and appropriate fee as required by 201 KAR 22:020 and 201 KAR 22:135;
(d) Completes the Jurisprudence Exam;
(e) Obtains a passing score on the National Physical Therapy Examination (NPTE). The requirements of 201 KAR 22:020, Section 2(3) shall be applicable to examination candidates; and
(f) Has successfully completed a minimum of three (3) months and no more than six (6) months of practice under the on-site supervision of a physical therapist credentialed under KRS Chapter 327 at a Kentucky facility previously approved by the board that satisfies the following requirements:
1. The supervised practice shall be a minimum of 390 hours in a three (3) month period, in a facility that is serving as a clinical education site for students enrolled in a program in physical therapist

education accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE);

2. The applicant shall furnish the board a favorable evaluation of on-site supervision performed by a clinical supervisor who utilizes the "Performance Evaluation Tool for Foreign Educated Therapists Completing a Supervised Clinical Practice in the United States" copyrighted by FSBPT. The clinical supervisor shall submit the evaluation to the board after three (3) months of practice, and if required, after the sixth (6th) month, when the required score denoting clinical competency shall have been reached;

3. The supervising physical therapist shall, within the three (3) years prior to serving as a supervisor, have previously acted as clinical supervisor for a physical therapist student as part of a CAPTE accredited program; and

4. The supervisor shall countersign all of the candidate's physical therapy records within fourteen (14) days; and

(3) Submits to the Board a completed nationwide criminal background check as required by KRS 327.310 with the background investigation completed no later than six (6) months prior to the date of the filing of the application.

Section 2. Temporary Permits for Foreign-educated Physical Therapist Applicants.

(1) An applicant who has not satisfactorily completed three (3) months of supervised practice as a physical therapist shall be issued a temporary permit to complete Section 1(2)(f) of this administrative regulation if the applicant has:

(a) Completed the requirements of Section 1(2)(a) through (e) of this administrative regulation; and

(b) Submitted an approved Supervisory Agreement for Physical Therapists Educated in a Foreign Country.

(2) The temporary permit shall be revoked if the applicant has not satisfactorily completed the supervised practice within a six (6) month period.

Section 3.

(1) A foreign-educated physical therapist assistant applicant shall be credentialed if the applicant has:

(a) Completed the application process;

(b) Provided written proof that the education institution in which the applicant received his or her education to be a physical therapist assistant is recognized by its own ministry of education;

(c) Provided proof of legal authorization to reside and seek employment in the United States or its territories;

(d) Provided proof of authorization to practice as a physical therapist assistant without limitations in the country where the professional education occurred;

(e) Furnished the board a favorable educational credentials evaluation report from a credentialing agency that uses the appropriate edition of the "Coursework Tool" (CWT) copyrighted by the Federation of State Boards of Physical Therapy (FSBPT). An academic deficiency in general education coursework identified by the CWT shall be satisfied by the applicant through submission of evidence identifying one (1) of the following:

1. Completion of appropriate coursework at a regionally accredited academic institution;

2. Continuing education in a course approved by the board; or

3. Submission of a portfolio including a detailed resume and description of relevant work experience approved by the board;

(f) Shows proof of English Language Proficiency by:

1. A score of not less than fifty (50) on the Test of Spoken English (TSE);

2. Verification that the applicant has achieved the following minimum scores for each category of the Test of English as a Foreign Language, TOEFLE Internet-based test (TOEFL IBT):

a. Writing, four point three (4.3);[~~twenty-two (22);~~]

b. Speaking, four point three (4.3);[~~twenty-four (24);~~]

c. Listening, four point three (4.3);[~~twenty-one (21);~~]

d. Reading, four point three (4.3);[~~twenty-two (22);~~] and

e. With an overall score of not less than four point three (4.3);[~~eighty-nine (89); or~~]

3. Verification that English is the native language of the country of origin; or

4. Other English proficiency exam approved by the Board.

(g) Submits a satisfactorily-completed application and appropriate fee as required by 201 KAR 22:020 and 201 KAR 22:135;

(h) Completes the Jurisprudence Exam;

(i) Obtains a passing score on the National Physical Therapy Examination (NPTE); and

(j) Completes the requirements of Section 1(3) of this administrative regulation.

(2) To be eligible for a temporary permit, a foreign-educated Physical Therapist Assistant applicant shall complete the requirements of 201 KAR 22:020, Sections 4 and 5.

Section 4. Incorporation by Reference.

(1) The "Supervisory Agreement for Physical Therapists Educated in a Foreign Country", August 2017, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at pt.ky.gov/Forms/Pages/Foreign-Educated-Applicant-.aspx.

STEPHEN CURLEY, Executive Director

APPROVED BY AGENCY: March 19. 2026

FILED WITH LRC: April 15, 2026 at 9:35 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 3:30 p.m. (ET) at 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. 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 June 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: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, (502) 429-7140 and Fax (502) 429-7142, Stephen.Curley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen Curley
Subject Headings: Physical Therapy, Occupations and Professions, Boards and Commissions
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation outlines the requirements for licensure for foreign-educated physical therapists.
(b) The necessity of this administrative regulation: This administrative regulation was necessary to implement provisions of KRS Chapter 327.050, 327.060, 327.040(1), (11), (13) 327.060(3), 327.310.
(c) How this administrative regulation conforms to the content of the authorizing statutes: It provides the requirements for licensure for foreign-educated physical therapists.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides the requirements for licensure for foreign-educated physical therapists.
(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 would update the scale for English proficiency to the new scale and allow FEPT to have more options in English proficiency tests.

(b) The necessity of the amendment to this administrative regulation: The necessity is to update the scale for English proficiency to the new scale which has been adopted by the federal government and testing agencies.
(c) How the amendment conforms to the content of the authorizing statutes: The board is authorized to amend administrative regulations.
(d) How the amendment will assist in the effective administration of the statutes: amendment would update the scale for English proficiency to the new scale which allow the Board to continue licensing FEPT.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? NO
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 6500
(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): There will be no additional cost.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): more access to English proficiency exam which will reduce costs to applicants.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No cost.
(b) On a continuing basis: No cost.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Agency Revenue Fund, and costs will not change from current spending.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? Tiering was not used in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 327.050, 327.060, 327.040(11), (13) 327.060(3), 327.310.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 327.050, 327.060, 327.040(11), (13) 327.060(3), 327.310.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Physical Therapy
(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): Physical Therapist and Physical Therapist Assistants
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None
(b) Methodology and resources used to reach this conclusion: there are no fee changes or added costs.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No
(b) The methodology and resources used to reach this conclusion: there is no fee changes or added costs.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:201. Taking of fish by traditional fishing methods.

RELATES TO: KRS 150.010, 150.170, 150.175, 150.340, 150.620, 150.990
STATUTORY AUTHORITY: KRS 150.025(1), 150.470
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling and transporting of fish and wildlife, the restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.470(1) authorizes the department to promulgate administrative regulations regarding daily limits, and size limits for fish. This administrative regulation establishes fish size limits, daily limits, and possession limits for fishing.

Section 1. Statewide Limits and Requirements.
(1) A person taking fish from public or private waters using traditional fishing methods shall observe the daily limits and size limits established in paragraphs (a) through (n)[(l)] of this subsection, except as established in Sections 2 through 6 of this administrative regulation or pursuant to 301 KAR 1:180:
(a) Black bass daily limit, six (6).
1. Largemouth bass and smallmouth bass size limit, twelve (12) inches.
2. Kentucky bass and Coosa bass, no size limit;

(b) Rock bass daily limit, fifteen (15); no size limit;
(c) Sauger, walleye, and any hybrid thereof daily limit, singly or in combination, six (6); size limit, fourteen (14) inches;
(d) Muskellunge daily limit, one (1); size limit, thirty (30) inches;
(e) Chain pickerel daily limit, five (5); no size limit;
(f) White bass and hybrid striped bass daily limit, singly or in combination, fifteen (15); size limit, no more than five (5) fish in a daily limit or ten (10) fish in a possession limit shall be fifteen (15) inches or longer;
(g) Striped bass daily limit, five (5); size limit, fifteen (15) inches;
(h) Crappie daily limit, twenty (20); no size limit;
(i) Trout.
1. No culling statewide.
2. Rainbow trout daily limit, eight (8); no size limit.
3. Brown trout daily limit, one (1); size limit, sixteen (16) inches.
4. Brook trout, catch and release only.
5. Cutthroat trout daily limit, one (1); size limit, twenty (20) inches;
(j) Redear sunfish daily limit, twenty (20); no size limit;
(k) Paddlefish daily limit, two (2); no size limit; [~~and~~]
(l) Catfish daily limit is unlimited; no size limit, except that only one (1) trophy catfish of each species may be harvested daily;[.]
(m) Shovelnose sturgeon daily limit, two (2); no size limit, except that shovelnose sturgeon caught from the Mississippi River must be immediately released; and
(n) Skipjack herring daily limit, 100; no size limit.
(2) The possession limit shall be two (2) times the daily limit, except as established in Section 2 of this administrative regulation.
(3) A person shall release grass carp caught from a lake owned or managed by the department.
(4) A person shall release any:
(a) Lake sturgeon; or
(b) Alligator gar.
(5) A person shall release fish:
(a) Below the minimum size limits established by this administrative regulation;
(b) Within a protected slot limit established by this administrative regulation; or
(c) Of a particular species if a person already possesses the daily limit for that species.
(6) A person shall not possess more than one (1) daily limit of processed or unprocessed fish while:
(a) Fishing;
(b) On the shoreline; or
(c) On the water.
(7) A fishing tournament organizer or representative, excluding a tournament angler, may possess more than the daily limit of tournament caught fish:
(a) At the weigh-in site;
(b) At the release site; or
(c) While transporting live fish from a remote weigh-in site back to the water body of origin for release.
(8) A fishing tournament organizer or representative, excluding a tournament angler, may possess more than the daily limit of unprocessed tournament caught fish that expired at the sites established in subsection (7) of this section for subsequent disposal by one (1) of the methods established in paragraphs (a) through (c) of this subsection:
(a) Bagged, sealed, and placed in a garbage dump;
(b) Donated to a charity for the purpose of human consumption; or
(c) Transferred to a conservation officer or another agent of the department.
(9) A person shall not remove the head or tail of any fish for which a size limit or daily limit exists while:
(a) Fishing;
(b) On the shoreline; or
(c) On the water.
(10) A person may possess sport fish below the size limit or beyond the possession limit if the person:
(a) Obtains the fish from a licensed fish propagator or other legal source; and
(b) Retains a receipt or other written proof that the fish were legally acquired.
(11) A person shall release all caught trout unless the person:
(a) Has a valid trout permit;
(b) Is exempted from trout permit requirements pursuant to KRS 150.170(2); or
(c) Is fishing in a licensed pay lake stocked with trout by the lake operator.
(12) A person fishing in an artificial bait-only area shall not attach any of the items established in paragraphs (a) through (h) of this subsection to the artificial bait:
(a) An insect;
(b) Minnow;
(c) Fish egg;
(d) A worm;
(e) Corn;
(f) Cheese;
(g) Cut bait; or
(h) A similar organic bait substance including dough bait and putty or paste-type bait designed to attract fish by taste or smell.
(13) The fishing season shall be open year-round.

Section 2. Exceptions. All other provisions of this administrative regulation shall apply to the bodies of water listed in this section, with the exceptions established in subsections (1) through (71)[~~(72)~~] of this section.
(1) Bad Branch, Letcher County. A person shall only fish with artificial bait with a single hook;
(2) Barren River and tributaries upstream from confluence with the Green River, including Barren River Lake. Smallmouth bass size limit, fifteen (15) inches;
(3) Barren River Lake.
(a) Crappie size limit, ten (10) inches.
(b) Largemouth and smallmouth bass size limit, fifteen (15) inches.
(c) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.
(d) Barren River Lake shall extend up:
1. Barren River to the Highway 100 bridge;
2. Long Creek to the Highway 100 bridge;
3. Beaver Creek to the Highway 1297 bridge;
4. Skaggs Creek to the Mathews Mill Road bridge; and
5. Peter Creek to the Peter Creek Road bridge;
(4) Beaver Lake, Anderson County.
(a) A person shall not possess shad or use shad as bait.
(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[;]
(c) Black bass aggregate daily limit, ten (10);
(5) Beech Fork Reservoir, Powell County.
(a) Largemouth bass size limit, fifteen (15) inches.
(b) Bluegill daily limit, fifteen (15);
(6) Bert Combs Lake, Clay County.
(a) A person shall not possess shad or use shad as bait.
(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[;]
(c) Black bass aggregate daily limit, ten (10);
(7) Beulah Lake, Jackson County.
(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[;]
(b) Black bass aggregate daily limit, ten (10);
(8) Boltz Lake, Grant County.
(a) A person shall not possess shad or use shad as bait.
(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[;]
(c) Black bass aggregate daily limit, ten (10);
(9) Briggs Lake, Logan County. A person shall not possess shad or use shad as bait;
(10) Buckhorn Lake.
(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.
(b) Muskellunge size limit, forty (40) inches.
(c) Crappie size limit, nine (9) inches;
(11) Carnico Lake, Nicholas County.
(a) Largemouth bass size limit, fifteen (15) inches.
(b) Sunfish daily limit, fifteen (15);
(12) Carr Creek Lake.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, nine (9) inches.

(c) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches;

(13) Carter Caves State Park Lake, Carter County.

(a) Fishing shall be during daylight hours only.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.

(c) Black bass aggregate daily limit, ten (10).

(d) A person shall not possess shad or use shad as bait;

(14) Cave Run Lake.

(a) Black bass aggregate daily limit, ten (10).[~~Largemouth bass. There shall be a slot~~][~~limit between twelve (12) and fifteen (15) inches.~~]

(b) Largemouth bass. No more than five (5) fish in a daily limit shall be twelve (12) inches or longer.

(c) Smallmouth bass size limit, eighteen (18) inches.

(d)[~~(c)~~] Muskellunge size limit, forty (40) inches.

(e)[~~(d)~~] Cave Run Lake shall extend up:

1. Scott's Creek to the Highway 801 culvert;

2. Beaver Creek to the Highway 1274 culvert;

3. North Fork Creek to the confluence of Craney Creek;

4. Licking River to the Highway 772 bridge; and

5. Ramey Creek to include the pool of water north of Highway 801;

(15) Cedar Creek Lake, Lincoln County. Largemouth bass size limit, twenty (20) inches; daily limit, one (1);

(16) Chimney Top Creek, Wolfe County. A person shall only fish with artificial bait;

(17) Corinth Lake, Grant County.

(a) A person shall not possess shad or use shad as bait.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[~~;~~]

(c) Black bass aggregate daily limit, ten (10);

(18) Cumberland River upstream from Cumberland Falls and all tributaries. Smallmouth bass size limit, fifteen (15) inches;

(19) Cumberland River from Wolf Creek Dam downstream to the Kentucky-Tennessee state line and tributaries, except Hatchery Creek in Russell County as established in subsections (36) and (37) of this section.

(a) Brown trout size limit, twenty (20) inches; daily limit, one (1).

(b) Brook trout size limit, fifteen (15) inches; daily limit, one (1).

(c) Rainbow trout. There shall be a slot limit between fifteen (15) and twenty (20) inches; daily limit, five (5), which shall not include more than one (1) fish greater than twenty (20) inches.

(d) A trout permit shall be required in order to fish the Cumberland River below Wolf Creek Dam to the Tennessee state line including the Hatchery Creek and all other tributaries upstream to the first riffle.

(e) Chumming shall not be permitted in the Cumberland River below Wolf Creek Dam to the Tennessee state line, including the Hatchery Creek and all other tributaries upstream to the first riffle;

(20) Cumberland River below Lake Barkley. Fishing is prohibited at the mouth of the lock chamber, as designated by signs;

(21) Dale Hollow Lake.

(a) Smallmouth bass. There shall be a slot limit between sixteen (16) and twenty-one (21) inches. The daily limits shall not include more than one (1) fish less than sixteen (16) inches long and one (1) fish greater than twenty-one (21) inches long.

(b) Walleye and walleye hybrids, daily limit, five (5); size limit, sixteen (16) inches.

(c) Sauger daily limit, ten (10); size limit, fourteen (14) inches.

(d) Rainbow trout and brown trout, no size limit; daily limit, seven (7), singly or in combination.

(e) Largemouth bass size limit, fifteen (15) inches.

(f) Black bass aggregate daily limit, five (5), no more than two (2) of which shall be smallmouth bass.

(g) Crappie size limit, ten (10) inches; daily limit, fifteen (15);

(22) Dewey Lake.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.

(c) Muskellunge size limit, forty (40) inches;

(23) Dix River for two (2) miles downstream from Herrington Lake Dam. A person shall only fish with artificial bait;

(24) Doe Run Lake, Kenton County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Channel catfish daily limit, four (4).

(c) A person shall not possess shad or use shad as bait;

(25) Dog Fork, Wolfe County. A person shall only fish with an artificial bait with a single hook;

(26) Elkhorn Creek, downstream from the confluence of the North and South forks to the first shoal located 3,400 feet above its confluence with the Kentucky River, as posted with signs.

(a) Largemouth bass and smallmouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[~~;~~]

(b) Black bass aggregate daily limit, ten (10);

(27) Elmer Davis Lake, Owen County.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.

(b) Black bass aggregate daily limit, ten (10).

(c) A person shall not possess shad or use shad as bait;

(28) Fishtrap Lake.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, nine (9) inches.

(c) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches;

(29) Floyd's Fork Creek, from Highway 60 downstream to Bardstown Road in Jefferson County. Largemouth and smallmouth bass size limit, fifteen (15) inches;

(30) Golden Pond at the Visitors' Center at Land Between the Lakes. Channel catfish daily limit, five (5); size limit, fifteen (15) inches;

(31) General Butler State Park Lake, Carroll County.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.

(b) Black bass aggregate daily limit, ten (10).

(c) Channel catfish daily limit, four (4).

(d)[~~(c)~~] A person shall not possess shad or use shad as bait;

(32) Grayson Lake.

(a) Largemouth bass and smallmouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[~~;~~]

(b) Black bass aggregate daily limit, ten (10);

(33) Greenbo Lake, Greenup County.

(a) A person shall not possess shad or use shad as bait.

(b) Bluegill and sunfish daily limit, fifteen (15) fish;

(34) Green River from Green River Lake Dam and extending downstream to the end of the concrete wall. Fishing shall be limited to rod in hand using either:

(a) An artificial bait with a single hook; or

(b) Live bait attached to a single hook;

(35) Green River Lake.

(a) Crappie size limit, nine (9) inches.

(b) Muskellunge size limit, forty (40) inches.

(c) Green River Lake shall extend up:

1. Green River to the Snake Creek Boat Ramp;

2. Robinson Creek to the Highway 76 Bridge; and

3. Casey Creek to the Arnolds Landing Boat Ramp.

(36) Hatchery Creek, upper section as established by signs, Russell County. Rainbow trout, brown trout, and brook trout, no size limit; daily limit, five (5), singly or in combination;

(37) Hatchery Creek, lower section as established by signs, Russell County. A person fishing for trout shall:

(a) Only use artificial bait; and

(b) Release all trout;

(38) Highsplint Lake, Harlan County. Largemouth bass size limit, twenty (20) inches; daily limit, one (1);

(39) Jericho Lake, Henry County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) A person shall not possess shad or use shad as bait;

(40) Kentucky Lake and the canal connecting Kentucky Lake and Lake Barkley.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, ten (10) inches;

(41) Kentucky River upstream of Lock and Dam 14, the North Fork and tributaries including Carr Fork below Carr Creek Lake, along with the Middle and South Forks and all tributaries. Smallmouth bass size limit, fifteen (15) inches;

(42) Lake Barkley.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, ten (10) inches;

(43) Lake Blythe, Christian County.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[;]

(b) Black bass aggregate daily limit, ten (10);

(44) Lake Cumberland.

(a)

1. Largemouth bass size limit, fifteen (15) inches.

2. Smallmouth bass size limit, eighteen (18) inches.

3. Striped bass size limit, twenty-two (22) inches; daily limit, two (2).

4. Crappie size limit, ten (10) inches.

(b) Cumberland Lake shall extend up:

1. The Cumberland River to Cumberland Falls;

2. The Big South Fork to Devil's Jump;

3. The Rockcastle River to The Narrows; and

4. The Laurel River to Laurel River Dam;

(45) Lake Chumley, and the department-owned property surrounding the lake, Boyle and Lincoln counties. Closed to public access from one-half (1/2) hour after sunset through one-half (1/2) hour before sunrise;

(46) Lake Malone, Muhlenberg and Logan counties.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[;]

(b) Black bass aggregate daily limit, ten (10);

(47) Lake Reba, Madison County. A person shall not possess shad or use shad as bait;

(48) Lake Shelby, Shelby County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Channel catfish daily limit, four (4).

(c) A person shall not possess shad or use shad as bait;

(49) Laurel River Lake.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Smallmouth bass size limit, eighteen (18) inches; daily limit, two (2).

(c) Crappie size limit, nine (9) inches; daily limit, fifteen (15);

(50) Lincoln Homestead Lake, Washington County.

(a) A person shall not fish except during daylight hours.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.

(c) Black bass aggregate daily limit, ten (10).

(d) Channel catfish daily limit, four (4).

(e)[(d)] A person shall not possess shad or use shad as bait;

(51) Marion County Lake. A person shall not possess shad or use shad as bait;

(52) McNeely Lake, Jefferson County.

(a) A person shall not possess shad or use shad as bait.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[;]

(c) Black bass aggregate daily limit, ten (10);

(53) Mill Creek Lake, Powell County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) A person shall not possess shad or use shad as bait;

(54) New Haven Optimist Lake, Nelson County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Channel catfish daily limit, four (4).

(c) A person shall not possess shad or use shad as bait;

(55) Nolin River Lake shall extend up Bacon Creek to Highway 178 and to Wheelers Mill Road Bridge on the Nolin River.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, ten (10) inches;

(56) Ohio River.

(a) White bass, striped bass, and any hybrid thereof, daily limit, thirty (30); no more than four (4) in the daily limit shall be fifteen (15) inches or greater.

(b) The blue catfish daily limit shall be unlimited, except that no more than one (1) fish in the daily limit shall be thirty-five (35) inches or longer.

(c) The channel catfish daily limit shall be unlimited, except that no more than one (1) fish in the daily limit shall be twenty-eight (28) inches or longer.

(d) The flathead catfish daily limit shall be unlimited, except that no more than one (1) fish in the daily limit shall be thirty-five (35) inches or longer;

(57) [~~Otter Creek, Meade County. Smallmouth and largemouth bass. There shall be a~~][~~slot limit between twelve (12) and fifteen (15) inches;~~]

[~~(58)~~] Panbowl Lake, Breathitt County.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[;]

(b) Black bass aggregate daily limit, ten (10);

(58)[~~(59)~~] Parched Corn Creek, Wolfe County. A person shall only fish with an artificial bait with a single hook;

(59)[~~(60)~~] Pennyrile Lake, Christian County.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[;]

(b) Black bass aggregate daily limit, ten (10);

(60)[~~(61)~~] Pikeville City Lake, Pike County. A person shall release largemouth bass;

(61)[~~(62)~~] Rockcastle River WMA, all ponds collectively, Pulaski County.

(a) Largemouth bass size limit, fifteen (15) inches; daily limit, one (1).

(b) Bluegill and sunfish daily limit, ten (10).

(c) Catfish daily limit, four (4).

(d) Crappie daily limit, fifteen (15);

(62)[~~(63)~~] Rough River Lake.

(a) Crappie size limit, ten (10) inches.

(b) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(c) Rough River Lake shall extend up Rough River to the Highway 84 Bridge;

(63)[~~(64)~~] Shanty Hollow Lake, Warren County. A person shall not possess shad or use shad as bait;

(64)[~~(65)~~] Shillalah Creek, Bell County, outside the Cumberland Gap National Park. A person shall only fish with an artificial bait with a single hook;

(65)[~~(66)~~] Spurlington Lake, Taylor County. A person shall not possess shad or use shad as bait;

(66)[~~(67)~~] Sympson Lake, Nelson County. Largemouth bass size limit, fifteen (15) inches;

(67)[~~(68)~~] Taylorsville Lake, including the impounded waters of the lake to Dry Dock Road Bridge on the Salt River.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.

(c) Crappie size limit, ten (10) inches; daily limit, fifteen (15);

(68)[~~(69)~~] Trammel Creek, Allen County. Rainbow trout daily limit, five (5);

(69)[~~(70)~~] Willisburg Park Pond, Washington County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Catfish daily limit, four (4).

(c) Sunfish daily limit, fifteen (15);

(70)[~~(71)~~] Wood Creek Lake.

(a) Largemouth and smallmouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[~~; and~~]

(b) Black bass aggregate daily limit, ten (10); and

(71)[~~(72)~~] Yatesville Lake.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.

Section 3. Daily Limits and Size Limits for Waters Containing Rockcastle Strain Walleye.

(1) Rockcastle Strain Walleye Waters.

(a) Barren River and tributaries upstream from confluence with the Green River, including Barren River Lake;

(b) Cumberland River and tributaries above Cumberland Falls;
(c) Kentucky River and tributaries upstream from Lock and Dam 14;
(d) Middle Fork Kentucky River and tributaries;
(e) North Fork Kentucky River and tributaries, including Carr Fork below Carr Creek Lake;
(f) South Fork Kentucky River and tributaries;
(g) Levisa Fork River and tributaries upstream from Fishtrap Lake, including Fishtrap Lake;
(h) Martins Fork Lake;
(i) Rockcastle River and tributaries; and
(j) Wood Creek Lake.
(2) There shall be a slot limit between eighteen (18) and twenty-six (26) inches and a daily limit of two (2) for walleye in the waters established in subsection (1) of this section.

Section 4. Seasonal Catch and Release for Trout.
(1) There shall be a catch and release trout season from October 1 through March 31 for the bodies of water established in subsection (3) of this section.
(2) A person shall:
(a) Only use artificial bait; and
(b) Release all trout.
(3) The streams established in paragraphs (a) through (o) of this subsection shall be open for the catch and release trout season:
(a) Bark Camp Creek in Whitley County;
(b) Beaver Creek from Highway 90 Bridge upstream to Highway 200 Bridge in Wayne County;
(c) Big Bone Creek within Big Bone Lick State Park in Boone County;
(d) Cane Creek in Laurel County;
(e) Casey Creek in Trigg County;
(f) Clear Creek from mouth upstream to 190 Bridge in Bell County;
(g) East Fork of Indian Creek in Menifee County;
(h) Elk Spring Creek in Wayne County;
(i) Floyd's Fork Creek in Jefferson County from Highway 60 downstream to Bardstown Road;
(j) Gunpowder Creek in Boone County;
(k) Left Fork of Beaver Creek in Floyd County from Highway 122 Bridge upstream to the headwater;
(l) Otter Creek in Meade County on the Fort Knox Reservation and Otter Creek Park;
(m) Rock Creek from the Bell Farm Bridge to the Tennessee state line in McCreary County;
(n) Trammel Creek in Allen County; and
(o) Swift Camp Creek in Wolfe County.

Section 5. Special Limits for Fishing Events.
(1) The commissioner may establish special limits for fishing events including:
(a) Size limits for selected species;
(b) Daily limits for selected species;
(c) Eligible participants; and
(d) Dates and times of special limits.
(2) An event sponsor shall post signs informing anglers of any special limits for a minimum of twenty-four (24) hours before the event.

Section 6. Daily Limits and Size Limits for Special Lakes and Ponds. The requirements established in subsections (1) through (5) of this section shall apply to all bodies of water established in the List of Special Lakes and Ponds:
(1) Largemouth bass size limit, fifteen (15) inches; daily limit, one (1);
(2) Catfish daily limit, four (4);
(3) Sunfish or bream daily limit, fifteen (15);
(4) Rainbow trout daily limit, five (5); and
(5) A person shall not possess shad or use shad as bait.

Section 7. Incorporation by Reference.
(1) "List of Special Lakes and Ponds", 2026[~~2024~~] Edition is incorporated by reference.
(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 a.m. to 4:30 p.m.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: April 14, 2026
FILED WITH LRC: April 15, 2026 at 9:45 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 30, 2026, at 10:00 a.m., at KDFWR Administration Building, 1 Sportsman’s Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman’s Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
Subject Headings: Fishing, Fish and Wildlife, Conservation
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes size limits, daily limits, and possession limits for sport fish that may be taken from Kentucky waters.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to properly manage the sport fish populations of Kentucky.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling and transporting of fish and wildlife, the restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.470(1) authorizes the department to promulgate administrative regulations regarding daily limits, and size limits for fish.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by limiting the number and size of fish that may be taken from Kentucky’s waters. This will ensure that Kentucky’s valuable sport fish populations are maintained at high levels.
(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 increases the number of fish anglers can keep on all lakes in Kentucky that have a slot limit regulation. In addition, it adjusts the number of largemouth bass larger than 12 inches that anglers can keep when fishing Cave Run Lake and removes the special slot limit regulation for largemouth and smallmouth bass on Otter Creek. This amendment also sets a statewide daily limit of 2 fish for shovelnose sturgeon, except on the Mississippi River, and a statewide daily limit of 100 fish for skipjack herring. Finally, this amendment adds two new lakes to our Fishing in Neighborhoods (FINs) program which fall under Section 6 of this regulation and are incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: The increase in the daily limit for black bass on our slot limit lakes will allow anglers to harvest more bass, with emphasis on small bass. This will help with overcrowding and slow growth in these lakes. The removal of the slot limit on Otter Creek was done to simplify

regulations, and the existing regulation was not needed any more. The 2-fish statewide daily limit on shovelnose sturgeon was added to provide more protection of that species since it did not have a daily limit. The 100-fish daily limit on skipjack herring was implemented to protect that species due to their popularity for use as bait. Harvest rates have been very high and some illegal selling in other states has occurred. Finally, the two new Fishing in Neighborhoods (FINs) lakes were added to provide additional fishing opportunities for those who don't have the ability to travel long distances to fish. These lakes are stocked throughout the year and are in areas of higher population density.
(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.
(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, this amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All anglers fishing at the water bodies and for the species referenced in (2)(a) above will be affected.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: All anglers fishing at the water bodies and for the species identified in 2(a) above will have to follow the new regulations. The addition of the two new Fishing in Neighborhoods (FINs) lakes will allow those entities more fishing opportunities.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost incurred by the anglers identified.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): On all slot limit lakes in the state, anglers will now be able to harvest more bass and in doing so, should also see an increase in bass growth, and ultimately larger-size bass in those lakes. Anglers fishing Otter Creek will now have simpler regulations to follow for largemouth and smallmouth bass. For anglers fishing for shovelnose sturgeon and skipjack herring, providing some protection of those species will allow for a strong, sustaining fishery, allowing anglers to enjoy those fisheries in the future. The addition of the two new Fishing in Neighborhoods (FINs) lakes will provide those entities identified in question (4) more fishing opportunities.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no initial cost to implement this administrative regulation.
(b) On a continuing basis: There will be no additional cost on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The source of funding is the State Game and Fish Fund.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase fees or funding to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees, nor does it indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering was not applied because all individuals fishing in Kentucky must abide by the same requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling and transporting of fish and wildlife, the restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.470(1) authorizes the department to promulgate administrative regulations regarding daily limits, and size limits for fish.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department in the first year.
For subsequent years: These amendments will not result in any additional expenditures for the department in subsequent years.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department in the first year.
For subsequent years: These amendments will not result in any change in revenues for the department in subsequent years.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department in the first year.
For subsequent years: These amendments will not result in any cost savings for the department in subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:178. Deer hunting on public properties.

RELATES TO: KRS 150.010, 150.170, 150.340, 150.370(1), 150.990

STATUTORY AUTHORITY: 148.029(5), 150.025(1), 150.390(1), 150.620

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 148.029(5) authorizes the Department of Parks, in cooperation with the Department of Fish and Wildlife Resources, to implement wildlife management plans on state parks. 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 to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation. This administrative regulation establishes deer hunting seasons, application procedures, and other matters pertaining to deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas that differ from statewide requirements.

Section 1. Definitions.

(1) "Adult" means a person who is at least eighteen (18) years of age.

(2) "Bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that may lure, entice, or attract wildlife.

(3) "Centerfire" means a type of gun that detonates a cartridge by the firing pin striking a primer in the middle of the end of the cartridge casing.

(4) "Ground blind" means a structure consisting of a frame and a top that is placed on the ground to completely enclose a hunter while hunting deer.

(5) "In-line muzzleloader" means a gun:

(a) Capable of being loaded only from the discharging end of the barrel or cylinder; and

(b) That is equipped with an enclosed ignition system located directly behind the powder charge.

(6) "Local government" means the lowest, most direct tiers of public administration within a state responsible for managing community affairs, delivering basic services, and enforcing local ordinances. It includes counties, municipalities, and special districts.

(7)[~~(6)~~] "Mentor hunt" means a quota youth hunt in which the adult who accompanies a youth may legally take a deer.

(8)[~~(7)~~] "Mobility-impaired" means an individual who meets the requirements of 301 KAR 3:026, Section 2(1).

(9)[~~(8)~~] "Modern gun" means an air gun, rifle, handgun, or shotgun that is loaded from the rear of the barrel.

(10)[~~(9)~~] "Modern gun season" means the sixteen (16) consecutive day period beginning the second Saturday in November during which a modern gun may be used to take deer pursuant to 301 KAR 2:172.

(11)[~~(10)~~] "Muzzleloader" means a rifle, shotgun, or handgun that is loaded from the discharging end of the barrel or discharging end of the cylinder.

(12)[~~(11)~~] "Quota hunt" means a hunt in which a participant is selected by a random drawing.

(13)[~~(12)~~] "Quota youth hunt" means a quota hunt in which a youth is the only person who can legally take a deer.

(14)[~~(13)~~] "Statewide requirements" mean the season dates, zone descriptions, and other requirements for deer hunting as established in 301 KAR 2:172.

(15)[~~(14)~~] "Wildlife management area" or "WMA" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That has "Wildlife Management Area" or "WMA" as part of its official name.

(16)[~~(15)~~] "Youth" means a person under the age of sixteen (16) by the date of the hunt.

(17)[~~(16)~~] "Youth gun seasons" means the October youth gun season and the December free youth weekend, as established in 301 KAR 2:172.

Section 2. General WMA Requirements.

(1) Unless established in this administrative regulation, statewide requirements shall apply.

(2) Except as established in Section 6 of this administrative regulation, if a WMA or other public hunting property is in two (2) or more deer hunting zones, as established in 301 KAR 2:172, then the WMA shall be regulated by the most liberal zone requirements of the zones in which it lies.

(3) Deer hunting on WMAs listed in Section 6 of this administrative regulation shall be permitted only as established in this administrative regulation, except archery and crossbow hunting shall be allowed pursuant to the statewide requirements established in 301 KAR 2:172, unless otherwise noted.

(4) If a WMA is:

(a) Listed in Section 6 of this administrative regulation, then gun hunting shall be prohibited, unless otherwise noted; and

(b) Not listed in Section 6 of this administrative regulation, then statewide deer hunting requirements shall apply.

(5) An antlerless deer shall not count against a person's statewide or zone bag limit if harvested during:

(a) The Grayson Lake WMA open youth hunt; or

(b) Any WMA, federal, county or state park either-sex quota hunt.

(6) An open gun deer hunt, beginning on the Wednesday following the third Monday in January for ten (10) consecutive days, shall:

(a) Be limited to members of the United States Armed Forces and the National Guard and reserve component who:

1. Are residents of Kentucky or nonresidents stationed in Kentucky; and

2. Were deployed out-of-country during any portion of the most recent regular statewide deer season;

(b) Only be on a WMA designated as open for this special hunt; and

(c) Be pursuant to statewide requirements established in 301 KAR 2:172.

(7) On all WMAs a person:

(a) Attaching a tree stand or climbing a tree shall not use a:

1. Nail;

2. Spike;

3. Screw-in device;

4. Wire; or

5. Tree climber;

(b) May use a portable stand or climbing device;

(c) Shall:

1. Not place a portable stand in a tree more than two (2) weeks before opening day; and

2. Remove a portable stand within one (1) week following the last day of each hunting period;

(d) Shall plainly mark the portable stand with the hunter's customer identification number;

(e) Shall not use an existing permanent tree stand;

(f) Shall not place, distribute, or hunt over bait; and

(g) Shall not hunt in a ground blind, if gun deer hunting is allowed, without first attaching a hat or vest made of solid, unbroken hunter orange material to the blind so that it is visible from all sides.

(h) Shall not deer hunt on a WMA or a portion of the same, that is closed by signage.

(8) A person without a valid quota hunt confirmation number shall not enter a WMA during a quota hunt on that area except:

(a) To travel through a WMA on an established road or to use an area designated open by a sign;

(b) To accompany a youth who is hunting in a youth or mentor quota hunt;

(c) That one (1) assistant, who shall not be required to have applied for the quota hunt, may accompany a hunter who was drawn to hunt, but shall check in and out as established in Section 5 of this administrative regulation; or

(d) To participate in small game hunting or the October shotgun segment of the fall turkey season during the archery and crossbow quota hunt on Big Rivers, Cane Creek, or Higginson-Henry WMAs.

(9) Except for waterfowl or dove hunting, or legal hunting at night, a person who is hunting any species, or a person who is accompanying a hunter, shall wear hunter orange clothing pursuant to 301 KAR 2:172 while:

(a) On a WMA, county property, or state park if gun deer hunting is allowed;

(b) Hunting within the sixteen (16) county elk zone when a firearms elk season is open, pursuant to 301 KAR 2:132; or

(c) Hunting within the bear zone during a bear firearms season, pursuant to 301 KAR 2:300.

Section 3. General Quota Hunt Procedures.

(1) A quota hunt applicant who is not selected and applies to hunt the following year shall be given one (1) preference point for each year the applicant was not selected.

(2) If selected for a quota hunt, a person shall lose all accumulated preference points.

(3) A random selection of hunters with preference points shall be made for each year's quota hunts before those without preference points are chosen.

(4) A person shall forfeit all accumulated preference points if, in a given year, the person does not apply for or is ineligible to apply for:

(a) A deer quota hunt; and

(b) The no-hunt option.

(5) A person who applies for the no-hunt option shall:

(a) Not be drawn for a quota hunt; and

(b) Be given one (1) preference point for each year the no-hunt option is selected.

(6) If applying as a party:

(a) Each applicant's preference points shall be used to calculate an average point total for the party; and

(b) A party with a higher preference point average will be randomly selected before a party with a lower preference point average.

(7) There shall be a maximum of ten (10) percent of nonresidents drawn in each quota hunt pool.

(8) The commissioner shall extend the application deadline if technical difficulties with the automated application system prevent applications from being accepted for one (1) or more days during the application period.

(9) A hunter may take up to two (2) deer on a quota hunt in Zones 2, 3, and 4, only one (1) of which may be an antlered deer, except as established in Section 6 or Section 10 of this administrative regulation.

(10) If a hunter has purchased the appropriate permits, a hunter may take unlimited antlerless deer in:

(a) WMA quota hunts in Zone 1; and

(b) State Park quota hunts in Zone 1, except as established in Section (7) of this administrative regulation.

Section 4. Quota Hunt Application Process. A person applying for a quota hunt shall:

(1) Complete the quota hunt application process on the department's Web site at https://fw.ky.gov/Hunt/Pages/Quota-Hunts.aspx between September 1 and September 30; and

(2) Select:

(a) A first and second choice of hunts; or

(b) The no-hunt option; and

(3) Pay a nonrefundable application fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022; and

(4) Not apply more than one (1) time; and

(5) Not apply as a group of more than five (5) persons.

Section 5. Quota Hunt Participant Requirements. Except as otherwise established in this administrative regulation, a person selected to participate in a quota hunt shall:

(1) Possess, unless exempted pursuant to KRS 150.170:

(a) A valid annual Kentucky hunting license; and

(b) A deer permit that authorizes the taking of deer with the equipment being used and in accordance with the zone restrictions where the hunt will occur;

(2) Hunt on the assigned dates and in assigned areas selected by a random drawing of applicants if applicable;

(3) Comply with hunting equipment restrictions specified by the type of hunt;

(4) Check in at the designated check station prior to hunting:

(a) Either:

1. On the day before the hunt, between noon and 8 p.m. local time; or

2. On the day of the hunt, between 5:30 a.m. and 8 p.m. Eastern time; and

(b) With documentation of the participant's:

1. Proof of identification or draw confirmation number; and

2. Purchase of a current license or permit which allows or includes statewide deer hunting privileges;

(5) Check out at the designated check station:

(a) If finished hunting;

(b) If the hunter's bag limit is reached; or

(c) By 8 p.m. Eastern time on the final day of the hunt;

(6) Take a harvested deer to the designated check station by 8 p.m. Eastern time the day the deer was harvested;

(7) Be declared ineligible to apply for the next year's drawing if the hunter or the hunter's assistant fails to check out properly;

(8) Telecheck a harvested deer or check a harvested deer on the department's Web site at fw.ky.gov if there is not a designated check station at the quota hunt; and

(9) Comply with all species quota hunt requirements or be ineligible to apply for any quota hunt or no-hunt option for these species the following year.

Section 6. Wildlife Management Area Requirements.

(1) Dr. Norman and Martha Adair WMA.

(2) Ballard WMA.

(a) On the main tract, the quota hunt shall be for two (2) consecutive days beginning on the first Saturday in November.

(b) On the main tract, the archery, crossbow, and October youth gun seasons shall be open pursuant to statewide requirements through October 14, except that the two (2) mile driving loop marked by signs shall be closed to all hunting.

(c) The archery, crossbow, modern gun, youth gun, and muzzleloader seasons shall be open pursuant to statewide requirements only on the 400-acre tract south of Sallie Crice Road.

(d) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(3) Beaver Creek WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(b) The limit shall be one (1) antlered deer during the quota hunt.

(c) The youth gun seasons shall be open pursuant to statewide requirements.

(4) Big Rivers WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be a firearms quota hunt for two (2) consecutive days beginning the first Saturday in November.

(c) The archery and crossbow quota hunt shall begin on October 25 and continue through November 30, except that it shall be closed beginning the Friday before the two (2) day quota hunt as established in paragraph (b) of this subsection.

(d) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the archery and crossbow quota hunt as established in paragraph (c) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(5) Boatwright WMA. The area shall be open pursuant to statewide requirements, except that on the Swan Lake Unit the:

(a) Archery, October youth gun, and crossbow seasons shall only be open through October 14; and

(b) December free youth weekend shall be closed.

(6) Cane Creek WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be an unstaffed firearms quota hunt for two (2) consecutive days beginning the first Saturday in November.

(c) The archery and crossbow unstaffed quota hunt shall begin on October 25 and continue through November 30, except that it shall be closed beginning the Friday before the two (2) day quota hunt as established in paragraph (b) of this subsection.

(d) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the quota hunts as established in paragraphs (b) and (c) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(7) Cedar Creek Lake WMA.

(8) Clay WMA.

(a) On the main tract, muzzleloader and youth gun seasons shall be open pursuant to statewide requirements, except archery hunting shall be prohibited during the quota fox hunting field trials as established in 301 KAR 2:049.

(b) The remainder of the WMA shall be open pursuant to statewide requirements for the archery, crossbow, muzzleloader, and youth gun seasons, except during the quota deer hunt.

(c) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(d) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked-in, up to a maximum of four (4) points.

(e) Hunters drawn for the quota hunt may harvest up to four (4) deer, only one (1) of which may be antlered.

(9) Decker WMA.

(10) Dewey Lake WMA.

(a) The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.

(b) Guns shall be prohibited for deer hunting on the:

1. Western side of the lake, north of the Terry Boat Ramp; and

2. Eastern side of the lake, north of the ridge that begins across the lake from the Terry Boat Ramp, and extends eastward to the WMA boundary.

(c) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in November.

(d) There shall be a limit of one (1) antlered and one (1) antlerless deer during the quota hunt.

(11) Dix River WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(12) Fishtrap Lake WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning on the Saturday before Thanksgiving.

(b) The limit for the quota hunt shall be one (1) deer.

(c) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(13) Grayson Lake WMA.

(a) An open youth hunt shall:

1. Be the first Saturday in November for two (2) consecutive days; and

2. Have a two (2) deer bag limit, only one (1) of which may be an antlered deer.

(b) A person who has not checked in shall not enter the Grayson Lake WMA during the open youth hunt, except to:

1. Travel through the WMA on an established public road; or

2. Use an area designated as open by signs.

(c) The crossbow season shall be from the first Saturday in September through the third Monday in January, except that the archery and crossbow seasons shall be closed during the November open youth hunt.

(d) The youth gun seasons shall be open pursuant to statewide requirements.

(e) The muzzleloader seasons shall be open pursuant to statewide requirements.

(14) Green River Lake WMA and Dennis-Gray WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(c) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(d) Fifteen (15) openings shall be reserved in the quota hunt for mobility-impaired persons.

(e) The Green River Lake and Dennis-Gray WMAs shall be considered to be located in the Eastern Time Zone.

(f) The December muzzleloader season shall be open pursuant to statewide requirements.

(15) Griffith Woods WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(16) Higginson-Henry WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be a firearms quota hunt for two (2) consecutive days beginning the first Saturday in November.

(c) The archery and crossbow quota hunt shall begin on October 25 and continue through November 30, except that it shall be closed beginning the Friday before the two (2) day quota hunt as established in paragraph (b) of this subsection.

(d) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the archery and crossbow quota hunt as established in paragraph (c) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(17) J.C. Williams WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(18) Kentucky River WMA.

(a) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(b) There shall be a quota hunt for two (2) consecutive days beginning on the first Saturday in November.

(19) Kleber WMA.

(a) The quota hunts shall be for:

1. Two (2) consecutive days beginning the first Saturday in November; and

2. Two (2) consecutive days beginning the first Saturday in December.

(b) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(20) Knobs State Forest WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(21) Lake Barkley WMA shall be open pursuant to statewide requirements except:

(a) The North Refuge shall be closed from November 1 to February 15; and

(b) Duck Island shall be closed from October 15 to March 15, except that it shall be open for the October muzzleloader season, pursuant to statewide requirements.

(22) Livingston County WMA. The youth gun, muzzleloader, and modern gun seasons shall be open pursuant to statewide requirements, except a person shall not hunt deer with a modern gun during the modern gun deer season.

(23) Curtis Gates Lloyd WMA.

(a) The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be an unstaffed firearms quota hunt beginning the second Saturday in November for eight (8) consecutive days.

(c) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the archery and crossbow quota hunt as established in paragraph (b) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(24) Mill Creek WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) The modern gun season shall be open pursuant to statewide requirements for two (2) consecutive days beginning the second Saturday in November.

(25) Miller-Welch Central Kentucky WMA.

(26) Mullins WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(27) Ohio River Islands WMA, Stewart Island Unit.

(a) The muzzleloader season shall be for two (2) consecutive days beginning the third Saturday in October.

(b) The archery season shall be from the first Saturday in September through October 14.

(c) The crossbow season shall be from October 1 through October 14.

(d) The October youth gun season shall be open pursuant to statewide requirements.

(e) The remainder of the WMA shall be open pursuant to statewide requirements.

(28) Paintsville Lake WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(b) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(c) A person shall not use a gun for deer hunting on:

1. The area extending eastward from the drainage of Glade Branch, along the north edge of the lake, to the No Hunting Area surrounding Rocky Knob Recreation Area and enclosing all property from the WMA boundary downslope to the lake edge; and

2. The islands to the south and that portion of the area extending eastward along the south edge of the lake from the drainage of Shoal Branch to the No Hunting Area surrounding the dam and ranger station, and extending downslope to the edge of the lake.

(29) Peabody WMA.

(a) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(b) The modern gun season shall be open pursuant to statewide requirements for ten (10) consecutive days beginning the second Saturday in November.

(30) Pennyrile State Forest-Tradewater WMA.

(a) There shall be a quota hunt for two (2) consecutive days beginning on the first Saturday in November.

(b) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(31) Ping-Sinking Valley WMA. The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.

(32) Pioneer Weapons WMA. Statewide requirements shall apply except that a person:

(a) Shall not use a modern gun;

(b) Shall not use an in-line muzzleloader;

(c) Shall not use a scope;

(d) May use a crossbow during the entire archery season; and

(e) Shall use only open or iron sights on any weapon.

(33) Redbird WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) The modern gun season shall be open pursuant to statewide requirements for two (2) consecutive days beginning the second Saturday in November.

(34) Dr. James R. Rich WMA.

(a) There shall be a quota hunt for two (2) consecutive days beginning on the first Saturday in:

1. November; and

2. December; and

(b) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(35) Robinson Forest WMA.

(a) A person shall not hunt deer on the main block of Robinson Forest.

(b) The remainder of the WMA shall be open pursuant to statewide requirements.

(36) Rockcastle River WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) The modern gun season shall be open pursuant to statewide requirements for two (2) consecutive days beginning the second Saturday in November.

(37) Sloughs WMA.

(a) On the Sauerheber Unit, the archery, crossbow, muzzleloader, and youth gun seasons shall be open pursuant to statewide requirements through October 31.

(b) The remainder of the WMA shall be open pursuant to statewide requirements.

(38) South Shore WMA.

(a) The youth gun, October muzzleloader, and modern gun seasons shall be open pursuant to statewide requirements through November 14, except that the use of centerfire rifles and handguns shall be prohibited.

(b) The archery and crossbow seasons shall be open pursuant to statewide requirements, except that the area shall be closed November 15 through January 15.

(c) The December free youth weekend and December muzzleloader season shall be closed.

(39) T.N. Sullivan WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(40) Taylorsville Lake WMA.

(a) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in:

1. November; and

2. December.

(b) Seven (7) openings shall be reserved in each quota hunt for mobility-impaired persons.

(c) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(d) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(41) Twin Eagle WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(42) Paul Van Booven WMA.

(43) Veteran's Memorial WMA.

(a) The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in November.

(44) West Kentucky WMA.

(a) Tracts 2 - 7 shall be open pursuant to statewide requirements for the archery and crossbow seasons, except that the statewide archery and crossbow seasons shall be closed during department administered quota or mentor deer hunts.

(b) Tracts 2-6 shall be open to shotgun and muzzleloader hunters participating in the quota hunt.

(c) Tract 7 and "A" tracts shall not be open for department administered quota or mentor deer hunts, except as established in paragraph (d) of this subsection.

(d) The "A" tracts shall be open to shotgun hunters participating in the mentor hunt.

(e) The quota hunt shall be for four (4) consecutive days beginning the Saturday prior to Thanksgiving.

(f) There shall be a mentor hunt for four (4) consecutive days beginning the Saturday prior to Thanksgiving in which:

1. There shall be no more than two (2) youths per adult;

2. There shall be no more than one (1) adult per youth; and

3. The adult may take a deer.

(g) Gun hunters shall not use centerfire rifles or handguns.

(h) All persons shall check in daily at the designated check-in locations before entering the "A" tracts.

(i) A participant in the quota or mentor hunt shall:

1. Sign in for the hunting tract of his or her choice at check-in prior to each day's hunt; and

2. Not hunt outside of that tract, except after noon.

(45) Yellowbank WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

Section 7. State Park Deer Seasons and Requirements.

(1) A state park may allow archery and crossbow hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer.

(2) A state park may allow up to sixteen (16) days of modern gun hunting and up to eleven (11) days of muzzleloader hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer.

(3) A person shall not hunt on a state park unless:

(a) Selected by a random drawing as established in Section 3 of this administrative regulation; or

(b) The person is a member of a successful applicant's quota hunt party; or

(c) The person is participating in a first come, first served or an open hunt.

(4) A person participating in a state park quota hunt shall:

(a) Check in and check out as required in Section 5 of this administrative regulation;

(b) Furnish at check-in a driver's license or other form of government-issued identification or if the individual is a juvenile, be accompanied by an adult who furnished such an identification; and

(c) Not be eligible to apply for a quota hunt the following year if the person does not check out as required in Section 5 of this administrative regulation.

(d) Comply with the hunter orange and weapon requirements established in 301 KAR 2:172;

(e) Check a harvested deer by completing the telecheck or online check-in process as established in 301 KAR 2:172; and

(5) A person participating in a state park deer hunt shall not:

(a) Take more than one (1) antlered deer;

(b) Hunt over bait;

(c) Use:

1. A tree stand except a portable stand;

2. Climbing devices that nail or screw to the tree; or

3. Climbing spikes;

(d) Leave a deer stand unattended for more than twenty-four (24) hours;

(e) Discharge a gun within 100 yards of a maintained road or building; or

(f) Hunt:

1. In an area posted as closed by signs or maps;

2. Outside park boundaries; or

3. From a ground blind, if gun deer hunting is allowed, unless first attaching a hat or vest made of solid, unbroken hunter orange material to the blind so that it is visible from all sides.

(6) A person participating in a state park deer hunt or in possession of harvested wildlife on state park property shall comply with all posted state park rules and regulations concerning the possession, storage, or disposal of harvested wildlife.

(7) If a state park is in two (2) or more deer hunting zones, as established in 301 KAR 2:172, then the state park shall be regulated by the most liberal zone requirements of the zone in which it lies.

Section 8. Other Public Lands.

(1) On Daniel Boone National Forest, Jefferson National Forest, and Land Between the Lakes, a person shall not use bait.

(2) The areas established in paragraphs (a) through (h) of this subsection may schedule a gun, crossbow, or archery deer hunting season between September 1 and January 31:

(a) Big South Fork National River and Recreation Area;

(b) Clark's River National Wildlife Refuge;

(c) Daniel Boone National Forest;

(d) Green River National Wildlife Refuge

(e) Jefferson National Forest;

(f) Land Between the Lakes National Recreation Area;

(g) Ohio River Islands National Wildlife Refuge; and

(h) Reelfoot National Wildlife Refuge.

(3) An area listed in subsection (2) of this section may issue a bonus permit for antlered or antlerless deer, which shall:

(a) Not count against a hunter's statewide bag limit; and

(b) Only be issued for a hunt that is open to the general public.

(4) At Land Between the Lakes, a person:

(a) Shall not take more than:

1. Two (2) deer during archery hunts; and

2. One (1) deer during quota hunts;

(b) Who is a quota deer hunter shall:

1. Apply in advance at Land Between the Lakes; and

2. Only hunt from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset; and

(c) Who harvests a deer shall:

1. Check in the carcass pursuant to U.S. Forest Service requirements; and

2. Affix a game check card pursuant to U.S. Forest Service requirements.

(5) At Reelfoot National Wildlife Refuge:

(a) On the Long Point Unit, a valid hunting license and deer permit from either Kentucky or Tennessee shall be required for deer hunting.

(b) Zone 1 bag limits shall apply during the open archery season and quota youth hunt;

(c) A person shall not take more than two (2) deer by gun during the quota hunt, only one (1) of which shall be antlered;

(d) A quota gun hunt participant shall:

1. Tag deer as instructed by the Refuge; and

2. Comply with the Refuge check-in requirements; and

(e) A person who is archery hunting or in a quota youth hunt shall:

1. Only take deer using the appropriate statewide or additional deer permit; and

2. Check harvested deer through the department's telephone or online check-in systems.

(6) At Twin Knobs Campground, the area shall be closed to all statewide seasons, except that there shall be a quota hunt on the second Saturday in December during odd-numbered years for mobility-impaired persons.

(7) At Zilpo Campground, the area shall be closed to all statewide seasons, except that there shall be a quota hunt on the second Saturday in December during even-numbered years for mobility-impaired persons.

Section 9. Special Areas under Federal Control.

(1) The areas established in paragraphs (a) through (e) of this subsection may schedule a gun, archery, or crossbow deer hunting season between September 1 and January 31:

(a) Bluegrass Army Depot;

(b) Fort Campbell;

(c) Fort Knox;

(d) Hidden Valley Training Center; and

(e) Wendell Ford Regional Training Center.

(2) An area listed in subsection (1) of this section may issue a bonus permit for antlered or antlerless deer, which shall:

(a) Not count against a hunter's statewide bag limit; and

(b) Only be issued for a hunt that is open to the general public.

(3) Except on the Hidden Valley Training area, on the areas listed in subsection (1) of this section, a deer hunter shall:

(a) Obtain a permit from the area before hunting;

(b) Only hunt on assigned dates;

(c) Remain in assigned areas;

(d) Tag deer with tags issued on the area, unless otherwise established in this section;

(e) Keep the area tag attached to the deer until the carcass is processed; and

(f) Check deer at a designated check station before leaving the area.

(4) At Bluegrass Army Depot, a person shall not take an antlered deer whose outside antler spread is less than fifteen (15) inches.

(5) At Fort Knox, a person shall:

(a) Not take an antlered deer whose outside antler spread is less than twelve (12) inches;

(b) Not use bait; and

(c) Record harvested deer on a Fort Knox harvest log and check harvested deer pursuant to area requirements and as established in 301 KAR 2:172.

(6) At Hidden Valley Training Area, a person shall not use a gun to hunt deer.

Section 10. County, City, and Municipality Properties.

(1) Local governments may allow archery or crossbow hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer on their properties as they deem necessary.

(2) Local governments may allow up to sixteen (16) days of modern gun hunting and up to eleven (11) days of muzzleloader hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer on their properties as they deem necessary.

(3) Local governments that wish to conduct a Department administered quota hunt shall submit a Quota Hunts on Government Lands application to the Department by May 1 annually.

(4) All quota hunts offered by local governments shall:

(a) Be posted to the Department's website by September 1 annually; and

(b) Be open to the general public via an online drawing as established in Section 4 of this administrative regulation.

(5) Local governments that conduct a Department administered quota hunt may issue a bonus permit for antlered or antlerless deer, which shall:

(a) Not count against a hunter's statewide bag limit; and

(b) Only be issued for a hunt that is open to the public.

(6) A hunter participating in a quota hunt offered by a local government shall:

(a) Comply with hunter orange and weapon requirements as established in 301 KAR 2:172; and

(b) Check a harvested deer by completing the telecheck or online telecheck process as established in 301 KAR 2:172; and

(c) Comply with additional requirements as described by the local government; and

(d) Be given one (1) preference point for each antlerless deer taken, up to a maximum of four (4) points; and Not hunt:

1. In an area posted as closed by signage; or

2. Outside of the established quota hunt zone; or

3. In a ground blind, where gun deer hunting is allowed, without first attaching a hat or vest of solid, unbroken orange so that it is visible from all sides.

(7) A person participating in a quota hunt offered by a local government or in possession of harvested deer on local government property shall comply with all posted government rules concerning the possession, storage, and disposal of harvested deer.

Section 11. Incorporation by Reference. The following material shall be incorporated by reference:

(1) "Quota Hunts on Government Lands Application", March 2026 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: Quota Hunts on Government Lands Application:https://fw.ky.gov/Licenses/Documents/Quota-Hunts-on-Government-Lands-App.pdf

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: April 14, 2026

FILED WITH LRC: April 15, 2026 at 9:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 30, 2026, at 10:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
Subject Headings: Fish and Wildlife, Hunting, Land Use
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes deer hunting seasons, application procedures, and other matters pertaining to deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas that differ from statewide requirements.
(b) The necessity of this administrative regulation: KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 148.029(5) authorizes the Department of Parks, in cooperation with the Department of Fish and Wildlife Resources, to implement wildlife management plans on state parks. 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 to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: establishes means for taking of white-tailed deer on publicly owned properties that differ from statewide regulations.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment creates provisions for establishing deer hunting on properties owned by county governments.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary as public deer hunting on government owned lands was previously prohibited unless open under statewide regulations.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area.
(d) How the amendment will assist in the effective administration of the statutes: this amendment establishes seasons and bag limits for county government owned properties.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? {If yes, provide the year of the legislation and either the bill number or Ky Acts chapter number being implemented.} N/A
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Any local government that owns property and wishes to conduct a deer hunt that differs from statewide regulations.
(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: They will have to submit a quota hunts on government lands application annually while they wish to conduct the hunt.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): n/a

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): They will get hunters on site which will help to maintain/ manage deer populations that have historically not been hunted.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: n/a
(b) On a continuing basis: n/a
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Fish and Game Fund
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No new fees necessary to implement this regulation
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Requires any hunter that wants to participate in a county government quota hunt to pay a nonrefundable $3 fee to apply for the hunt.
(10) TIERING: Is tiering applied? No, all parties who wish to conduct a hunt or participate in a hunt are subjected to same regulations and rules.

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 148.029(5) authorizes the Department of Parks, in cooperation with the Department of Fish and Wildlife Resources, to implement wildlife management plans on state parks. 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 to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: N/A
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Promulgating agency is the Kentucky Department of Fish and Wildlife Resources. Other affected units/ parts would be any local or county government that wishes to conduct a quota hunt on property they own.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): local governments in all 120 Kentucky counties
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): n/a
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: there will be very minimal fiscal impacts as a result of the amendment to this regulation. The only expense/ cost is a $3 fee to apply to participate in a government quota hunt.
(b) Methodology and resources used to reach this conclusion: n/a
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): no major economic impact anticipated
(b) The methodology and resources used to reach this conclusion: n/a

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:251. Hunting and trapping seasons and limits for furbearers.

RELATES TO: KRS 150.170, 150.180, 150.370, 150.399, 150.415, 150.416, 150.990, 150.995
STATUTORY AUTHORITY: KRS 150.025(1), 150.175(7), (9), 150.360, 150.400, 150.410
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.175(7), (9) authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals. This administrative regulation establishes seasons, bag limits, legal methods of take, and checking and recording requirements for hunting and trapping furbearers.

Section 1. Definitions.
(1) "Body-gripping trap" means a commercially manufactured spring-loaded trap designed to kill an animal upon capture.
(2) "Dry land set" means a trap that is placed so that no portion of the trap touches the water of a river, stream, pond, lake, wetland, or other water course.
(3) "Foothold trap" means a commercially manufactured spring-loaded trap with smooth, metallic or rubber soft-catch jaws that close upon an animal's foot.

(4) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, least weasel, long-tailed weasel, river otter, bobcat, coyote, or striped skunk.

(5) "Hunter" means a person legally taking furbearers by means other than trapping.

(6) "Otter Zone 1" means the following counties: Anderson, Ballard, Bath, Boone, Bourbon, Bracken, Breckinridge, Bullitt, Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Daviess, Fayette, Fleming, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Hancock, Hardin, Harrison, Henderson, Henry, Hickman, Hopkins, Jefferson, Kenton, Larue, Livingston, Lyon, Marshall, Mason, McCracken, McLean, Meade, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Spencer, Trigg, Trimble, Union, Webster, and Woodford.

(7) "Otter Zone 2" means all Kentucky counties not included in subsection (6) of this section.

(8) "Snare" means a wire, cable, or string with a knot, loop, or a single piece closing device, the deployment of which is or is not spring-assisted, but any spring-assisted device is not for the purpose of applying tension to the closing device.

(9) "Squaller" means a hand-operated, mouth-operated, or electronic call capable of mimicking the vocalizations of furbearers.

(10) "Trap" means a body-gripping trap, box trap, deadfall, foothold trap, snare, or wire cage trap used to catch furbearers, in the set or unset position.

(11) "Water set" means a trap placed in the water of a river, stream, pond, lake, wetland, or other water course so that a portion of the trap body is underwater.

(12) "Youth" means a person under the age of sixteen (16) by the date of the hunt or the trapping date.

Section 2. License and Permit Requirements. Unless exempted by KRS 150.170, a person shall carry on his or her person a valid:

(1) Hunting license while hunting furbearers; and

(2) Bobcat hunting permit while hunting bobcat; or

(3) Trapping license while trapping furbearers.

Section 3. Furbearer Hunting Seasons. Except as established in 301 KAR 2:049, a person shall only take furbearers by hunting during the seasons established in subsections (1) through (5) of this section:

(1) Bobcat, from one-half (1/2) hour before sunrise on the third Saturday in November through the last day of February;

(2) Coyote, year-round;

(3) Raccoon and opossum, October 1 through the last day of February;

(4) All other furbearers except as established in subsection (5) of this section, from one-half (1/2) hour before sunrise on the third day of modern gun deer season through the last day of February; and

(5) Furbearers taken by falconry, September 1 through March 30.

Section 4. Furbearer Trapping Season. Except as established in 301 KAR 2:049, a person shall only take furbearers by trapping from one-half (1/2) hour before sunrise on the third day of the modern gun deer season through:

(1) The last day of February; or

(2) If using a water set, the last day of March.

Section 5. License-Exempt Youth Season. For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may hunt or trap furbearers without a license, but all other statewide requirements shall apply.

Section 6. Legal Hunting Equipment. Except as established in Section 7(8) of this administrative regulation, a hunter shall only use the equipment established in subsections (1) through (7) of this section to hunt furbearers:

(1) Centerfire gun;

(2) Rimfire gun;

(3) Shotgun;

(4) Muzzleloader;

(5) Bow and arrow;

(6) Crossbow; or

(7) An air gun using pellets at least .22 caliber in size.

Section 7. Hunter Restrictions.

(1) Furbearers may be taken during daylight hours only, except for the following, which may also be taken after daylight hours:

(a) Coyote;

(b) Opossum; or

(c) Raccoon.

(2) A person shall not take a raccoon or opossum during daylight hours during the modern gun deer season, as established in 301 KAR 2:172.

(3) A person hunting from a boat shall not use a light in conjunction with taking a raccoon or opossum.

(4) A person shall not use the following while chasing a raccoon or opossum from noon on March 1 through September 30;

(a) A firearm;

(b) Slingshot;

(c) Tree climber; or

(d) Any device to kill, injure, or force a raccoon or opossum from a tree or den.

(5) A person may use a squaller year-round.

(6) There shall not be a closed season on:

(a) Chasing red and gray foxes during daylight hours for sport and not to kill; or

(b) Chasing raccoons or opossums for sport and not to kill.

(7) A hunter may use a hand or mouth-operated call, electronic call, or any other attracting device during a furbearer hunting season.

(8) A person may take a coyote after daylight hours year-round, except that:

(a) It shall not be allowed in a county or area where a deer or elk firearm season is open;

(b) Artificial light or other means designed to make wildlife visible at night shall only be used from December 1 through March 31, and from May 16 through June 30 on public and private land;

(c) Any artificial light or other means designed to make wildlife visible at night shall not be connected to or cast from a mechanized vehicle;

(d) A holder of a valid Mobility-Impaired Access Permit or Hunting Methods Exemption - Vehicle Permit may use a stationary vehicle as a hunting platform and may cast lights or other means designed to make wildlife visible at night so long as the means used are not connected to the vehicle;

(e) On public land, a person shall not use any equipment other than a bow, crossbow, or shotgun and shall not use a shotgun shell with a single-projectile;

(f) On private land, a person shall not use any equipment other than a bow, crossbow, or shotgun and shall not use a shotgun shell with a single-projectile, except that from December 1 through March 31 and May 16 through June 30 a person may also use a muzzleloader of .54 caliber or less, a shotgun shell with a single projectile, or any modern firearm, including any rifle, pistol, or shotgun loaded from the rear of the barrel.

Section 8. Legal Traps.

(1) A person who is trapping with a dry land set shall only use traps as established in paragraphs (a) through (e) of this subsection:

(a) Deadfall;

(b) Wire cage or box trap;

(c) Foothold trap with a maximum inside jaw spread of six (6) inches measured perpendicular to the hinges;

(d) A snare; or

(e) Except as established in 301 KAR 2:049, a body-gripping trap with a maximum inside jaw spread of seven and one-half (7 1/2) inches measured parallel with the trigger:

1. In the center of the trap; and

2. In the unset position.

(2) There shall be no restrictions on the size or type of trap used as a water set, except that any body-gripping trap greater than twenty (20) inches in width shall be set so that the trap is completely submerged underwater.

Section 9. Trapper Restrictions.

(1) A person trapping on private land shall not place traps used as dry land sets any closer than ten (10) feet apart unless possessing written permission from the landowner or the landowner's designee, except that there shall not be more than three (3) traps placed within any ten (10) foot spacing.

(2) The trap spacing requirement established in subsection (1) of this section shall not apply to:

(a) Box or cage live traps; or

(b) Properties of five (5) acres or less.

(3) A trap shall not be set in a trail or path commonly used by a human or a domestic animal.

(4) A trapper may use lights from a boat or a vehicle in conjunction with trapping furbearers.

Section 10. Trap Tags.

(1) Each trap shall have a metal tag attached to it that clearly shows:

(a) The name and address of the person setting, using, or maintaining the trap; or

(b) A FW Customer ID or wildlife identification number issued by the department and the 1-800-25ALERT department hotline phone number.

(2) A person shall:

(a) Not use a trap tag that has an inaccurate or outdated address;

(b) Not use a trap tag that has a FW Customer ID or wildlife identification number that corresponds to an inaccurate or outdated address or phone number; and

(c) Maintain an updated address and phone number in MyProfile on the department website.

(3) A FW Customer ID or wildlife identification number shall be valid for a trap tag for the life of the holder.

Section 11. Bag Limits.

(1) There shall not be a bag limit on furbearers, except as established in subsections (2) through (6) of this section.

(2) A person shall not take more than ten (10)[~~five (5)~~] bobcats per season, no more than three (3) of which shall be taken with a gun, except as established in subsection (3) of this section.

(3) Hunters and trappers may increase their bobcat bag limit for the following season, under the following criteria:

(a) A hunter or trapper who submits lower jaws from all harvested bobcats in a single season may receive one (1) additional bobcat to the bag limit for the following season for every two (2) jaws submitted.

(b) Additions to the bobcat bag limit also increase the allowable number of bobcats that may be taken with a gun.

(c) Hunters and trappers shall submit all lower jaws, from bobcats they harvest during a single season, to the department by March 15th the year the season ends to be eligible for bag limit incentives. Instructions for how to remove and submit the lower jaws can be obtained from the department's Web site at fw.ky.gov.

(d) Additions of bobcats to bag limits are non-transferable.

(4) A person shall not take more than fifteen (15)[~~ten (10)~~] river otters per season in Otter Zone 1.

(5) A person shall not take more than ten (10)[~~six (6)~~] river otters per season in Otter Zone 2.

(6) The total river otter bag limit per season shall be fifteen (15)[~~ten (10)~~] per person, only ten (10)[~~six (6)~~] of which can be taken from Otter Zone 2.

(7) A falconer hunting within the falconry season, but outside the dates specified in Section 3(3) and (4) of this administrative regulation, shall not take more than two (2) of any furbearer per day.

Section 12. Harvest Recording.

(1) Immediately after harvesting a river otter or bobcat, and prior to moving the carcass, a person shall record in writing the:

(a) Species;

(b) Date;

(c) County where taken; and

(d) Sex of the river otter or bobcat.

(2) The information required by subsection (1)(a) through (d) of this section shall be documented on:

(a) The hunter's log section on the reverse side of a license or permit;

(b) A hunter's log printed from the department's Web site at fw.ky.gov;

(c) A hunter's log available from any KDSS agent; or

(d) An index card or similar card.

(3) A person shall retain and possess the completed hunter's log while hunting or trapping during the current season.

Section 13. Checking a River Otter or Bobcat.

(1) A person who harvests a river otter or bobcat shall check each animal by:

(a) Completing the telecheck process after calling 800-245-4263 or completing the check-in process on the department's Web site at fw.ky.gov:

1. Before midnight on the day the river otter or bobcat is recovered;

2. Prior to processing the carcass; and

3. Prior to transporting the raw fur, pelt, or unskinned carcass out of Kentucky; and

(b) Writing the check-in confirmation number on the hunter's log as established in this section.

(2) A person who intends to sell the raw fur of a river otter or bobcat to a licensed fur processor, fur buyer, or taxidermist or wishing to export a river otter or bobcat pelt outside the United States shall: Request a Convention on International Trade of Endangered Species of Flora and Fauna (CITES) tag by logging into a MyProfile account on the department website.

(3) A person who is transferring a river otter or bobcat that does not have an attached CITES tag shall attach to the carcass a handmade tag that contains the:

(a) Confirmation number;

(b) Hunter or trapper's name; and

(c) Hunter or trapper's phone number.

(4) A person shall not knowingly provide false information when:

(a) Completing the hunter's log;

(b) Checking a river otter or bobcat;

(c) Completing a CITES tag request form; or

(d) Creating a handmade carcass tag.

(5) A CITES tag shall be attached to the raw fur, pelt, or unskinned carcass upon receipt of the tag from the department per the instructions provided by the department and remain attached until it is processed or exported outside the United States.

(6) Possession of an unused CITES tag issued by the department shall be prohibited.

Section 14. Transporting and Processing a River Otter or Bobcat.

(1) A person shall not sell the raw fur of a river otter or bobcat except to a licensed:

(a) Fur buyer;

(b) Fur processor; or

(c) Taxidermist.

(2) A taxidermist, fur buyer, or fur processor shall:

(a) Not accept a river otter or bobcat carcass or any part thereof without a proper carcass tag or CITES tag as established in Section 13 of this administrative regulation; and

(b) Retain the information established in subparagraphs 1. through 4. of this paragraph from a hunter or trapper:

1. Name;

2. Address;

3. Confirmation number or CITES tag number; and

4. Date received for each river otter or bobcat.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: April 14, 2026

FILED WITH LRC: April 15, 2026 at 9:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 30, 2026, at 11:00 a.m., at KDFWR Administration Building, 1 Sportsman’s Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in

writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
Subject Headings: Conservation, Fish and Wildlife, Hunting
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes furbearer hunting and trapping seasons, bag limits, legal methods of take, and other furbearer hunting and trapping requirements.
(b) The necessity of this administrative regulation: This regulation is necessary to provide adequate furbearer hunting and trapping opportunities and to properly manage furbearer populations in Kentucky.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.175(7), (9) authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will fulfill the purposes of KRS 150.025 and 150.410 by defining the seasons, bag limits, and methods of take used to manage furbearers in Kentucky.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment will increase the otter bag limit to 15 per season, only 10 of which can be taken from zone 2. The bobcat limit will increase to 10 per season, only 3 of which can be taken with a gun by hunting.
(b) The necessity of the amendment to this administrative regulation: This amendment will provide additional opportunities for the harvest of river otter and bobcat.
(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.
(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, this amendment does not implement legislation.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All legal trappers and hunters could harvest additional river otters and/or bobcats (trappers only) during the legal furbearer trapping and hunting seasons.
(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: Trappers may take advantage of increased bag limits for river otter and bobcat. Hunters may take advantage of an increased bag limit for river otter.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional cost to licensed trappers.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Trappers and hunters will gain more opportunity to harvest river otter and bobcat.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the department to implement this administrative regulation.
(b) On a continuing basis: There will be no additional cost to the department on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The source of funding is the State Game and Fish Fund.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:
(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? No. Tiering is not applied because all furbearer trappers in Kentucky must comply with the requirements of this administrative regulation.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) 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 150.175(7), (9) authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in

(4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

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

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

702 KAR 3:220. Guidelines for waiver of school fees.

RELATES TO: KRS 160.330
STATUTORY AUTHORITY: KRS 156.160, 160.330
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 authorizes the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 160.330 provides that local school districts shall establish, pursuant to Kentucky Board of Education[~~consistent with~~][~~State Board for Elementary and Secondary~~] administrative regulations, a process to waive fees for qualifying students and a procedure for notice of such. This administrative regulation provides guidelines for the waiver of school fees by local districts.

Section 1. Definition. "Student attendance day" is defined by KRS 158.070(1)(e).

Section 2. Local school districts shall establish a process by which to waive any applicable fees charged by the district for pupils who qualify for free or reduced price lunches, including a process by which at least all such students shall be informed of the fee waiver provisions. Districts that do not charge fees to any students shall not be subject to these requirements.

Section 3.
(1) A student must qualify for free or reduced price lunch under the applicable Income Eligibility Guidelines established by the United States Department of Agriculture pursuant to Section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) to be eligible for the waiver of fees by the local school district.
(2) A student enrolled in a school district that participates in the Community Eligibility Provision of the National School Lunch or School Breakfast Program is not automatically eligible for the waiver of fees by the local school district and must be determined eligible under subsection (1) of this section.

Section 4.[~~Section 2.~~] Local school districts shall adopt specific policies and procedures whereby, at the beginning of the school year or at the time of enrollment, all students who qualify for free or reduced price lunches[~~or at least qualifying pupils~~] and their parents or guardians shall be given clear and prominent written notice of the fee waiver process[~~, including the applicable income guidelines~~]. If the local school district does not participate in the National School Lunch or School Breakfast Program, or participates in the Community Eligibility Provision of the National School Lunch or School Breakfast Program, such written notice shall be provided to all students. [~~Such policies and procedures shall also insure that the written notice of the fee waiver process shall include a form that parents shall use to request waiver of applicable fees.~~]

[~~Section 3.~~] [~~Local districts shall keep records for documentation and compliance purposes, which shall be made available to the Department of Education upon request. These records shall include:~~]
[~~(1)~~] [~~The number of pupils receiving free lunches and reduced price lunches;~~]
[~~(2)~~] [~~The number of pupils who request that fees be waived and the number of pupils for who fees are waived;~~]
[~~(3)~~] [~~Copies of any forms, notices or instructions used by schools in the collection or waiver of fees.~~]

Section 5.[~~Section 4.~~] Mandatory waiver of fees shall apply to all charges, direct or indirect, which would otherwise be required for participation in the following school-sponsored courses, activities, programs, events or services:
(1) Charges and deposits collected by a school for use of school property[~~, including but not limited to, locks, towels, laboratory equipment and special workbooks~~];
(2) Charges for field trips, any portion of which fall within the student attendance[~~school~~] day;
(3) Charges or deposits for uniforms or equipment related to intramural sports, music, or fine arts programs;
(4) Special supplies, course materials, or fees required for a particular class;
(5) Graduation fees required for participation;
(6) Special education fees;
(7) School records fees;
(8) School health service fees;
(9) General activities fees;
(10) Career and technical[~~Vocational~~] education fees;
(11) Technology fees;
(12)[~~(11)~~] Driver's education fees; and
(13)[~~(12)~~] Any other fees not exempt under Section 6[~~5~~] of this administrative regulation.

Section 6.[~~Section 5.~~] Mandatory waiver of fees shall not apply to the following:
(1) Activities or rental of property taking place or for exclusive use outside of the student attendance day[~~normal six (6) hour school day (and any local district extension of such)~~] and having no impact upon the minimum requirements for high school graduation set forth in 704 KAR 3:305[~~from~~] or receiving credit for any instructional course[~~(s) included in or~~] authorized by 704 KAR Chapter 8[~~the~~

~~"Program of Studies for Kentucky Schools, Grades K-12", incorporated by reference in 704 KAR 3:304~~]; and

(2) Costs for materials, equipment, or supplies beyond those necessary for a student to receive full credit for any instructional course authorized by 704 KAR Chapter 8[~~courses and essential for meeting student performance objectives~~].

Section 7.[~~Section 6.~~] Local districts shall provide written notice of approvals and denials of fee waivers to students. Any denial shall contain the specific grounds for denial and shall afford the student and their parent or guardian the opportunity for a personal meeting with appropriate district personnel to discuss the validity of the denial.

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

DR. ROBBIE FLETCHER, Commissioner
SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: April 13, 2026
FILED WITH LRC: April 13, 2026 at 2:20 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen
Subject Headings: Education, Education: Elementary, Education: Secondary
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides guidelines for the waiver of school fees by local districts.
(b) The necessity of this administrative regulation: KRS 160.330 provides that local school districts shall establish, pursuant to Kentucky Board of Education administrative regulations, a process to waive fees for qualifying students and a procedure for notice of such. This administrative regulation provides guidelines for the waiver of school fees by local districts.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.160 authorizes the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 160.330 provides that local school districts shall establish, pursuant to Kentucky Board of Education administrative regulations, a process to waive fees for qualifying students and a procedure for notice of such. This administrative regulation provides guidelines for the waiver of school fees by local districts.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 160.330 provides that local school districts shall establish, pursuant to Kentucky Board of Education administrative regulations, a process to waive fees for qualifying students and a procedure for notice of such. This administrative regulation provides guidelines for the waiver of school fees by local districts.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The regulation amendment updates the statutory authority, defines student attendance day, adds language regarding income eligibility guidelines, adds language regarding participation in the Community Eligibility Provision of the National School Lunch or School Breakfast Program, updates language regarding providing notice to students, deletes language regarding school districts using a form and maintaining records, updates language regarding fees that must be waived, and updates language to require school districts to meet with students and their parents or guardians if a fee waiver is denied.
(b) The necessity of the amendment to this administrative regulation: The regulation amendment is necessary to clarify which students are eligible for the fee waiver, update the guidelines regarding school district fee waiver processes and denials, and to update which fees must be waived.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.160 authorizes the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 160.330 provides that local school districts shall establish, pursuant to Kentucky Board of Education administrative regulations, a process to waive fees for qualifying students and a procedure for notice of such. The administrative regulation amendment provides updated guidelines for the waiver of school fees by local districts.
(d) How the amendment will assist in the effective administration of the statutes: The administrative regulation amendment provides guidelines for the waiver of school fees by local districts and implements KRS 160.330.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: School districts.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulation amendment requires school districts that do not participate in the National School Lunch or School Breakfast Program, or participate in the Community Eligibility Provision of the National School Lunch or School Breakfast Program, to provide written notice of the fee waiver process to all students. The regulation amendment requires a school district that denies a fee waiver request to afford the student and their parent or guardian the opportunity for a personal meeting with the appropriate district personnel to discuss the validity of the denial.
(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 anticipated cost to school districts.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): School districts will be in compliance with KRS 160.330 which provides that local school districts shall establish, pursuant to Kentucky Board of Education administrative regulations, a process to waive fees for qualifying students and a procedure for notice of such. This administrative regulation provides guidelines for the waiver of school fees by local districts.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be minimal cost to the Kentucky Department of Education.
(b) On a continuing basis: The ongoing cost to the Kentucky Department of Education will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General funds.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.160 and KRS 160.330.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 160.330
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: Any expenditures are expected to be minimal.
For subsequent years: Any expenditures are expected to be minimal.
2. Revenues:
For the first year: This regulation is not expected to generate revenue.
For subsequent years: This regulation is not expected to generate revenue.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): School districts.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: Any expenditures are expected to be minimal.
For subsequent years: Any expenditures are expected to be minimal.
2. Revenues:
For the first year: This regulation is not expected to generate revenue.
For subsequent years: This regulation is not expected to generate revenue.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Not applicable.
For subsequent years: Not applicable.
2. Revenues:
For the first year: Not applicable.
For subsequent years: Not applicable.
3. Cost Savings:
For the first year: Not applicable.
For subsequent years: Not applicable.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Any expenditures are expected to be minimal. The regulation is not expected to generate revenue and no cost savings are anticipated.
(b) Methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The administrative regulation is not expected to have a major economic impact.
(b) The methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.

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

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

702 KAR 6:110. Claim reimbursement for school and community nutrition programs.

RELATES TO: KRS 156.070(5), 7 C.F.R. 210.8, 220.11, 225.9, 226.10, 42 U.S.C. 1751, 1761, 1766, 1773
STATUTORY AUTHORITY: KRS 156.070(5), 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), 226.10(e)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(5) requires the Kentucky Board of Education to promulgate administrative regulations governing the operation of programs within the Department of Education. 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provides the Department of Education with the authority to establish deadlines for claim reimbursement for federal nutrition programs. This administrative regulation establishes the claims deadlines for these programs.

Section 1. Definitions.
(1) "Online Reporting System" means the Web-based computer application used for claims processing.
(2) "Program Operator[~~Sponsor~~]" means an entity approved to participate in a nutrition program that is administered by the Division of School and Community Nutrition (SCN)[~~SCN~~].

Section 2. Submission of Monthly Claims. To be entitled to reimbursement, each participating program operator[~~sponsor~~] shall submit a monthly Claim for Reimbursement to SCN. The Claim for Reimbursement [~~form used~~] shall be submitted in the online reporting system or by U.S. mail[~~the form corresponding to the type of program operated by the sponsor, and shall be one (1) of the following forms:~~]
[~~(1)~~] [~~Non-Profit Programs Report and Claim for Reimbursement;~~]
[~~(2)~~] [~~For-Profit Programs Report and Claim for Reimbursement;~~]
[~~(3)~~] [~~Adult Programs Report and Claim for Reimbursement;~~]
[~~(4)~~] [~~Family Day Care Homes Report and Claim Form for Reimbursement;~~]
[~~(5)~~] [~~NSLP/SBP/SMP Report and Claim for Reimbursement Worksheet; or~~]
[~~(6)~~] [~~Summer Food Program Report and Claim for Reimbursement~~].

Section 3. Submission Timeframes.
(1) A final Claim for Reimbursement shall be postmarked or submitted through the online reporting system to SCN no later than 11:59 p.m. Eastern time on the 15th of the month following the month covered by the claim to be considered a timely filing.
(2) Corrected claims[~~Claims~~] shall be[~~not~~] postmarked or submitted through[~~by~~] the online reporting system to SCN no later than 11:59 p.m. Eastern time on the 30th of the month following the month covered by the claim to[~~claims deadline shall not~~] be considered a timely[~~claim~~]filing[~~by SCN~~].
(3) A request for a waiver from the deadline established in subsection (1) or (2) of this administrative regulation may be submitted in writing to the SCN[~~SCN's~~] division director with the reason for the late claim filing clearly specified.
[~~(3)~~] [~~Corrected claims shall be submitted on or before the 30th of the month following the month covered by the claim to be considered a timely filing and shall be accompanied by a completed~~

~~Corrective Action Plan. The Corrective Action Plan submitted shall be the plan corresponding to the type of program operated by the sponsor, and shall be one (1) of the following plans:~~]

[~~(a)~~] [~~Child and Adult Care Food Program (CACFP) Claim for Reimbursement Corrective Action Plan;~~]

[~~(b)~~] [~~Family Day Care Homes (FDCH) Claim for Reimbursement Corrective Action Plan;~~]

[~~(c)~~] [~~National School Lunch/Breakfast/Special Milk Programs Claim for Reimbursement Corrective Action Plan; or~~]

[~~(d)~~] [~~Summer Food Service Program (SFSP) Claim for Reimbursement Corrective Action Plan.~~]

(4) Claims submitted after the deadline established in subsection (1) or (2) of this administrative regulation shall be accompanied by a completed claim for reimbursement corrective action plan.

Section 4. Claim Verification. The claim shall be signed by an authorized official of the program operator[~~sponsor~~]if submitted by U.S. Mail.

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

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

[~~(a)~~] [~~"Non-Profit Programs Report and Claim for Reimbursement", 7/2010;~~]

[~~(b)~~] [~~"For-Profit Programs Report and Claim for Reimbursement", 7/2010;~~]

[~~(c)~~] [~~"Adult Programs Report and Claim for Reimbursement", 7/2010;~~]

[~~(d)~~] [~~"Family Day Care Homes Report and Claim for Reimbursement", 01/2010;~~]

[~~(e)~~] [~~"NSLP/SBP/SMP Report and Claim for Reimbursement Worksheet", 08/2011;~~]

[~~(f)~~] [~~"Summer Food Program Report and Claim for Reimbursement", 08/2011;~~]

[~~(g)~~] [~~"Child and Adult Care Food Program (CACFP) Claim for Reimbursement Corrective Action Plan", 08/2011;~~]

[~~(h)~~] [~~"Family Day Care Homes (FDCH) Claim for Reimbursement Corrective Action Plan", 08/2011;~~]

[~~(i)~~] [~~"National School Lunch/Breakfast/Special Milk Programs Claim for Reimbursement Corrective Action Plan", 08/2011; and~~]

[~~(j)~~] [~~"Summer Food Service Program (SFSP) Claim for Reimbursement Corrective Action Plan", 08/2011.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained at the Kentucky Department of Education, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~]]

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

DR. ROBBIE FLETCHER, Commissioner of Education
SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: April 13, 2026
FILED WITH LRC: April 13, 2026 at 2:20 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen
Subject Headings: Education: Elementary, Education: Secondary, Finance and Administration
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes deadlines for claim reimbursement for federal nutrition programs operated by the Kentucky Department of Education.
(b) The necessity of this administrative regulation: 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provide the Kentucky Department of Education with the authority to establish deadlines for claim reimbursement for federal nutrition programs. This administrative regulation establishes the claims deadlines for these programs.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.070(5) requires the Kentucky Board of Education to promulgate administrative regulations governing the operation of programs within the Kentucky Department of Education. 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provides the Kentucky Department of Education with the authority to establish deadlines for claim reimbursement for federal nutrition programs. This administrative regulation establishes the claims deadlines for these programs.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes deadlines for claim reimbursement for federal nutrition programs operated by the Kentucky Department of Education. 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provide the Kentucky Department of Education with the authority to establish deadlines for claim reimbursement for federal nutrition programs and KRS 156.070(5) requires the Kentucky Board of Education to promulgate administrative regulations governing the operation of programs within the Kentucky Department of Education.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The regulation amendment changes the reference from sponsor to program operator, deletes forms incorporated by reference, updates the requirement that claims be signed by an authorized official to only those claims submitted by U.S. mail, and changes when a corrective action plan must be submitted.
(b) The necessity of the amendment to this administrative regulation: The regulation amendment is necessary to update the definition section to provide clarity and align with federal law; delete forms that are not necessary; update the requirement for claim verification signatures to be only those claims submitted by U.S. mail; and update when a corrective action plan must be submitted.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.070(5) requires the Kentucky Board of Education to promulgate administrative regulations governing the operation of programs within the Kentucky Department of Education. 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provide the Kentucky Department of Education with the authority to establish deadlines for claim reimbursement for federal nutrition programs. The regulation amendment updates requirements related to submitting claim reimbursements.
(d) How the amendment will assist in the effective administration of the statutes: The regulation amendment updates requirements related to submitting claim reimbursements.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This legislation does not implement state legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Entities, including school districts, approved to participate in a federal nutrition program administered

by the Kentucky Department of Education.
(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: Participating entities must submit claims for reimbursement to the Kentucky Department of Education Division of School and Community Nutrition and must submit a claim reimbursement corrective action for untimely filings of a final claim for reimbursement or a corrected claim.
(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 anticipated costs to participating entities.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Participating entities will be eligible for reimbursement through the federal nutrition program for submitted claims.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be minimal cost to the Kentucky Department of Education.
(b) On a continuing basis: The ongoing cost to the Kentucky Department of Education will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General funds and federal 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: None.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.070(5), 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), 226.10(e)
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.070(5)
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: Any expenditures are expected to be minimal.
For subsequent years: Any expenditures are expected to be minimal.
2. Revenues:
For the first year: This regulation is not expected to generate revenue.
For subsequent years: This regulation is not expected to generate revenue.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): School districts approved to participate in a federal nutrition program administered by the Kentucky Department of Education.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: Any expenditures are expected to be minimal.
For subsequent years: Any expenditures are expected to be minimal.
2. Revenues:
For the first year: This regulation is not expected to generate revenue, but school districts that submit claims are eligible for federal reimbursement.
For subsequent years: This regulation is not expected to generate revenue, but school districts that submit claims are eligible for federal reimbursement.
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): Entities other than school districts approved to participate in a federal nutrition program administered by the Kentucky Department of Education.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Any expenditures are expected to be minimal.
For subsequent years: Any expenditures are expected to be minimal.
2. Revenues:
For the first year: This regulation is not expected to generate revenue, but entities that submit claims are eligible for federal reimbursement.
For subsequent years: This regulation is not expected to generate revenue, but entities that submit claims are eligible for federal reimbursement.
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: For the Kentucky Board of Education and Kentucky Department of Education, any expenditures are expected to be minimal. The regulation is not expected to generate revenue and no cost savings are anticipated. For entities, including school districts, approved to participate in a federal nutrition program administered by the Kentucky Department of Education, any expenditures are expected to be minimal and no cost savings are anticipated. The regulation is not expected to generate revenue, but entities that submit claims are eligible for federal reimbursement.
(b) Methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The administrative regulation is not expected to have a major economic impact.
(b) The methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.

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

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
(Amendment)

815 KAR 4:010. Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts.

RELATES TO: KRS 198B.400, 198B.470, 198B.480, 198B.500, 198B.510, 198B.540
STATUTORY AUTHORITY: KRS 198B.060(18), 198B.490
NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.490 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations governing the safety and

inspection of elevators as defined by KRS 198B.400(1) and fixed guideway systems as defined by KRS 198B.400(11). KRS 198B.490(1) authorizes the department to prescribe, by administrative regulation, a reasonable fee to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B. This administrative regulation establishes the annual inspection requirements and fees for elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth.

Section 1. Annual Inspection of Elevators, Chairlifts, Fixed Guideway Systems, and Platform Lifts. An annual inspection of an elevator, chairlift, fixed guideway system, or platform lift shall be conducted in accordance with the standards [~~as~~]established and incorporated by reference in 815 KAR 7:120, Kentucky Building Code.

Section 2. Inspection Fees

(1) The annual inspection fee for the issuance of a certificate of operation shall be as follows:

Elevators	Inspection Fee
Stair Lift, Chairlift, Platform Lift, or Fixed Guideway System	$125[~~$100~~]
Dumbwaiter	$135[~~$110~~]
Limited Use, Limited Access (Lula)	$150[~~$125~~]
Moving Sidewalk	$150[~~$125~~]
Passenger	$150[~~$125~~]
Hydraulic	$150[~~$125~~]
Special Purpose (private residential or vertical reciprocating conveyor)	$150[~~$125~~]
Escalator	$170[~~$145~~]
Freight	$250[~~$225~~]
Traction	$150[~~$125~~] for initial ten (10) stories; plus $25[~~$10~~] for each additional ten (10) stories or portion thereof
Re-inspections	Additional payment of original inspection fee for each re-inspection

(2) The fee for an inspection conducted at the request of the owner or user of a unit, other than an inspection made pursuant to a construction, installation, or alteration permit, or annual inspection, shall be subject to the same fee schedule as an annual inspection in subsection (1) of this section.

Section 3. Certificate of Approval. The department shall issue a certificate of approval after successful completion of a final inspection and receipt of the inspection fee. The fee for a replacement certificate is $25.

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m., in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m., eastern time. 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: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathan M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the annual inspection requirements and fees for elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish annual inspection requirements and associated fees to ensure the safety of elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.490 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations governing the safety and inspection of elevators as defined by KRS 198B.400(1) and fixed guideway systems as defined by KRS 198B.400(11). KRS 198B.490(1) authorizes the department to prescribe, by administrative regulation, a reasonable fee to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation directly implements the authorizing statutes by establishing annual inspections and associated fees to govern the safety of elevators and fixed guideway systems within the Commonwealth.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment increases the fees for inspections, establishes a re-inspection fee, and clarifies that the Certificate of Approval shall not be issued until the fees have been paid. It further establishes a fee for a replacement certificate.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to make adjustments to the fees for annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth and to clarify that payment of the inspection fee is required to obtain a certificate of approval.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 198B.490(1) authorizes the department to prescribe, by administrative regulation, a reasonable fee to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will increase revenue to the elevator inspection branch which is needed to retain its current workforce as well as to fund the future hiring of additional personnel to accommodate the growing number of units requiring inspection. Rising personnel costs are outpacing current revenues in spite of an approximately 33% reduction in operating costs since FY21. FY24 expenditures exceeded total revenues by $56,437. FY25 expenditures are projected to exceed total revenues by $185,600.
(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: Any building owner with a conveyance of the type regulated by this administrative regulation will be affected. More specifically, the elevator inspection branch's data reflects there are currently 14,826 building locations with conveyances for inspection.
(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 be required to pay more for inspections and replacement certificates of operation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): See Section 2 of this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The revenue generated by the fee increases will allow the elevator inspection branch to meet existing personnel and operating costs and fund future hires in order to perform timely inspections necessary to ensure the safety of the unit and the passengers.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The Department will not incur initial costs to implement this administrative regulation.
(b) On a continuing basis: The Department will not incur continuing costs to administer 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: Implementation of these amendments is not anticipated to result in any additional cost to the agency. Any agency costs resulting from these administrative amendments will be met with existing 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, the amendment itself is a fee increase, but no fees or funding will be required for implementation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes, this amendment seeks to increase fees for the inspection of regulated conveyances.
(10) TIERING: Is tiering applied? Tiering is not applied as all consumers affected by this administrative regulation will be subject to the amended requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: This administrative regulation is authorized and required by KRS 198B.490 and 198B.060.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required and authorized by KRS 198B.060(18) and 198B.490.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Public Protection Cabinet, Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Elevator Inspection Branch.
(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: It is anticipated that the elevator inspection branch will increase revenue by approximately $540,000 in the first year.
For subsequent years: It is anticipated that revenues will increase slightly each year as the number of regulated conveyances increases yearly.
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: The cost to each entity will depend on the number of units requiring inspection.
For subsequent years: The cost will not increase unless the number of units requiring inspection increases.
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): Building owners with conveying systems. (b) Estimate the following for each affected local entity identified in (4)(a):
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The cost to each entity will depend on the number of units requiring inspection, but the cost is increasing by a flat $25 per unit and an additional $15 per floor over 10.
For subsequent years: There will be no difference in subsequent years.
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: It is anticipated that the elevator branch will increase revenue by approximately $540,000.
(b) Methodology and resources used to reach this conclusion: The fiscal impact was calculated by multiplying the number of conveyances inspected in 2025 by the total fee increase. (7) Explain, as it relates to the entities in (3)(a), (4)(a), and (5)(a):
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010.
(b) The methodology and resources used to reach this conclusion: Owners of buildings with elevators and escalators will be subject to a flat $25 increase (plus a $15 increase per floor over 10 if applicable) in annual inspections.

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 Housing, Buildings and Construction
(Amendment)

815 KAR 4:025. Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts.

RELATES TO: KRS 198B.050, 198B.400-198B.540
STATUTORY AUTHORITY: KRS 198B.060, 198B.4009, 198B.490, 198B.520
NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.420 requires the Department of Housing, Buildings and Construction to administer all aspects of the State Elevator and Fixed Guideway System Inspection Program. KRS 198B.520 requires a permit to be obtained prior to the construction, installation, or alteration of an elevator or fixed guideway system. KRS 198B.490 requires the department to promulgate administrative regulations governing the

safety and inspection of elevators and fixed guideway systems and authorizes the department to establish reasonable fees to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B. This administrative regulation establishes the permit and inspection fees for passenger elevators, freight elevators, chairlifts, fixed guideway systems, and platform lifts.

Section 1. Definitions.

(1) "Alteration":

(a) Means a change that is made to an elevator, elevator equipment, elevator device, chairlift, fixed guideway system or platform lift; and

(b) Does not mean maintenance, repair, or replacement of parts in kind.

(2) "Elevator" is defined by KRS 198B.400(1).

(3) "Fixed guideway system" is defined by KRS 198B.400(11).

Section 2. Issuance of Permits.

(1) Permits to construct, install, or alter an elevator, chairlift, fixed guideway system, or platform lift shall only be issued to a Kentucky licensed elevator contractor.

(2) A Kentucky licensed elevator mechanic shall not construct, install, or alter an elevator, chairlift, fixed guideway system, or platform lift unless the work is performed under the supervision of a Kentucky licensed elevator contractor or exempt from supervision under the provisions of KRS 198B.4009(2).

Section 3. Permit Required.

(1) An application shall be made for a permit prior to construction, installation, or alteration of an elevator, chairlift, fixed guideway system, or platform lift on one (1) of the following:

(a) Form EV-1, Elevator Construction and Installation Permit Application; or

(b) Form EV-2, Elevator Alteration Permit Application.

(2) An application shall be submitted to the department before commencing elevator, chairlift, fixed guideway system, or platform lift work that requires a permit.

Section 4. Construction, Installation, and Alteration Permit Fees. Permit and inspection fees for passenger and freight elevators, escalators, moving sidewalks, fixed guideway systems, residential and commercial chair lifts and platform lifts, dumb waiters, and Limited Use Limited Access elevators[~~for passenger elevators, freight elevators, chairlifts, fixed guideway systems, and platform lifts~~] shall be as follows:

(1) Passenger and freight elevators: Base fee of $400, plus $25 for each floor above the eighth floor (this includes all floors or levels above and below grade to which the elevator provides access);

(2) Escalators and moving sidewalks: $400;

(3) Fixed guideway system: $150;

(4) Residential and commercial chair lifts and platform lifts: $150;

(5) Dumb waiter: $150; and

(6) Limited Use Limited Access elevators: $150.

[~~Horsepower (per unit)~~]	[~~Permit Fee~~]
[~~Zero (0) to five (5)~~]	[~~$85~~]
[~~Six (6) to ten (10)~~]	[~~$100~~]
[~~More than ten (10)~~]	[~~$100 plus $10 for each additional horsepower exceeding ten (10)~~]

Section 5. Inspection Fees.

(1)

[~~(a)~~] Each passenger elevator, freight elevator, chairlift, fixed guideway system, or platform lift permit shall include up to two (2) inspections at no additional cost.

(2)[~~(b)~~] All passenger elevator, freight elevator, chairlift, fixed guideway system, or platform lift inspections in excess of the two (2) provided with the purchase of the permit shall be performed at the rate of the original permit fee per inspection.

(3)[~~(2)~~] Payment for all necessary permits and inspections shall be received by the department prior to final approval of an elevator, chairlift, fixed guideway system, or platform lift construction, installation, or alteration being granted.

Section 6. Elevator Inspection Checklist.

(1) Prior to requesting a final inspection of the constructed, installed, or altered elevator, the elevator contractor shall submit a completed Elevator Inspection Violation Reference List for New and Existing Elevator Devices and Scheduling Checklist, Form EV-3, to the department.

(2) Prior to requesting a final inspection of the constructed, installed, or altered escalator, the elevator contractor shall submit a completed Escalator Inspection Violation Reference List for New and Existing Escalators and Scheduling Checklist, Form EV-4, to the department.

(3) Prior to requesting a final inspection of the constructed or installed private residence elevator, the elevator contractor shall submit a completed Private Residence Inspection Violation Reference List for New Elevators and Scheduling Checklist, Form EV-5, to the department.

(4) Prior to requesting a final inspection of the constructed or installed private residence chairlift, the elevator contractor shall submit a completed Private Residence Chairlift Inspection Test Form, Form EV-6, to the department.

Section 7. Certificate of Approval. Upon the satisfactory completion of final inspection of the constructed, installed, or altered elevator, chairlift, fixed guideway system, or platform lift a certificate of approval shall be issued by the department.

Section 8. Expiration of Permits. An elevator permit issued pursuant to this administrative regulation shall be subject to revocation, expiration, or extension pursuant to the provisions of KRS 198B.520.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Elevator Construction and Installation Permit Application", Form EV-1, May 2020;[~~ and~~]

(b) "Elevator Alteration Permit Application", Form EV-2, May 2020;[~~.~~]

(c) "Elevator Inspection Violation Reference List for New and Existing Elevator Devices and Scheduling Checklist", Form EV-5, April, 2026;[~~EV-3, May 2021.~~]

(d) "Escalator Inspection Violation Reference List for New and Existing Escalators and Scheduling Checklist", Form EV-6, April 2026;

(e) "Private Residence Inspection Violation Reference List for New Elevators and Scheduling Checklist", Form EV-7, April 2026; and

(f) "Private Residence Chairlift Inspection Test Form", Form EV-8, April 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Housing, Buildings and Construction; 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m., in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the

public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m., eastern time. 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: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathan M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: The administrative regulation establishes the permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems and platform lifts.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.420 requires the Department of Housing, Buildings and Construction to administer all aspects of the State Elevator and Fixed Guideway System Inspection Program. KRS 198B.520 requires a permit to be obtained prior to the construction, installation, or alteration of an elevator or fixed guideway system. KRS 198B.490 requires the department to promulgate administrative regulations governing the safety and inspection of elevators and fixed guideway systems and authorizes the department to establish reasonable fees to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation directly implements the authorizing statutes by establishing permit and inspection fees to govern the safety of elevators and fixed guideway systems within the Commonwealth and creates three new forms to ensure a unit is ready for final inspection.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes a fee chart distinguishing units by horsepower, enumerates the types of units requiring inspection, and adds specific fees for the enumerated units. This amendment also updates the pre-inspection checklist for elevators and incorporates pre-inspection checklists for escalators, private residence chairlifts, and private residence elevators.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure the elevator inspection branch continues to maintain a stable revenue. The technology for elevators and fixed guideway systems is evolving to require less horsepower. Accordingly, a fee schedule based on horsepower meant the fees collected would continue to decrease. This amendment is also necessary to create new forms that will be utilized to ensure a unit is ready for final inspection.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 198B.420 requires the Department of Housing, Buildings and Construction to administer all aspects of the State Elevator and Fixed Guideway System Inspection Program. KRS 198B.520 requires a permit to be obtained prior to the construction, installation, or alteration of an elevator or fixed guideway system. KRS 198B.490 requires the department to promulgate administrative regulations governing the safety and inspection of elevators and fixed guideway systems and authorizes the department to establish reasonable fees to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will increase revenue to the elevator inspection branch which is needed to retain its current workforce as well as to fund the future hiring of additional personnel to accommodate the growing number of units requiring inspection. Rising personnel costs are outpacing current revenues in spite of an approximately 33% reduction in operating costs since FY21. FY24 expenditures exceeded total revenues by $56,437. FY25 expenditures are projected to exceed total revenues by $185,600.
(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: Any individual or business with a conveyance of the type regulated by this administrative regulation and elevator contractors will be affected. More specifically, the elevator section's data reflects there are currently 14,826 building locations with a total of 30,462 conveyances for inspection, and an additional 869 units located in private residences.
(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 be required to pay more for permits and complete the required applicable pre-inspection checklist
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): See Section 4 of this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The revenue generated by the fee increases will allow the elevator inspection branch to meet existing personnel and operating costs and fund future hires in order to perform timely inspections necessary to ensure the safety of the unit and the passengers. Completion of the pre-inspection checklists helps prevent elevator contractors from making common mistakes and decreases the likelihood of a reinspection.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The Department will not incur initial costs to implement this administrative regulation.
(b) On a continuing basis: The Department will not incur continuing costs to administer 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: Implementation of these amendments is not anticipated to result in any additional cost to the agency. Any agency costs resulting from these administrative amendments will be met with existing 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, the amendment itself is a fee increase, but no fees or funding will be required for implementation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes, this amendment seeks to increase fees for the inspection of regulated conveyances.
(10) TIERING: Is tiering applied? Tiering is not applied as all consumers affected by this administrative regulation will be subject to the amended requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: This regulation is authorized and required by KRS 198B.490 and 198B.060.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required by KRS 198B.060, 198B.4009, 198B.490, and 198B.520.
(3)(a) Identify the promulgating agency and any other affected state

units, parts, or divisions: Public Protection Cabinet, Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Elevator Inspection Branch.
(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: The elevator inspection branch anticipates a total of $452,750 in permitting revenues under the amended fee schedule based on CY25's permitting numbers. Actual revenues for all permits in CY25 were $261,644.50. This would result in a total increase in new construction/alteration permitting fees of $191,105.50.
For subsequent years: It is anticipated that revenues will increase slightly each year as the number of regulated conveyances increases yearly.
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: The cost to each entity will depend on the number and type of units requiring permitting and inspection.
For subsequent years: The cost will not increase unless the number and type of units requiring inspection increases.
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: The cost to each entity will depend on the number of units requiring permitting and inspection.
For subsequent years: The cost will not increase unless the number and type of units requiring inspection increases.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The elevator inspection branch anticipates a total of $452,750 in permitting revenues under the amended fee schedule based on CY25's permitting numbers. Actual revenues for all permits in CY25 were $261,644.50. This would result in a total increase in new construction/alteration permitting fees of $191,105.50.
(b) Methodology and resources used to reach this conclusion: The fiscal impact was calculated by multiplying the number of conveyances inspected in 2025 by the total fee increase.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Additional costs will vary by cost and type of unit installed that requires inspection. The largest increase is for a passenger elevator utilizing 0-5 HP ($315).

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 Housing, Buildings and Construction
(Amendment)

815 KAR 7:070. The Kentucky Certified Building Inspector Program.

RELATES TO: KRS 198B.010(6), 198B.040(3), 198B.050(3)(c), (6), 198B.060, 198B.090, 198B.095
STATUTORY AUTHORITY: KRS 198B.050(5), 198B.090(1)(a), (b), 198B.095(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.090(1) requires the department to create and administer a building inspector's certification program and a plans and specifications inspector's certification program with sufficient testing procedures. KRS 198B.050(5) requires the department to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the department to promulgate an administrative regulation to establish a building inspector training program. This administrative regulation establishes the testing, training, continuing education, and enforcement responsibilities for qualifying persons to become inspectors for the enforcement of the Kentucky Building Code and the Kentucky Residential Code.

Section 1. Definitions.
(1) "Enrolled" means an applicant has complied with the requirements established in Section 4(1) of this administrative regulation.
(2) "General supervision" means that the supervising authority oversees the work performed overall, but is not required to be on-site at all times during plan reviews and inspections.
(3) "Certified building inspector" means an individual who has obtained at least one level of certification issued pursuant to this administrative regulation.
(4) "ICC test module" means a test module, from the International Code Council, that is used to meet the module testing requirements established in Section 5 of this administrative regulation.
[~~(4)~~] [~~"Limited certificate" means a document establishing that a person:~~]
[~~(a)~~] [~~Has passed the test for competency in one (1) or more NCPCCI or ICC test modules; and~~]
[~~(b)~~] [~~Is qualified to engage in the type of limited inspections listed on the certificate which represents the level of competency for which the person was tested.~~]
(5) "NCPCCI test module" means a test module, from the National Certification Program for Construction Code Inspectors, developed by the national code enforcement organizations for the purpose of providing nationally-recognized evidence of competency and professionalism in construction code enforcement and used to meet the module testing requirements established in Section 5 of this administrative regulation.
(6) "Trainee" means a person who is enrolled in the building inspector program of the department, but has not satisfied all requirements[~~completed the NCPCCI or ICC test modules~~] necessary to be a certified building inspector.

Section 2. Inspection Operations.
(1)
(a) Each governmental entity engaged in a building inspection program shall have at least one (1) certified building inspector with the level of credentials required for buildings covered by the governmental entity's program.
(b) The certified building inspector shall be responsible for all:
1. Construction document approvals;
2. Inspections; and

3. Issuance of certificates of occupancy.

(2) A trainee may be used in a building inspection program. If used:

(a) The trainee shall operate under the general supervision of a certified building inspector.

(b) A trainee shall not issue:

1. Permits;

2. Construction document approval letters;

3. Inspection compliance letters; or

4. Certificates of occupancy.

[~~(c)~~] [~~A trainee holding a current limited certificate shall exercise only the duties authorized by that certificate.~~]

(3)

(a) A person making inspections as authorized by this administrative regulation shall not overrule, supplant, or order corrections or alterations that conflict with the approved construction documents.

(b) If an inspector believes construction documents are incorrect or the construction is in violation of the Kentucky Building Code or the Kentucky Residential Code, the inspector shall immediately refer the matter to the certified building inspector responsible for approval of the construction documents for resolution.

(4)

(a) A local building inspector shall not perform the inspections or plan reviews on buildings assigned to the department by KRS 198B.060(4) unless the local governmental entity petitioned and was approved for expanded jurisdiction in accordance with 815 KAR 7:110.

(b) A local building inspector shall only perform inspections or plan reviews as outlined in the expanded jurisdiction agreement with the department.

(5) A trainee performing plan review or building[~~person making~~] inspections [~~pursuant to a limited certificate~~]shall be supervised by a certified building inspector with a level I certification or higher.

[~~(6)~~] [~~A person making inspections as a trainee without a certificate shall be supervised by a person with a level of certification equal to or higher than that which the trainee is pursuing.~~]

Section 3. Application for Training and Certification.

(1) An applicant seeking to become a trainee [~~or a candidate for certification~~]shall submit to the department:

(a) A completed Trainee Enrollment Form, DHBC – BC/CP 3[~~Initial Application Form, DHBC - BC/CP 1~~];

(b) A fifty (50) dollar application fee; and

(c) Written proof that the applicant has[~~:~~]

[~~1.~~] graduated[~~Graduated~~] from high school or earned a general education diploma.[~~; and~~]

[~~a.~~] [~~Two (2) years experience in a responsible, directly-related construction position, such as a foreman, which required the ability to effectively read and interpret building plans and specifications; or~~]

[~~b.~~] [~~Two (2) years experience in an architect's or engineer's office performing building design or drafting duties;~~]

[~~2.~~] [~~Graduated from a college or university with an associate degree in a design, building technology, or construction-related subject; or~~]

[~~3.~~] [~~Graduated from a college or university with a bachelor's degree in architecture, engineering, fire science, or building technology.~~]

(2) A person shall not engage in plan review or inspection activities for the enforcement of the Kentucky Building Code or the Kentucky Residential Code unless that person receives certification from the department or is working under the general supervision of a certified building inspector, level I or higher.

Section 4. Training and Testing Requirements. A trainee[~~candidate seeking to become a certified building inspector and all trainees~~] shall:

(1) Attend orientation training provided by or approved by the department within twelve (12) months of enrollment; and

(2) Submit proof of completing a minimum of twelve (12) hours of continuing education training annually. Proof may be submitted by:

(a) A completed Continuing Education Verification Form, DHBC - BC/CE 1; or

(b) A certificate of completion provided by a pre-approved training provider.

Section 5. Certification Requirements, Responsibilities, and Jurisdiction for Certified Inspectors.

(1) An applicant seeking certification shall submit to the department:

(a) A completed Initial Application Form, DHBC – BC/CP 1;

(b) Examination results for each examination required for the level of certification being sought; and

(c) Written proof that the applicant has:

1. Graduated from a college or university with an associate degree in a design, building technology, or another building construction-related subject;

2. Graduated from a college or university with a degree in architecture, engineering, fire science, building technology, or another building construction-related subject; or

3. Graduated from high school or earned a general education diploma if the applicant is not already enrolled as a trainee, and accrued two (2) years of any combination of experience in:

a. The building construction industry in a position that required the ability to effectively read and interpret construction documents;

b. An architect's or engineer's office performing building design or drafting duties; or

c. Inspection or plan review as a trainee working under the general supervision of a certified building inspector, level I or higher.

(2) If an applicant seeking certification has not yet completed orientation training provided by or approved by the department as a trainee, they shall complete the training within twelve (12) months of receiving certification.

(3)[~~(1)~~] One (1) and two (2) family dwelling inspector.

(a) A person shall be classified as a one (1) and two (2) family dwelling inspector if the person has complied with the requirements of Section 5(1) of this administrative regulation and has passed the following:

1. NCPCCI test modules:

a. Test 1A Building One- and Two-Family Dwelling; and

b. Test 4A Mechanical One- and Two-Family Dwelling; or

2. ICC test modules:

a. Test B1 Residential Building Inspector; and

b. Test M1 Residential Mechanical Inspector[~~; and~~]

[~~(b)~~] [~~Complied with the requirements of this administrative regulation~~].

(b)[~~(c)~~] A one (1) and two (2) family dwelling inspector shall be qualified to perform all functions related to the enforcement of the Kentucky Residential Code. A one (1) and two (2) family dwelling inspector shall be qualified to do the following for the construction of one (1) and two (2) family dwellings and townhouses:

1. Issue permits;

2. Review and approve construction documents;

3. Conduct on-site inspections; and

4. Issue compliance letters and certificates of occupancy

(4)[~~(2)~~] Building inspector, level I.

(a) A person shall be classified as a building inspector, level I, if the person has complied with the requirements of Section 5(1) of this administrative regulation and has passed the following:

1. NCPCCI test modules:

a. Test 1A Building One- and Two-Family Dwelling;

b. Test 4A Mechanical One- and Two-Family Dwelling;

c. Test 1B Building General; and

d. Test 3B Fire Protection General; or

2. ICC test modules:

a. Test B1 Residential Building Inspector;

b. Test B2 Commercial Building Inspector; and

c. Test M1 Residential Mechanical Inspector[~~; and~~]

[~~(b)~~] [~~Complied with the requirements of this administrative regulation~~].

(b)[~~(c)~~] A building inspector, level I, shall be qualified to perform all functions related to the enforcement of the Kentucky Building Code and the Kentucky Residential Code. A building inspector, level I, shall be qualified to do the following for buildings of the occupancy, type, and size assigned to local governments by KRS 198B.060(2):

1. Issue permits;

2. Review and approve construction documents;

3. Conduct on-site inspections; and
4. Issue compliance letters and certificates of occupancy

(5)[(3)] Building inspector, level II.

(a) A person shall be classified as a building inspector, level II, if the person has complied with the requirements of Section 5(1) of this administrative regulation and has passed the following:

1. NCPCCI test modules:
a. Test 1A Building One- and Two-Family Dwelling;
b. Test 4A Mechanical One- and Two-Family Dwelling;
c. Test 1B Building General;
d. Test 3B Fire Protection General; and
e. Test 4B Mechanical General; or
2. ICC test modules:
a. Test B1 Residential Building Inspector;
b. Test B2 Commercial Building Inspector;
c. Test M1 Residential Mechanical Inspector; and
d. Test M2 Commercial Mechanical Inspector.[; and]

(b) A building inspector, level II, shall be qualified to:[Complied with the requirements of this administrative regulation.]

1.[(c)] Perform[A building inspector, level II, shall be qualified to perform] the same functions as a building inspector, level I, as set out in subsection (4)(b)[(2)(c)] of this administrative regulation; and

2. Conduct[A building inspector, level II, shall be qualified to conduct] on-site inspections of all buildings which were assigned to the department pursuant to KRS 198B.060(4).

(6)[(4)] Building inspector, level III.

(a) A person shall be classified as a building inspector, level III, if the person has complied with the requirements of Section 5(1) of this administrative regulation and has passed the following:

1. NCPCCI test modules:
a. Test 1A Building One- and Two-Family Dwelling;
b. Test 4A Mechanical One- and Two-Family Dwelling;
c. Test 1B Building General;
d. Test 3B Fire Protection General;
e. Test 4B Mechanical General;
f. Test 1C Building Plan Review;
g. Test 3C Fire Protection Plan Review; and
h. Test 4C Mechanical Plan Review; or
2. ICC test modules:
a. Test B1 Residential Building Inspector;
b. Test B3 Building Plans Examiner;
c. Test M1 Residential Mechanical Inspector; and
d. Test M3 Mechanical Plans Examiner.[; and]

[(b)] [Complied with the requirements of this administrative regulation.]

(b)[(c)] A building inspector, level III, shall be qualified to perform all functions related to the enforcement of the Kentucky Building Code and the Kentucky Residential Code. A building inspector, level III, shall be qualified to do the following for all buildings regardless of size or occupancy type:

1. Issue permits;
2. Review and approve construction documents;
3. Conduct on-site inspections; and
4. Issue compliance letters and certificates of occupancy

(7)[(5)] Mechanical inspector, one (1) and two (2) family dwellings.

(a) A person shall be classified as a mechanical inspector of one (1) and two (2) family dwellings if the person has complied with the requirements of Section 5(1) of this administrative regulation and has passed the following:

1. NCPCCI Test 4A Mechanical One- and Two-Family Dwelling test module; or
2. ICC Test M1 Residential Mechanical Inspector test module[; and]

[(b)] [Complied with the requirements of this administrative regulation].

(b)[(c)] A mechanical inspector of one (1) and two (2) family dwellings shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Kentucky Residential Code including conducting inspections of one (1) and two (2) family dwelling mechanical installations for compliance.

(8)[(6)] Mechanical inspector general (other than one (1) and two (2) family dwellings).

(a) A person shall be classified as a mechanical inspector general if the person has complied with the requirements of Section 5(1) of this administrative regulation and has passed the following:

1. NCPCCI Test 4B Mechanical General test module; or
2. ICC Test M2 Commercial Mechanical Inspector test module[; and]

[(b)] [Complied with the requirements of this administrative regulation].

(b)[(c)] A mechanical inspector general shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Mechanical Code including management of mechanical code enforcement activity, supervision of mechanical inspectors or plans examination, performing plans examination for compliance, and conducting inspections of structures for compliance.

(9)[(7)] Mechanical inspector and plan reviewer.

(a) A person shall be classified as a mechanical inspector and plan reviewer if the person has complied with the requirements of Section 5(1) of this administrative regulation and has passed the following:

1. NCPCCI test modules:
a. Test 4A Mechanical One- and Two-Family Dwelling;
b. Test 4B Mechanical General; and
c. Test 4C Mechanical Plan Review; or
2. ICC test modules:
a. Test M1 Residential Mechanical Inspector; and
b. Test M3 Mechanical Plans Examiner.[; and]

[(b)] [Complied with the requirements of this administrative regulation.]

(b)[(c)] A mechanical inspector and plan reviewer shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Kentucky Residential Code and the mechanical requirements, codes, and standards of the Kentucky Building Code[Mechanical Code] including management of mechanical code enforcement activity, supervision of mechanical inspectors or plans examination, performing plans examination for compliance and conducting inspections of structures for compliance.

(10)[(8)] Upon application by a testing agency, a national code group, or by an applicant for certification, the department may recognize other examinations as equivalent to the listed NCPCCI or ICC examinations. The person or group submitting the examination shall demonstrate that the examinations cover the same codes and require the same level of knowledge as the NCPCCI or ICC examinations.

Section 6. Inactive Certification.

(1) A certified inspector or trainee[an inspector holding a limited certificate] may request that the certification be placed in an inactive status by notifying the department in writing.

(2) A certified inspector whose certification is inactive shall not:

(a) Perform an inspection while the certification is inactive; and

(b) Be required to obtain annual continuing education during the inactive status.

Section 7. Renewal, Reactivation, and Reinstatement.

(1) Renewal.

(a) A certified inspector or a[,] trainee seeking to renew his or her certification or trainee designation[, or an inspector holding a limited certificate,] shall submit to the department not later than the last day of the certified inspector or trainee's birth month:

1. An annual renewal fee of fifty (50) dollars; [and]

2. Proof of completion of the continuing education requirements pursuant to 815 KAR 2:010; and[.]

3. A completed Renewal Form, DHBC-BC/CP 2.

(b) A late fee of fifty (50) dollars shall be assessed if renewal is not received[postmarked] by the last day of the certified inspector or trainee's birth month.

(c) Certification shall terminate if a certified inspector or trainee fails to renew ninety (90) days after the last day of that person's birth month.

(2) Reactivation. A certified inspector or trainee[inspector holding a limited certificate] whose certification is inactive may reactivate the certification by submitting to the department:

(a) Proof of completion of continuing education pursuant to 815 KAR 2:010 within twelve (12) months prior to the request for reactivation; [~~and~~]

(b) Payment of[~~for one-half (1/2) the fee for an active certification in addition to~~] the renewal fee in subsection (1)(a)1 of this section; and[~~.~~]

(c) A completed Renewal Form, DHBC-BC/CP 2.

(3) Reinstatement.

(a) A certified building inspector or trainee whose certification has been terminated may be reinstated no more than three (3) years of the date of termination by submitting to the department:

1. A reinstatement fee equal of fifty (50) dollars; [~~and~~]

2. The renewal fee in subsection (1)(a)1 of this section; and[~~.~~]

3. A completed Renewal Form, DHBC-BC/CP 2.

(b) Reinstatement after the three (3) year period shall require the applicant to successfully complete the examinations corresponding to the certification level sought for reinstatement.

Section 8. Suspension and Revocation of Certification.

(1) Complaints concerning a certified inspector or trainee shall be submitted to the department in writing for review.

(2) Subject to a hearing conducted in accordance with KRS Chapter 13B, the commissioner may suspend or revoke a certified inspector's or trainee's certification if he or she determines after a thorough investigation of the evidence that the certified inspector is:

(a) Not enforcing the Kentucky Building Code;

(b) Not enforcing the Kentucky Residential Code;

(c) Improperly enforcing the Kentucky Building Code;

(d) Improperly enforcing the Kentucky Residential Code; or

(e) Violating his or her responsibilities as an inspector.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Initial Application Form", DHBC-BC/CP 1, April 2026[~~May 2020~~]; [~~and~~]

(b) "Continuing Education Verification Form", DHBC-BC/CE 1, August 2018;

(c) "Renewal Form", DHBC-BC/CP 2, April 2026; and

(d) "Trainee Enrollment Form", DHBC-BC/CP 3, April 2026

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at http://dhbc.ky.gov/Pages/default.aspx.

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026

FILED WITH LRC: April 10, 2026 at 12:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m., on the Department of Housing, Buildings and Construction. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m., eastern time. 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: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the testing, training, continuing education, and enforcement responsibilities for qualifying persons to become inspectors for the enforcement of the Kentucky Building Code and the Kentucky Residential Code.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for an individual to become a certified building inspector in Kentucky.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.090(1) requires the department to create and administer a building inspector's certification program and a plans and specifications inspector's certification program with sufficient testing procedures. KRS 198B.050(5) requires the department to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the department to promulgate an administrative regulation to establish a building inspector training program.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements for an individual to become certified building inspector in Kentucky. KRS 198B.090(1) requires the department to create and administer a building inspector certification program and a plans and specifications inspector's certification program with sufficient testing procedures.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment makes grammatical and technical edits and creates a pathway for individuals to obtain on-the-job training to count towards the experience necessary to become a certified building inspector. This amendment updates forms and creates a new renewal form and eliminates an extra fee for an inactive inspector to bring their certification status to active.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary help create career pathways for those interested in building inspection, remove barriers for entry and allow on-the-job training for trainee building inspectors. This amendment is also necessary to remove a fee and amend an existing form, and create a new renewal form.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 198B.090(1) requires the department to create and administer a building inspector's certification program and a plans and specifications inspector's certification program with sufficient testing procedures. KRS 198B.050(5) requires the department to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the department to promulgate an administrative regulation to establish a building inspector training program.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in removing barriers to entry to the building inspection profession while still requiring sufficient experience to ensure only qualified individuals are able to become certified building inspectors.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local building inspection programs, the Department of Housing, Buildings and Construction, individuals seeking building inspector certification.
(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: State and local governments will be able to hire trainee inspectors and allow their on-the-job training to count towards the experience required for certification. Current trainees and certified inspectors will have to complete new forms. Inactive inspectors will have to pay a lower fee to make their certification active.
(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 anticipated additional cost associated with this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities

identified in question (4): State and local governments will have larger candidate pools for building inspector vacancies, individuals interested in the building inspector profession will be able to utilize on-the-job training towards meeting their experience requirements. Inactive inspectors will have to pay a lower fee to make their certification active.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no anticipated additional cost associated with this administrative regulation.
(b) On a continuing basis: There is no anticipated additional cost associated with this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no anticipated additional cost associated with this administrative regulation. Any costs resulting from the amendments will be met with existing 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: This amendment will not require an increase in fees or funding for implementation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment reduces the reactivation fee.
(10) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation applies equally to all certificate holders, state, and local governments.

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 198B.090(1) requires the department to create and administer a building inspector's certification program and a plans and specifications inspector's certification program with sufficient testing procedures. KRS 198B.050(5) requires the department to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the department to promulgate an administrative regulation to establish a building inspector training program
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required by KRS 198B.050(5), 198B.090(1)(a), (b), and authorized by 198B.095(1).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Housing, Buildings and Construction, Division of Building Code Enforcement
(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: Potential decrease due to elimination of part of a reactivation fee, but this will be a nominal reduction that will fluctuate fiscal year to fiscal year.
For subsequent years: Potential decrease due to elimination of part of a reactivation fee, but this will be a nominal reduction that will fluctuate fiscal year to fiscal year.
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): County/City building inspection programs.
(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): Individuals seeking building inspector certification and certified building inspectors
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Renewal or application fees ($50), no change.
For subsequent years: Remain the same.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: $25 if going from inactive to active.
For subsequent years: Remain the same.
(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 only fee amended by this amendment is the reactivation fee, which has been reduced from $75 to $50.
(b) Methodology and resources used to reach this conclusion: Please see the response to (5)(a).
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: The only fee amended is a $25 reduction.

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 Housing, Buildings and Construction
(Amendment)

815 KAR 15:010. Definitions for 815 KAR Chapter 15.

RELATES TO: KRS Chapter 236
STATUTORY AUTHORITY: KRS 236.030
NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030 requires the commissioner to promulgate administrative regulations that establish reasonable standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and pressure piping. This administrative regulation establishes the definitions for terms used in 815 KAR Chapter 15.

Section 1. Definitions.
(1) "Accessible" means easily reached, not to exceed thirty (30) inches from a standing space.
[~~(1)~~] [~~"ASME" is defined by KRS 236.010(5)~~].
(2) "ASME Boiler and Pressure Vessel Code" or "ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Codes as follows, including all cited code cases, appendices, and addenda, which are incorporated by reference in 815 KAR 15:025 and 815 KAR 15:026:
(a) Section I, rules for construction of power boilers;
(b) Section II, material specifications:
1. Part A specifications for ferrous materials;
2. Part B specifications for nonferrous materials;
3. Part C specifications for welding rods, electrodes, and filler metals; and
4. Part D Properties (Customary);
(c) Section IV, Rules for construction of heating boilers;
(d) Section V, nondestructive examination;

(e) Section VIII, rules for construction of pressure vessels, Division 1, Division 2, and Division 3;

(f) Section IX, welding and brazing qualifications; and

(g) Section X, Fiber-Reinforced Plastic Pressure Vessels.

(3) "Authorized inspector" means an inspector holding the appropriate endorsement on the National Board Commission to perform new construction shop inspections and repair inspections of boilers and pressure vessel.

[(4)] ["Boiler" is defined by KRS 236.010(1).]

(4)[(5)] "Boiler and pressure vessel contractor" means the holder of a boiler and pressure vessel contractor license as issued by the department pursuant to KRS 236 and 815 Chapter 8.

(5)[(6)] "Boiler Inspection Section" means the section within the Division of Plumbing, Department of Housing, Buildings and Construction.

[(7)] ["Boiler inspector" is defined by KRS 236.010(14).]

[(8)] ["Certificate inspection" is defined by KRS 236.010(7).]

[(9)] ["Chief boiler inspector" is defined by KRS 236.010(13).]

(6)[(10)] "Code boiler or pressure vessel" means a boiler or pressure vessel that bears the ASME Code Symbol stamp and designator. (See also "state special.")

[(11)] ["Commission" means the written credential issued by the department to a boiler inspector, special boiler inspector, or owner-user inspector pursuant to KRS 236.070, 236.080, or 236.095.]

[(12)] ["Commissioner" is defined by KRS 236.010(3).]

(7)[(13)] "Deaerator tank" means a pressure vessel in which water is heated, usually by steam, so that any dissolved oxygen is removed from the water.

[(14)] ["Department" is defined by KRS 236.010(4).]

(8)[(15)] "Existing installations" means any boilers and associated piping systems completed and approved for operation prior to July 1, 1970, or pressure vessels and associated piping systems completed and approved for operation prior to July 15, 1980.

(9)[(16)] "External inspection" means an inspection made while a boiler or pressure vessel is in operation and under pressure.

(10)[(17)] "Heat recovery boiler" means a boiler in which the source of heat is from another process.

[(18)] ["Heating boiler" is defined by KRS 236.010(1)(c).]

[(19)] ["High pressure, high temperature water boiler" is defined by KRS 236.010(1)(b).]

(11) "Historic Boiler" means any code boiler or noncode boiler used to supply steam to a stationary, portable, or traction steam engine, steamboat, or a railroad locomotive. This definition shall include the following two (2) types of historic boilers:

(a) Traditional: Any boiler constructed by a professional boiler shop prior to January 1, 1950. A Traditional Boiler may be a code or noncode boiler and includes boilers repaired and restored by National Board "R" Certificate holders.

(b) Non-Traditional: Any noncode boiler constructed on or after January 1, 1950. Non-Traditional boilers include scale models of Traditional Historic Boilers and hobby boilers. Non-Traditional boilers are limited in size to 16" barrel diameter, 150 psi steam pressure, and 1000 lbs. per hour steaming capacity.

(12)[(20)] "Hot water heating boiler" means a boiler from which hot water is circulated for heating purposes and returned to the boiler and that operates at a pressure not exceeding 160 psig or a temperature of 250 degrees Fahrenheit at or near the boiler outlet.

(13)[(21)] "Hot water storage tank" means a pressure vessel, unfired but connected to and subject to the same pressures as a companion hot water supply boiler, the combination being used to heat and store hot water for use externally to itself.

(14)[(22)] "Hot water supply boiler" means a boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or at temperatures not exceeding 210 degrees Fahrenheit at or near the boiler outlet.

(15)[(23)] "Hydrostatic test" means the activity of filling a boiler, pressure vessel, or associated piping with water and raising the pressure within the system to check for tightness or mechanical integrity.

(16)[(24)] "Internal inspection" means an inspection made under circumstances that the boiler or pressure vessel is not operating and hand holes or manways are open for inspection of internal portions of the boiler water side or pressure vessel as construction permits.

(17)[(25)] "Jacketed cooking kettle" means a pressure vessel with inner and outer walls that is subject to water or steam pressure and is used to boil or heat liquids and to cook food.

(18)[(26)] "Lined potable water boiler" means a water boiler with a corrosion resistant lining used to supply potable hot water.

[(27)] ["MAWP" is defined by KRS 236.010(23).]

(19) "Manway" means any opening that is elliptical 12" x 16" or larger, or round 15" diameter or larger.

(20) "Mobile Boiler Unit" means any boiler, pressure vessel, and related pressure piping that is operable on or in a truck trailer or container and transportable.

(21)[(28)] "National Board (NB)" means the National Board of Boiler and Pressure Vessel Inspectors.

(22)[(29)] "Noncode boiler or pressure vessel " means a boiler or pressure vessel that does not bear the ASME code symbol stamp and designator. (See also "state special.")

(23)[(30)] "Owner-user inspector" means an inspector commissioned by the department and employed by a company operating a pressure vessel within the Commonwealth and meeting the requirements established in KRS 236.095(1).

(24)[(31)] "Owner or user" means any person, firm, or corporation owning or operating a boiler or pressure vessel within this Commonwealth.

[(32)] ["Owner's piping inspector" is defined by KRS 236.010(25).]

[(33)] ["Power boiler" is defined by KRS 236.010(1)(a).]

(25)[(34)] "Pressure piping" means the connecting piping emanating from the associated boiler or pressure vessel and includes piping as covered pursuant to KRS 236.040(2).[the ASME Boiler and Pressure Vessel Code, Sections I and IV; Pressure Vessel Code, Section VIII, Division I, 2, or 3. These piping codes include:]

[(a)] [Power Piping Code ASME B31.1;]

[(b)] [Process Piping Code ASME B31.3;]

[(c)] [Refrigeration Piping and Heat Transfer Components Code ASME B31.5;]

[(d)] [Building Services Piping Code ASME B31.9; and]

[(e)] [Hydrogen Piping and Pipelines Code ASME B31.12.]

[(35)] ["Pressure vessel" is defined by KRS 236.010(2).]

(26)[(36)] "Pressure vessels for human occupancy" or "PVHO" means all pressure vessels that enclose a human within its pressure boundary while under internal or external pressure exceeding a differential pressure of 2 psi. PVHOs include decompression or recompression chambers, high altitude chambers, hypobaric or hyperbaric chambers, hyperbaric stretchers, medical hyperbaric oxygenation facilities, and personnel transfer capsules.

(27)[(37)] "PSI (psi)" means pounds per square inch.

(28)[(38)] "PSIG (psig)" means pounds per square inch gauge.

(29)[(39)] "Reinstalled boiler or pressure vessel" means a boiler or pressure vessel removed from its original setting and re-erected at the same location or erected at a new location without change of ownership.

(30)[(40)] "Repair" means the work necessary to restore pressure-retaining items to a safe and satisfactory operating condition to comply with the National Board Inspection Code incorporated by reference in 815 KAR 15:026.

(31)[(41)] "Secondhand boiler or pressure vessel" means a boiler or pressure vessel in which both the location and ownership have been changed after initial use.

[(42)] ["Special boiler inspector" is defined by KRS 236.010(15).]

(32)[(43)] "State special" means a boiler or pressure vessel that carries neither the ASME Boiler and Pressure Vessel Code symbol nor National Board registration but has been accepted by the department pursuant to 815 KAR 15:025, Section 4.

(33) "Temporary" means installed for use for a limited time, not to exceed twelve (12) contiguous months.

(34)[(44)] "V-R stamp holder" means the holder of a certificate issued by the National Board to repair pressure relief valves.

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m. eastern time, at 500 Mero Street, First Floor, Room 127CW, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m. eastern time 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: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides the definitions for terms needed in the interpretation of other sections of the subsequent administrative regulations in 815 KAR Chapter 15.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to define terms used in implementing the Division of Plumbing, Boiler Section's statutory duty to establish administrative regulations that govern standards for boilers, pressure vessels, and associated pressure piping.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 236.030 requires the commissioner of the Department of Housing, Buildings and Construction to promulgate administrative regulations for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation defines terms present in the administrative regulations in 815 KAR Chapter 15.
(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 terms that are already defined in statute. The amendment adds definitions for the following terms: "Mobile Boiler Unit," "Temporary," "Accessible," "Manway," and "Historic Boiler." The amendment also edits and clarifies definitions to reflect current use.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to eliminate redundant definitions, as well as define and clarify terms used elsewhere in this chapter.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment clarifies the other boiler and pressure vessel regulations established by the Department pursuant to KRS 236.030.
(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies the other boiler and pressure vessel regulations established by the Department pursuant to KRS 236.030.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals engaged in the boiler and pressure vessel industry, and Department of Housing, Buildings and Construction personnel.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: This amendment imposes no new requirements on the affected entities.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Nothing.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): 815 KAR Chapter 15 as a whole will be more clear and concise.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.
(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Any department costs of implementation will be met with existing department funds.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees increased by this amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.
(10) TIERING: Is tiering applied? Tiering is not applied as all individuals in the boiler and pressure vessel industry and Department personnel are affected by this amendment.

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 regulation is authorized and required by KRS 236.030.
(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 required by KRS 236.030.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Housing, Buildings and Construction, Division of Plumbing, Boiler Inspection Section.
(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): There are no anticipated local entities that will be affected by this regulatory amendment. (b) Estimate the following for each affected state unit, part, or division identified in (4)(a):
(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): Individuals engaged in the boiler and pressure vessel industry. (b) Estimate the following for each affected state unit, part, or division identified in (5)(a):
(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulatory amendment is not anticipated to generate additional costs, revenue, or savings for any entity. This amendment merely clarifies and defines terms.
(b) Methodology and resources used to reach this conclusion: Please see the response to (6)(a).
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: The total anticipated economic impact of this regulatory amendment is neutral.

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 Housing, Buildings and Construction
(Amendment)

815 KAR 15:025. New installations, general design, construction, and inspection criteria for boilers, pressure vessels, and pressure piping.

RELATES TO: KRS Chapter 236
STATUTORY AUTHORITY: KRS 236.030, 236.040, 236.060, 236.110, 236.120, 236.240
NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030 requires the commissioner to promulgate administrative regulations that establish standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping. KRS 236.040 requires all boiler and pressure vessels to conform to the rules and regulations formulated by the commissioner and establishes the standards for pressure piping and pressure vessels for human occupancy. KRS 236.110 establishes the inspection requirements for boilers, pressure vessels, and pressure piping. This administrative regulation establishes the design, construction, and inspection requirements of the boiler inspection section for all boilers and pressure vessels not exempted by KRS 236.060.

Section 1. Minimum Standards.
(1)
(a) Boilers and pressure vessels. All new boilers and new pressure vessels shall comply with applicable provisions of 815 KAR Chapter 15 and the ASME Boiler and Pressure Vessel Code, 2025 edition[~~2013 Edition or subsequent editions, as established by KRS 236.040(2)~~], except new boilers and new pressure vessels approved as state specials pursuant to Section 4 of this administrative regulation.
(b) All pressure vessels for human occupancy shall comply with the ASME Safety Standard for Pressure Vessels for Human Occupancy, PVHO-1-2023 edition[~~2012 Edition or subsequent editions, as established by KRS 236.040(3)~~].
(c) All blowdown and blowoff receivers shall comply with the ASME Boiler and Pressure Vessel Code, 2025 edition and be stamped as per paragraph (2) below.
(d) All pressurized expansion tanks in closed heating systems that have a MAWP in excess of 30 psi shall comply with the ASME Boiler and Pressure Vessel Code, 2025 edition.
(2) ASME stamping[~~stamps~~]. New boilers and new pressure vessels shall be stamped with the applicable certification mark of the ASME Boiler and Pressure Vessel Code.
(3) Installation standard. Installation of all boilers and pressure vessels shall conform to the National Board Inspection Code Part 1, 2025[~~2015~~] edition[~~ or subsequent editions~~]. Automatically fired boilers at or below 12.5 million BTU input shall conform to the National Fuel Gas Code NFPA, NFPA 54 2024 edition, as adopted by the Kentucky Building Code and incorporated by reference in 815 KAR 7:120, if gas-fired, or Standard for Oil Burning Equipment NFPA 31, 2024 edition, if liquid-fuel burning. If an automatically fired boiler is over 12.5 million BTU input, then the automatically fired boiler shall conform to the Standard for Oil Burning Equipment NFPA 85, 2023 edition.
(4) Pressure piping.
(a) All new pressure piping installations connected to the boiler or pressure vessel shall conform to the National Board Inspection Code Part 1, 2025[~~2015~~] edition, and the applicable standards referenced in this subsection, as established by KRS 236.040(2):
[~~1.~~] [~~ASME Code for Power Piping, B31.1, 2012 edition or subsequent editions;~~]
[~~2.~~] [~~ASME Code for Process Piping, B31.3, 2012 edition or subsequent editions;~~]
[~~3.~~] [~~ASME Code for Refrigeration Piping and Heat Transfer Components, B31.5, 2013 edition or subsequent editions;~~]
[~~4.~~] [~~ASME Code for Building Services Piping, B31.9, 2011 edition or subsequent editions; and~~]
[~~5.~~] [~~ASME Code for Hydrogen Piping and Pipelines, B31.12, 2014 edition or subsequent editions.~~]
(b) The maximum allowable design temperature and pressure of the piping system and all of its component parts including flexible joints and hoses shall meet or exceed the operating control settings of the boiler or pressure vessel.
(c) If the maximum allowable design temperature or pressure of the boiler exceeds the maximum design limits of the piping system or any of its component parts including flexible joints and hoses, the pipe and its components shall not be used unless the following conditions are met:
1. The temperature and pressure controls on the boiler are permanently set to prevent operation in excess of the design limits of the piping system; and
2. Safety valve or valves shall be installed on the boiler, pressure vessel, or the piping system to protect the system from excess pressure or temperature.
(d)[~~(5)~~] Welded piping joints. Welded joints in pressure piping shall be installed by qualified welders in accordance with the ASME Code, Section IX, as required by the standards referenced in subsection (4) of this section.

Section 2. Manufacturer's Data Report.
(1) A manufacturer's data report on all boilers of steel construction and all pressure vessels constructed in accordance with the ASME Boiler and Pressure Vessel Code shall be filed with the National Board of Boiler and Pressure Vessel Inspectors unless the boiler or pressure vessel is exempted by KRS 236.060 or the pressure vessel has an ASME "UM" certification mark. A pressure vessel with an ASME "UM" certification mark may be registered with the National Board of Boiler and Pressure Vessel Inspectors.
(2) The boilers and pressure vessels required to be filed with the National Board in subsection (1) of this section shall also have[~~include~~] the National Board registration number stamped on the manufacturer's data[~~date~~] plate.

Section 3. Installation Inspection or First Inspection and State Registration of New Boilers and Pressure Vessels.
(1) Installation inspection. New installations of boilers, pressure vessels, and associated pressure piping shall be inspected by the department for compliance with applicable ASME Boiler and

Pressure Vessel Code requirements, the National Board Inspection Code, and this administrative regulation.

(2) Notification of inspection.

(a) If an inspection is required by this administrative regulation, the owner or user shall prepare each boiler, pressure vessel, and pressure piping system for inspection[~~pursuant to this administrative regulation and the National Board Inspection Code, Part I~~].

(b) The owner or user shall prepare for and apply a hydrostatic pressure or other pressure[~~leak~~] test on the date of inspection if requested by the boiler inspector, special boiler inspector, or owner-user inspector.

(c) Inspections shall be conducted within seven (7) days of the date of notification or at an agreed-upon time by the contractor and the inspector.

(3) Inspection times. Except as established in 815 KAR 15:027, inspections made by boiler inspectors shall be conducted during normal business hours of the department between 8:00 a.m. and 4:30 p.m. Monday through Friday.

(4) Contractor availability. The boiler and pressure vessel [~~contractor~~]license holder or the license holder's representative shall be available to the boiler inspector, physically or electronically, at the time of the inspections.

(5) State registration. Upon completion of the installation or at the time of first inspection, a Commonwealth of Kentucky registration number shall be assigned to the boiler or pressure vessel and shall be applied to the boiler or pressure vessel with a metal tag showing the registration number. This tag shall be securely affixed near the manufacturer's name plate or data plate.

(6) Non-registered boilers and non-registered pressure vessels. Boiler inspectors, special boiler inspectors, and owner-user inspectors shall notify the department within thirty (30) days of locating any non-registered boiler or non-registered pressure vessel.

(7) General welding.

(a) If welded assembly has been used, the installing boiler and pressure vessel contractor shall produce the following for the boiler inspector's, special boiler inspector's, or owner's piping inspector's review:

1. The welding procedures; and

2. Proof of qualification and continuity records for the welders and welding operators.

(b) The boiler and pressure vessel contractor shall be responsible for the quality of the welding.

(8) Welded piping joints. Welded joints in pressure piping shall be visually inspected for complete and full root penetration, soundness of the weld and freedom from undercutting, cracking, or other surface imperfections in accordance with the requirements of the applicable ASME B31 Code section. If the visual inspection reveals a potential defect, the boiler inspector, special boiler inspector, or owner's piping inspector may require other nondestructive tests, such as radiography, to be performed by the contractor to verify the soundness of the weld. All tests or retests required by the boiler inspector, special boiler inspector, or owner's piping inspector shall be at the owner's or boiler and pressure vessel contractor's expense.

(9) Hydrostatic pressure test for boilers and pressure vessels.

(a) A hydrostatic pressure test, when applied to a boiler or pressure vessel, shall conform to the testing procedures and pressures as specified in the original code of construction. The pressure shall be under proper control so that in no event shall the required test pressure exceed the testing requirements listed in the original code of construction.

(b) During the hydrostatic pressure test, the safety valve or valves shall be removed. If the safety valve or valves cannot be removed, then each valve disc shall be held down by means of a testing clamp and not by screwing down the compression screw upon the spring.

(c) The minimum temperature of the water used to apply a hydrostatic test shall not be less than ambient temperature, but in no case less than seventy (70) degrees Fahrenheit, and the maximum temperature shall not exceed 120 degrees Fahrenheit.

(d) If the only purpose of the test is to determine tightness, the test pressure shall be equal to the relieving pressure of the safety valve having the lowest relief setting.

(10) Inspection of[~~Pressure test for~~] pressure piping. Pressure piping systems installed in association with a[~~the~~] boiler or pressure vessel shall be inspected for proper materials, adequate pressure, and temperature ranges for the boiler or pressure vessel operation and for adequate support and tightness as established in this subsection. Pressure piping systems shall be inspected as follows:

[~~(a)~~] [~~Hydrostatic and pressure leak tests.~~]

[~~1.~~] [~~Except as stated in paragraph (b), hydrostatic or other leak tests shall be performed on the pressure piping system connected to the boiler or pressure vessel and shall conform to the procedures and test pressures outlined in the original code of construction.~~]

[~~2.~~] [~~Non-destructive testing shall be used if hydrostatic or leak testing cannot be performed.~~]

[~~3.~~] [~~Original mill material stencils and markings used to verify material shall be legible at the time of inspection. Pipe, including welding joints, shall not be painted or covered prior to inspection.~~]

[~~(b)~~] [~~Alternative testing.~~]

[~~1.~~] [~~The following piping systems shall be inspected visually under in-service conditions:~~]

[~~a.~~] [~~Compressed air systems with a MAWP of 200psi or less, a pipe diameter of two (2) inches or less, and no welded joints;~~]

[~~b.~~] [~~Hydronic heating or process systems with a MAWP of 100psi or less, a pipe diameter of two (2) inches or less, and no welded joints;~~]

[~~c.~~] [~~Steam condensate systems with a MAWP of 50psi or less, a pipe diameter of two (2) inches or less, and no welded joints;~~]

[~~d.~~] [~~Non-ammonia refrigeration with a pipe diameter of two (2) inches or less and no welded joints; and~~]

[~~e.~~] [~~Cryogenic piping with a pipe diameter of two (2) inches or less and no welded joints.~~]

[~~2.~~] [~~Sufficient openings shall be made in any insulation to determine pipe material. Welded piping joints shall not be covered with insulation prior to inspection.~~]

[~~3.~~] [~~Pipe may be painted prior to inspection if the owner or user provides documentation of materials that make up the pipe to the inspector. Welded joints shall not be painted prior to inspection.~~]

(a) High Pressure Steam (above 15 psi). All boiler external piping shall be installed in compliance with ASME Section I and ASME B31.1. Non-boiler external piping must comply with ASME B 31.1.

1. All boiler external and non-boiler external piping shall not be painted or covered prior to inspection and shall have mill stenciling legible to the inspector.

2. All welded non-boiler external piping shall be hydrostatically tested with water to 1.5 times the MAWP of the piping system as protected by a safety valve. If a hydrostatic test cannot be performed, other non-destructive examination shall be performed on all welds.

3. Non-welded pipe shall be inspected in service. Small bore tubing three-eighths (0.375) inches or less in diameter as used for heat tracing of process piping systems shall not be inspected.

(b) Low Pressure Steam (15 psi or less). Boiler external piping and field assembled cast iron boilers shall be hydrostatically tested with water to at least 25 psi. Non-boiler external piping shall be visually inspected at operating pressure and no hydrostatic test or pressure test is required. Welded joints shall remain uncovered until inspected.

(c) Steam condensate. Steam condensate piping that can be pressurized with live steam above 15 psi or that leads to a pressure vessel shall be subject to the same inspection requirements as sub-paragraph (3)(a) of this regulation. Steam condensate piping for low pressure (15 psi or less) systems and pumped condensate leading to a vented condensate receiver may not be inspected.

(d) Anhydrous ammonia.

1. Anhydrous ammonia piping systems shall not have piping or piping joints painted nor covered until inspected.

2. Original mill stencil markings on piping shall be legible to the inspector. Anhydrous ammonia piping systems that are not connected to an existing live system shall be pressure tested with nitrogen to 1.1 times the MAWP of the system.

3. Anhydrous ammonia piping systems that are connected to an existing live ammonia system shall be pressure tested with ammonia gas. If an anhydrous ammonia system is tested with ammonia gas,

the system shall be at working pressure and inspected with the sulfur stick or litmus paper method.

(e) Hot oil/thermal fluid.

1. Hot oil/thermal fluid piping systems shall be visually inspected and shall be pressure tested with nitrogen or thermal fluid. A nitrogen test shall be at least 1.1 times the MAWP of the system as protected by a safety valve. A thermal fluid test shall be at least 1.5 times the MAWP of the system as protected by a safety valve.

2. Hot oil/thermal fluid piping systems shall not have piping or piping joints painted nor covered until inspected.

3. Original mill stencil markings on piping shall be legible to the inspector.

(f) Compressed air.

1. Compressed air piping systems that supply air for general utility air, breathing air, instrument air, and similar applications shall be visually inspected.

2. Piping systems that contain pipe that is two (2) inches in diameter or fewer and operate at 200 psi or less may be painted prior to inspection.

3. Welded pipe joints in piping systems that operate above 200 psi and are over two (2) inches in diameter shall be pressure tested with air at 1.1 times the MAWP of the system as protected by a safety valve and shall not be painted prior to inspection.

4. Cross linked polyethylene (PEX) and thermoplastic materials, such as PVC, CPVC, and PVDF, that exhibit brittle failure as defined in ASTM F412 shall not be used for compressed air service. Pipe size one (1) inch in diameter and fewer shall not be inspected.

(g) Hydronic heating. Hydronic heating piping systems that operate at 100 psi or less shall be visually inspected while under normal operating pressure. Welded pipe joints in hydronic heating pipe systems that operate in excess of 100 psi shall be hydrostatically tested with water at 1.3 times the MAWP of the system as protected by a safety valve.

(h) Hoses and flexible connectors. All hoses and flexible connectors used in any pressure piping system shall be marked with the maximum allowable pressure and temperature that the hose or connector is rated. In the alternative, the department shall accept supporting documentation if the documentation is positively linked to the hose or flexible connector.

(i)[~~(c)~~] Code compliance. All piping systems provided by boiler and pressure vessel fabricators as part of the boiler or pressure vessel assembly, including skid assembled units, shall have supporting documentation from the fabricator that the pressure piping is in compliance with the appropriate ASME B31 Code and these administrative regulations. Pressure piping inspections shall include determining compliance with applicable ASME B31 Code including material specifications for the piping and component parts. The boiler and pressure vessel contractor shall provide documentation to the boiler inspector, special boiler inspector, owner's piping inspector, or owner-user inspector showing that:

1. The materials used and method of construction meets the manufacturer's procedures and specifications; and

2. The system is utilizing the materials and equipment specified within the temperature and pressure ranges set forth in the design and as required by this administrative regulation.

(11) Inspection by Owner's Piping Inspector.

(a)

1. Owner's piping inspectors shall inspect all new replacement piping for compliance to the applicable ASME piping code to which the piping is installed.

2. The owner's piping inspector shall sign the permit filed by the boiler and pressure vessel contractor performing the piping installation or repair and forward it to the Boiler Inspection Section.

(b)

1. The owner facility license and the independent inspection agency shall maintain copies of the material mill test reports and pressure test information including type of test, pressure at start and end of test, and duration of test for five (5) years pursuant to KRS 236.097(1)(h) and (3)(f).

2. If welded joints are utilized, the file shall contain the qualified welder identification, weld procedure, and procedure qualification used.

(c) If there is a disagreement as to the acceptance of any condition of the piping installation or repair by the owner's piping inspector and owner's user facility, the department shall make the final determination in accordance with the standards established in this administrative regulation.

Section 4. State Special.

(1) Boilers and pressure vessels of special design, which are equivalent to but are not eligible to be stamped to the ASME Code, shall meet the requirements of this section. The prospective owner or user who desires approval of the boiler installation or pressure vessel installation as a state special shall comply with the procedures established in this administrative regulation for each case.

(a) Prior to installation and operation of the boiler or pressure vessel, the proposed owner, user, or the owner's authorized agent shall make written application for permission to install the boiler or pressure vessel. The application shall be submitted to the commissioner.

(b) To establish ASME Boiler and Pressure Vessel Code equivalency, the following data, material, and information shall be submitted with the application for state special approval:

1. Detailed shop drawings and welding details of the proposed construction. All materials shall be in the English language and United States units of measurements listed in the ASME Code;

2. Design calculations and supporting data, which shall include pressure (psi), temperature (deg. F.), use, and other service conditions;

3. Specifications for all construction materials shall conform to the applicable ASME Code standards or their suitable equivalent. If reference is made to a standard or specification of a country other than the United States, a copy shall be attached to indicate how the material is considered equivalent;

4. Copies of the welding procedures to be used and welding qualification test reports for each welding operator or welder to be used. The procedures and tests required in this paragraph shall be made in accordance with the ASME Boiler and Pressure Vessel Code, Section IX, "Welding Qualifications;"

5. If the design exceeds ASME Boiler and Pressure Vessel Code limitation, then API 579/ASME FFS-1, 2007 or later edition shall be used to determine equivalency of the submission;

6. Design drawings and calculations shall be certified by a mechanical engineer holding a professional engineer certification with a background in boilers and pressure vessels;

7. The manufacturer of the vessel shall identify the inspection agency responsible for the shop inspections and shall submit an equivalent ASME manufacturer's data report for the proposed vessel; and

8. The shop inspection agency shall furnish the qualifications of the authorized inspector assigned to make the shop inspections.

(2) Upon completion of the boiler or pressure vessel, a manufacturer's data report, signed by the manufacturer and authorized inspector, shall be submitted to the jurisdictional authorities containing the equivalent type data required by the ASME Boiler and Pressure Vessel Code. ASME Boiler and Pressure Vessel Code data report forms shall not be used.

(3) Upon arrival in the Commonwealth of Kentucky, the boiler or pressure vessel shall be inspected before installation by a boiler inspector to verify compliance with this section.

Section 5. General Requirements.

(1) Boilers.

(a) Safety Valves and Safety Relief Valves

1. Safety valves and safety relief valves must carry the ASME Code stamp suitable for the service intended.

2. The resetting of safety valves and safety relief valves shall be done by a National Board "VR" certificate holder.

3. Safety valves and safety relief valves shall be located and installed so that the device is readily accessible for inspection and repair.

4. Stop valves in inlet or discharge piping, and changeover valves are not permitted.

5. Discharge Piping:

a. Discharge piping must be metal and suitable for the pressure and temperature potentially encountered.

b. Discharge Piping outlet for safety valves and safety relief valves shall be located to prevent injury to persons or property.

c. Discharge Piping for steam boilers that exceed 1500 pounds of steam per hour must exit the building to the outside/outdoors.

d. Discharge piping must be anchored or secured against movement when discharging.

e. Discharge piping shall have a pipe union or other joint close to the safety valve or safety relief valve to disconnect the discharge piping from the valve if directly connected to valve for maintenance.

f. Discharge piping must be increased by one pipe size per every four (4) elbows in the piping system.

(b) Boiler external piping.

1. Boiler external piping shall be installed in accordance with ASME Section I and B31.1.

2. If a power boiler with a manway is connected to a common steam or high temperature water main or header supplied by other boilers, all welded external piping from the boiler out to the second stop valve shall be stamped with any one (1) of the ASME Code symbol stamps for pressure piping, power boilers, or assembly stamps.

3. Carbon Monoxide Detector.

a. Each boiler room containing one or more boilers from which carbon monoxide can be produced shall be equipped with a carbon monoxide detector with a manual reset. Boilers installed in open floor spaces without a defined boiler room shall have the carbon monoxide detector installed no more than three (3) feet away from the emergency shutdown switch and no more than six (6) feet above floor level. It is the installer's responsibility to install the carbon monoxide detector.

b. The carbon monoxide detector shall be interlocked with all boilers to disable the burners when the measured level of carbon monoxide rises above 50 ppm.

c. The carbon monoxide detector shall disable the burners upon loss of power to the detector.

d. The carbon monoxide detector shall have an audible alarm, and be interlocked with the fire alarm system, if the building is equipped with one.

e. The carbon monoxide detector shall be calibrated in accordance with the manufacturer's recommendations or every two years after installation of the detector. A record of calibration shall be posted at or near the boiler, or be readily accessible to a boiler inspector or special boiler inspector. It is the owner or user's responsibility to maintain the carbon monoxide detector.

f. The requirements of this subsection apply to boiler and mechanical rooms where new boilers are installed, or existing boiler rooms where boilers are replaced.

(c) Boilers having direct ducted combustion air intakes and combustion discharge vents where birds and wildlife can make nests or obstruct these openings must have suitable screens or caps to prevent obstructions. Gas fuel train vents must have screens to prevent obstruction at their terminal point.

(d) Inspection of flue and chimney.

1. When new boilers are installed in existing boiler rooms and ducted into existing masonry chimneys, an inspection of the chimney and flue must be done by the installing contractor or a company that performs such inspections on behalf of the installing contractor. A letter stating that the chimney is safe and suitable for the service intended shall be given to the inspector, and will be kept on file at the boiler section office.

2. Condensing boilers shall not be ducted into masonry chimneys.

(e) Manually operated boilers and Historic Boilers. Manually operated boilers shall be operated as historic boilers and shall comply with National Board Inspection Code, Part 2, Section 6 "Supplements."

1. Small scale steam locomotives operating on track gauge less than 24" shall be inspected as non-traditional, noncode historic steam boilers.

2. Non-traditional, noncode boilers shall:

a. Be hydrostatically tested to at least one and one half times the normal working pressure.

b. Have at least one spring type "Pop" safety valve set at or below the normal operating pressure, which can relieve all the steam from the boiler during an accumulation test.

c. Have at least one water glass to show the water level in the boiler.

d. Have at least two means of introducing feedwater to the boiler. The failure of one device shall not cause the disruption of the other device.

e. Have a blowdown or drain valve.

(2) Pressure Vessels:

(a) Safety valves, safety relief Valves, and rupture discs.

1. Safety valves, safety relief valves, and rupture discs must carry the ASME Code stamp and NBIC Certification stamp.

2. The resetting of safety valves and safety relief valves shall be done by a National Board "VR" Certificate holder.

3. Safety valves and safety relief valves shall be located and installed so that the device is readily accessible for inspection and repair.

4. A safety valve, safety relief valve, or rupture disc shall be placed on a heat exchanger or in the piping connecting to the heat exchanger before the first stop valve in the piping on the side of the heat exchanger receiving heat.

5. Discharge Piping:

a. Discharge piping must be metal, and suitable for the service intended.

b. The discharge piping outlet for safety valves and safety relief valves shall be located to prevent injury to persons or property.

c. Discharge piping must be anchored or secured against movement when discharging. Discharge piping shall have a pipe union or other joint close to the safety valve or safety relief valve to disconnect the discharge piping from the valve. Piping must be arranged for proper drainage.

d. Discharge piping must be increased by one pipe size per every four (4) elbows in the piping system.

(b) Omission or removal of a Safety Relief Valve or pressure relieving device.

1. If a pressure relieving device is omitted or removed, the device shall be omitted or removed in accordance with ASME Section VIII, Division 1, UG-140, Appendix M and ASME Section VIII, Division 2, Part 9, or Division 3, Part KR.

2. If a pressure relieving device is omitted or removed pursuant to the standards established in subparagraph 1. of this paragraph, except ASME Section VIII, Division 1, Appendix M., the Boiler Inspection Section shall be notified prior to the omission or removal, and prior to the pressure vessel being placed in service.

3. The required documentation of calculations pursuant to paragraph (a) in this subsection shall be submitted to the Boiler Inspection Section for review and acceptance or rejection of the proposed omission or removal.

(c) Leased Pressure Vessels.

1. Leased pressure vessels shall have the owner's name and telephone number visible to the inspector via paint or label.

2. If a vendor sells a leased vessel to a location where installed, the lessor/installer shall apply a label that states that the vessel has been sold to the location, give the new owner's name and date of sale, and this label shall cover the original owner's name.

3. The lessor must provide a copy of the operating certificate to the location where the vessel is installed, and the operating certificate must be displayed on or near the vessel or kept in a file at the lessee's office.

(d) DOT Cylinders. DOT cylinders, when used in manifolded and in stationary service (not transported) and filled onsite must not be filled or installed indoors. Clearances. Except for Mobile Boiler Rooms, the following requirements shall apply:

1. All boilers and pressure vessels in new boiler rooms shall be installed in accordance with the National Board Inspection Code.

2. Replacement boilers and pressure vessels in existing boiler rooms shall have a minimum of two (2) feet clearance horizontally on all service sides.

3. Horizontal manway openings in boilers and pressure vessels shall have at least five (5) feet clearance between the manhole opening and any wall, equipment, piping, or other obstruction that will prevent a person from entering the boiler or pressure vessel. Consideration shall be given for additional clearance for emergency personnel attending to a person who has entered the vessel.

4. A passageway at least twenty-four (24) inches wide by five (5) feet high through the boiler or mechanical room shall be provided

and maintained for the free passage of a person to each exit, and around the boilers and pressure vessels within.

5. Boilers installed on stands, or other supports which are over eight (8) feet above floor level shall have platforms and ladders installed to provide access for inspection.

6. Autoclaves/Sterilizers that have dedicated electric steam boilers attached shall either have at least two (2) feet clearance on both sides of the cabinet or be installed in a cabinet capable of movement to reasonably accommodate inspection .

7. Piping, ducts, and vents and their supports shall be arranged so that the clearances required are not compromised.

8. The clearances of this section shall be maintained for the life of the vessel.

(3) Mobile Boiler Units. Mobile boiler units shall:

(a) Provide for the general inspection and maintenance of the boiler or pressure vessel, including the removal and replacement of tubes.

(b) The manufacturer's data plate shall have at least two (2) feet of clearance to allow it to be read, or a suitable opening in the enclosure with a door or removable panel.

(c) Have at least eighteen (18) inches clearance between the top manway and roof of enclosure, or if less than eighteen inches, provide an access hatch in the roof of the enclosure centered over the manway. A roof access hatch shall be at least thirty-six (36) inches by thirty-six (36) inches.

(d) . Have openings with doors or removable panels in the sides of the enclosure to access handholes if handholes are within twenty-four (24) inches of the enclosure wall. Such openings shall be at least twenty-four (24) inches by twenty-four (24) inches.

(e) . All safety valve discharge piping and gas and other vent piping shall exit the enclosure through the roof or sides.

(f) Mobile Boiler Rooms shall have an emergency stop switch located on the exterior of the enclosure that is easily accessible.

[(1)] [Safety appliances. The safety appliances required by these administrative regulations shall not be removed or tampered with except for the purpose of making repairs. The resetting of safety valves shall be done by a V-R stamp holder.]

[(2)] [Additional Hazards. If an additional hazard is possible by exposure of a pressure vessel to fire or other unexpected sources of external heat, supplemental pressure relieving devices shall be installed capable of protecting against excessive pressure. These supplemental pressure relieving devices shall be capable of preventing the pressure from rising more than twenty-one (21) percent above the MAWP.]

[(3)] [Pressure relieving device.]

[(a)] [A pressure relieving device shall be constructed, located, and installed so that the device is readily accessible for inspection and repair and cannot be readily rendered inoperative; and]

[(b)] [A pressure relieving device shall be selected so that the intended service of the pressure relieving device corresponds with the boiler or pressure vessel on which the pressure relieving device is installed.]

[(4)] [Relieving capacity. The minimum relieving capacity of the safety valve(s) or safety relief valve(s) shall be equal to or exceed the maximum output of the boiler.]

[(5)] [Omission or removal of pressure relieving device.]

[(a)] [If a pressure relieving device is omitted or removed, the device shall be omitted or removed in accordance with ASME Section VIII, Division 1, UG-140, Appendix M and ASME Section VIII, Division 2, Part 9, or Division 3, Part KR.]

[(b)] [If a pressure relieving device is omitted or removed pursuant to the standards established in subparagraph 1. of this paragraph, except ASME Section VIII, Division 1, Appendix M., the Boiler Inspection Section shall be notified prior to the omission or removal, and prior to the pressure vessel being placed in service.]

[(c)] [The required documentation of calculations pursuant to paragraph (a) in this subsection shall be submitted to the Boiler Inspection Section for review and acceptance or rejection of the proposed omission or removal.]

[(6)] [Location of discharges to atmosphere. The discharge of safety valves, blowoff pipes, and other outlets shall be located to prevent injury to persons and property.]

[(7)] [Boiler external piping.]

[(a)] [Boiler external piping shall be attached in accordance with ASME Section I and B31.1.]

[(b)]

[1.] [If two (2) or more boilers with manholes are connected to a common steam or high temperature water main or header, all welded external piping from the boiler out to the second stop valve shall be installed by a manufacturer or contractor authorized to use any one (1) of the ASME Code symbol stamps for pressure piping, power boilers, or assembly stamps.]

[2.] [The piping or fittings, adjacent to the welded joint farthest from the boiler, shall be stamped with the pressure piping, power boiler, or assembly code symbol stamp of the ASME when approved by the boiler inspector, special inspector, or owner-user inspector.]

[(8)] [Manually fired boilers.]

[(a)] [Gauge cocks. Each manually fired boiler shall comply with ASME Section I, except a manually fired boiler built before the publication of the 1991 Addenda to ASME Section I (1989 Edition), shall have three (3) or more gauge cocks located within the range of the visible length of the water glass, except if the boiler has two (2) water glasses with independent connections to the boiler located on the same horizontal lines and not less than two (2) feet apart. Two (2) gauge cocks shall be sufficient for boilers not over thirty-six (36) inches in diameter in which the heating surface does not exceed 100 square feet.]

[(b)] [Fusible plugs. A fire-actuated fusible plug, if used, shall conform to the requirements of ASME Section I, Paragraphs A-19, A-20 and A-21.]

[(9)] [Clearance.]

[(a)] [If boilers or pressure vessels are replaced or new boilers or new pressure vessels installed in either existing or new buildings, a minimum of two (2) feet shall be provided on all service sides. Boiler and pressure vessels having manholes shall have five (5) feet clearance between the manhole opening and any wall, ceiling, or piping that will prevent a person from entering the boiler or pressure vessel.]

[(b)] [Boilers shall be installed to:]

[1.] [Allow adequate space for their proper operation and their appurtenances;]

[2.] [Allow inspection of all surfaces, tubes, water walls, economizer, piping, valves, and other equipment; and]

[3.] [Allow for necessary maintenance and repair.]

[(c)] [A boiler or pressure vessel subject to external corrosion shall be installed so that there is sufficient access to all parts of the exterior to permit proper inspection of the exterior surfaces, or the boiler or pressure vessel shall have a connection so that the vessel can be readily removed from its location for inspection.]

[(d)] [If a cylindrical vessel is installed in a vertical position and subject to corrosion, the bottom head, if dished, shall be concave to pressure to facilitate proper drainage.]

[(e)] [The installed boiler or pressure vessel shall be located so that the data plate shall be accessible to the boiler inspector, special inspector, or owner-user inspector and shall not be obstructed by insulation or other covering not readily removable.]

(4)[(10)] Emergency shutdown switches.

(a)

1. Installation of automatically fired power boilers, heating boilers, hot water supply boilers, and fuel-fired or electrically heated pressure vessels shall have a remote boiler shutdown switch located near each boiler room exit door, inside or outside of the boiler room, and marked for easy identification.

2. A boiler room exit door is any door that can be used for personnel to enter and exit the boiler room. If there is more than one (1) exit door to or from the boiler room, a switch shall be located at each door. If access to a boiler room is via a ladder, then the stop switch must be located the end of the ladder first reached when entering the boiler room.

3. Machinery doors, and doors exiting to rooftops where no rooftop exit exists or doors opening below grade for machinery access with no access to grade do not require shutdown switches. A machinery door is considered an exit if no other exit door exists.

4. Shutdown switches must be no less than thirty (30) inches and no more than forty-eight (48) inches above floor level, and no more than five (5) feet horizontally from the door frame unless obscured by the door in fully open position. Doors spaced no more

than ten (10) feet apart may have one switch centrally located between them. Boilers located in large spaces shall have an emergency shutdown switch located no less than twenty (20) feet and no more than fifty (50) feet from the boiler.

5. Shutdown switches must not be obscured by doors in the open position. When doors in the open position exceed five feet from the door frame, the shutdown switch shall be placed as close as possible to the edge of the open door.

6. The shutdown switch(es) must be marked with a sign that clearly states that the switch is an emergency shutdown switch.

7. The shutdown switch must be a red color pushbutton switch, which is manually reset by pulling or twisting and pulling.

8. A transparent cover plate that is hinged or easily removable and not lockable may be used to prevent accidental activation of the shutdown switch. The cover plate must allow the switch to be struck with the palm of the hand.

9. The shutdown switch shall cause the control display or indicator lights on a boiler to turn off if so equipped, to indicate that the boiler has been shut down.

10. Activation of the shutdown switch shall cause all new and existing boilers in the room to shut down.

11. If the boiler(s) are located within five (5) feet of the boiler room exit door, and have on/off switches easily identifiable and accessible, then the remote shutdown switch is not required.

12. Any interruption of power to the shutdown switches circuit shall cause the boilers to shut down.

(b) A power boiler or heating boiler installed prior to July 1, 2015 shall be exempt from paragraph (a) of this subsection unless the power boiler or heating boiler installed prior to July 1, 2015 is located in a hospital, rest home, school, day care, jail, health care facilities, or similar institutional facility. The replacement of a boiler in a boiler room containing boilers installed prior to July 1, 2015 requires that the shutoff switches required herein be installed and connected to all new and existing boilers.

(c) Paragraph (a) of this subsection shall not apply to manufacturing and power generating facilities.

[~~(a)~~]

[~~1.~~] [~~Installations of power boilers, heating boilers, or hot water supply boilers shall have a manually operated remote boiler shutdown switch or circuit breaker located near the boiler room door, inside or outside of the boiler room, and marked for easy identification. Consideration shall also be given to the type and location of the switch to safeguard against tampering.~~]

[~~2.~~] [~~If there is more than one (1) door to or from the boiler room, a switch shall be located at each door.~~]

[~~3.~~] [~~A cover plate may be used to prevent accidental activation of the shutdown switch, if the cover plate is easily opened or removed.~~]

[~~4.~~] [~~If a shutdown switch is activated, the shutdown switch shall require a manual reset.~~]

[~~5.~~] [~~The shutdown switch shall cause the display or indicator lights on a boiler to turn off, or otherwise indicate that the boiler has been shut down.~~]

[~~6.~~] [~~If a new boiler is installed in an existing boiler room, all existing boilers shall be connected to the emergency shutdown switch.~~]

[~~(b)~~] [~~A power boiler or heating boiler installed prior to July 1, 2015 shall be exempt from paragraph (a) of this subsection unless the power boiler or heating boiler installed prior to July 1, 2015 is located in a hospital, rest home, school, day care, jail, mental institution, or similar institutional facility.~~]

[~~(c)~~] [~~Paragraph (a) of this subsection shall not apply to manufacturing and power generating facilities.~~]

Section 6. Incorporation by Reference.

(1) The "National Board Inspection Code Part 1, Installation"[,]2025[~~2015~~] Edition, is incorporated by reference.

(2) The "National Board Inspection Code Part 2, Inspection" 2025 Edition, is incorporated by reference.

(3) The "National Board Inspection Code Part 3, Repairs and Alterations" 2025 Edition, is incorporated by reference.

(4) The "National Board Inspection Code Part 4, Pressure Relief Devices" 2025 Edition, is incorporated by reference.

(5)[~~(2)~~] The "Standard for Oil Burning Equipment NFPA 31," 2024 edition, is incorporated by reference.

(6)[~~(3)~~] The "Standard for Oil Burning Equipment NFPA 85," 2023 edition, is incorporated by reference.

(7)[~~(2)~~] This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Plumbing, Boiler Section, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m. eastern time, at 500 Mero Street, First Floor, Room 127CW, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m. eastern time 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: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the design, construction, and inspection criteria requirements of the boiler inspection section for all boilers and pressure vessels not exempted by KRS 236.060.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 236.030 authorizes the commissioner to promulgate administrative regulations that establish standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping. KRS 236.040 requires all boiler and pressure vessels to conform to the rules and regulations formulated by the commissioner, and establishes the standards for pressure piping and pressure vessels for human occupancy. KRS 236.110 establishes the inspection requirements for boilers, pressure vessels, and pressure piping.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the standards for boilers and pressure vessels, and the requirements for the initial inspections of new boilers, new pressure vessels, and new pressure piping.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment updates code references, clarifies several topics (including, but not limited to: compliance with minimum standards, pressure piping inspection, and general boiler requirements) and adds provisions for carbon monoxide detection as well as chimney maintenance.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update code references as well as ensure the safety of building occupants, boiler operators and

inspectors.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment establishes the standards and installation of boiler and pressure vessels, and establishes the inspection requirements for boilers and pressure vessels.
(d) How the amendment will assist in the effective administration of the statutes: This amendment updates the standards for boilers and pressure vessels and reorganizes and edits the administrative regulation for clarity and conciseness.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals engaged in the boiler and pressure vessel industry, building owners, and Department of Housing, Buildings and Construction personnel.
(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 shall comply with the new codes and standards for the installation and construction of boilers.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost will vary based on the installation. For instance, some boilers are condensing boilers, which do not use masonry chimneys. Therefore, chimney inspection would not be required. Similarly, some boilers are mounted outdoors; therefore, carbon monoxide detection would not be required. A typical chimney inspection costs $300. This cost would be incurred every two to four years. To install and link a carbon monoxide detector to boilers costs approximately $1,000. This is a one-time cost.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The standards are more up-to-date and the administrative regulation will be easier to read and understand. Moreover, the carbon monoxide and emergency stop requirements will greatly enhance the safety of building occupants, as well as boiler operators and inspectors.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.
(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Any department costs of implementation will be met with existing department 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: This amendment will not necessitate an increase in fees or require funding from the department for implementation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees increased by this amendment.
(10) TIERING: Is tiering applied? Tiering is not applied as all individuals in the boiler and pressure vessel industry and department personnel are affected by this amendment.

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 regulation is authorized and required by KRS 236.030, 236.040, 236.110, 236.120, and 236.240.
(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 required by KRS 236.030.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Housing, Buildings and Construction, Division of Plumbing, Boiler Inspection Section.
(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): There are no anticipated local entities that will be affected by this regulatory amendment. (b) Estimate the following for each affected state unit, part, or division identified in (4)(a):
(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): Individuals engaged in the boiler and pressure vessel industry. (b) Estimate the following for each affected state unit, part, or division identified in (5)(a):
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Expenditures will vary by type and scope of project. For example, if a boiler vents through a masonry chimney, the cost associated with a chimney inspection will be incurred (approximately $300). However, not all boilers are connected to a masonry chimney.
For subsequent years: Same as first year.
2. Revenues:
For the first year: Increased revenues for those performing the work, depending on type and scope of project and market rate.
For subsequent years: Same as first year.
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The state will not have any revenue, cost savings or expenditures because enforcement will take place out of existing funds. Local governments also will not be affected. Boiler contractors may have additional expenditures and revenues. The precise amount of the expenditures and revenues will vary from project to project. For instance chimney inspection will not be required in all buildings as not all buildings have chimneys that serve boilers. Similarly, some boilers are mounted outdoors; therefore, carbon monoxide detection would not be required. A typical chimney inspection costs $300. This cost would be incurred every two to four years. To install and link a carbon monoxide detector to boilers costs approximately $1,000. This is a one-time cost.
(b) Methodology and resources used to reach this conclusion: Please see the response to (5)(a). (7) Explain, as it related to the entities identified in (3)(a), (4)(a), and (5)(a):
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: The total anticipated economic impact of this regulatory amendment is, for the most part, neutral. The increased costs incurred by contractors will be offset by revenues, the added upfront costs for

building owners may help offset unanticipated costs affiliated with injury and death due to carbon monoxide poisoning, boiler or pressure vessel failure, or masonry chimney failure.

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 Housing, Buildings and Construction
(Amendment)

815 KAR 15:026. Existing boilers and pressure vessels; testing, repairs, inspection, and safety factors.

RELATES TO: KRS 236.010, 236.030, 236.110, 236.240, 236.250, 236.990

STATUTORY AUTHORITY: KRS 236.030, 236.040, 236.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030 requires the commissioner to promulgate administrative regulations that establish reasonable standards for the inspection and repair of boilers and pressure vessels. This administrative regulation establishes the requirements for inspections and safe maintenance of boilers and pressure vessels.

Section 1. Frequency of Inspection of Existing Vessels.

(1) Boiler inspections. Boilers shall be inspected pursuant to KRS 236.110 upon notification by a boiler inspector or special boiler inspector.

(2) Pressure vessel inspections. Pressure vessels shall be reinspected in accordance with this subsection and subsection (3) of this section.

(a) Pressure vessels exceeding 200 psi MAWP shall be inspected every four (4)[~~five (5)~~] years.

(b) Hot water storage tanks, sterilizers, and autoclaves shall be inspected every four (4) years.

(c) Pressure vessels for human occupancy and hyperbaric chambers shall be inspected every four (4)[~~two (2)~~] years.

(d) Jacketed cooking kettles shall be inspected every two (2) years.

(e) Deareators shall be inspected externally and internally every six (6) years[~~ten (10) years~~].

(f) All pressure vessels shall be re-inspected at the time of repair, alteration, or relocation.

(g) Liquid carbon dioxide vessels shall be inspected every three (3) years.

(h) Pressure vessels that have a MAWP of 200 psi or less shall be inspected every ten (10) years.

(3) Inspection times. Except as established in 815 KAR 15:027, inspections made by boiler inspectors shall be conducted during normal business hours of the department between 8:00 a.m. and 4:30 p.m. Monday through Friday.

(4) All existing boiler and existing pressure vessels shall be inspected in accordance with NBIC Part 2, 2025 edition, as adopted and incorporated by reference in 815 KAR 15:025.

Section 2. Preparation for Inspections and Tests.

(1) The owner or user shall prepare the boiler or pressure vessel for inspection if requested by the boiler inspector, special boiler inspector, or owner-user inspector.

(2) Inspections shall be conducted within seven (7) days of the date of notification by the boiler inspector, special boiler inspector, or owner-user inspector or at a date agreed upon between the user and the inspector.

(3) The owner or user shall prepare a boiler or pressure vessel for inspection by ensuring that:

(a) Water shall be drawn off and the boiler thoroughly washed;

(b) The manhole and handhole plates, washout plugs, tubular type sight glass, water column float and the plugs in water column connections, and water level probes and the plugs in water column connections shall be removed and the furnace and combustion chambers thoroughly cooled and cleaned;

(c) The grate of an internally fired boiler, and turbulators if present, shall be removed;

(d) Brickwork and other refractory shall be removed as required by the boiler inspector or special boiler inspector to determine the condition of the boiler, header, furnace, supports, or other parts; and

(e) Leakage of steam or hot water into the boiler shall be cut off by disconnecting or blocking off the pipe or valve at the most convenient point.

(f) All valves, including main steam, bleed, feedwater, blowoff, water column, and others shall be operable as witnessed by the inspector. Valves shall be exercised to the full open and full closed positions. Missing valve handles shall be replaced.

(4) If the boiler or pressure vessel is jacketed, enough of the jacketing shall be removed upon the request of the boiler inspector, special boiler inspector, or owner-user inspector so that the safety of the boiler or pressure vessel can be determined. If the covering cannot be removed at that time, the boiler inspector, special boiler inspector, or owner-user inspector shall order the boiler or pressure vessel out of service until the covering can be removed and a proper examination made. Jacketing and insulation shall be maintained in operable condition.

(5) If a boiler has not been prepared for an inspection in accordance with the requirements of this section or the owner or user fails to comply with the requirements for the hydrostatic or other leak test established in this administrative regulation, the boiler inspector or special boiler inspector may decline to make the inspection or test and the inspection certificate shall be withheld until the owner or user complies with the requirements.

(6) Hydrostatic pressure tests. If a hydrostatic test is applied to an existing installation, the pressure shall be as established in paragraphs (a) through (c)[~~(d)~~] of this subsection.

(a) For determining tightness, the pressure shall be no less than 90%[~~equal to the release pressure~~] of the lowest safety valve [~~or valves having the lowest release~~] setting.

(b)

1. For determining safety or the strength of a vessel and associated piping [~~as well as tightness~~], the test shall conform to [~~the procedures and the pressure shall conform to~~] the test pressures established in the original code of construction but not exceed one and one-half (1 1/2) times the MAWP for power boilers, except for a locomotive type boiler, in which case the pressure shall be one and one-fourth (1 1/4) times the MAWP. The test pressure for heating boilers shall not exceed one and one-third (1 1/3) times the MAWP.

2. The pressure shall be under proper control to prevent the required test pressure from exceeding testing requirements listed in the original code of construction.

(c) The temperature of the water used for the hydrostatic test shall not be less than ambient temperature and shall not be less than seventy (70) degrees Fahrenheit for boilers or thirty (30) degrees Fahrenheit above the minimum design metal temperature for pressure vessels, nor high enough to allow the metal temperature to exceed 120 degrees Fahrenheit.

(d) Chimneys, smokestacks, and flues shall be inspected by a licensed boiler contractor or a company that provides such services at every other inspection cycle. A letter stating that the chimney, smokestack, or flue is in safe and suitable condition for the service intended shall be presented to the inspector and retained by the department.

(e) Emergency shutdown switches shall be tested to ascertain that all boilers can shut down.

(f) Carbon monoxide detectors shall be maintained to ensure that they are in operable condition.

[~~(d)~~] [~~Minimum test pressure shall not be less than eighty (80) percent of the MAWP or the set pressure of the pressure-relieving device, whichever is greater.~~]

Section 3. Maximum Working Pressure. Notice of accident or unsafe conditions[~~Safety Factors in Existing Boilers and Pressure Vessels~~].

(1) Maximum pressure and temperature.

(a) Code boilers. The MAWP and temperature for standard pressure vessels and boilers shall be determined in accordance with the original code of construction.

(b) Noncode high pressure boilers. The MAWP of a noncode high pressure boiler shall be calculated in accordance with Section I of the ASME Boiler and Pressure Vessel Code.

(c) Noncode welded heating boilers.

1. The MAWP of a noncode steel or wrought iron heating boiler of welded construction shall not exceed fifteen (15) psi.

2. For other than steam service, the MAWP shall be calculated in accordance with Section IV of the ASME Boiler and Pressure Vessel Code as established by KRS 236.040(2).

(d) Noncode cast iron heating boilers. The MAWP of a noncode boiler, composed principally of cast iron shall not exceed fifteen (15) psi for steam service or thirty (30) psi for hot water service.

(2) Notice of accident or malfunction.

(a) If an accident or malfunction renders a boiler or pressure vessel inoperative, the owner, user, or insurer shall immediately notify the Boiler Inspection Section and submit a detailed report of the accident or malfunction.

(b)

1. For any accident, including an explosion, resulting in property damage, injury to a person, or loss of life, the owner, user, or insurer shall give notice immediately by phone or electronic mail to the Boiler Inspection Section.

2. The boiler, pressure vessel, or any of the parts shall not be removed or disturbed before an inspection has been made by a boiler inspector or special boiler inspector, except for the purpose of saving human life.

(3) Unsafe boilers and pressure vessels. A boiler or pressure vessel inspected by a boiler inspector or a special boiler inspector and found unsafe for further use shall be removed from service, until the boiler or pressure vessel has been sufficiently repaired and inspected by a boiler inspector or a special boiler inspector.

(4) Removal of safety appliances.

(a) A person shall not attempt to remove or work on a safety appliance while a boiler or pressure vessel is in operation unless under the direction of a boiler inspector or special boiler inspector, or permitted by these administrative regulations.

(b) If a safety appliance is repaired during an outage of a boiler or pressure vessel, the appliance shall be reinstalled and in proper working order before the vessel is returned to service.

(5) Maintenance. The boiler, pressure vessel, and pressure piping shall be maintained in accordance with the minimum requirements of the edition of the ASME Code that was in effect at the time the boiler, pressure vessel, and pressure piping was constructed and installed.

Section 4. Used Vessels.

(1) Used Vessel Inspections. Before a used boiler or pressure vessel is placed into service, it shall be inspected by a boiler inspector, and the inspection may include an internal and external visual inspection, a hydrostatic test, or other non-destructive examination.

(2) Reinstalled boilers or pressure vessels.

(a) If a boiler or pressure vessel is moved and reinstalled, the fittings and appliances shall comply with 815 KAR 15:025[~~the ASME Boiler and Pressure Vessel Code, 2013 Edition or subsequent editions, as established by KRS 236.040(2), and 815 KAR Chapter 15~~].

(b) All pressure vessels for human occupancy shall comply with 815 KAR 15:025[~~the ASME Safety Standard for Pressure Vessels for Human Occupancy, 2012 Edition or subsequent editions, as established by KRS 236.040(3), and 815 KAR Chapter 15~~].

(3) Appeal of an inspection decision.

(a) If the owner or user does not concur with the boiler inspector's decision regarding the condition of the boiler or pressure vessel, the owner or user may appeal to the commissioner who shall request a joint inspection by the chief boiler inspector and the boiler inspector.

(b) The chief boiler inspector and the boiler inspector shall render a report to the commissioner, who shall render the final decision, based upon the data contained in all the inspectors' reports.

Section 5. Repairs and Alterations.

(1) The permit as required by KRS 236.240 shall be signed and returned to the department upon completion of the repair or alteration. The National Board R-1 or R-2 form shall be attached to the completed repair permit.

(2) Repair or alteration to a boiler, pressure vessel, and the appurtenances shall conform to the requirements of the National Board Inspection Code Part 3, 2025 edition as incorporated by reference in 815 KAR 15:025[~~2015 Edition, or subsequent editions~~].

(3)[~~(2)~~] Repairs or alterations to pressure relieving devices shall be made by a firm possessing the National Board Certificate of Authorization for Use of the Valve Repair VR[~~(V-R)~~] Stamp and the valve shall be stamped with the VR[~~V-R~~] stamp upon completion of the repair.

(4)[~~(3)~~] An owner-user inspector may inspect repairs and alterations to pressure vessels that the owner-user inspector's company owns or operates.

Section 6. Inspection by Special Boiler Inspectors.

(1) A special boiler inspector shall submit an inspection report to the Boiler Inspection Section on the applicable National Board Inspection Code Report of Inspection standard form or its electronic equivalent.

(2) An insurance company shall notify the Boiler Inspection Section of a new or a cancelled policy for a boiler or pressure vessel within thirty (30) days of the effective date of the policy.

(3) If a special boiler inspector finds, upon inspection of a boiler or pressure vessel a condition causing the special boiler inspector's company to refuse or suspend insurance of the boiler or pressure vessel, the company shall immediately notify the Boiler Inspection Section and submit a report of the defect.

Section 7. Inspection by Owner-User Inspectors.

(1) An owner-user inspector shall submit an inspection report to the Boiler Inspection Section on the applicable National Board Inspection Code Report of Inspection standard form, or its electronic equivalent.

(2) An owner-user company shall immediately notify the Boiler Inspection Section of a defective pressure vessel and submit a report of the defect using the applicable National Board Inspection Code Report of Inspection standard form or its electronic equivalent.

(3) If there is a disagreement as to the acceptance of any condition of a pressure vessel or repair by the owner-user inspector and owner-user company, the department shall make the final determination in accordance with the standards established in this administrative regulation.

[~~Section 8.~~] [~~Inspection by Owner's Piping Inspector.~~]

[~~(1)~~]

[~~(a)~~] [~~Owner's piping inspectors shall inspect all new, replacement, and repaired piping for compliance to the applicable ASME piping code to which the piping is installed.~~]

[~~(b)~~] [~~The owner's piping inspector shall sign the permit filed by the boiler and pressure vessel contractor performing the piping installation or repair and forward it to the Boiler Inspection Section.~~]

[~~(2)~~]

[~~(a)~~] [~~The owner facility license and the independent inspection agency shall maintain copies of the material mill test reports and pressure test information including type of test, pressure at start and end of test, and duration of test for five (5) years pursuant to KRS 236.097(1)(h) and (3)(f).~~]

[~~(b)~~] [~~If welded joints are utilized, the file shall contain the qualified welder identification, weld procedure, and procedure qualification used.~~]

[~~(3)~~] [~~If there is a disagreement as to the acceptance of any condition of the piping installation or repair by the owner's piping inspector and owner's user facility, the department shall make the final determination in accordance with the standards established in this administrative regulation.~~]

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

[~~(1)~~] [~~The "National Board Inspection Code", 2015 Edition, is incorporated by reference.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Plumbing, Boiler Section, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m. eastern time, at 500 Mero Street, First Floor, Room 127CW, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m. eastern time 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: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for safe maintenance of boilers and pressure vessels.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for existing boilers and pressure vessels and the inspection process that ensures the safety of the boilers and pressure vessels.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 236.030 requires the commissioner to promulgate administrative regulations that establish standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping. KRS 236.040 requires all boiler and pressure vessels to conform to the rules and regulations formulated by the commissioner, and establishes the standards for pressure piping and pressure vessels for human occupancy. KRS 236.110 establishes the inspection requirements for boilers, pressure vessels, and pressure piping.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the standards for boilers and pressure vessels, the requirements for the maintenance of existing boilers and existing pressure vessels, and the administrative regulation establishes when and how existing boilers and existing pressure vessels must be inspected.
(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 changes inspection frequencies as follows: Pressure vessels exceeding 200 psi MAWP shall be inspected every four years, rather than every five years as per the current inspection schedule. Pressure vessels for human occupancy and hyperbaric chambers shall be inspected every four years, rather than every two years as per the current inspection schedule. Deareators shall be inspected every six years, rather than every ten years as per the current inspection schedule. Liquid carbon dioxide vessels shall be inspected every three years, rather than every five years as per the current inspection schedule. Pressure vessels with a MAWP of 200 psi or less shall be inspected every ten years, rather than just once as per the current inspection schedule. This amendment also adds a requirement for a chimney inspection and implemented inspection requirements for certain classes of pressure vessels, which had not been inspected after installation. Grammatical and technical edits were also made.
(b) The necessity of the amendment to this administrative regulation: The amendment was necessary to change inspection frequencies. Specifically, certain inspection frequencies are increased, in order to ensure public safety. The chimney inspection requirement is another change meant to increase public safety. Kentucky has recently incurred several carbon monoxide fatalities, which necessitated a greater focus on carbon monoxide detection and prevention.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment establishes the standards of existing boilers and existing pressure vessels and establishes the inspection requirements for boilers and pressure vessels.
(d) How the amendment will assist in the effective administration of the statutes: This amendment updates the standards for boilers and pressure vessels and reorganizes and edits the administrative regulation.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals engaged in the boiler and pressure vessel industry, building owners, and Department of Housing, Buildings and Construction personnel.
(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: Power boiler operators must have a chimney inspection every two years. Operators of heating boilers must have a chimney inspection every four years. The purpose of this inspection is to attempt to prevent conditions that can lead to carbon monoxide build-up. There are recurring inspections for some classes of pressure vessels that previously were never inspected after installation. Therefore, the owners of these vessels shall submit to more inspections.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Chimney inspections cost approximately $300. Therefore, each of the entities identified in Question 3 may incur an approximately $300 charge per every two to four years, depending on whether they operate a power boiler or a heating boiler, respectively.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Primarily, building occupants and those who maintain and operate boilers will benefit from increased safety, particularly as it relates to the health hazard of carbon monoxide exposure.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.
(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Any department costs of implementation will be met with existing department 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: This amendment will not necessitate an increase in fees or require funding from the department for implementation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees increased by this amendment.
(10) TIERING: Is tiering applied? Tiering is not applied as all individuals in the boiler and pressure vessel industry and department personnel are affected by this amendment.

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 regulation is authorized and required by KRS 236.030, 236.040, 236.110, 236.120, and 236.240.
(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 required by KRS 236.030, 236.040, and 236.110
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Housing, Buildings and Construction, Division of Plumbing, Boiler Inspection Section.
(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): There are no anticipated local entities that will be affected by this regulatory amendment. (b) Estimate the following for each affected state unit, part, or division identified in (4)(a):
(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): Individuals engaged in the boiler and pressure vessel industry, building owners.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Owners of power boilers and heating boilers will incur the cost of a chimney inspection every two or four years, estimated at around $300 for an inspection. Owners of certain pressure vessels will incur the cost of more frequent recurring inspections (every four years instead of five for vessels over 200 psi MAWP; every six years instead of ten for deareators, every three years instead of five for liquid CO2 vessels, every ten years for pressure vessels 200 psi MAWP or less). These inspections cost $25.
For subsequent years: Same as first year.
2. Revenues:
For the first year: Boiler contractors may see increased revenues for performing chimney/flue inspections if they are contracted to do so.
For subsequent years: Same as first year.
3. Cost Savings:
For the first year: Owners/operators of pressure vessels for human occupancy will save on the cost of less frequent recurring inspections (every four years instead of two). The cost of insuring the buildings and units may decrease as inspection frequency increases for some units.
For subsequent years: Same as first year.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: For the owners of power boilers and heating boilers, the anticipated fiscal impact will be an approximately $300 charge every two years (power boiler) to four years (heating boiler). Owners of certain pressure vessels will incur the cost of more frequent recurring inspections (every four years instead of five for vessels over 200 psi MAWP; every six years instead of ten for deareators, every three years instead of five for liquid CO2 vessels, every ten years for pressure vessels 200 psi MAWP or less). These inspections cost $25.These costs may be offset by reductions in insurance premiums for the buildings/units.
(b) Methodology and resources used to reach this conclusion: The department ascertained the average cost of a chimney inspection via surveying providers of same, the cost of pressure vessel recurring inspections is established by 815 KAR 15:027.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: The combined implementation and compliance costs of the administrative regulation are less than $500,000 over any two-year period.

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 Housing, Buildings and Construction
Boiler Inspection Division
(Amendment)

815 KAR 15:027. Fees and certificates for boiler and pressure vessel inspection.

RELATES TO: KRS Chapter 236
STATUTORY AUTHORITY: KRS 236.030, 236.120, 236.130, 236.240, 236.250
NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030 and 236.130 require the commissioner to promulgate administrative regulations that establish reasonable inspection fees for boilers, pressure vessels, and pressure piping. This administrative regulation establishes the fees for permits and inspections for boilers, pressure vessels, and pressure piping.

Section 1. Fees.
(1) Permit and Repair Fees.
(a) Permits for new installations of boilers, pressure vessels, and pressure piping shall be based upon the total dollar value of each installation, either actual or estimated. The installing boiler and pressure vessel contractor shall identify the applicable cost range, which shall include both labor and material costs, but the boiler and pressure vessel contractor shall not be required to identify the exact cost.
(b) The fees for permits for new installations shall be paid prior to installation.
(c) The permit fees for boilers, pressure vessels, or pressure piping are as follows:

Cost of Inspected Item	Fee
$2,000 or less	$70
$2,001 to $10,000	$130
$10,001 to $25,000	$200
$25,001 to $50,000	$250
$50,001 to $75,000	$300
$75,001 to $100,000	$410
$100,001 to $150,000	$520

$150,001 to $200,000	$630
$200,001 to $250,000	$740
$250,001 to $300,000	$850
$300,001 to $400,000	$960
$400,001 to $500,000	$1,350
$500,001 to $600,000	$1,500
$600,001 to $700,000	$1,650
$700,001 and over	$1,850

(d)

1. If a boiler and pressure vessel contractor is unable to complete the work after a permit has been issued and work has begun, the permit may be taken over and responsibility assumed by a different boiler and pressure vessel contactor.

2. The new boiler and pressure vessel contractor shall pay a fee of seventy (70) dollars for a transferred permit as outlined in subparagraph 1. of this paragraph.

(2) Fees for Reinspection.

(a) Fees for the annual reinspection of power boilers pursuant to KRS 236.110(1)(a) shall be charged at the rates established in this subsection.

1. INTERNAL INSPECTIONS OF POWER BOILERS	
Heating Surface (Square Feet)	Fee
100 or less	$35
101 to 1,000	$50
1,001 to 4,000	$90
4,001 to 10,000	$120
10,001 and over	$200
2. EXTERNAL INSPECTIONS OF POWER BOILERS	
Heating Surface (Square Feet)	Fee
100 or less	$30
101 and over	$35

(b) Fees for the biennial reinspection of heating boilers pursuant to KRS 236.110(1)(b) shall be charged at the rates established in this subsection.

Boilers with manway where internal inspection required	$55
Other heating boilers	$35
Hot water supply boilers	$25
Miniature boilers	$25

(c)

1. The fee for the initial inspection of an existing pressure vessel that has been in service for at least five (5) years and has not received a certificate of inspection shall be twenty-five (25) dollars.

2. The fee for the initial inspection of an existing pressure vessel that has been in service for less than five (5) years shall be the same as the permit fees in subsection 1 of this section.

(d) The fee for a reinspection of a pressure vessel pursuant to 815 KAR 15:026 Section 1(2) shall be twenty-five (25) dollars.

(3)

(a) An inspection made by boiler inspectors at the request of a boiler manufacturer, installer, engineering contractor, or owner conducted outside of normal business hours as established in 815 KAR 15:025 and 815 KAR 15:026 shall be charged at the rates established in this subsection:

1. $450 for one-half (1/2) day of four (4) hours or less;

2. $600 for one (1) day of more than four (4) hours to eight (8) hours;

3. $600 for any part of a Saturday, Sunday, or state holiday; and

4. Forty (40) dollars per hour for overtime in excess of eight (8) hours in any one (1) day.

(b) In addition to the fees listed in this subsection, the manufacturer, installer, engineering contractor, or owner shall be charged for mileage at the current state rate. The manufacturer, installer, engineering contractor, or owner may be charged for lodging, meals, and incidentals of the boiler inspector if the inspection requires more than eight (8) hours.

(c) The fees established in this subsection shall be in addition to the regular fees for permits, inspections, and certificates of inspection.

(4) Charges for inspection of a used boiler or used pressure vessel shall be at the rates established in subsection (1) paragraph (c) of this section.

(5) Inspections of a manufacturing facility at the request of the manufacturer for the issuance of ASME or National Board Certificates of Authorization shall be charged at the rates established in this subsection:

(a) Initial inspection for ASME certificates - $1,200;

(b) Renewal of ASME certificates - $950; and

(c) Initial inspections and renewals for National Board R or V-R certificate - $400.

Section 2. Certificates of Inspection. If the owner or user of the boiler or pressure vessel required to be inspected refuses to allow an inspection to be made, or refuses to pay the required fee, the certificate of inspection shall be suspended by the commissioner until the owner or user complies with the requirements in KRS 236 and 815 KAR Chapter 15.

Section 3. Operating Certificate Extension. The fee for an operating certificate extension is set at $5,000 per month of extension.

Section 4. Administrative Fees. The fee for issuing a commission to a special boiler inspector is set at twenty five dollars ($25) per commission.

RAY A. PERRY, Secretary
JONATHON M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12 noon
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m., eastern time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the fees for the inspections of boilers and pressure vessels.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to assist the boiler inspectors in performing their duty to monitor and inspect boiler and pressure vessel activity in the Commonwealth. This administrative regulation also aids the boiler and pressure vessel contractor, mechanic, and

owners of boilers or pressure vessels in calculating the fee for a boiler or pressure vessel inspection.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 236.130 requires the commissioner to establish a reasonable fee for the inspection of boilers and pressure vessels. KRS 236.120 establishes the requirements for a Certificate of Inspection. KRS 236.240 establishes the requirement for permits and authorizes the commissioner to establish reasonable fees for the permits.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the inspection fees for boiler, pressure vessels, and pressure piping, and the Certificate of Inspection provided by the department after the inspections.
(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 regulation establishes the following fees: The existing schedule has been clarified to state that it includes repair fees; $5,000 for an operating certificate extension; and $25 for administrative fees related to issuing a commission to a special boiler inspector.
(b) The necessity of the amendment to this administrative regulation: The amendment was necessary in order to clarify the existing regulation's fee schedule, establish a small administrative fee, and set up a fee that is intended to disincentivize operating certificate extensions.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 236.130 requires the commissioner to establish a reasonable fee for the inspection of boilers and pressure vessels. KRS 236.120 establishes the requirements for a Certificate of Inspection. KRS 236.240 establishes the requirement for permits and authorizes the commissioner to establish reasonable fees for the permits.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will establish more reasonable and up-to-date fees.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals engaged in the boiler and pressure vessel industry, and Department of Housing, Buildings and Construction personnel.
(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 entities will need to pay the appropriate fees, as needed. In particular, special boiler inspectors will pay $25 for their commissions and entities seeking a voluntary operating certificate extension will pay $5,000.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The department has 116 active boiler commissions. The owners of those commissions will pay $25. The department usually issues approximately six to twelve operating certificate extensions every year. The certificate extension fee is not intended to increase revenue; instead, it is intended to disincentivize operating certificate extensions. Therefore, it is anticipated that, at most, regulated entities may pay $63,000 in the first year, but that number will swiftly decrease in subsequent years.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This regulatory amendment clarifies the department's fee schedule.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.
(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Any department costs of implementation will be met with existing department 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: Yes, this regulation contains fee increases. Therefore, fee increases are necessary.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes. See the answer to (2)(a) above.
(10) TIERING: Is tiering applied? Tiering is not applied as all individuals in the boiler and pressure vessel industry and department personnel are affected by this amendment.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . These amendments are authorized by KRS 236.030, KRS 236.130, KRS 236.120, and KRS 236.240.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required by KRS 236.030 and 236.130.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Housing, Buildings and Construction, Division of Plumbing, Boiler Inspection Section.
(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: $63,000 at most
For subsequent years: Revenues will decrease considerably in subsequent years, because the certificate extension fee is intended to disincentivize requests for certificate extensions.
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): There are no anticipated local entities that will be affected by this regulatory amendment.
(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): Special boiler inspectors and entities applying for certificate extensions (b) Estimate the following for each regulated entity identified in (4)(a):
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $63,000 at most.
For subsequent years: Expenditures will decrease in subsequent years, because the certificate extension fee is intended to disincentivize requests for certificate extensions.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The department usually issues approximately six to twelve operating certificate

extensions every year. The certificate extension fee is not intended to increase revenue; instead, it is intended to disincentivize operating certificate extensions. Therefore, it is anticipated that, at most, regulated entities may pay $60,000 in the first year, but that number will swiftly decrease in subsequent years. The fiscal impact of the special commissions is approximately $2,900. The department determined this number by multiplying the $25 fee by the typical number of people who receive commissions (116).
(b) Methodology and resources used to reach this conclusion: Please see the answer to (6)(a) above.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: This amendment creates a new $25 administrative fee that will be charged for processing and issuing special inspector commissions. Also, it is anticipated that the number of certificate extensions will decrease precipitously after the first year that this regulation is implemented.

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 Housing, Buildings and Construction
Boiler Inspection Division
(Amendment)

815 KAR 15:080. Boiler and pressure vessel licenses.

RELATES TO: KRS 236.097, 236.210
STATUTORY AUTHORITY: KRS 236.030, 236.097, 236.210
NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030 requires the commissioner to promulgate administrative regulations that establish reasonable standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping in Kentucky. KRS 236.210 requires the commissioner to establish reasonable fees for the licensing of all boiler and pressure vessel contractors. KRS 236.097 establishes criteria and fees for the issuance of owner facility, owner's piping inspector, and independent inspection agency licenses, and requires the department to develop the applications required for the issuance and renewal of these licenses. This administrative regulation establishes the fees, standards, and forms incident to the licensing of boiler and pressure vessel contractors, owner facilities, owner's piping inspectors, and independent inspection agencies.

Section 1. Boiler and Pressure Vessel Contractors.
(1) The boiler and pressure vessel contractor licenses are offered in the following classes, with the scope of work permitted in each class accordingly:
(a) Class A license: Unlimited scope.
(b) Class B license: Low pressure steam boilers and piping, hot water heating boilers and piping, hot water supply boilers, pool heaters, hot water storage tanks, pressure vessels up to 200 psi that do not contain steam or anhydrous ammonia.
(c) Class C license: Pressure vessels only. Limited to cryogenic bulk tanks, CO2 beverage tanks, compressed air receivers 200 psi or less and piping, and jacketed steam cooking kettles.
(2) Examinations.
(a) All examination applicants shall submit to the department:
1. A completed Boiler and Pressure Vessel Contractor Examination Registration Form, Form PLB-BPV-5.
2. A non-refundable examination fee, as follows:
a. Class A license: $150
b. Class B license: $100
c. Class C license: $50
3. A passport size facial photograph of the applicant, taken within the past six (6) months; and
4. Proof that the applicant is eighteen (18) years of age or older.
(b) All examinations shall cover the following topics:
1. KRS Chapter 236;
2. 815 KAR Chapter 15; and
3. National Board Inspection Code, Part I.
(c) Examination Schedule.
1. Regular examination of applicants for a boiler contractor license shall be conducted once a month.
2. Other examination dates may be conducted as the department directs.
3. The department shall give notice to the examinees of the date, time, and place of the examination at least one (1) week prior to the date of the examination.
(d) Passing Score. To pass a Class A, B, or C examination, the examinee shall have a score of at least seventy percent (70%). A passing score shall be valid for three (3) years.
(e) Examination retakes. An applicant may retake the examination at any scheduled date. An applicant shall pay the full fee for an examination retake.
(f) The Class A, B, and C examination requirements in this regulation shall not apply to those boiler and pressure vessel contractors who are already licensed as boiler and pressure vessel contractors, as of the date that this regulatory revision becomes effective.
(3) Boiler Contractor License Application
(a) An applicant for a boiler contractor license shall submit to the department the following:
1. A completed boiler contractor license application, form PLB BPV-1;
2. A passport size facial photograph of the applicant, taken within the past six (6) months;
3. Proof that the applicant is eighteen (18) years of age or older;
4. Proof that the applicant passed the related examination for the class of license applied for;
5. A non-refundable license fee for the class applied for:
a. Class A license: $250
b. Class B license: $200
c. Class C license: $100
(b) If the initial license is for a period of less than twelve (12) months, the initial license fee shall be reduced on a pro rata basis. The initial license fee shall not be prorated for fewer than seven (7) months.
(4) Termination of application. The initial application shall remain pending until all of the requirements are met or for a period of up to twelve (12) contiguous months after the date the application is submitted to the department. If the application requirements are not met after twelve (12) contiguous months, the application shall be void.
(5) License Renewal.
(a) A boiler and pressure vessel contractor license shall expire annually on the last day of the licensee's birth months unless renewed in accordance with this subsection.
(b) An applicant for the renewal of a boiler and pressure vessel contractor license shall submit to the department on or before the expiration of the license:
1. A completed Boiler and Pressure Vessel Contractor License Application Form PLB BPV-1, and
2. A non-refundable annual renewal fee for the class of license renewed, payable to the Kentucky State Treasurer.
a. Class A license: $250
b. Class B license: $200
c. Class C license: $100
(6) Representation.
(a) A boiler and pressure vessel contractor shall only represent one (1) company or individual at a time, unless he or she owns at least twenty-five (25) percent of each business entity.
(b) A company or individual principal may engage in the business of installing, erecting, or repairing boilers, pressure vessels, or pressure piping within the Commonwealth if either one person connected with such a company or an individual principal responsible for the boiler, pressure vessel, or pressure piping work

is a boiler and pressure vessel contractor. The boiler and pressure vessel contractor is responsible for the work done by the company.

(c) If a boiler and pressure vessel contractor is responsible for the boiler, pressure vessel, or pressure piping work for a company or individual engaged in the boiler, pressure vessel, or pressure piping business, then he or she shall notify the department at any time that he or she commences or severs his or her connection with the company or individual.

[~~(1)~~] [~~Application. An applicant for an initial boiler and pressure vessel contractor license shall submit to the department:~~]

[~~(a)~~] [~~Proof that the applicant is eighteen (18) years of age or older;~~]

[~~(b)~~] [~~A completed Boiler and Pressure Vessel Contractor License Application on Form PLB-BPV-1;~~]

[~~(c)~~] [~~A passport-sized color photograph of the applicant taken within the past six (6) months; and~~]

[~~(d)~~] [~~A nonrefundable license fee of $250 payable to the Kentucky State Treasurer. If an initial license is for a period of less than twelve (12) months, the initial license fee shall be reduced on a pro rata basis. The initial license fee shall not be prorated for less than seven (7) months.~~]

[~~(2)~~] [~~Examination.~~]

[~~(a)~~] [~~An applicant for a boiler and pressure vessel contractor license shall take and pass the examination required by KRS 236.210 before an initial license may be issued under this section.~~]

[~~(b)~~] [~~The applicant shall successfully complete the examination with a passing score of at least seventy (70) percent.~~]

[~~(c)~~] [~~A passing score on the examination shall be valid for a period of three (3) years.~~]

[~~(3)~~] [~~Termination of an application.~~]

[~~(a)~~] [~~The initial application shall remain pending until all requirements are met or for a period of up to one (1) year after the date the application is submitted to the department.~~]

[~~(b)~~] [~~At the end of one (1) year, the application shall be void.~~]

[~~(4)~~] [~~License Renewal.~~]

[~~(a)~~] [~~A boiler and pressure vessel contractor license shall expire annually on the last day of the licensee's birth month unless renewed in accordance with this subsection.~~]

[~~(b)~~] [~~An applicant for renewal of a boiler and pressure vessel contractor license shall submit to the department on or before the expiration of the license:~~]

[~~1.~~] [~~A completed Boiler and Pressure Vessel Contractor License Application on Form PLB-BPV-1; and~~]

[~~2.~~] [~~A nonrefundable annual renewal fee of $175 payable to the Kentucky State Treasurer.~~]

[~~(5)~~] [~~Representation.~~]

[~~(a)~~] [~~A boiler or pressure vessel contractor shall provide general supervision to and be primarily responsible for all work performed by the licensee's employees.~~]

[~~(b)~~] [~~A company or individual may engage in the business of installing, erecting, or repairing boilers, pressure vessels, or pressure piping within the Commonwealth if one person connected with such a company or individual responsible for the boiler, pressure vessel, or pressure piping work is a boiler and pressure vessel contractor.~~]

[~~(c)~~] [~~Any boiler and pressure vessel contractor, responsible for the boiler, pressure vessel, or pressure piping work for a company or individual engaged in the boiler, pressure vessel, or pressure piping business, shall notify the department at any time he commences or severs his connection with the company or individual.~~]

[~~(d)~~] [~~A boiler and pressure vessel contractor shall only represent one (1) company or individual at a time.~~]

Section 2. Owner Facilities.

(1) Application. An applicant for an owner facility license shall submit to the department:

(a) A completed Owner Facility License Application on Form PLB-BPV-2;

(b) The fee required by KRS 236.097(1)(d), payable to the Kentucky State Treasurer;

(c) Proof of employee or contractor who holds a license pursuant to KRS 236.210; and

(d) Proof that the facility has general liability insurance through a company permitted to transact insurance in Kentucky.

(2) License Renewal.

(a) An owner facility license shall expire after a period of two (2) years, on the last day of the month in which the license was initially issued, unless renewed in accordance with this subsection.

(b) An applicant for renewal of an owner facility license issued in accordance with this section shall, by no later than sixty (60) days prior to the expiration of the license, submit to the department:

1. A completed Owner Facility License Application on Form PLB-BPV-2; and

2. The fee required by KRS 236.097(1)(f), payable to the Kentucky State Treasurer.

(3) Inspection prohibition. An owner facility shall not conduct, or allow to be conducted, any piping inspections under the owner facility's license unless the inspector performing the inspection is licensed pursuant to Section 3 or Section 4 of this administrative regulation.

Section 3. Owner's Piping Inspectors.

(1) Application. An applicant for an initial owner's piping inspector license shall submit to the department:

(a) Proof that the applicant is eighteen (18) years of age or older;

(b) A completed Owner's Piping Inspector License Application on Form PLB-BPV-3;

(c) A passport-sized color photograph of the applicant taken within the past six (6) months;

(d) Proof that the applicant is a United States citizen or authorized to work in the United States; and

(e)[~~(d)~~] The nonrefundable fee required by KRS 236.097(2)(c), payable to the Kentucky State Treasurer. If an initial license is for a period of less than twenty-four (24) months, the initial license fee shall be prorated in accordance with KRS 236.097(2)(d).

(2) License renewal.

(a) An owner's piping inspector license shall expire on the last day of the licensee's birth month in the second year following the issue date.

(b) An applicant for renewal of an owner's piping inspector license shall, on or before the expiration of the license, submit to the department:

1. A completed Owner's Piping Inspector License Application on Form PLB-BPV-3; and

2. The fee required by KRS 236.097(2)(f), payable to the Kentucky State Treasurer.

Section 4. Independent Inspection Agencies.

(1) Application. An applicant for an initial independent inspection agency license shall submit to the department:

(a) A completed Independent Inspection Agency License Application on Form PLB-BPV-4; and

(b) The fee required by KRS 236.097(3)(b), payable to the Kentucky State Treasurer.

(2) License renewal.

(a) An independent inspection agency license shall expire after a period of two (2) years, on the last day of the month in which the license was initially issued.

(b) An applicant for renewal of an independent inspection agency license shall, on or before the expiration of the license, submit to the department:

1. A completed Independent Inspection Agency License Application on Form PLB-BPV-4; and

2. The fee required by KRS 236.097(3)(e), payable to the Kentucky State Treasurer.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form PLB-BPV-1, "Boiler and Pressure Vessel Contractor License Application", April 2025[~~May 2020~~];

(b) Form PLB-BPV-2, "Owner Facility License Application", May 2020;

(c) Form PLB-BPV-3, "Owner's Piping Inspector License Application", May 2020; [~~and~~]

(d) Form PLB-BPV-4, "Independent Inspection Agency License Application", May 2020; and[~~.~~]

(e) Form PLB-BPV-5, "Boiler and Pressure Vessel Contractor Examination Registration Form", April 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Boiler Section, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at http://dhbc.ky.gov/Pages/default.aspx.

RAY A. PERRY, Secretary
JONATHON M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12 noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m., eastern time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction. 500 Mero Street, 1st Floor Frankfort, Kentucky 40601, Phone: (502) 782-0617 Fax: (502) 573-1057 Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the fees, standards, and forms incident to the licensing of boiler and pressure vessel contractors, owner facilities, owner's piping inspectors, and independent inspection agencies.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the application and fee requirements for applicants for a boiler and pressure vessel contractor license, an owner facilities license, owner's piping inspector license, and an independent inspection agency license.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 236.030 requires the commissioner to promulgate administrative regulations that establish reasonable standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping in Kentucky. KRS 236.097 establishes criteria and fees for the issuance of owner facility, owner's piping inspector, and independent inspection agency licenses, and authorizes the department to develop the applications required for the issuance and renewal of these licenses. KRS 236.210 requires the commissioner to promulgate administrative regulation for reasonable fees for a boiler and pressure vessel license.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the statutorily mandated application and fee requirements for applicants for a boiler and pressure vessel contractor license, an owner facilities license, owner's piping inspector license, and an independent inspection agency license.
(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 regulatory amendment establishes Class A, B, and C boiler and pressure vessel contractor licenses, along with appropriate examination requirements. The amendment also establishes appropriate licensing fees and renewal procedures. The amendment establishes representation restrictions on contractors.
(b) The necessity of the amendment to this administrative regulation: The practical realities of boiler and pressure vessel work require tiered licensing to more fairly represent those levels. Multi-class licensing more fairly represents the contractors' scope of work and technical knowledge.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment helps establish the fees, standards, and forms incident to the licensing of boiler and pressure vessel contractors, owner facilities, owner's piping inspectors, and independent inspection agencies.
(d) How the amendment will assist in the effective administration of the statutes: This amendment makes the administrative regulation easier to understand and establishes appropriate boiler and pressure vessel contractor types to ensure 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: Individuals engaged in the boiler and pressure vessel industry, and Department of Housing, Buildings and Construction personnel.
(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: Currently licensed boiler and pressure vessel contractors will be grandfathered in under this regulation and will simply need to continue renewing their licenses yearly and paying the appropriate licensure fees. Applicants for a boiler and pressure vessel contractor license will need to take an examination and otherwise fulfill the application requirements.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for Class A licenses shall pay a $250 initial license and renewal fee. Applicants for Class B licenses shall pay a $200 initial license and renewal fee. Applicants for Class C licenses shall pay a $100 initial license and renewal fee. Candidates for examination shall pay $150 to take the Class A examination, $100 to take the Class B examination, and $50 to take the Class C examination.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): All individuals in the boiler and pressure vessel industry will gain the benefits of well-qualified and appropriately certified boiler and pressure vessel contractors. This will increase workplace safety and the safety of the public at large.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.
(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Any department costs of implementation will be met with existing department 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: Yes, this regulation establishes fees.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes, this regulation establishes fees for examination, licensure, and re-licensure.
(10) TIERING: Is tiering applied? Yes, tiering is applied. Class A licensees pay the most for their examinations and licenses, because they are the most qualified and will have the ability to perform all boiler and pressure vessel contracting. Class B licensees pay middle tier fees, because they will have the ability to perform contracting services on middle-tier boilers and pressure vessels. Finally, Class C licensees pay the least in fees, because they will only be allowed to perform contracting services on pressure vessels.

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 regulation is authorized and required by KRS 236.030, 236.097, and 236.210.
(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 required by KRS 236.030, 236.097, and 236.210.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Housing, Buildings and Construction, Division of Plumbing, Boiler Inspection Section.
(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: The existing boiler contractor exam is free and the license is $250 for all applicants. Depending on which applicants will apply for certain licenses, the department's revenue may increase or decrease. It is anticipated that revenues will likely be neutral, because some applicants will apply for lower-tier licenses and others will pay more for higher-tier licenses.
For subsequent years: Revenues may fluctuate slightly from year to year, depending on what types of licenses people apply for in any given year.
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): There are no anticipated local entities that will be affected by this regulatory amendment. (b) Estimate the following for each affected entity identified in (4)(a):
(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): Existing boiler contractors and those seeking licensure.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Currently licensed contractors will pay renewal fees of $250 for a Class A license, $200 for a Class B license, and $100 for a Class C license. Unlicensed individuals who want to become contractors will pay the same fees, but they will also pay examination fees as follows: $150 for a Class A license, $100 for a Class B license, and $50 for a Class C license.
For subsequent years: Expenditures may fluctuate slightly from year to year, depending on what types of licenses people apply for in any given year.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: Currently-licensed contractors who elect to go to a lower tier of licensure could save up to $150 annually on their license renewal.
For subsequent years: Currently-licensed contractors who elect to go to a lower tier of licensure could save up to $150 annually on their license renewal. (6) Provide a narrative to explain the following for each entity identified in (3)(1), (4)(a), and (5)(a):
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Please see the responses to questions (2), (3), and (4) above.
(b) Methodology and resources used to reach this conclusion: Please see the responses to questions (2), (3), and (4) above.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Depending on which applicants will apply for certain licenses, the department's revenue may increase or decrease slightly. It is anticipated that revenues will likely be neutral, because some applicants will apply for lower-tier licenses and others will pay more for higher-tier licenses.

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 Housing, Buildings and Construction
Manufactured Homes and Recreational Vehicles
(Amendment)

815 KAR 25:020. Recreational vehicles.

RELATES TO: KRS 227.550 - 227.665
STATUTORY AUTHORITY: KRS 227.570, 227.590, 227.620
NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.590(1) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660. KRS 227.570(1)(a) requires the department to promulgate administrative regulations establishing a process for licensing retailers and issuing certificates of acceptability to qualifying manufacturers. KRS 227.620(2) requires the department to establish[~~to promulgate administrative regulations establishing~~] application and fee requirements for a retailer's license. KRS 227.620(4)(a) requires the department to establish fees for a retailer's license, a manufacturer's certificate of acceptability, and Class B, Class B1, and Class B2 seals[~~, in accordance with KRS 227.620(4)(a), 1. to 4~~]. This administrative regulation establishes the requirements for retailers to obtain a license to sell recreational vehicles and the standards for issuing a certificate of acceptability to manufacturers of recreational vehicles.

Section 1. Standard for Recreational Vehicles. All recreational vehicles manufactured for sale within the Commonwealth of Kentucky shall comply with the applicable ANSI standard in accordance with KRS 227.665[~~standards set forth in the NFPA 1192 Standard on Recreational Vehicles~~].

Section 2. Licensed Retailers.
(1) Application. An applicant for a recreational vehicle retailer license shall submit to the department:
(a) A completed Form HBC RV-2 Recreational Vehicle Retailer Application;
(b) A fee in the amount of $200 for one (1) full year, or a reduced amount prorated on a monthly basis for a period of less than a full year, payable to the Kentucky State Treasurer; and
(c) Proof of liability insurance naming the department as the certificate holder in the minimum amount of at least:
1. $200,000 bodily injury or death for each person;
2. $300,000 bodily injury or death for each accident; and
3. $100,000 property damage.
(2) Application review period. All licenses shall be granted or denied in accordance with KRS 227.620(3).
(3) Certified Retailer. A licensed retailer may complete inspections for the public if the retailer qualifies as a certified retailer.

(a) An applicant to become a certified retailer shall complete and submit to the department Form HBC MH/RV-2 Request for Approval to Inspect.

(b) A certified retailer shall not:

1. Perform negligent inspections or repairs on a unit; or

2. Apply the wrong seal to a unit.

(4) Out-of-state retailers. To inspect and apply Kentucky seals for used recreational vehicles that are sold by out-of-state retailers for delivery into Kentucky, an out-of-state retailer shall be a Kentucky certified retailer.

(5) Periodic reports.

(a) A retailer shall maintain a record of all new or used units sold to include the:

1. Serial numbers;

2. B seal numbers;

3. Date manufactured;

4. Make of recreational vehicle; and

5. Name and address of the purchaser.

(b) The retailer shall make the report available to any department employee upon request.

Section 3. Certificate of Acceptability.

(1) Certificate of acceptability requirement. A manufacturer shall not manufacture, import, or sell any recreational vehicle in the Commonwealth unless the manufacturer has received a certificate of acceptability issued by the department.

(2) Requirements for issuance. An applicant for a certificate of acceptability shall submit to the department:

(a) A completed Form HBC MH/RV-1 Application of Certificate of Acceptability;

(b) Its in-plant quality control systems;

(c) An affidavit certifying compliance with the applicable ANSI standard in accordance with KRS 227.665[~~standards, such as~~][~~NFPA 1192 as adopted through REVA~~];

(d) A $500 certification of acceptability fee for a full year, or a reduced amount prorated on a monthly basis for a period of less than a full year, by check or money order, made payable to the Kentucky State Treasurer; and

(e) Proof of general liability insurance to include lot and completed operations insurance in the minimum amount of at least:

1. $300,000 bodily injury or death for each person;

2. $400,000 bodily injury or death for each accident; and

3. $100,000 property damage.

[~~(3)~~] [~~In-plant quality control. To obtain in-plant quality control approval, a manufacturer shall submit to an inspection by the department for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain:~~]

[~~(a)~~] [~~A certified copy of the plans and specifications of a model or model-group for electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half (8 1/2) inches by eleven (11) inches, and the maximum possible size of which is twenty-four (24) inches by thirty (30) inches.~~]

[~~(b)~~] [~~The manufacturer's certification that the systems comply with:~~]

[~~1.~~] [~~NFPA 1192 Standards on Recreational Vehicles; or~~]

[~~2.~~] [~~ANSI A119.5 Park Trailers.~~]

[~~(c)~~] [~~A copy of the procedure that directs the manufacturer to construct recreational vehicles in accordance with the plans, specifying:~~]

[~~1.~~] [~~Scope and purpose;~~]

[~~2.~~] [~~Receiving and inspection procedure for basic materials;~~]

[~~3.~~] [~~Material storage and stock rotation procedure;~~]

[~~4.~~] [~~Types and frequency of product inspection;~~]

[~~5.~~] [~~Sample of inspection control form used;~~]

[~~6.~~] [~~Responsibility for quality control programs, indicating personnel, their assignments, experience, and qualifications;~~]

[~~7.~~] [~~Test equipment;~~]

[~~8.~~] [~~Control of drawings and material specifications; and~~]

[~~9.~~] [~~Test procedures.~~]

(3)[~~(4)~~] Manufacturer and retailer. If the manufacturer is also a retailer, the manufacturer shall comply with retailer licensing provisions pursuant to Section 1 of this administrative regulation.

(4)[~~(5)~~] Trade show. A certificate of acceptability shall not be required for manufacturers attending a recreational vehicle trade show within the Commonwealth of Kentucky if they do not sell recreational vehicles to Kentucky licensed retailers.

(5)[~~(6)~~] Incorrect or Incomplete applications.

(a) If the department receives an incorrect or incomplete application, the department shall issue a correction notice specifying the defect to the applicant within thirty (30) days of receiving the application. If no corrected application is filed within thirty (30) days, the department shall deem the application abandoned and the fee forfeited.

(b) A corrected application submitted after the thirty (30) day period shall be processed as a new application.

(6)[~~(7)~~] Proprietary information.

(a) The manufacturer shall label as proprietary any information relating to building systems or in-plant quality control systems that the manufacturer considers proprietary.

(b) The department, the inspection and evaluation personnel, and local enforcement agencies shall maintain and treat the designated information as proprietary unless the department determines that disclosure is necessary to carry out the purposes of KRS 227.550 through KRS 227.665 and 815 KAR Chapter 25.

(7)[~~(8)~~] Alternative standards. A manufacturer may submit an alternative standard for recreational vehicles established by another state, federal government, or other independent third party for review by the department. If the department finds that the alternative standard for recreational vehicles is equivalent[~~applicable~~] to the standard adopted by this administrative regulation, then a certificate of acceptability[~~accessibility~~] shall be issued for those recreational vehicles.

Section 4. License and Certificate Renewals.

(1) Expiration of a license and certificate. A license and a certificate of acceptability shall expire on:

(a) For individuals, the last day of the licensee's or certificate holder's birth month in the following year; or

(b) For business entities:

1. The last day of the licensee's or certificate holder's month of incorporation in the following year; or

2. The last day of the birth month of the principal officer of the firm.

(2) Renewal procedure. A retailer and a manufacturer holding a certificate of acceptability wishing to renew a license or certificate shall submit to the department:

(a) A completed Form HBC MH/RV-3 License and Certification Renewal Application;

(b) Proof of continuing general liability insurance coverage; and

(c) A check or money order for the annual license fee payable to the Kentucky State Treasurer, in the amount of:

1. $200 for a licensed retailer; or

2. $500 for a certificate of acceptability.

Section 5. Recreational Vehicles in Manufacturers' or Retailers' Possession.

(1) Used recreational vehicle inspection.

(a) Prior to the offering for sale of any used recreational vehicle, or a recreational vehicle taken in trade, the retailer shall first certify that the electric, heating, plumbing, and fire and life safety systems are in a safe working condition.

(b) The retailer shall make any necessary repairs prior to offering the recreational vehicle for sale.

(c) The retailer shall affix a B seal to the recreational vehicle once any repairs have been made.

(d) If a seal is on the recreational vehicle prior to the inspection, the existing seal shall be removed and a new B seal placed on the recreational vehicle.

(2) Salvage units.

(a) A B2 seal shall be required if the retailer submits to the department an affidavit that the unit is a salvage unit.

(b) A salvage unit shall not be sold until it has been authorized, in writing, by the department to be labeled "salvage only" and the label has been affixed to the unit by the retailer.

(3) Sales between retailers.

(a) A seal shall not be required if a licensed retailer sells any unit to another licensed retailer.

(b) The retailer selling the unit shall submit prior notice of the sale to the department.

(4) All used recreational vehicles purchased outside the Commonwealth not bearing a Kentucky B seal shall be inspected as a used recreational vehicle by a certified retailer or the department.

(5)

(a) A recreational vehicle that is not in compliance with the requirements of this administrative regulation shall be:

1. Corrected prior to the retailer certifying the recreational vehicle or offering the recreational vehicle for sale; or

2. Classified as a salvage unit and issued a salvage label in accordance with this administrative regulation.

(b) All recreational vehicles requiring repairs or corrections prior to recreational vehicle certification shall be reported to the department specifying the repairs required to correct the deficiencies.

(6) A retailer shall submit a completed Form HBC RV-7 Recreational Vehicle Unit Certification Format to the department no later than the first week of each month.

(7) Fees for inspections. The fees for the inspection of recreational vehicles shall be:

(a) If performed by a certified retailer:

1. One hundred twenty-five ($125) dollars[~~Twenty (20) dollars per hour~~];

2. Thirty-two (32)[~~Twenty-two (22)~~] cents per mile, measured from the place of the certified retailer's place of business; and

3. Twenty-five (25) dollars for the seal.

(b) If performed by the department:

1. One hundred twenty-five ($125)[~~Thirty-five (35)~~] dollars; and

2. Twenty-five (25) dollars for the seal.

Section 6. Serial Numbers, Model Numbers, and Date Manufactured. A clearly designated serial number, model number, and date manufactured shall be stamped into the tongue or front cross member of the frame at the lower left hand side (while facing the unit) and if there is no tongue or cross member, then a data plate with this information shall be affixed on the outside in a conspicuous place.

Section 7. Change of Information.

(1) Manufacturers or retailers shall notify the department in writing within thirty (30) days of a change in the:

(a) Company or corporate name;

(b) Address of the company;

(c) Ownership interest of twenty-five (25) percent or more of the company within a twelve (12) month period; or

(d) Principal officers of the company.

(2) Manufacturers shall notify the department in writing within thirty (30) days of a change in the:

(a) Location of any manufacturing facility; or

(b) Location of a new manufacturing facility.

(3) If the business location of a retailer is changed, the department shall reissue the license to reflect the change of location without charge if it is located within the same county or adjacent county. A change of location to another county, which is not adjacent to the initial county, shall require a new license.

Section 8. Temporary Licenses.

(1) An unlicensed retailer may offer for sale recreational vehicles within the Commonwealth of Kentucky if the retailer purchases a temporary license from the department.

(2) Temporary license requirements. An out-of-state applicant for a temporary license shall:

(a) Be a duly licensed retailer in a state other than Kentucky;

(b) Furnish to the department proof of liability insurance in the minimum amount of at least:

1. $200,000 bodily injury or death for each person;

2. $300,000 bodily injury or death for each accident; and

3. $100,000 property damage;

(c) Provide documentation to the department of a physical inspection by an authorized representative of the department that confirms that a B seal is attached to each new unit the retailer proposes to display, show, or offer for sale;

(d) Submit to the department Form HBC RV-6 Temporary RV Retailer's License;

(e) Provide the department with the name, location, and time of the proposed event;

(f) Pay by check or money order a temporary license fee of $100 made payable to the Kentucky State Treasurer;

(g) Certify to the department that the event shall comply with the Standards of Safety[~~Kentucky Fire code~~], 815 KAR 10:060;

(h) Possess a valid Kentucky sales tax certificate; and

(i) Be licensed in a state that has reciprocal provisions for temporary licensing of Kentucky retailers.

(3) An application for a temporary license shall be submitted to the department at least thirty (30) days prior to an event at which the retailer intends to offer for sale or sell recreational vehicles.

(4) A retailer shall not be issued more than two (2) temporary licenses per calendar year.

(5) Used recreational vehicles. A temporary license retailer shall not display, show, or offer for sale within the Commonwealth any used recreational vehicles except for used recreational vehicles with a Kentucky seal.

(6) Duration of temporary license. A temporary license shall not exceed fifteen (15) days.

(7) Temporary licenses shall be prominently displayed at the location where the applicant is transacting business. The license shall be valid only for the location stated on the application.

Section 9. Seals.

(1) Application for seals. For B seals, a licensed retailer shall submit to the department:

(a) A completed Form HBC MH-12, Application for Purchasing B Seals; and

(b) A fee of twenty-five (25) dollars for each B Seal requested, payable by check or money order to the Kentucky State Treasurer.

(2) Alteration or conversion of a unit bearing a seal.

(a) Any alteration of the plumbing, heat-producing equipment, electrical equipment installations or fire and life safety in a recreational vehicle which bears a seal, shall void the approval[~~and the seal shall be returned to the department~~].

(b) The following shall not constitute an alteration or conversion:

1. Repairs with approved component parts by the manufacturer;

2. Conversion of listed fuel-burning appliances in accordance with the terms of the manufacturer's listing;

3. Adjustment and maintenance of equipment;

4. Replacement of equipment in kind; or

5. Any change that does[~~shall~~] not deviate from[~~affect~~]the standard under which the recreational vehicle was manufactured[~~those areas regulated by the NFPA 1192~~].

(c) Any retailer proposing an alteration to a recreational vehicle bearing a seal shall apply to the department. The application shall include:

1. The make and model of the recreational vehicle;

2. The serial number;

3. The state seal number;

4. A complete description of the work to be performed together with plans and specifications if required; and

5. The location of the recreational vehicle where work is to be performed.

(d) Upon completion of the alteration, the applicant shall request the department to make an inspection.

(e) Based on inspection of the alteration, the applicant shall purchase a replacement seal for a fee of twenty-five (25) dollars.

(3) Placement of B seals.

(a) Each B seal shall be assigned and affixed to a specific recreational vehicle.

(b) Assigned B seals shall not be transferable except upon prior approval of the department.

(c) A B seal that is not affixed as assigned shall be void, and the B seal shall be returned to or confiscated by the department.

(d) A B seal shall remain the property of the department and shall be seized by the department if there is of a violation of KRS 227.550 to 227.665 or this administrative regulation.

(e) A B seal shall be securely affixed by the door on the handle side at approximately handle height.

(f) Other seals, stamps, covers, or other markings shall not be placed within two (2) inches of the B seal.

(4) Lost or damaged seals.

(a) If a B seal becomes lost or damaged, the owner shall immediately notify the department in writing, specifying:

1. The manufacturer;

2. The recreational vehicle serial number; and

3. When possible, the B seal number.

(b) All damaged B seals shall be returned to the department.

(c) Damaged and lost B seals shall be replaced by the department after an inspection and payment of the appropriate fee under Section 3(10) of this administrative regulation.

(5) Denial and repossession of seals.

(a) If the department discovers that a retailer fails to repair a used recreational vehicle under the standards and procedures set forth in KRS 227.550 to 227.665 and this administrative regulation or fails to comply with any provision for placement of B seals, the department shall provide notice to the retailer of the violations.

(b) The retailer shall fix the violations, and the retailer shall submit proof to the department that the violations were fixed.

(c) If the retailer continues to offer for sale recreational vehicles in violation of KRS 227.550 to 227.665 or this administrative regulation, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated. The department shall reimburse the retailer for the price of the confiscated unused seals.

(d) After the retailer submits proof that the violations have been fixed, the retailer shall resubmit an application for B seals.

(6) Red Tagging.

(a) If any recreational vehicle bearing a B seal is found to be in violation of KRS 227.550 to 227.665 or this administrative regulation, the department shall attach to the vehicle a red tag and furnish the retailer a copy of same.

(b) The department, a retailer, or a manufacturer shall not remove the red tag until the necessary corrections have been made and approved by an inspection conducted by the department or a certified retailer.

Section 10. Incorporation by reference.

(1) The following material is incorporated by reference:

(a) "Form HBC MH/RV-1, Application of Certificate of Acceptability", April 2023;

(b) "Form HBC MH/RV-2, Request for Approval to Inspect", May 2020;

(c) "Form HBC MH/RV-3, License and Certification Renewal Application", April 2023;

(d) "Form RV-2, Recreational Vehicle Retailer Application", April 2023;

(e) "Form HBC RV-6, Temporary RV Retailer's License", May 2020;

(f) "Form HBC MH-12, Application for Purchasing Seals", May 2020; and

(g) "Form HBC RV-7, Recreational Vehicle Unit Certification Format", November 2018[;]

[~~(h)~~] [~~"NFPA 1192, Standard on Recreational Vehicles", 2018; and~~]

[~~(i)~~] [~~"ANSI A119.5, Park Trailers", 2015~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Branch, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at http://dhbc.ky.gov.

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026

FILED WITH LRC: April 10, 2026 at 12 noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m., in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m., eastern time. 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: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction 500 Mero Street, 1st Floor Frankfort, Kentucky 40601. Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for persons and companies engaged in the sale of recreational vehicles and the standards for certification of manufacturers of recreational vehicles.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the licensing requirements for recreational vehicle retailers, the manufacturing standards and the process for a manufacturer to obtain a certificate of acceptability, and the inspection process to ensure the safety of owners of recreational vehicles and the public at large.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 227.590(1) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660. KRS 227.570(1)(a) requires the department to promulgate administrative regulations establishing a process for licensing retailers and issuing certificates of acceptability to qualifying manufacturers. KRS 227.620(2) requires the department to establish application and fee requirements for a retailer's license. KRS 227.620(4)(a) requires the department to establish fees for a retailer's license, a manufacturer's certificate of acceptability, and Class B, Class B1, and Class B2 seals.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation directly implements the authorizing statutes and establishes the requirements for recreational vehicles.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This administrative regulation makes grammatical and technical edits, clarifies requirements for licensure, and increases the fee for inspection of recreational vehicles when performed by the department. The initial fee was $35 and the amended fee is $125.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to make grammatical and technical edits, clarify requirements for licensure, and adjust fees. Personnel costs and operational costs, including the price of equipment, fuel, insurance, and vehicles has increased in recent years, all adding to the cost of department inspectors' job-related activities. Expenditure exceeded revenues by $208,282 in FY24; $124,853 in FY25; and $148,000 in FY26. Recreational vehicle inspection fees have been increased in order to maintain sufficient staffing and equipment to perform the agency's statutory duties.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment directly conforms to the authorizing statutes by establishing the requirements for the inspection process for recreational vehicles.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure that the department has sufficient, qualified staffing and equipment to properly inspect recreational vehicles.

(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: Recreational vehicle consumers and retailers will be affected by this administrative regulation.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Regulated entities will pay the increased inspection fees.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Each entity receiving a recreational vehicle inspection from the Department of Housing, Buildings and Construction will pay $90 more for an inspection.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Funds generated from increased fees will ensure the timely completion of thorough inspections.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to the agency.
(b) On a continuing basis: There are no additional continuing costs to the agency.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation of these amendments is anticipated to result in no additional costs to the agency. Any agency costs resulting from these administrative amendments will be met with existing 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: An increase in fees or funding is not necessary to implement this amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish or increase any fees either directly or indirectly.
(10) TIERING: Is tiering applied? Tiering is not applied, as all retailers of recreational vehicles and manufacturers of recreational vehicles will be subject to the amended requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . This regulation is authorized by KRS 227.590.
(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 required by KRS 227.570, 227.590, and 227.620.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Public Protection Cabinet, Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Branch. (b) Estimate the following for each affected state unit, part, or division identifies 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: It is anticipated that the department will increase revenues by approximately $250,740.00 in the first year.
For subsequent years: It is anticipated that revenues will increase slightly in every subsequent year as the number of recreational vehicles sold in Kentucky generally increase yearly.
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): There are no anticipated local entities that will be affected by this regulatory amendment.
(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): Recreational vehicle consumers, manufacturers, and retailers.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $90 per inspection for those receiving inspections.
For subsequent years: None.
2. Revenues:
For the first year: $90 per inspection for certified retailers performing inspections.
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: It is anticipated that the department will increase revenues by $250,740 based on the number of department inspections during 2025 multiplied by the total fee increase ($90). This impact is spread out across each individual receiving an inspection.
(b) Methodology and resources used to reach this conclusion: Please see the response to (6)(a).
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: RV Inspections fees are increasing by $90 per inspection.

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 Housing, Buildings and Construction
Manufactured Homes and Recreational Vehicles
(Amendment)

815 KAR 25:050. Administration and enforcement of manufactured housing construction standards.

RELATES TO: KRS 227.550 - 227.665, 227.990, 227.992, 42 U.S.C. Chapter 70
STATUTORY AUTHORITY: KRS 227.590, 227.600
NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.590 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations governing the standards for the manufacture and sale of manufactured homes and mobile homes. KRS 227.600 requires the department to establish forms for application for seals of approval for previously owned manufactured homes or mobile homes which are not covered by the National Manufactured Housing Construction and Safety Standards Act and for previously owned recreational vehicles. This administrative

regulation establishes standards for the design, manufacture, installation, and sale of new and used manufactured homes and mobile homes, and for B seal application requirements.

Section 1. Limitations on the Conversion or Alteration of a Home.

(1) Retailer repairs. A retailer shall not make any of the following changes to a manufactured home or mobile home without the written approval of the manufacturer or the manufacturer's agent:

(a) The addition or deletion of a window, door, or partition;

(b) The addition of an electrical circuit to accommodate a washer or dryer;

(c) The conversion of a heating, cooling, or fuel burning system from one (1) fuel to another, such as electric to gas, or gas to electric or oil;

(d) The use of improperly listed materials for the repair of a unit; or

(e) The installation of an unlisted heating, cooling, or fuel burning appliance.

(2) Certified retailer repairs. A certified retailer may alter or convert equipment and make repairs associated with the sale of a used manufactured home or mobile home in accordance with this administrative regulation.

(3) Changes requested by the purchaser. A change to the equipment, an appliance, or the interior or exterior furnishings of the home shall be made only with the written agreement of the purchaser.

(4) Other changes. The following actions shall be consistent with the sales contract in quality and quantity:

(a) Replacement or removal of equipment or an appliance listed on the data plate;

(b) Change or removal of furniture; or

(c) Other cosmetic changes.

Section 2. Retailer Lot Inspections. An employee of the department may enter a retailer's place of business to inspect:

(1) Each manufactured home or mobile home to ensure compliance with state and federal law; and

(2) All records a retailer is required to maintain in accordance with Section 3(1) through (3) of this administrative regulation.

Section 3. Required Records. The following records shall be maintained on the business premises from which the manufactured home or mobile home was sold or at corporate headquarters, if the headquarters are located in the Commonwealth, for at least three (3) years:

(1) Sales or purchase agreements, including Forms HBC MH-10, HBC MH-11, and HBC MH-8;

(2) Unit Inspection, Form HBC MH-16; and

(3) Monthly Manufactured Home Dealer Certification Form, Form HBC MH-7.

Section 4. Consumer Complaints.

(1) Upon written complaint and request by an owner or occupant, and to determine compliance with applicable law, a state inspector from the department may enter a privately-owned manufactured home or mobile home sold by a retailer.

(2) The department shall instruct the responsible party, either retailer, certified installer, or manufacturer, to correct a violation if the state inspector determines that:

(a) The home is in violation of construction standards contained in the federal act;

(b) The home has been damaged in transit; or

(c) The installation violates installation standards contained in the federal act.

(3) Failure of the retailer, certified installer, or manufacturer to correct a violation of safety standards shall subject the responsible licensee or certificate holder to the penalties established in KRS 227.630.

Section 5. Installation Inspections for used homes. The department may make random inspections, prior to or after installation of a used home, to:

(1) Determine compliance with the minimum installation requirements contained in the federal act;

(2) Ensure the used home is properly sealed;

(3) Ensure that the used home has not been damaged in transit; or

(4) Ensure the used home is correctly installed.

Section 6. Certified Retailer.

(1) A certified retailer shall meet the following requirements:

(a) Employ at least one (1) installer certified in accordance with 815 KAR 25:080;

(b) Certify to the department that the dealership is capable of performing minor maintenance to the following systems of manufactured homes:

1. Plumbing;
2. Heating;
3. Cooling;
4. Fuel-burning; and
5. Electrical; and

(c) Complete and submit Form HBC MH/RV-2 to the department.

(2) A certified retailer shall not:

(a) Perform negligent inspection or repair of a unit; or

(b) Apply the wrong seal to a unit.

(3) The department shall maintain a list of certified retailers qualified to practice in Kentucky.

Section 7. Inspection of Used Manufactured Homes or Mobile Homes.

(1) A used manufactured home or mobile home requiring a new seal shall be inspected by a state inspector or a certified retailer. The state inspector or certified retailer shall affix a B1 seal indicating the manufactured home's or mobile home's compliance or noncompliance with the federal act under which the home was constructed. A state inspector or certified retailer shall inspect:

(a) The plumbing and waste systems to determine if the systems are operable and free of leaks;

(b) The cooling system and heating or fuel-burning system to determine if they are operational;

(c) The electrical system, including the main circuit box, each outlet, and each switch to detect:

1. A damaged covering;
2. A missing screw; or
3. Improper installation;

(d) The presence of adequate and operable smoke detection equipment;

(e) The doors, windows, and general structural integrity of the unit;

(f) The existence of two (2) exits;

(g) Storm windows in a manufactured home, but not in a mobile home; and

(h) The sealing of all exterior holes to prevent the entry of rodents.

(2) A unit that is not in compliance with the applicable federal standards under which it was constructed shall be issued a B2 seal unless brought into compliance.

Section 8. Application for Seals.

(1) A retailer who possesses a used manufactured home or mobile home without a B seal, shall apply to the department for a B seal prior to offering the manufactured home or mobile home for resale. The application shall be:

(a) Filed on Form HBC MH-12; and

(b)

1. Accompanied by a request for an inspection; or
2. Accompanied by notification that a certified retailer will conduct the inspection.

(2) Placement of B seals.

(a) Each B seal shall remain the property of the department and be:

1. Assigned and affixed to a specific manufactured home or mobile home;
2. Transferable only if assigned between retailers;
3. Void if not affixed as assigned;
4. Returned to the department if unused; and

5. Seized for a violation of KRS 227.550 to 227.665 or this administrative regulation.

(b) The B seal shall be securely affixed on or next to the main entry door on the handle side at approximately handle height.

(c) Other seals, stamps, covers, or other markings shall not be placed within two (2) inches of the seal.

(3) Lost or damaged B seals.

(a) If a B seal is lost or damaged, the owner shall notify the department immediately, in writing, specifying:

1. The manufacturer;

2. The manufactured home serial number; and

3. The seal number, if known.

(b) A damaged B seal shall be promptly returned to the department.

(c) A lost or damaged B seal shall be replaced by the department after an inspection and payment of the appropriate fee under Section 10 of this administrative regulation.

Section 9. Inspection of Used Homes in Manufacturer's or Retailer's Possession.

(1) A retailer or manufacturer shall re-inspect and place a new B seal on a repossessed home or a home taken in trade or purchased by a retailer or manufacturer before the manufactured home or mobile home is offered for sale.

(2) A retailer or manufacturer shall submit to the department on a completed Form HBC MH-16 prior to placing a B seal on the used manufactured home or mobile home to certify compliance with Section 7(1)(a) through (h) of this administrative regulation.

(3) A retailer shall remove any existing B seal upon taking possession of a used home.

Section 10. Fees for inspections of used homes.

(1) The fee for an inspection of a used home shall be:

(a) If performed by a certified retailer:

1. One hundred twenty-five ($125)[~~Seventy-five (75)~~] dollars;

2. Thirty-two (32) cents per mile traveled, measured from the place of the certified retailer's place of business; and

3. Twenty-five (25) dollars for the seal; and

(b) If performed by the department:

1. One hundred twenty-five (125)[~~Seventy-five (75)~~] dollars; and

2. Twenty-five (25) dollars for the seal.

(2) The department shall charge no fee for random inspections conducted pursuant to Section 5 of this administrative regulation.

Section 11. Prohibition of Sales.

(1) A home shall not be sold or transferred for use as human habitation or occupancy without:

(a) A current, valid, marketable title; and

(b) A HUD label or a B1 seal.

(2) A used home with a B2 seal shall not be resold unless the purchaser executes Form HBC MH-8.

(3) Sales between retailers. The requirement that a retailer inspect and apply B seals to each home before it is sold shall not apply if the resale is between retailers.

(4) As a condition of continued licensure, a retailer shall:

(a) Not sell or offer for sale a manufactured home or mobile home for which marketable title cannot be conveyed to the purchaser;

(b) Provide an application for title as soon as possible; and

(c) Demonstrate good cause for delay in providing an application for title, upon purchaser complaint.

Section 12. Red Tagging.

(1) The department shall:

(a) Attach a red tag to a manufactured home or mobile home found in violation of KRS 227.550 to 227.665 or this administrative regulation; and

(b) Furnish the retailer with a copy of the red tag.

(2) The red tag shall not be removed and the home shall not be sold unless:

(a) The department approves the correction of each violation and the red tag removal; or

(b) The sale is from an unlicensed retailer to a certified retailer, who applies a B seal and resells the manufactured home or mobile home.

Section 13. Incorporation by Reference.

(1) The following material is incorporated by reference:

[~~(a)~~] [~~"ANSI A225.1, Manufactured Home Installations", 1994 Edition;~~]

(a)[~~(b)~~] "Form HBC MH-7, Monthly Manufactured Home Retailer Certification Form", May 2020;

(b)[~~(c)~~] "Form HBC MH-8, Affidavit of Sale (Salvage Only)", May 2020;

(c)[~~(d)~~] "Form HBC MH-10, Consumer Protection Notice", May 2020;

(d)[~~(e)~~] "Form HBC MH-11, Release for Delivery", August 2018;

(e)[~~(f)~~] "Form HBC MH-12, Application Form for Purchasing Seals", May 2020;

(f)[~~(g)~~] "Form HBC MH/RV-2, Request for Approval to Inspect", May 2020; and

(g)[~~(h)~~] "Form HBC MH-16, Unit Inspection for B-Seal", May 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Section, 500 Mero St., First Floor, Frankfort, Kentucky 40601[~~101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412~~], Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at http://dhbc.ky.gov.

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12 noon
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m., in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m., eastern time. 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: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction. 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601. Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes standards for the design, manufacture, installation, and sale of new and used manufactured homes, and specifies when a B seal is to be applied to a manufactured home.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the standards for the design, manufacture, and sale of new and used manufactured homes.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 227.590 requires the department to promulgate administrative regulations to implement the provisions under KRS 227.550 to 227.660. KRS 227.600 establishes the specifications for a manufactured home or mobile home to receive a B seal. This administrative regulation establishes the standards for

the design, manufacture, and sale of new and used manufactured homes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation directly implements the authorizing statutes and establishes the requirements for when a seal is to be applied to a manufactured or mobile home.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This administrative regulation makes grammatical and technical edits and increases the fee for department inspection of a used manufactured home. The initial fee was $75 and the amended fee is $125.
(b) The necessity of the amendment to this administrative regulation: Personnel costs and operational costs, including the price of fuel, insurance, and vehicles have increased in recent years, all adding to the cost of performing department inspectors' job duties. Expenditure exceeded revenues by $208,282 in FY24; $124,853 in FY25; and $148,000 in FY26. Used manufactured home inspection fees have been increased in order to maintain sufficient staffing and equipment to perform the agency's statutory duties.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment directly conforms to the authorizing statutes by establishing the requirements for the inspection process for used manufactured homes.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure that the department has sufficient, qualified staffing and equipment to properly inspect new and used manufactured homes.
(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 Kentucky's used manufactured home purchasers.
(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: Used manufactured home purchasers will pay the increased inspection fees.
(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 increases the fee for department inspection of a used manufactured home. The initial fee was $75 and the amended fee is $125. Therefore, the increased cost is $50 per inspection.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Funds generated from increased fees will ensure the timely completion of thorough inspections.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.
(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation of these amendments is anticipated to result in no additional costs to the agency. Any agency costs resulting from these administrative amendments will be met with existing 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: Yes, because this regulatory amendment includes a fee increase.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes. This amendment seeks to increase a fee for department inspections of used manufactured homes.
(10) TIERING: Is tiering applied? Tiering is not applied as all used manufactured home consumers will be subject to the amended requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: This regulation is authorized and required by KRS 227.590 and 227.600.
(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 required by KRS 227.590 and 227.600.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Public Protection Cabinet, Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Branch.
(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: It is anticipated that the department will increase revenues by approximately $39,750.00 in the first year.
For subsequent years: It is anticipated that revenues will increase slightly in subsequent years as the number of used manufactured homes sold in Kentucky generally increases yearly.
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): There are no anticipated local entities that will be affected by this regulatory amendment.
(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): Recreational vehicle consumers, manufacturers, and retailers.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $50 per inspection (for recipients of inspections).
For subsequent years: None.
2. Revenues:
For the first year: $50 per inspection (for certified retailers performing inspection).
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: It is anticipated that the department will increase revenues by $39,750 based on the number of department inspections during 2025 multiplied by the total fee increase. This impact is spread out across each individual receiving an inspection.
(b) Methodology and resources used to reach this conclusion: Please see the response to (5)(a).
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Inspection fees for used manufactured homes are increasing by $50 per inspection.

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 Housing, Buildings and Construction
Manufactured Homes and Recreational Vehicles
(Amendment)

815 KAR 25:060. Licensing and certifications with manufactured homes and mobile homes.

RELATES TO: KRS 227.550, 227.570, 227.580, 227.590, 227.600, 227.610, 227.620, 227.630, 227.990
STATUTORY AUTHORITY: KRS 227.570(1)(a), (2), (3), 227.580, 227.590, 227.620(4)(a)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.590(1) requires the department of Housing, Buildings and Construction to promulgate administrative regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660. KRS 227.580 makes it unlawful for a manufacturer to manufacture, import, or sell manufactured homes in Kentucky without a certificate of acceptability. KRS 227.570(3) requires the department to promulgate administrative regulations to establish standards for the certified installer seal program. KRS 227.570(1)(a) requires the department to promulgate administrative regulations establishing a process for licensing retailers and issuing certificates of acceptability. KRS 227.620(4)(a) requires the department to establish fees for a retailer's license, manufacturer's certificate of acceptability, and Class B, Class B1, and Class B2 seals, in accordance with KRS 227.620(4)(a) 1. to 4. This administrative regulation establishes the standards for licensing persons and companies engaged in the sale of manufactured homes and mobile homes, establishes the standards for certificate of acceptability for manufacturers of manufactured homes, and establishes the requirements for certified installer seals and certification of manufactured home installers.

Section 1. Licensed Retailer.
(1) License application.
(a) Except as provided in subsection (2) of this section, a person shall not engage in the business of selling manufactured homes or mobile homes within this state without holding a valid license issued by the department for each location.
(b) Before engaging in business, an applicant shall submit to the department:
1. The completed Form HBC MH-2;
2. A copy of a valid Kentucky sales tax certificate;
3. A check or money order for the annual license fee, in the amount of $250 for a full year, or a reduced amount prorated on a monthly basis for a period of less than a full year, payable to the Kentucky State Treasurer; and
4. Proof of insurance for general liability coverage that complies with KRS 227.610 in the amount of at least:
a. $200,000 bodily injury or death for each person;
b. $300,000 bodily injury or death for each accident; and
c. $100,000 for damage to property.
(c) An applicant whose place of business is in another state and who possesses a valid retailer license in another state shall:
1. Comply with this section;
2. Not be required to maintain an established place of business within Kentucky, if the applicant is not offering a home for sale within Kentucky; and
3. Provide a Kentucky B seal for a used manufactured home or mobile home unit sold for delivery into Kentucky.
(2) Exemptions from Licensure as Retailer.
(a) A manufactured home shall be exempt from seal requirements and a retailer shall be exempt from licensing if the unit:
1. Is brought into Kentucky for exhibition purposes only;
2. Is not sold in Kentucky; and
3. Inspection does not reveal a condition hazardous to health or safety.
(b) Real estate developer and retailer venture. A retail license shall not be required of a developer who purchases new HUD homes from a licensed Kentucky retailer, places the homes on a parcel of land, and offers the homes for sale to ultimate consumers, if:
1. The developer receives prior written approval from the department;
2. The home was installed by a certified installer;
3. The developer owns the homes and the lots upon which the homes are installed;
4. The manufacturer's warranty period begins upon possession and shall be transferred from the developer to the consumer-occupant;
5. The manufacturer's warranty support shall be performed in accordance with generally accepted standards for retail transactions;
6. The developer's documentation contains the name and location of the:
a. Developer;
b. Development; and
c. Retailer; and
7. The retailer and installer provide the required services as warranted and as required by laws governing retailer and installer license or certification.
(3) Retailer's satellite location.
(a) An additional license shall not be required for a fully licensed retailer for the display or sale of a manufactured home located on an individual lot, in a subdivision, land-lease community, or manufactured home or mobile home park.
(b) A suitable sign identifying the name and business location of the retailer licensee shall be posted at the location.
(4) Qualified personnel required.
(a) Education requirements. A new retailer license or a renewal of an existing retailer license shall not be issued unless the retailer employs at least one (1) person in a management position who has successfully completed the educational training and departmental testing program administered as part of the Certified Installer Program under Section 3 of this administrative regulation. The proof of experience in Section 3(1)(a)7. shall not be required.
(b) Certification. The department shall classify a person qualifying under subsection (1) of this section as a certified manager.
(c) Exception. A certified manager shall not be required at each licensed location for a retailer with more than one (1) in-state location if:
1. The retailer has only one (1) set-up, installation, and delivery system located in Kentucky;
2. A certified manager supervises the work of the system; and
3. The arrangement is approved, in writing, by the department.
(5) Notification by Licensees.
(a) A retailer shall notify the department, in writing, within thirty (30) days of a change in:
1. Dealership name;
2. Address of business;
3. Retailer ownership interest of twenty-five (25) percent or more within a twelve (12) month period; or
4. Principal officer or chief managing officer of the firm.
(b) A change in ownership interest of less than twenty-five (25) percent of the company within a twelve (12) month period shall be reported at the time of the renewal of the license.
(c) A new license shall be required if an established business changes location to a different county.
(6) Maintenance of Records. A retailer shall:
(a) Complete and maintain Form HBC MH-7 for each new or used manufactured home or mobile home sold;
(b) Retain the completed Form HBC MH-7, for three (3) years; and
(c) Keep the form available for a field inspector upon request.

Section 2. Manufacturer's Certificate of Acceptability.
(1) Requirements for issuance. An applicant for a manufacturer's certificate of acceptability shall submit to the department:
(a) A completed Form HBC MH/RV-1;

(b) Proof of insurance for general liability coverage that complies with KRS 227.610 in the amount of at least:

1. $300,000 bodily injury or death for each person;

2. $400,000 bodily or injury or death for each accident; and

3. $100,000 for damage to property; and

(c) A certificate of acceptability fee in the amount of $500 for a full year, or a reduced amount prorated on a monthly basis for a period of less than a full year, by a check or money order made payable to the Kentucky State Treasurer.

(2) A manufacturer who is also a retailer shall comply with retailer licensing provisions in Section 1 of this administrative regulation.

(3) A manufacturer shall notify the department in writing, within thirty (30) days of a change in:

(a) Business name;

(b) Company address;

(c) Ownership interest of twenty-five (25) percent or more of the company within a twelve (12) month period;

(d) Location of the manufacturing facility;

(e) The number of facilities by virtue of the establishment of a new manufacturing facility; or

(f) Principal officer of the firm.

(4) A change in ownership interest of less than twenty-five (25) percent of the company within a twelve (12) month period shall be reported at the time of the renewal of the certificate of acceptability.

(5)

(a) A manufacturer who considers information relating to a building or in-plant quality control system to be proprietary shall designate the information as proprietary at the time of plan submission.

(b) The designated information shall be maintained and treated as proprietary by:

1. The department;

2. Inspection and evaluation personnel; and

3. Local enforcement agencies.

Section 3. Certified Installers.

(1) Initial application.

(a) An applicant for installer certification shall submit to the department:

1. A completed Form HBC MH-3, Certified Installer Application;

2. An application fee of $100;

3. Proof of successful completion of a fifteen (15) hour approved course of education;

4. A passing score on the certified installer examination administered by the department;

5. A certificate verifying current worker's compensation insurance coverage or a notarized waiver of exemption;

6. Proof of general liability insurance coverage in an amount not less than $250,000; and

7. Proof of experience in the form of:

a. A completed Form HBC MH-3A documenting the applicant's experience assisting in site preparation and installation of manufactured homes under the supervision of a certified installer for at least sixty (60) days and on at least five (5) homes; or

b. An affidavit documenting the applicant's experience assisting in site preparation and installation of manufactured homes under the supervision of a certified installer for at least one (1) year, as attested to by three (3) individuals who are licensed retailers, manufacturers, manufactured home community managers, manufactured home design professionals, or certified installers.

(b) An applicant who possesses an active installation license issued by the United States Department of Housing and Urban Development pursuant to 24 C.F.R. § 3286.201 through 24 C.F.R. § 3286.211 shall be exempt from the requirements of subparagraphs 4. and 7. of paragraph (a) of this subsection.

(c) An applicant who possesses an active installation license or certification in good standing from a jurisdiction with which the department has reciprocity shall be exempt from the requirements of subparagraphs 4. and 7. of paragraph (a) of this subsection.

(d) If an initial certificate is for a period of less than twelve (12) months, the fee shall be prorated pursuant to the schedule provided in Form HBC MH-3.

(2) An installer certification shall be issued in the name of the individual qualified under subsection (1) of this section. The individual may request that the certificate also bear the name of the employing company.

(3)

(a) If the certified installer changes his or her business name or is no longer associated with the company whose name appears upon the certificate, the certified installer shall inform the department and request an amended certificate reflecting the individual's status.

(b) If the certified installer is no longer associated with a company, that company shall not hold itself out as a certified installer or as having in its employ a certified installer until another certified person has become associated with that company.

(4) Certified Installer Seal. A certified installer who installs a manufactured home or mobile home in accordance with KRS 227.570(3) and this administrative regulation shall place a certified installer seal on the home.

(a) Certified installer seals shall be obtained from the department.

(b) The application shall be:

1. Filed on Form HBC MH-12, Application for Purchasing Seals; and

2. Accompanied by a fee of twenty-five (25) dollars for each seal.

(5) Application and placement of certified installer seals.

(a) Each certified installer seal consists of two (2) parts that shall be affixed as follows:

1. One (1) part shall be placed two (2) inches above the HUD label on the outside left corner of a manufactured home or on the outside left corner of a mobile home if a HUD label is not required; and

2. One (1) part shall be placed on the inside of the electrical panel in the manufactured home.

(b) Other seals, stamps, covers, or other markings shall not be placed within two (2) inches of the certified installer seal.

(6) Lost or damaged seals.

(a) If a certified installer seal becomes lost or damaged, the owner shall notify the department immediately, in writing, specifying:

1. The manufacturer;

2. The manufactured or mobile home serial number; and

3. The certified installer seal number, if known.

(b) A damaged seal shall be:

1. Promptly returned to the department; and

2. Replaced by the department for a fee of twenty-five (25) dollars.

(7) Recordkeeping. A certified installer shall:

(a) Complete and maintain Form HBC MH 40-30, Monthly Certified Installer Certification, for each certified installation;

(b) Retain the completed Form HBC MH 40-30, Monthly Certified Installer Certification, for three (3) years;

(c) Make a copy of the form available to a state inspector upon request; and

(d) Send the department a monthly report of the information found in HBC MH 40-30 by mail, electronic mail, or facsimile.

Section 4. Renewals.

(1) Expiration of licenses and certificates. A license, a certificate of acceptability, and an installer certification, unless renewed, revoked, or suspended, shall expire on:

(a) For individuals, the last day of the licensee's birth month in the following year; or

(b) For business organizations:

1. The last day of the licensee's month of incorporation in the following year; or

2. The last day of the licensee's birth month in the following year.

(2) Renewal of licenses and certificates.

(a) A retailer, manufacturer, or certified installer, wishing to renew a license or certification, shall submit:

1. A completed License and Certification Renewal, Form HBC MH/RV-3;

2. Proof of continuing general liability insurance coverage; and

3. A check or money order for the renewal fee, in the amount of:

a. $250 for a licensed retailer;

b. $500 for a certificate of acceptability; or

c. Fifty (50) dollars for an installer certification.

(b) A retailer, manufacturer, or certified installer shall renew a license or certificate before the license or certificate expires pursuant to subsection (1) of this section.

(c) A certified installer shall submit proof of completion of the continuing education requirements established in 815 KAR 1:030.

(d) A retailer and manufacturer shall maintain at least minimum general liability insurance and shall notify the department if there is a change in insurance coverage.

(3) A certified installer may place his or her certification in inactive status.

(a) To place an installer certification in inactive status, a certified installer shall pay an inactive fee of fifty (50) dollars.

(b) An inactive certified installer shall return any unused certified installer seals to the department within thirty (30) days of his or her certification becoming inactive.

(c) An inactive certified installer shall not install manufactured or mobile homes, represent him or herself as a certified installer, or otherwise engage in the work of a certified installer.

(d) To reactivate an inactive installer certification, the certificate holder shall complete all renewal requirements of subsection (2) of this section and pay a fifty (50) dollar renewal fee.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form HBC MH/RV-1, "Application of Certificate of Acceptability", April 2023;

(b) Form HBC MH-2, "Application for Manufactured Home Retailer's License", April 2026[~~April 2023~~];

(c) Form HBC MH-3, "Certified Installer Application", April 2023;

(d) Form HBC MH-3A, "Installer Training Verification Form", April 2023;

(e) Form HBC MH/RV-3, "License and Certification Renewal", April 2023;

(f) Form HBC MH-12, "Application for Purchasing Seals", May 2020;

(g) Form HBC MH-7, "Monthly Manufactured Home Retailer Certification Form", May 2020; and

(h) Form HBC MH 40-30, "Monthly Certified Installer Certification", May 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Branch, 500 Mero Street, First Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. through 4:30 p.m. and is available online at https://dhbc.ky.gov.

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12 noon
CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction. 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601. Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the standards for licensing persons and companies engaged in the sale of manufactured homes and mobile homes, establishes standards for certificates of acceptability for manufacturers of manufactured homes, and establishes the requirements for certified installer seals ad certification of manufactured home installers.
(b) The necessity of this administrative regulation: KRS 227.590 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660 and to carry out the department's responsibilities as a state administrative agency for the enforcement and administration of the National Manufactured Housing Construction and Safety Standards Act of 1974. KRS 227.580 makes it unlawful for a manufacturer to manufacture, import, or sell manufactured homes in Kentucky without a certificate of acceptability. KRS 227.570(3) requires the department to promulgate administrative regulations to establish standards for the certified installer seal program. KRS 227.570(1)(a) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations establishing a process for licensing retailers and issuing certificates of acceptability. KRS 227.620(4)(a) requires the department to establish fees for a retailer's license, manufacturer's "certificate of acceptability," and "Class B," "Class B1," and "Class B2" seals, in accordance with KRS 227.620(4)(a) 1. to 4.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 227.590 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660 and to carry out the department's responsibilities as a state administrative agency for the enforcement and administration of the National Manufactured Housing Construction and Safety Standards Act of 1974. KRS 227.580 makes it unlawful for a manufacturer to manufacture, import, or sell manufactured homes in Kentucky without a certificate of acceptability. KRS 227.570(3) requires the department to promulgate administrative regulations to establish standards for the certified installer seal program. KRS 227.570(1)(a) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations establishing a process for licensing retailers and issuing certificates of acceptability. KRS 227.620(4)(a) requires the department to establish fees for a retailer's license, manufacturer's "certificate of acceptability," and "Class B," "Class B1," and "Class B2" seals, in accordance with KRS 227.620(4)(a) 1. to 4. This administrative regulation establishes the standards for licensing persons and companies engaged in the sale of manufactured homes and mobile homes, establishes standards for certificates of acceptability for manufacturers of manufactured homes, and establishes the requirements for certified installer seals and certification of manufactured home installers.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the standards for licensing persons and companies engaged in the sale of manufactured homes and mobile homes, establishes standards for certificates of acceptability for manufacturers of manufactured homes, and establishes the requirements for certified installer seals and certification of manufactured home installers in accordance with KRS 227.590, KRS 227.570(3), and KRS 227.620.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This administrative regulation changes incorporated document MH-2: Application for Manufactured Home Retailer License by adding a request for the applicant's birth date, rather than merely the applicant's birth month.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure that the written form obtains the same information as the electronic form.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment directly conforms to the authorizing statutes by establishing the requirements for the inspection process for used manufactured homes.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure that the department has updated information regarding all license applicants.
(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 Kentucky's used manufactured home purchasers.
(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: Manufactured home retailer applicants will need to provide their date of birth, rather than merely their birth month, in order to apply for a retailer license.
(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 amendment will not lead to a cost increase.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The department's license records will be more thorough and contain updated information.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.
(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation of these amendments is anticipated to result in no additional costs to the agency. Any agency costs resulting from these administrative amendments will be met with existing 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.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.
(10) TIERING: Is tiering applied? Tiering is not applied as all used manufactured home retailers will be subject to the amended requirement.

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 regulation is authorized and required by KRS 227.590 and 227.600.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 227.570(1)(a), (2), (3), 227.580, 227.590, and 227.620(4)(a).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Public Protection Cabinet, Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Branch.
(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): There are no anticipated local entities that will be affected by this regulatory amendment.
(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): Manufactured home retailer license applicants. (b) Estimate the following for each regulated entity not listed in (3)(a) or (4)(a):
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None
For subsequent years: None.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative amendment will not have a fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment merely requires applicants to provide their birth dates, which does not impact expenditures, revenues, and/or cost savings.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: The amendment changes "birth month" to "birth date on an incorporated form" and does not impact fees/costs.

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 Housing, Buildings and Construction
Manufactured Homes and Recreational Vehicles
(Amendment)

815 KAR 25:090. Site preparation, installation, and inspection requirements.

RELATES TO: KRS 227.550, 227.570, 227.590, 227.660, 227.990, 24 C.F.R. 3285, 24 C.F.R. 3286.7
STATUTORY AUTHORITY: KRS 227.570, 227.590(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.570 requires the Department of Housing, Buildings and Construction to establish and enforce standards and requirements for installation of plumbing, heating, and electrical systems in manufactured homes or mobile homes as it determines are reasonably necessary to protect public health and safety. KRS 227.570(4) requires the installation of new manufactured homes to be inspected in accordance with KRS 227.570(3). KRS 227.570(4) requires the department to establish a new manufactured home installation inspection fee not to exceed $150. KRS 227.590(1) requires the department to establish administrative regulations reasonably necessary to effectuate the provisions of KRS 227.550 to 227.660. This administrative regulation establishes minimum requirements for the installation and inspection of manufactured homes or mobile homes on permanent foundations.

Section 1. Minimum Site Preparation and Installation Standards.
(1) Site preparation, installation, and ground anchoring shall be performed for:
(a) A new manufactured home in accordance with the manufacturer's instructions, if available, or 24 C.F.R. Part 3285; and
(b) A used manufactured home or a mobile home in accordance with the manufacturer's instructions, if available, or ANSI A225.1, Manufactured Home Installation, as established by KRS 227.570(2)[~~227.570(3)~~].
(2) The permanent foundation shall be installed:

(a) In accordance with the manufacturer's installation instructions;

(b) In accordance with the following methods and materials designed to protect from the effects of frost heave:

1. With conventional footings below the frost line depth;

2. As a monolithic slab system in accordance with accepted engineering practice and approved by the manufacturer and its associated Design Approval Primary Inspection Agency (DAPIA) as used in 24 C.F.R. Part 3282; or

3. As an insulated foundation system in accordance with accepted engineering practice and approved by the manufacturer and its associated DAPIA; and

(c) Using the following materials and methods:

1. Piers set partially or completely below grade;

2. Footers and perimeter blocking, if required;

3. ABS footing pads;

4. Ground anchors, concrete anchors, or other anchoring systems approved by the manufacturer and its associated DAPIA;

5. Concrete block;

6. Concrete slab;

7. Continuous and spot footings;

8. Pile or post systems;

9. Steel supports;

10. Concrete, concrete block, or other load bearing perimeter walls; or

11. Another foundation system approved by a licensed engineer as well as the manufacturer and its associated DAPIA.

(3) The following parts of the chassis of a manufactured home shall be removed after the on-site construction of a permanent foundation:

(a) Towing hitch;

(b) Running gear;

(c) Axles;

(d) Brakes;

(e) Wheels; and

(f) Other parts that operate only during transport.

(4) Only a certified installer shall install a manufactured home or mobile home.

(5) All exterior electric, water, and sewer connections and additions to a manufactured home or mobile home shall be performed in accordance with the Kentucky Residential Code, as incorporated by reference in 815 KAR 7:125.

(6)

(a) Underpinning shall be installed on a manufactured home or mobile home if required by the manufacturer's instructions.

(b) If underpinning is installed on a manufactured home or mobile home, the underpinning shall include at least one (1) access panel or door that shall:

1. Be at least eighteen (18) inches in width and twenty-four (24) inches in height;

2. Be at least three (3) square feet in dimension;

3. Be located so that all utility connections under the home are accessible;

4. Be clearly labeled for identification; and

5. Not be obstructed.

(c) An access panel required by this subsection shall not be permanently secured to the home.

Section 2. Site Preparation and Installation Responsibility.

(1) Responsibility for site preparation. A retailer shall:

(a) Perform site preparation;

(b) Contract with an independent certified installer to perform site preparation; or

(c) Assist a requesting purchaser in documenting the purchaser's voluntary responsibility, if any, to perform site preparation functions specified in Form HBC MH-10 and the contract by:

1. Providing, explaining, and assisting in the completion of Form HBC MH-10; and

2. Determining the readiness of the site.

(2) Responsibility for installation services. A retailer shall:

(a) Perform installation services, if the retailer is a certified installer or employs a certified installer; or

(b) Contract with an independent certified installer to perform installation services.

(3) Responsibilities upon the execution of a contract of sale of a new manufactured home. A retailer shall:

(a) Submit a completed Form HBC MH-9, Manufactured Home Foundation Installation Application[~~an application~~] to the department [~~that contains the following information:~~]

[~~1.~~] [~~Name, address, and telephone number of the purchaser;~~]

[~~2.~~] [~~Address of the manufactured home, if different from the purchaser's address;~~]

[~~3.~~] [~~Date of purchase;~~]

[~~4.~~] [~~United States Department of Housing and Urban Development certification label (HUD tag) number;~~]

[~~5.~~] [~~Serial number of the new manufactured home;~~]

[~~6.~~] [~~Date of installation; and~~]

[~~7.~~] [~~Name and certification number of the certified installer~~];

(b) Supply the purchaser with Form HBC MH-17; and

(c) Include in its closing documents for the sale of a new manufactured home the following:

1. A notice, on a form provided by the department, advising the purchaser that inspection of the new manufactured home's installation is required; and

2. The consumer disclosure as required by 24 C.F.R. Part 3286.7.

(4) Unlicensed retailers.

(a) An unlicensed retailer shall not sell or offer for sale more than one (1) manufactured home or mobile home in any consecutive twelve (12) month period.

(b) By no later than ten (10) days after the sale of a manufactured home or mobile home by an unlicensed retailer, the unlicensed retailer shall notify the department in writing of the following:

1. Name, address, and telephone number of the unlicensed retailer;

2. Name, address, and telephone number of the purchaser;

3. Date of purchase;

4. United States Department of Housing and Urban Development certification label (HUD tag) number, if any;

5. Serial number of the new manufactured home; and

6. Date of installation.

Section 3. Inspections of New Manufactured Home Installations.

(1) Site and footer inspection.

(a) The retailer shall do the following:

1. Submit a completed Form HBC MH-9 Manufactured Home Foundation Installation Application to the department.

2. Coordinate with the department to schedule the site and footer inspection.

3.[~~2.~~] Provide the manufacturer's footing design to the department for review at least five (5) working days prior to the department's inspection of the site and footer location,

4.[~~3.~~] Not commence, or cause to commence, any installation services other than the site and footer location preparation until the department has completed its inspection and issued approval of the site preparation and footer location preparation.

(b) Before the new manufactured home is set, the department shall inspect:

1. The site preparation; and

2. The location intended for the methods and materials used to protect against frost heave in accordance with the manufacturer's installation instructions and this administrative regulation.

(c) The site and footer inspection shall be made by a state inspector.

(d) The site and footer inspection may be completed by a physical inspection or an electronic inspection.

(e) A site and footer inspection shall be scheduled with the retailer, certified installer, or property owner at least one (1) business day in advance and shall be completed by the department within three (3) business days of the scheduled inspection.

(2) Installation inspection.

(a) The certified installer or retailer shall request an installation inspection at least one (1) business day in advance of the installation and the inspection shall be completed by the department within three (3) business days of the scheduled inspection[~~The department shall~~

~~inform the installer, purchaser, and, if applicable, the retailer, at least one (1) day prior to the intended inspection of the installation of a new manufactured home~~].

(b) A person shall not obstruct, hinder, or delay a state inspector in the performance of his or her duty.

(c)

1. Upon completion of the inspection of a new manufactured home, the state inspector shall:

a. Issue a report to the installer, purchaser, and, if applicable, the retailer verifying that the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation; or

b. Issue a report to the installer and, if applicable, the retailer identifying all deficiencies and the corrective action required to ensure the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation.

2.

a. The installer shall correct all deficiencies[~~and take all corrective action~~] identified by the state inspector's report of deficiency within thirty (30) days of the date of issuance of the report.

b. If all required corrections have been made within the period established in paragraph (c)2.a.[~~(b)2.a.~~] of this subsection, the state inspector shall issue a report to the installer, purchaser, and if applicable, the retailer verifying that the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation.

c. If any of the required corrections have not been made within the period established in paragraph (c)2.a.[~~(b)2.a.~~] of this subsection, the state inspector shall issue a report to the installer, purchaser, and if applicable, the retailer identifying:

(i) All deficiencies that were corrected in compliance with the report established in paragraph (c)1.b.[~~(b)1.b.~~] of this subsection; and

(ii) All remaining deficiencies and the remaining corrective action required to ensure the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation.

Section 4. Inspection Fees.

(1) Installation inspection fee.

(a) The retailer shall pay the department an installation inspection fee of $150[~~$110~~] prior to the site and footer inspection conducted by the department.

(b) One (1) site and footer inspection and one (1) installation inspection shall be included by the payment of the installation inspection fee.

(2) Re-Inspection fees.

(a) A retailer shall pay a $150[~~$100~~] re-inspection fee to the department for additional inspections needed to determine if deficiencies found during the site and footer inspection or the installation inspection were corrected.

(b) The re-inspection fee shall be paid before or at the time of any subsequent inspection.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

[~~(a)~~] [~~"ANSI A225.1, Manufactured Home Installations", 1994 Edition;~~]

(a)[~~(b)~~] "Form HBC MH-10, Consumer Protection Notice", May 2020; and

(b)[~~(c)~~] "Form HBC MH-17 Site Preparation and Post Installation Guidelines", May 2020.

(c) "Form HBC MH-9 Manufactured Home Foundation Installation Application," April 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Section, 500 Mero St., First Floor, Frankfort, KY 40601[~~101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412~~], Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at http://dhbc.ky.gov.

RAY A. PERRY, Secretary
JONATHAN M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026
FILED WITH LRC: April 10, 2026 at 12 noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m., in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m., eastern time. 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: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction. 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601 Phone: (502) 782-0617 Fax: (502) 573-1057 Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes minimum requirements for the installation and inspection of manufactured homes or mobile homes on permanent foundations.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement KRS 227.570.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 227.570 requires the Department of Housing, Buildings and Construction to establish and enforce standards and requirements for installation of plumbing, heating, and electrical systems in manufactured homes or mobile homes as it determines are reasonably necessary to protect public health and safety. KRS 227.570(4) requires the installation of new manufactured homes to be inspected in accordance with KRS 227.570(3). KRS 227.570(4) requires the department to establish a new manufactured home installation inspection fee not to exceed $150. KRS 227.590(1) requires the department to establish administrative regulations reasonably necessary to effectuate the provisions of KRS 227.550 to 227.660. This administrative regulation directly conforms to these provisions by establishing the requirements for installation and inspection of manufactured homes or mobile homes on permanent foundations.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation directly implements the authorizing statutes and establishes the requirements and standards for the installation and inspection of manufactured homes and mobile homes.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This administrative regulation makes grammatical and technical edits and clarifies requirements regarding the inspection process. This administrative regulation increases two fees: (1) the site and footer inspection fee and (2) the re-inspection fee for additional inspections, when additional inspections are necessary to determine if deficiencies found during the site and footer inspection and the installation inspection were corrected. The original site and footer inspection fee was $110 and the amended fee is $150. The original re-inspection fee was $100 and the amended fee is $150. This regulatory amendment also adds the Manufactured Home Installation Application as an incorporated document.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify inspection processes, incorporate new forms, and adjust fees. Personnel costs and operational costs, including the price of equipment, fuel, insurance,

and vehicles have increased in recent years, all adding to the cost of performing department inspectors' job duties. Expenditure exceeded revenues by $208,282 in FY24; $124,853 in FY25; and $148,000 in FY26. Inspection and reinspection fees have been increased in order to maintain sufficient staffing and equipment to perform the agency's statutory duties.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment directly conforms to the authorizing statutes by establishing the requirements for installation and inspection of manufactured homes and mobile home.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure that the department has sufficient, qualified staffing and equipment to properly inspect manufactured homes.
(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: Retailers and certified installers of manufactured homes as well as purchasers of manufactured homes will be impacted by this amendment.
(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: Retailers of manufactured homes will have to pay adjusted fees for the inspections of new home installations and will have to complete an installation application prior to beginning the installation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The increased costs are $40 per review/inspection and $50 per reinspection.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Clarification is provided regarding inspection practices. Funds generated from increased fees will ensure the timely completion of thorough inspections.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.
(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation of these amendments is anticipated to result in no additional costs to the agency. Any agency costs resulting from these administrative amendments will be met with existing 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: Yes, because this regulatory amendment includes a fee increase.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes. This amendment seeks to increase a fee for department inspections of used manufactured homes.
(10) TIERING: Is tiering applied? Tiering is not applied as all used manufactured home consumers will be subject to the amended requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: This regulation is authorized and required by KRS 227.570.
(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 required by KRS 227.570 and 227.590(1).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Public Protection Cabinet, Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Branch.
(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: It is anticipated that the department will increase revenues by approximately $220,320 in the first year. The installation inspection fee will account for approximately $161,520 of those proceeds. The reinspection fee will account for the remaining $58,800 based on historical data. However, the reinspection fee is intended to have a deterrent effect.
For subsequent years: It is anticipated that revenues will increase slightly in every subsequent year as the number of manufactured homes sold in Kentucky generally increases yearly.
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): There are no anticipated local entities that will be affected by this regulatory amendment.
(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): Retailers of manufactured homes. (b) Estimate the following for each affected local entity identified in (4)(a):
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $40 per review/inspection and $50 per reinspection.
For subsequent years:
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: It is anticipated that the department will increase revenues by $220,320 in the first year. The installation and footer inspection fee will account for approximately $161,520 of those proceeds. The reinspection fee will account for the remaining $58,800. The installation and footer numbers are based on the number of department inspections during 2025 multiplied by the total fee increase. The re-inspection fee numbers are similarly based on the number of department re-inspections during 2025 multiplied by the total fee increase. It is anticipated that local entities will not be impacted by this regulatory amendment, because they are not manufactured home consumers or retailers.
(b) Methodology and resources used to reach this conclusion: Please see the response to (6)(a).
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Fees for new manufactured home installation inspections/plan reviews are increased by $40, and reinspection fees are increased by $50.

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 Housing, Buildings and Construction
Electrical Division
(Amendment)

815 KAR 35:015. Certification of electrical inspectors.

RELATES TO: KRS 198B.060, 198B.090, 211.350, 227.450, 227.480, 227.489, 227.491, 227.492, 227.495
STATUTORY AUTHORITY: KRS 227.489
NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.489 requires the commissioner of the Department of Housing, Buildings and Construction to require electrical inspectors to be certified based on standards of the National Electrical Code. This administrative regulation establishes the procedures for achieving and maintaining certification as an electrical inspector.

Section 1. Applicability. This administrative regulation shall apply to electrical inspectors in Kentucky and applicants for certification as an electrical inspector in Kentucky.

Section 2. Classifications of Electrical Inspectors.
(1) An electrical inspector shall be classified as either:
(a) An electrical inspector one (1) and two (2) family shall be a person who has:
1. Passed an examination focused on electrical installations in one (1) or two (2) family dwellings with a score of seventy (70) percent or greater by a test provider approved by the department; and
2. At least four (4) years experience immediately preceding the application in the installation and design of residential wiring systems installed in accordance with the National Electrical Code, NFPA 70 incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125; or
(b) An electrical inspector general shall be a person who has:
1. Passed an examination focused on electrical installations in residential, commercial, and industrial buildings with a score of seventy (70) percent or greater by a test provider approved by the department; and
2. At least eight (8) years of experience immediately preceding the application in the installation and design of residential, commercial, and industrial wiring systems installed in accordance with the National Electrical Code, NFPA 70, incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125.
(2) The requirements in subsections (1)(a) and (b) of this section shall be satisfied if the person is:
(a) A registered professional electrical engineer engaged in that profession for at least three (3) years immediately preceding the application; or
(b) Currently licensed as a master electrician, having obtained his or her license after successful passage of an exam in accord with 815 KAR 35:060, Section 4, and actively engaged in the electrical trade in that capacity immediately preceding the application.
(3)
(a) An electrical inspector one (1) and two (2) family shall be certified to inspect and approve an electrical installation related to a:
1. One (1) or two (2) family dwelling; or
2. Manufactured home or mobile home.
(b) An electrical inspector general shall be certified to inspect and approve an electrical installation related to any type of residential, commercial, industrial, or any other property that requires electrical inspection.
(4) A passing score as established in subsection (1)(a)1. and (1)(b)1. of this section shall be valid for a period of three (3) years.

Section 3. Application Requirements for Certification.
(1) An applicant for certification as an electrical inspector shall submit to the department:
(a) A completed Application for Electrical Inspector Certification on Form EL-11;
(b) Proof of successful completion of the examination applicable to the certification sought pursuant to Section 2(1)(a) and (b) of this administrative regulation;
(c) Except for electrical inspectors employed by the department, a fee of $100 dollars payable to the Kentucky State Treasurer.
(d) Proof of the applicant's experience as required by Section 2(1)(a)2. and 2(1)(b)2. of this administrative regulation.
(e) A passport-sized, color photograph of the applicant taken within the past six (6) months; and
(f) Proof of a bond in the amount of $5,000 in compliance with KRS 227.487(4), unless employed by the department or a local government rules otherwise.
(2) An applicant shall possess:
(a) The ability to read and write the English language; and
(b) A general educational level at least adequate to perform his or her duties.
(3) Proof of listed experience shall be provided by:
(a) A federal or state tax form; or
(b) An affidavit by another license holder who worked with the applicant.
(4) An applicant shall receive credit for an electrical course satisfactorily completed from an accredited vocational school or college on a year-for-year basis. Credit for education to replace an applicant's experience requirements shall be limited to a total of two (2) years.
(5) The department shall issue a certification for an electrical inspector only to an individual. A corporation, partnership, company, or other entity shall not be issued a certification.

Section 4. Certificate Renewal.
(1) Certification period.
(a) Each electrical inspector's certification shall expire on the last day of the electrical inspector's birth month each year.
(b) The department shall send each electrical inspector a renewal application form prior to the date of expiration.
(2) Filing for renewal. Each electrical inspector seeking certification renewal shall submit to the department:
(a) A completed Application for Electrical Inspector Certification on Form EL-11;
(b) A renewal fee off fifty (50) dollars;
(c) Proof of compliance with the continuing education requirements established in 815 KAR 2:010;
(d) If the electrical inspector is employed by a local government, documented proof of continued employment signed by the hiring authority responsible for administering the local jurisdiction's inspection and code enforcement program;
(e) For each local jurisdiction with which the applicant is contracted to act as an electrical inspector, a copy of the current contract naming the applicant and establishing the terms and conditions of his or her authority; [~~and~~]
(f) For each local jurisdiction with which the applicant is contracted to act as an electrical inspector, a copy of the ordinance fixing the schedule of fees authorized to be charged for electrical inspections within that jurisdiction; and[~~.~~]
(g) If the applicant is an employee of a business entity that contracts with a local jurisdiction, documented proof of continued employment signed by the owner or human resources administrator of the company as well as a copy of contracts between the company and each local jurisdiction naming the company and a copy of the ordinance fixing the schedule of fees the company is authorized to charge for electrical inspections within that jurisdiction.
(3) Current information. An applicant who has previously submitted a document required by subsection (2)(e) and (f) of this section for a prior renewal shall not be required to resubmit that document if it remains current and effective at the time of the current renewal.
(4) Change of information. Within ten (10) days of the occurrence, an electrical inspector shall provide the department:

(a) Notice of any establishment, change, or termination of the electrical inspector's contract or employment with a local jurisdiction;

(b) A copy of any new or revised contract entered into with a local jurisdiction; and

(c) For any local jurisdiction with which the electrical inspector is employed or contracted, a copy of any ordinance amending the schedule of fees authorized to be charged for electrical inspections within that jurisdiction.

(5) Late renewal.

(a) An electrical inspector who fails to submit the renewal application and renewal fee on or before the last day of his or her birth month shall be a late renewal fee of fifty (50) dollars in addition to the renewal fee.

(b) If both fees are not paid or all required continuing education is not completed within sixty (60) days after the last day of the electrical inspector's birth month, the certification shall be terminated.

(6) Reinstatement.

(a) A certificate that has been terminated may be reinstated at the discretion of the commissioner upon a petition in writing, demonstrating just cause why the petitioner failed to comply with the renewal requirements established by this section.

(b) An application for reinstatement shall:

1. Pay a reinstatement fee of $100 in addition to the late renewal fee required by subsection (5) of this section;

2. Comply with the requirements established by subsection (2) of this section;

3.

a. Submit proof of required continuing education pursuant to 815 KAR 2:010 for the number of hours required in one (1) year; or

b. Submit proof of having passed the examination applicable to the certification to be reinstated, as established by Section 2(1)(a) and (b) of this administrative regulation, within the current year.

(7) The requirements of this section shall not apply to a state-employed electrical inspector.

Section 5. Duties and Responsibilities.

(1) In addition to the National Electrical Code, the electrical inspector shall be familiar with all applicable building codes and fire safety codes governing buildings in the area in which the electrical inspector performs an inspection.

(2) Record retention.

(a) Each electrical inspector shall make a complete record of each inspection. The record shall contain, as a minimum:

1. Sufficient information to identify the location of the structure inspected;

2. The date of the inspection;

3. The type of structure, whether residential, commercial, industrial, or other;

4. The designation of a required permit and the agency granting the permit;

5. The size and complexity of the structure; and

6. Any deficiencies in meeting code requirements and the actions required to comply.

(b) If the electrical inspector is employed by a local government, the electrical inspector or the local government shall maintain the records in compliance with 725 KAR 1:061.

(c) If the electrical inspector contracts with a local government, the local government shall maintain the records in compliance with 725 KAR 1:061.

(d) If the electrical inspector is an employee of the department, the electrical inspector shall submit the reports to the department in compliance with KRS 227.487(1).

Section 6. Complaints and Grievance Procedures.

(1) A person may file a complaint against an electrical inspector if the person believes that an act or omission of the electrical inspector in the performance of his or her duties is in violation of the administrative regulation or other law or has caused an undue hardship to the person.

(2) A complaint or allegation of misconduct shall be submitted in writing to the department and shall:

(a) Include the nature of the alleged misconduct, with specific details as to acts, names, dates, and witnesses; and

(b) Specify the action requested of the department.

(3) Following an investigation, the department shall:

(a) Set the matter for public hearing; or

(b) Take other appropriate action in accordance with KRS 227.495 to resolve or correct the matter.

Section 7. Suspension and Revocation of Certification. The commissioner shall revoke, suspend, or refuse to renew the certificate of an electrical inspector who is determined, by the commissioner after having afforded the opportunity for a KRS Chapter 13B administrative hearing, to have:

(1) Engaged in an activity that constitutes a conflict of interest, including:

(a) Work as an electrical contractor, master electrician, or electrician;

(b) Involvement in an activity in the electrical industry; or

(c) Having a pecuniary or associational interest in a business or other venture involved in an activity in the electrical industry.

(2) Engaged in fraud, deceit, or misrepresentation in obtaining certification;

(3) Demonstrated negligence, incompetence, or misconduct in the field of electrical inspection;

(4) Affixed or caused to be affixed a seal of approval or issued a certificate of approval for an electrical installation subject to inspection if he or she has not personally inspected the installation and found it to be satisfactory in accordance with the National Electrical Code, NFPA 70 incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125;

(5) Operated as an electrical inspector in a locality in conflict with state or local laws, ordinances, or regulations;

(6) Knowingly overruled the proper findings of another electrical inspector or attempted to supplant, overrule, or otherwise invalidate the judgment of another electrical inspector without first obtaining express written consent from the designated electrical inspector's office supervising the original electrical inspector;

(7) Failed to maintain accurate and adequate recordkeeping as required by Section 6 of this administrative regulation;

(8) Violated KRS 211.350(8); or

(9) Violated any provision of KRS 227.491 or this administrative regulation.

Section 8. Incorporation by Reference.

(1) Form EL-11, "Application for Electrical Inspector Certification", April 2026[~~May 2020~~] is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at dhbc.ky.gov.

RAY A. PERRY, Secretary
JONATHON M. FULLER, Commissioner

APPROVED BY AGENCY: April 9, 2026

FILED WITH LRC: April 10, 2026 at 12 noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 9 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2026 at 11:59 p.m., eastern time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601. Phone: (502) 782-0617 Fax: (502) 573-1057 Email: max.fuller@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathon M. Fuller
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the procedures for achieving and maintaining certification as an electrical inspector.
(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to implement KRS 198B.060 and 227.489.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 227.489 requires all electrical inspectors to be certified by the Department, and KRS 198B.060 requires all certified electrical inspectors to be employed by, or contracted for, or contracted with a local government having responsibility over buildings as set out in that statute as part of its building inspection program. This administrative regulation directly conforms to these provisions by establishing the requirements for certification and well as the requirements for demonstrating continued compliance with applicable statutes in order to maintain certification.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation directly implements the authorizing statutes and establishes the requirements and standards for certification of electrical inspectors.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This administrative regulation changes incorporated document EL 11, “Application for Electrical Inspector Certification,” by adding a request for the applicant’s birth date, rather than merely the applicant’s birth month and clarifies renewal requirements for electrical inspectors employed by companies that contract with local governments.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure that the written form obtains the same information as the electronic form and to provide clarification of renewal requirements.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment directly conforms to the authorizing statutes by establishing the requirements for the certification of electrical inspectors and for the maintenance or renewal of that certification.
(d) How the amendment will assist in the effective administration of the statutes: This amendment is essential to ensuring the Department’s ability to effectively administer its electrical certification and renewal program in accordance with applicable law.
(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 certified electrical inspectors and prospective applicants to become a certified electrical inspector within the Commonwealth.
(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 for an electrical inspector certification will need to include their birth dates, rather than merely their birth months, when filling out their applications.
(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 amendment will not lead to a cost increase.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The department’s license records will be more thorough and contain updated information.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.
(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Any department costs of implementation will be met with existing department 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.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.
(10) TIERING: Is tiering applied? Tiering is not applied as all electrical inspectors will be subject to the amended requirement.

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 required by KRS 227.489.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required KRS 227.489.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Housing, Buildings and Construction, Electrical Division and, to an indirect extent, cities and counties implementing an electrical inspection program that employs or contracts with a certified electrical inspector or electrical inspection companies.
(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): There are no anticipated local entities that will be affected by this regulatory amendment. (b) Estimate the following for each affected state unit, part, or division identified in (4)(a):
(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): Special boiler inspectors and entities applying for certificate extensions
(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 amendment will not have a fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment merely requires applicants to provide their birth dates, which does not impact expenditures, revenues, and/or cost savings.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: This amendment does not impact fees or add additional regulatory requirements that have associated costs.

NEW ADMINISTRATIVE REGULATIONS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

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

COUNCIL ON POSTSECONDARY EDUCATION
(New Administrative Regulation)

13 KAR 2:140. Research consortiums.

RELATES TO: KRS 164.038, KRS 273.600
STATUTORY AUTHORITY: KRS 164.038
NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.038 requires the Council on Postsecondary Education to promulgate administrative regulations to administer the provisions of the statute. KRS 164.038(6) requires the Council to include in administrative regulation the metrics to evaluate joint funding applications submitted by two (2) or more Kentucky public universities to receive funding from a consortium account. This administrative regulation establishes the process by which requests for joint funding proposals will be advertised, what proposals shall include, how proposals will be evaluated, and how funding awards will be made.

Section 1. Definitions.
(1) "Council" is defined by KRS 164.001(8).
(2) "Eligible postsecondary institution" means any public university in Kentucky.
(3) "Endowed research fund" means the endowed research fund as established by KRS 273.600.
(4) "Research consortium" means two (2) or more eligible postsecondary institutions to receive joint funding from a consortium account through the endowed research fund administered by the Council.

Section 2. Notice of Funding Opportunities. Once funds are available for distribution through the endowed research fund, the Council shall publish notice of availability of funding opportunities for research consortia and issue a request for joint funding applications. The notice and request for joint funding applications shall include:
(1) The funding period;
(2) The date by which to submit a joint funding application;
(3) The application evaluation metrics and relative weighting of each metric;
(4) How to submit a joint funding application; and
(5) The targeted date for making awards.

Section 3. Metrics to Evaluate Joint Funding Applications. The Council shall evaluate joint funding applications using the following metrics describing the research consortium's:
(1) Planned area of research and its impact on human quality of life advancements;
(2) Ability to innovate in the areas of medicine, health, or economic development;
(3) Ability to obtain other sources of funding to perform initial research;
(4) Potential to seek grant money from other sources in larger amounts;
(5) Potential future funding sources and amounts; and
(6) Implementation plan, including:
(a) The total proposed budget for the use of funds received through the endowed research fund for the initial five (5) year term;
(b) The total proposed budget for use of funds from other sources dedicated to the work of the research consortium for the initial five (5) year term; and
(c) Operations of the consortium, including a description of how the research consortium partners would collaborate to conduct the planned research.

Section 4. Funding Proposals. To be eligible for funding, a joint funding application proposal shall include:
(1) The participation in the research consortium certified by the signature of the respective chief executive officers and a designated point of contact and contact information for each participating eligible postsecondary institution;
(2) A narrative addressing each metric set forth in Section 3 of this administrative regulation.
(3) A response to any other funding proposal criteria as determined by the Council;
(4) A statement of assurances that statutory requirements shall be satisfied as set forth in KRS 164.038; and

Section 5. Evaluation Process.
(1) The Council shall review and rank each completed and timely submitted funding application on the extent to which the application meets the metrics set forth in Section 3 of this administrative regulation.
(2) Once the funding applications are evaluated and ranked, the Council shall select up to five (5) high-quality research consortiums to receive funding from a consortium account.
(3) Once award distributions are finalized and approved by the Council, the Council shall notify the designated points of contact of the award.

Section 6. Awards.
(1) Upon award, the Council and research consortium partners shall enter into an agreement outlining the responsibilities of the parties, including but not limited to the estimated funding amount, the permissible uses of funds, and the reporting requirements.
(2) Once the agreement is finalized, the Council shall disburse money from the research consortium's designated consortium account in accordance with KRS 164.038(1)(e) for a term of five (5) years.
(3) The term of eligibility of the research consortium may be renewed for up to five (5) additional years in accordance with KRS 164.038(4).

MADISON SILVERT, Chair
TRAVIS POWELL, General Counsel

APPROVED BY AGENCY: April 13, 2026
FILED WITH LRC: April 13, 2026 at 1:50 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2026, at 10:00 a.m. EST, at the Council on Postsecondary Education, 100 Airport Road, Second Floor, Frankfort, Kentucky 40601 in Conference Room A. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 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: Cassie Trueblood, Deputy General Counsel, 100 Airport Road, Second Floor, Frankfort, Kentucky 40601, 502.892.3696, 502.573.1535, and cassie.trueblood@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Cassie Trueblood
Subject Headings: Council on Postsecondary Education, Education, Education: Higher and Postsecondary
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes the process by which requests for joint funding proposals will be advertised, what proposals shall include, how proposals will be evaluated and how funding awards will be made for the endowed research fund established in KRS 164.038.
(b) The necessity of this administrative regulation: KRS 164.038 requires the Council on Postsecondary Education to promulgate administrative regulations to administer the endowed research fund. KRS 164.038 requires the Council to set forth the requirements for joint funding applications submitted by two (2) or more Kentucky public universities to receive funding from a consortium account.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms explicitly to the requirements of KRS 164.038.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation creates a process for issuing notice of funding opportunities, sets requirements for funding proposals, creates an evaluation process, and creates a process for making awards as required by KRS 164.038.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation implements Senate Bill 1 from the 2024 legislative session.
(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 public postsecondary universities in the state, totaling eight entities, but none are required to participate.
(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: To be considered for funding, two (2) or more eligible postsecondary institutions must submit a joint funding application. Upon evaluation of the proposal and subsequent award, the Council and the participating institutions will enter into a contract in accordance with the terms set forth in this regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no fees established by this administrative regulation. There will be some administrative costs to the public universities to create and submit a proposal.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Once the partnership contract is finalized, the Council shall disburse money from the fund to a consortium account as seed money to perform initial research and to prepare proposals to seek grant money from public and private sources in larger funding amounts.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be some administrative costs to the Council to solicit and review applications and make awards, but KRS 164.038(7) provides that the council may expend up to four percent (4%) of all interest earning of the endowed research fund on the costs of managing and administering the fund.
(b) On a continuing basis: There will be some administrative costs to the Council to solicit and review applications and make awards, but KRS 164.038(7) provides that the council may expend up to four percent (4%) of all interest earning of the endowed research fund on the costs of managing and administering the fund.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Awards will be made from the endowed research fund which is created by KRS 164.038 and endowed in accordance with KRS 273.600 to 273.645. The fund shall contain money received from the general fund, federal funds, and any other proceeds from contributions, gifts or grants made available for the purposes of the fund. KRS 164.038(7) provides that the Council may expend up to four percent (4%) of all interest earnings on the costs of managing and administering the endowed research fund.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not assess fees.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.
(10) TIERING: Is tiering applied? Tiering is not applicable because similarly situated entities are treated similarly under this administrative regulation.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164.038, KRS 273.600
(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 expressly authorized by KRS 164.038.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Council on Postsecondary Education and any public university in Kentucky that chooses to submit a proposal.
(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 some administrative costs to universities to develop and submit the application. There will be some administrative costs to the Council to solicit and review applications and make awards.
For subsequent years: Any expenditures in subsequent years are expected the covered by the endowed research fund.
2. Revenues:
For the first year: Universities selected will receive funding from a consortium account within the endowed research fund.
For subsequent years: The term of eligibility to receive funding from a consortium account is five (5) years.
3. Cost Savings:
For the first year: This regulation does not create any cost savings.
For subsequent years: This regulation does not create any cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: Not applicable.
For subsequent years: Not applicable.
2. Revenues:
For the first year: Not applicable.
For subsequent years: Not applicable.
3. Cost Savings:
For the first year: Not applicable.
For subsequent years: Not applicable.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Not applicable.

For subsequent years: Not applicable.
2. Revenues:
For the first year: Not applicable.
For subsequent years: Not applicable.
3. Cost Savings:
For the first year: Not applicable.
For subsequent years: Not applicable.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Duties related to this administrative regulation are generally assumed by the Council staff members as part of their many other responsibilities. KRS 164.038(7) provides that the council may expend up to four percent (4%) of all interest earning of the endowed research fund on the costs of managing and administering the fund. University participation is voluntary. Universities who are successful in their joint funding application will receive funding from a consortium account as seed money for initial research and to seek grant money.
(b) Methodology and resources used to reach this conclusion: General analysis of the requirements of the statute and the workload of staff.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation is not anticipated to have a major economic impact, as implementation and compliance costs are minimum. Costs to the Council of managing and administering the endowed research fund can be covered by interest earnings of the fund in accordance with KRS 164.038(7). Participation by the universities is voluntary and funding will be used to bring about innovation that advances medicine, health, or economic development which will provide a positive impact on the Commonwealth.
(b) The methodology and resources used to reach this conclusion: General analysis.

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.

FINANCE AND ADMINISTRATION CABINET
Office of the Controller
(New Administrative Regulation)

200 KAR 38:080. Account Validation Standards.

RELATES TO: KRS 42.0201(3), KRS 45.237
STATUTORY AUTHORITY: KRS 42.0201(3), KRS 45.237
NECESSITY, FUNCTION, AND CONFORMITY: 42.0201(3) requires the State Controller to serve as the Commonwealth's chief accounting officer and be responsible for all aspects of accounting policies and procedures, financial accounting systems, and internal accounting control policies and procedures. KRS 45.237 requires the Finance and Administration Cabinet to develop policies and procedures for the purpose of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant. This administrative regulation establishes statewide governance policies and procedures for all Executive, Legislative, and Judicial Branch agencies regarding compliance with the National Automated Clearing House Association (NACHA) Account Validation Rule and associated Automated Clearing House (ACH) fraud-prevention requirements. This policy ensures that all ACH and EFT payment data maintained by agencies is validated, monitored, and safeguarded prior to disbursement through the Commonwealth's financial systems, including its electronic accounting and reporting system and all agency-managed payment repositories.

Section 1. Definitions.
(1) "Account Validation Service" or "AVS" means a commercially reasonable process to verify that an account is open, active, and capable of receiving ACH debits (or credits).
(2) "Agency" is defined by KRS 11.080.
(3) "Automated Clearing House" or "ACH" means a secure, batch-oriented electronic funds transfer system that acts as a central clearinghouse for financial transactions, connecting all United States financial institutions.
(4) "Electronic Fund Transfer" or "EFT" means an electronic data processing medium that takes the place of a paper check for debiting or crediting an account and of which a permanent record is made.
(5) "Electronic Accounting and Reporting System" means the web-enabled, centralized accounting application used by the Commonwealth of Kentucky to manage state-level financial operations.
(6) "Internal Control" is defined by 200 KAR 38:070.
(7) "National Automated Clearing House Association" or "NACHA" means the nonprofit organization that governs, develops, and administers the ACH Network in the United States.
(8) "Risk-Based Monitoring" means a process whereby agencies utilize a risk assessment framework to monitor their operations.
(9) "SAS" means the Office of Statewide Accounting Services, as organized pursuant to KRS 42.0201.
(10) "Validation" means confirmation that an account number is active and capable of receiving ACH transactions.

Section 2. Scope: The requirements of this regulation apply to all Commonwealth of Kentucky agencies, cabinets, departments, constitutional offices, and any organizational unit that:
(1) Maintains ACH/EFT banking information at the agency level;
(2) Initiates ACH/EFT payments through the Commonwealth's electronic accounting and reporting system or an interfaced system;
(3) Initiates ACH/EFT payments through third-party system that transmits payment files to the Commonwealth; or
(4) Collects, stores, or updates vendor or payee banking details.

Section 3. Agencies to implement NACHA-compliant AVS or equivalent validation process.
(1) Validation must be performed when:
(a) A new ACH/EFT record is created;
(b) Existing ACH/EFT data is modified;
(c) Annually, for any ACH/EFT data stored outside the Commonwealth's electronic accounting and reporting system; and
(d) Prior to transmitting any agency-managed ACH/EFT file in the Commonwealth's electronic accounting and reporting system.
(2) The following data shall be validated:
(a) Account owner's legal name;
(b) Account number; and
(c) Routing Number.

Section 4. Agency Responsibilities.
(1) Internal Control Requirements: Agencies shall comply with the following internal control requirements:
(a) Actively maintain internal controls;
(b) Annually file an Internal Control Plan, prepared in accordance with the requirements of 200 KAR 38:070, with the Office of the Controller;
(c) Document their ACH validation procedures; and
(d) Ensure segregation of duties and fraud prevention controls by implementing risk-based, internal controls that restrict any single employee from having full control over the ACH payment lifecycle via separation of initiation, approval, and reconciliation.
(2) Internal Procedures: Agencies shall create and maintain written internal procedures to address any instance where ACH/EFT account validation fails. At a minimum, these procedures shall include:
(a) Immediate review of a failed validation result;
(b) Suspension of ACH/EFT payment activity for the affected payee until a successful validation is completed;

(c) Verification steps to confirm whether the failure resulted from incorrect data entry, outdated records, or a mismatch identified by the validation service; and

(d) Documentation of all review and corrective actions taken in connection with the failed validation.

(3) Implementation: Agencies implement NACHA-compliant procedures, train staff, and maintain documentation as follows:

(a) Agency created internal procedures must support standardized Company Entry Descriptions, audit trails, and NACHA-compliant validation.

(b) Agency internal control procedures and execution of such procedures may be reviewed for compliance with the requirements of this regulation and be subject to penalties for violation.

(4) Documentation: Agencies must document each annual validation, new ACH/EFT record creation, as well as modifications of ACH/EFT data and maintain the documentation in accordance with the requirements of the Kentucky Open Records Act.

(5) Exceptions: Any exceptions to the requirements of this regulation require written approval from the Office of the Controller and be subject to requirements for compensating controls or mitigation plan as prerequisite to approval.

(6) Penalties: non-compliance with the requirements of this regulation may result in the following penalties:

(a) A written audit finding that the agency failed to comply;

(b) Suspension of ACH/EFT privileges;

(c) Issuance of a corrective action plan by the Office of the Controller; and

(d) Other corrective action, as appropriate.

HOLLY M. JOHNSON, Secretary

APPROVED BY AGENCY: March 19, 2026

FILED WITH LRC: March 20, 2026 at 8:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 10:00 a.m. at the Kentucky Finance and Administration Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on June 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: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622. Phone: (502)564-6660, Fax: (502)564-9875. Email: cary.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Cary Bishop
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes statewide governance policies and procedures for all Executive, Legislative and Judicial Branch agencies regarding compliance with the National Automated Clearing House Association (NACHA) Account Validation Rule and associated Automated Clearing House (ACH) fraud-prevention requirements.
(b) The necessity of this administrative regulation: This policy ensures that all ACH and EFT payment data maintained by agencies is validated, monitored, and safeguarded prior to disbursement through the Commonwealth's financial systems, including its Electronic Accounting and Reporting System and all agency-managed payment repositories.
(c) How this administrative regulation conforms to the content of the authorizing statutes: 42.0201(3) requires the State Controller to serve as the Commonwealth's chief accounting officer and to be responsible for all aspects of accounting policies and procedures, financial accounting systems, and internal accounting control policies and procedures. KRS 45.237 requires the Finance and Administration Cabinet to develop policies and procedures for the purpose of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant. Compliance with NACHA requirements regarding ACH fraud prevention directly advances the goal of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides clear and unambiguous guidance to agencies regarding mandatory fraud prevention procedures.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable as this is a new regulation.
(b) The necessity of the amendment to this administrative regulation: Not applicable as this is a new regulation.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable as this is a new regulation.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable as this is a new regulation.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? : No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect all branches of state government in regards to electronic fund transactions and automatic clearing house interactions.
(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 regulation will require agencies to (1) follow objective standards of practice and documentation regarding ACH/EFT transactions, (2) create and maintain processes designed to mitigate ACH/EFT fraud, and (3) train relevant staff on standards that must be maintained for ACH/EFT transactions.
(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): Compliance with the regulation will provide additional protection to agencies against fraudulent electronic transactions.
(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: No additional funding is necessary for implementation of this regulation.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional funding is necessary for implementation of this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased.
(10) TIERING: Is tiering applied? No. The requirements of the regulation are uniform.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: No federal statute or regulation at issue. The regulation is being filed to comply with NACHA standards for ACH/EFT transactions that are applicable to both public and private entities.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: While not specifically and expressly authorized, 42.0201(3) requires the State Controller to serve as the Commonwealth's chief accounting officer and to be responsible for all aspects of accounting policies and procedures, financial accounting systems, and internal accounting control policies and procedures. KRS 45.237 requires the Finance and Administration Cabinet to develop policies and procedures for the purpose of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant. Compliance with NACHA requirements regarding ACH fraud prevention directly advances the goal of prevention and detection of errors or fraud and abuse prior to the issuance of a check or warrant.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This regulation is being promulgated by the Finance and Administration Cabinet Office of the Controller and the regulation will affect all branches of state government in regards to electronic fund transactions and automatic clearing house interactions.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entity will be affected.
(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: No fiscal impact is expected from this amendment.
(b) Methodology and resources used to reach this conclusion: Review by the Office of the Controller and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are not expected to have a significant 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): No, the standards within the regulation aim to provide clarification and guidance to agencies regarding already existing ACH/EFT processes.
(b) The methodology and resources used to reach this conclusion: Review by the Office of the Controller and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are not expected to have a significant fiscal impact.

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

PUBLIC PROTECTION CABINET
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:001. Definitions for 831 KAR Chapter 3.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.015, 324A.020, 324A.035
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. This administrative regulation defines terms used in 831 KAR Chapter 3.

Section 1. Definitions.
(1) "Accredited" means a college or university that grants credit toward a program for an associate, baccalaureate, graduate, or professional degree and that is chartered, licensed, or granted accreditation by an appropriately recognized educational association.
(2) "Appraisal management company" is defined by KRS 324A.150(1).
(3) "Appraisal management services" is defined by KRS 324A.150(2).
(4) "Appraiser panel" is defined by KRS 324A.150(5).
(5) "Approved instructor" means an instructor who has been approved by the board pursuant to 831 KAR 3:140 to teach continuing education or qualifying education.
(6) "AQB" means the Appraiser Qualification Board of the Appraisal Foundation.
(7) "AQB Criteria" means the Real Property Appraiser Qualification Criteria, January 1, 2026, of the Appraiser Qualification Board of the Appraisal Foundation.
(8) "Assignment" for purposes of a temporary practice permit application, means one or more real estate appraisals and written or oral appraisal report(s) covered by a single contractual agreement.
(9) "Associate real property appraiser" means an individual who has fulfilled the requirements for licensure as an associate real property appraiser established by the board. An associate real property appraiser is the functional equivalent to the credential of trainee real property appraiser denoted by the AQB.
(10) "Bio-metric proctoring" means processes used to continually verify student identity, such as facial recognition, consistency in keystroke cadence, and the observation of activity in the testing location, and monitoring readily observable aberrant behavior or activity.
(11) "Board" means the Kentucky Real Estate Appraisers Board created under KRS 324A.015.
(12) "Certificate holder" or "licensee" means a person certified or licensed by the board.
(13) "Certified general real property appraiser" means an appraiser who has fulfilled the requirements for certification established by the board to appraise real property in connection with federally and nonfederally related transactions.
(14) "Certified residential real property appraiser" means an appraiser who has fulfilled the requirements for certification

established by the board to perform appraisals on improved structures with up to four (4) residential units and vacant land.

(15) "Class hour" means sixty (60) minutes, of which at least fifty (50) minutes are actual instruction attended by the student, including time for examinations.

(16) "Class hour of distance education" means the course time for synchronous and asynchronous online instruction set forth in the Delivery Mechanism Approval process of the Course Approval Program Policies and Procedures of the AQB, January 1, 2026, or the AQB policy in effect at the time of submission of a provider's application for course approval to the board, whichever is later.

(17) "Complaint" means a written allegation that a credential holder or Appraisal Management Company, or its controlling person or managing principal, has violated the requirements of KRS Chapter 324A or 831 KAR Chapter 3.

(18) "Covered transaction" means any consumer credit transaction secured by the consumer's principal dwelling.

(19) "Credential" means any license, certificate, and temporary practice permit, issued by the board.

(20) "Credential holder" means an individual who has a license, certificate, or temporary practice permit issued by the board.

(21) "Distance education" means any education process based on the geographical separation of instructor and student. Distance education may be synchronous, asynchronous, or hybrid.

(a) "Asynchronous distance education" means the instructor and student interact non-simultaneously; the student progresses at the student's own pace and follows a structured course content and quiz and examination schedule.

(b) "Hybrid distance education" means the instructor and student interact both in–person and online, through synchronous or asynchronous instruction.

(c) "Synchronous distance education" means the instructor and student interact simultaneously online, by video teleconference, live webinar, or web-based meeting.

(22) "Education provider" means a school or entity that teaches continuing or qualifying education courses, programs of study, or seminars.

(23) "Federal financial institutions regulatory agencies" means a federal agency listed in 12 U.S.C. § 3350(6) that regulates lenders, or the loans guaranteed by them.

(24) "Federally related transaction" is defined by KRS 324A.010(8).

(25) "Licensed nonfederal real property appraiser" means an individual who has fulfilled the requirements for licensure established by the Board to appraise real property in connection with non-federally-related transactions.

(26) "Licensed residential real property appraiser" means an appraiser who has fulfilled the requirements for licensure established by the board to appraise real property.

(27) "Practical Applications of Real Estate Appraisal" or "PAREA" means programs approved by the AQB as an alternative to the traditional supervisor/trainee model for obtaining experience required for certification or licensure.

(28) "Real estate-related financial transaction" means a transaction that involves the:

(a) Sale, lease, purchase, investment in or exchange of real property, including an interest in real property, or the financing thereof;

(b) Refinancing of real property, or an interest in real property; and

(c) Use of real property, or an interest in property, as security for a loan or investment, including a mortgage-backed security.

(29) "Registrant" means an appraisal management company registered with the Board.

(30) "Required Core Curriculum" means the list of course topics established in 831 KAR 3:030 Section 5 through Section 9.

(31) "Residential" means having one (1) to four (4) residential units.

(32) "Submit" means in the context of an appraisal, correspondence, or other filing being submitted to the Board, the date and time of submission shall be calculated:

(a) For mail: the date the mail is postmarked;

(b) For electronic mail or other digital transmission to the Boards general email account or to a Board staff's email account: by the date and time of receipt;

(c) For hand delivery: by the date the Board office receives the delivery; and

(d) For use of the online license renewal system: by the date and time the system receives the application for renewal.

(33) "Uniform Standards of Professional Appraisal Practice" or "USPAP" means the standards of practice promulgated by the Appraisal Standards Board of the Appraisal Foundation as defined by KRS 324A.010(7).

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees

(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation provides definitions for terms used throughout the Kentucky Real Estate Appraisers Board's ("Board's") administrative regulations.
(b) The necessity of this administrative regulation: This regulation is necessary to clearly articulate the regulatory terminology established in the Board's administrative regulations.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions, for certification or licensure of appraisers of real property in non-federally related transactions, classifications of appraisers; certification and licensure; renewal, suspension, or revocation of certification or licensure; standards of professional appraisal practice, including experience, education, and ethics; examination of applicants for certification or licensure; and continuing education of appraisers.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation is necessary to clearly articulate the definitions for terms used in the administrative regulations.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board"; signed by the Governor; effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards"; effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Licensees, including both appraisers and AMCs will need to understand definitions for the administrative regulations to follow the administrative regulations.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees shall be informed of regulatory definitions.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because the definitions set forth in this administrative regulation apply equally to all licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 324A.015, 324A.020, 324A.035, KRS Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. : 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. : KRS 324A.020, 324A.035
(3) Minimum or uniform standards contained in the federal mandate. :12 U.S.C. 3345, 12 U.S.C. 3347.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? : This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. : This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:010. Fees.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.065, 324A.155(2), 324A.163(4)(b)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.065 permits the Board to collect fees from applicants, certificate and license holders, and education providers. KRS 324A.045(3) permits the Board to collect a late fee for reinstatement of an expired credential. KRS 324A.154 requires the Board to establish a reasonable filing fee to be paid by each appraisal management company seeking registration under KRS 324A.152. KRS 324A.155 requires the Board to charge each Appraisal Management Company registrant an amount not to exceed $800 per year to be deposited in the appraisal management company recovery fund. KRS 324A.163(4)(b) requires the cessation of registrant fees when the balance of the appraisal management company recovery fund is $300,000. This administrative regulation sets administrative fees authorized by KRS Chapter 324A for activities described in 831 KAR Chapter 3.

Section 1. Fees for applicants, certificate holders, and licensees.
(1) The following fees shall be charged by the Board for licensure or certification for federally related transactions:
(a) Initial application fee: $200;
(b) Examination fee: $200;
(c) Annual certificate or licensure fee: $200;
(d) Duplicate certificate fee: ten (10) dollars;
(e) Certificate correction fee: ten (10) dollars;
(f) Roster fee: forty (40) dollars;
(g) Returned check fee: fifty (50) dollars;
(h) Initial inactive certification or licensure fee: fifty (50) dollars;
(i) Temporary practice permit fee: $150; and
(j) Late fee: $200.
(2) The following fees shall be charged by the Board for licensure for non-federally related transactions:
(a) Annual certificate or licensure renewal fee: $100; and
(b) Certificate correction fee: five (5) dollars.

Section 2. Fees for education providers. The following nonrefundable fees shall be charged by the Board for each education provider applying for Board approval:
(1) Prelicensure education course review: $100; and
(2) Continuing education course review: $100.

Section 3. Fees for Appraisal Management Companies.
(1) The following fees shall be charged by the Board for each Appraisal Management Company:
(a) Initial application fee: $2000;
(b) Recovery fund fee: $400; and
(c) Annual renewal and registration fee: $2000.
(2) The Board shall cease collecting the recovery fund fee when the balance of the appraisal management company recovery fund is $300,000 and shall return any recovery fund fee payment received thereafter until the balance of the appraisal management company recovery fund is less than $300,000 except as in (3) of this section.
(3) If the balance of the appraisal management recovery fund is less than $300,000 before the annual registration renewal date and exceeds $300,000 after the annual registration renewal date, the Board shall distribute a refund to each registrant that paid a recovery fund fee when renewing registration for that year, calculated as follows:
(a) The Board shall total the recovery fund fees paid by appraisal management companies for annual registration;
(b) Subtract $300,000; and
(c) Divide by the number of registrants that paid a recovery fund fee when renewing registration for that year.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation sets fees for certification, licensure, and Board actions under the statutory authority of the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to set all fees of the Board.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions, for certification or licensure of appraisers of real property in non-federally related transactions, classifications of appraisers; certification and licensure; renewal, suspension, or revocation of certification or licensure; standards of professional appraisal practice, including experience, education, and ethics; examination of applicants for certification or licensure; and continuing education of appraisers. KRS 324A.065 permits the Board to collect fees from applicants, certificate and license holders, and education providers. KRS 324A.154 requires the Board to establish a reasonable filing fee to be paid by each appraisal management company seeking registration under KRS 324A.152. KRS 324A.155 requires the Board to charge each Appraisal Management Company registrant an amount not to exceed eight hundred dollars ($800) per year to be deposited in the appraisal management company recovery fund. KRS 324A.163(4)(b) requires the cessation of registrant fees when the balance of the appraisal management company recovery fund is three hundred thousand dollars ($300,000).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky.

This administrative regulation will assist in effective administration by listing all fees of the Board in one list.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of prospective applicants for certification and licensure.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. All fees and fines remain the same as most recently under 201 KAR Chapter 30, with the exception of the $50 returned check fee.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on applicants or licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This regulation will impose no new costs on licensees and licensees shall find all fees in one central list.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes fees for multiple items under the authorizing statutes, but neither directly nor indirectly increases any fees, except for the $50 returned check fee.
(10) TIERING: Is tiering applied? No, tiering is not applied because the fees set forth in this administrative regulation apply equally to all.

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 324A.015, 324A.020, 324A.035 324A.065, 324A.152, 324A.154, 324A.155, 324A.163, Chapter 324A, 12 U.S.C. § 3350.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. : 12 U.S.C. 3345, 12 U.S.C. 3347.
(2) State compliance standards. : 324A.020, 324A.035, 324A.045, 324A.065, 324A.152, 324A.154, 324A.155, 324A.163.
(3) Minimum or uniform standards contained in the federal mandate. :12 U.S.C. 3345, 12 U.S.C. 3347.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. : This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:020. General requirements for certification and licensure.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Kentucky Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035(3)(a) and (b) require the board to establish by administrative regulations requirements for classifications of appraisers and certification and licensure. KRS 324A.035(2) requires the board to establish by administrative regulation licensure of appraisers of real property in nonfederally related transactions. KRS 324A.065 requires the board to establish and collect fees for certification or licensure as an appraiser. KRS 12.245, KRS 12.334, KRS 12.354, and KRS 12.357 require state agencies to process applications of military servicemembers, veterans, and spouses with requirements specific to education, licensing, and fees. The Real Property Appraiser Qualification Criteria of the Appraiser Qualification Board of the Appraisal Foundation requires certain military servicemembers be held to the criteria in effect on January 1, 2026. This administrative regulation describes general requirements for certification and licensure, requirements for individuals applying under KRS 12.245, 12.334, 12.354, and 12.357, and requirements for licensure of nonfederally related transactions.

Section 1. Types of Appraisers.
(1) An appraiser for a federally related transaction shall be a(n):
(a) Associate real property appraiser;
(b) Licensed residential real property appraiser;
(c) Certified residential real property appraiser; or
(d) Certified general real property appraiser.
(2) The board may license nonfederal real property appraisers pursuant to Section 4 of this administrative regulation.

Section 2. General Requirements for Certification or Licensure. Except as provided by Sections 3 and 4 of this administrative regulation, certification or licensure shall be granted if an applicant:
(1) Meets the education requirements established by 831 KAR 3:030;
(2) Meets the appraisal experience requirements established by 831 KAR 3:040;
(3) Meets the examination requirements established by 831 KAR 3:050;
(4) Completes and submits a notarized application form for the type of certification or licensure sought, incorporated by reference in Section 5 of this administrative regulation;
(5) Submits to a national fingerprint-supported criminal background check in accordance with 831 KAR 3:080;
(6) Pays the initial application fee established in 831 KAR 3:010 Section 1(1)(a); and
(7) For applications for licensed residential real property appraiser, certified residential real property appraiser, and certified general real property appraiser, pays the roster fee established in 831 KAR 3:010 Section 1(1)(f).

Section 3. Armed Forces and Military Spousal Exception.
(1) Applicants for licensure or certification seeking to claim an exception under KRS 12.245, KRS 12.334, KRS 12.354, or KRS 12.357, shall so indicate by marking the appropriate selection box and shall submit supporting documentation.
(2) The board shall review an application claiming an exception under KRS 12.245, KRS 12.334, KRS 12.354, or KRS 12.357, within thirty (30) days of receipt by the board.
(3) An applicant who was a member of a Reserve component of the U.S. Armed Forces, who was pursuing an appraiser licensure or certification prior to December 1, 2011, and who was called to active duty between December 1, 2011 and December 31, 2014, may satisfy the examination, education, and experience requirements under the 2008 AQB Real Property Appraiser Qualification Criteria instead of the requirements in this administrative regulation for a time period equal to the applicant's time of active duty, plus twelve (12) months.

Section 4. Licensed Nonfederal Real Property Appraisers.
(1) An applicant shall be licensed as a nonfederal real property appraiser if:
(a) The applicant possesses a:
1. High school diploma; or
2. General equivalency diploma; and
(b) Applies to the board on the Application for Nonfederal Real Property Appraiser License.
(2) A licensed nonfederal real property appraiser shall not be required to meet the conditions established for the:
(a) Certification of:
1. General real property appraisers; or
2. Residential real property appraisers.
(b) Licensure of licensed residential real property appraisers.
(3) A licensed nonfederal real property appraiser shall not perform real property appraisals of property that is the subject of a federally related transaction.
(4) The provisions of this section shall not apply to persons who, prior to April 7, 1992, have engaged in the appraisal of real property for at least ten (10) years. Applicants who wish to be limited to appraisals of nonfederally related transactions, and who have engaged in the appraisal of real estate for at least ten (10) years prior to April 7, 1992, shall be licensed as nonfederal real property appraisers.

Section 5. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Nonfederal Real Property Appraiser Application," KREAB Form 001, March 2026.

(b) "Associate Real Property Appraiser Application," KREAB Form 002, March 2026;

(c) "Licensed Residential Real Property Appraiser Application," KREAB Form 003, March 2026;

(d) "Certified Residential Real Property Appraiser Application," KREAB Form 004, March 2026;

(e) "Certified General Real Property Appraiser Application," KREAB Form 005, March 2026; and

(f) "Uniform Standards of Professional Appraisal Practice (USPAP)," 2024 Edition, published by The Appraisal Foundation.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

(3) The Uniform Standards of Professional Appraisal Practice (USPAP), 2024 Edition, is also available online at https://www.appraisalfoundation.org.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026

FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation provides general requirements for licensure or certification by the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for certification and licensure.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions and for certification or licensure of appraisers of real property in nonfederally related transactions.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will clarify the application process and general standards for certification and licensure of appraisers in Kentucky.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of prospective applicants for certification and licensure. This regulation will affect an unknown number of prospective applicants for certification and licensure.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective applicants for licensure will need to follow the requirements set forth in this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective applicants for licensure will be able to identify requirements for licensure.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all applicants for certification and licensure.

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 324A.015, 324A.020, 324A.035, KRS Chapter 324A, 12 U.S.C. § 3350.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities

should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347.
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.065, 12.245, 12.334, 12.354, 12.357.
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:030. Education requirements for certification and licensure.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035(3)(a), (b), and (d), require the board to establish by administrative regulations requirements for classifications of appraisers, certification and licensure, and standards of education. This administrative regulation describes education requirements for certification and licensure.

Section 1. Qualifying Education for Licensure or Certification.
(1) Prior to applying for a credential to practice appraisal in federally related transactions, an applicant shall obtain qualifying education.
(2) Credit for the qualifying education requirements established in this administrative regulation may be obtained only from the following providers:
(a) Colleges or universities;
(b) Community or junior colleges;
(c) Real estate appraisal or real estate-related organizations;
(d) State or federal agencies or commissions;
(e) Proprietary schools; and
(f) The Appraisal Foundation or its boards.
(3) Credit toward qualifying education requirements may also be obtained by the completion of a degree in Real Estate from an accredited degree-granting college or university approved by the Association to Advance Collegiate Schools of Business, or a regional or national accreditation agency recognized by the US Secretary of Education, provided that the college or university has had its curriculum reviewed and approved by the AQB.
(4) Experience shall not be substituted for education.

Section 2. Criteria Specific to Qualifying Education.
(1) A qualifying education course shall be credited only for educational offerings with content that follows the Required Core Curriculum established in Section 9 of this regulation for each respective credential.
(2) The course content requirement may be general or specific to a property type.
(3) A qualifying education credit shall be obtained only if:
(a) The minimum length of the education offering is at least fifteen (15) hours, with the exception of the eight (8) hour Valuation Bias and Fair Housing Laws and Regulation course stated in Section 4;

(b) The student successfully completes a proctored, closed-book examination pertinent to that qualifying educational offering; and

(c) The qualifying education course covers multiple topics identified within the Required Core Curriculum that is appropriately tested for each component.

(4) A single course cannot be completed multiple times to satisfy the qualifying education requirements.

(5) Courses shall foster problem-solving skills in the education process by utilizing case studies as a major teaching method if applicable.

(6) A distance education course shall be accepted for qualifying education provided:

(a) The course includes a written, closed-book final examination; and

(b) The course examination is proctored in person or remotely by an official approved by the college or university, or by the sponsoring organization, or by bio-metric proctoring.

Section 3. Uniform Standards of Professional Appraisal Practice (USPAP) Courses.

(1) An applicant shall take the 15-Hour National USPAP Course, or its equivalent, and pass the associated 15-Hour National USPAP Course Examination as approved by the AQB.

(2) At least one (1) of the course instructors shall be an AQB Certified USPAP instructor who is also a state certified appraiser.

(3) USPAP course content equivalency shall be determined by the AQB or by an alternate method established by the AQB.

Section 4. Valuation Bias and Fair Housing Laws and Regulations Courses.

(1) Beginning January 1, 2026, each associate shall successfully complete a one-time eight (8) hour Valuation Bias and Fair Housing Laws and Regulations course approved by the Board.

(2) Beginning January 1, 2026, each licensed residential real property appraiser, certified residential real property appraiser, and certified general real property appraiser shall successfully complete a one-time seven (7) hour Valuation Bias and Fair Housing Laws and Regulations course approved by the Board.

(3) Every two (2) calendar years thereafter, each associate, licensed residential real property appraiser, certified residential real property appraiser, and certified general real property appraiser shall successfully complete a four (4) hour Valuation Bias and Fair Housing Laws and Regulations course approved by the board.

Section 5. Qualifying Education for Associate Real Property Appraisers.

(1) Prior to applying for an associate real property appraiser credential, an applicant shall have completed 105 class hours as specified in the Required Core Curriculum.

(2) The Required Core Curriculum and class hours for an associate real property appraiser certification shall be:

(a) Basic appraisal principles: thirty (30) class hours;

(b) Basic appraisal procedures: thirty (30) class hours;

(c) 15-Hour national USPAP course or its equivalent: fifteen (15) hours;

(d) Market analysis highest and best use: fifteen (15) class hours;

(e) Valuation bias and fair housing laws and regulations: eight (8) class hours; and

(f) Supervisor associate mandatory course: seven (7) class hours

(3) An applicant shall pass the Required Core Curriculum examination for each course taken.

(4) All qualifying education shall be completed within the five (5) year period immediately preceding the submission of an application for an Associate Real Property Appraiser credential.

Section 6. Qualifying Education for Licensed Residential Real Property Appraisers.

(1) The prerequisite for taking the AQB approved examination for licensure as a licensed residential real property appraiser shall be successful completion of 158 class hours as established in the Required Core Curriculum, except that credit shall be awarded for class hours completed for licensure as an associate real property appraiser, for certification as a certified residential real property appraiser, and for certification as a certified general real property appraiser.

(2) The Required Core Curriculum and class hours for a licensed residential real property appraiser shall be:

(a) Basic appraisal principles: thirty (30) class hours;

(b) Basic appraisal procedures: thirty (30) class hours;

(c) Valuation bias and fair housing laws and regulations: eight (8) class hours;

(d) 15-Hour national USPAP course or its equivalent: fifteen (15) class hours;

(e) Residential market analysis and highest and best use: fifteen (15) class hours;

(f) Residential appraiser site valuation and cost approach: fifteen (15) class hours;

(g) Residential sales comparison and income approaches: thirty (30) class hours; and

(h) Residential report writing and case studies: fifteen (15) class hours.

(3) An individual holding an appraisal license or certification may satisfy the educational requirements for the licensed residential credential by successfully completing the following additional educational hours:

(a) Associate real property appraisers:

1. Residential market analysis and highest and best use: fifteen (15) class hours;

2. Residential appraiser site valuation and cost approach: fifteen (15) class hours;

3. Residential sales comparison and income approaches: thirty (30) class hours; and

4. Residential report writing and case studies: fifteen (15) class hours.

(b) Certified residential real property appraisers satisfy the qualifying educational requirements for the licensed residential real property appraiser credential.

(c) Certified general real property appraisers satisfy the qualifying educational requirements for the licensed residential real property appraiser credential.

Section 7. Qualifying Education for Certified Residential Real Property Appraisers Certification.

(1) The prerequisite for taking the AQB approved examination shall be completion of 200 class hours as established in the Required Core Curriculum, except that credit shall be awarded for class hours completed for licensure as an associate real property appraiser, for licensure as a licensed residential real property appraiser, or for certification as a certified general real property appraiser.

(2) The Required Core Curriculum and class hours for a certified residential real estate appraiser shall be:

(a) Basic appraisal principles: thirty (30) class hours;

(b) Basic appraisal procedures: thirty (30) class hours;

(c) Valuation bias and fair housing laws and regulations: eight (8) class hours;

(d) 15-Hour national USPAP course or its equivalent: fifteen (15) class hours;

(e) Residential market analysis and highest and best use: fifteen (15) class hours;

(f) Residential appraiser site valuation and cost approach: fifteen (15) class hours;

(g) Residential sales comparison and income approaches: thirty (30) class hours;

(h) Residential report writing and case studies: fifteen (15) class hours;

(i) Statistics, modeling, and finance: fifteen (15) class hours;

(j) Advanced residential applications and case studies: fifteen (15) class hours; and

(k) Appraisal subject matter electives: twelve (12) class hours.

(3) An applicant for the certified residential real property certificate shall satisfy at least one of the following options:

(a) Possess a bachelor's degree from an accredited college or university in any field of study;

(b) Possess an associate's degree from an accredited college or university in any field of study related to:

1. Business Administration;
2. Accounting;
3. Finance;
4. Economics; or
5. Real Estate;

(c) Have successfully completed thirty (30) semester hours of college-level courses that cover each of the following specific topic areas and hours:

1. English Composition: three (3) semester hours;
2. Microeconomics: three (3) semester hours;
3. Macroeconomics: three (3) semester hours;
4. Finance: three (3) semester hours;
5. Algebra, Geometry, or higher mathematics: three (3) semester hours;
6. Statistics: three (3) semester hours;
7. Computer Science: three (3) semester hours;
8. Business or Real Estate Law: three (3) semester hours; and
9. Two (2) elective courses in any of the topics listed in this paragraph or in accounting, geography, agricultural economics, business management, or real estate: three (3) semester hours each;

(d) Successful completion of at least thirty (30) semester hours of College Level Examination Program® (CLEP®) examinations from each of the following subject matter areas:

1. College Algebra: three (3) semester hours;
2. College Composition: six (6) semester hours;
3. College Composition Modular: three (3) semester hours;
4. College Mathematics: six (6) semester hours;
5. Principles of Macroeconomics: three (3) semester hours;
6. Principles of Microeconomics: three (3) semester hours;
7. Introductory Business Law: three (3) semester hours; and
8. Information Systems: three (3) semester hours.

(e) Any combination of paragraphs (c) and (d) of this subsection that ensure coverage of all topics and hours identified in paragraph (c) of this subsection; or

(f) Proof of credential as a licensed residential real property appraiser for a minimum of five (5) years with no record of adverse, final, and non-appealable disciplinary action affecting the licensed residential real property appraiser's legal ability to engage in appraisal practice within the five (5) years immediately preceding the date of application for the certified residential credential.

(4) An individual holding an appraisal license or certification may satisfy the educational requirements for the certified residential credential by successfully completing the following additional educational hours:

(a) Associate real property appraisers:

1. Residential appraiser site valuation and cost approach: fifteen (15) class hours;
2. Residential sales comparison and income approaches: thirty (30) class hours;
3. Residential report writing and case studies: fifteen (15) class hours;
4. Statistics, modeling, and finance: fifteen (15) class hours;
5. Advanced residential applications and case studies: fifteen (15) class hours; and
6. Appraisal subject matter electives: twelve (12) class hours.

(b) Licensed residential real property appraisers:

1. Statistics, modeling, and finance: fifteen (15) class hours;
2. Advanced residential applications and case studies: fifteen (15) class hours; and
3. Appraisal subject matter electives: twelve (12) class hours.

(c) Certified general real property appraisers satisfy the qualifying educational requirements for the certified residential real property appraiser credential.

Section 8. Qualifying Education for Certified General Real Property Appraiser Certification.

(1) The prerequisite for taking the AQB approved examination shall be completion of 300 class hours as established in the Required Core Curriculum, except that credit shall be awarded for class hours completed for licensure as an associate real property appraiser, for licensure as a licensed residential real property appraiser, or for certification as a certified residential real property appraiser.

(2) The Required Core Curriculum and class hours for a certified general real property appraiser shall be:

(a) Basic appraisal principles: thirty (30) class hours;
(b) Basic appraisal procedures: thirty (30) class hours;
(c) Valuation bias and fair housing laws and regulations: eight (8) class hours;
(d) 15-Hour national USPAP course or its equivalent: fifteen (15) class hours;
(e) General appraiser market analysis and highest and best use: thirty (30) class hours;
(f) Statistics, modeling, and finance: fifteen (15) class hours;
(g) General appraiser site valuation and cost approach: thirty (30) class hours;
(h) General appraiser sales comparison approach: thirty (30) lass hours;
(i) General appraiser income approach: sixty (60) class hours;
(j) General appraiser report writing and case studies: thirty (30) class hours; and
(k) Appraisal subject matter electives: twenty-two (22) class hours.

(3) An applicant shall demonstrate that his or her education includes the core courses listed in these criteria, with particular emphasis on nonresidential properties.

(4) An applicant for the certified general real property certificate shall hold a bachelor's degree or higher from an accredited college or university.

(5) An individual holding appraiser license or certification may satisfy the educational requirements for the Certified General Real Property Appraiser credential by successfully completing the following additional educational hours:

(a) Associate real property appraisers:

1. General appraiser market analysis and highest and best use: thirty (30) class hours;
2. Statistics, modeling, and finance: fifteen (15) class hours;
3. General appraiser site valuation and cost approach: thirty (30) class hours;
4. General appraiser sales comparison approach: thirty (30) class hours;
5. General appraiser income approach: sixty (60) class hours;
6. General appraiser report writing and case studies: thirty (30) class hours;
7. Statistics, modeling, and finance: fifteen (15) class hours; and
8. Appraisal subject matter electives: twenty-two (22) class hours.

(b) Licensed residential real property appraisers:

1. General appraiser market analysis and highest and best use: fifteen (15) class hours;
2. Statistics, modeling, and finance: fifteen (15) class hours;
3. General appraiser site valuation and cost approach: fifteen (15) class hours;
4. General appraiser sales comparison approach: thirty (30) class hours;
5. General appraiser income approach: forty-five (45) class ours;
6. General appraiser report writing and case studies: fifteen (15) class hours; and
7. Appraisal subject matter electives: twenty-two (22) class hours.

(c) Certified residential real property appraisers:

1. General appraiser market analysis and highest and best use: fifteen (15) class hours;
2. General appraiser site valuation and cost approach: fifteen (15) class hours;
3. General appraiser sales comparison approach: fifteen (15) class hours;
4. General appraiser income approach: forty-five (45) class hours; and
5. General appraiser report writing and case studies: ten (10) class hours.

Section 9. Required Core Curriculum. The Required Core Curriculum and class hours for each of the types or classification of

licensees or certificate holders prescribed in this administrative regulation shall be consistent with and cover the topics established in the Real Property Appraiser Qualification Criteria, January 1, 2026, "Required Core Curriculum," for qualifying education issued by the Appraiser Qualification Board of the Appraisal Foundation, available at: https://appraisalfoundation.sharefile.com/share/view/s40baa2c6550748bb971c35f8b4d6a3a6.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley, General Counsel
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation provides education requirements for licensure or certification by the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to establish education requirements for certification and licensure.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions, including education.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will clarify the standards for education required for certification or licensure by the Board.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of prospective applicants for certification and licensure. This regulation will affect an unknown number of prospective applicants for certification and licensure.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective applicants for licensure will need to follow the requirements set forth in this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees, except for the added expense of taking the valuation bias and fair housing laws and regulations course.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective applicants for licensure will be able to identify requirements for licensure.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all applicants for certification and licensure.

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 324A.015, 324A.020 324A.035, KRS Chapter 324A, 12 U.S.C. § 3350, et seq.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.

2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351.
(2) State compliance standards. KRS 324A.020, 324A.035.
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:040. Appraisal experience requirements for certification and licensure.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035(3)(a), (b), and (d) require the board to establish by administrative regulations requirements for classifications of appraisers, certification and licensure, and standards of experience. This administrative regulation describes experience requirements for certification and licensure.

Section 1. Required appraisal experience.
(1) No appraisal experience is required for licensure as an associate real property appraiser.
(2) Licensure as a residential real property appraiser shall require 1,000 hours of appraisal experience, which shall not be acquired in a period of fewer than six (6) calendar months.
(3) Certification as a residential real property appraiser shall require 1,500 hours of appraisal experience, which shall not be acquired in a period of fewer than twelve (12) calendar months.
(4) Certification as a general real property appraiser shall require:
(a) 3,000 hours of appraisal experience, which shall not be acquired in a period of fewer than eighteen (18) calendar months; and
(b) At least 1,500 hours of appraisal experience that is nonresidential.

Section 2. How to receive credit for appraisal experience.
(1) Real property appraisal assignments submitted for appraisal experience credit shall be completed:
(a) In compliance with the requirements of USPAP as incorporated by reference in 831 KAR 3:020 and defined in KRS 324A.010(7);
(b) In compliance with the requirements for supervisors and associates set forth in 831 KAR 3:030.
(c) Under the supervision of a certified residential real property appraiser for experience of one (1) to four (4) unit residential properties; and
(d) Under the supervision of a certified general real property appraiser for experience of all property uses other than one (1) to four (4) unit residential properties.
(2) To receive credit for appraisal experience, an applicant must submit an appraisal log completed in accordance with 831 KAR 3:030.
(3) The appraisal experience required by Section 1 may have been acquired in any calendar years, whether or not the calendar years are consecutive, except all appraisal experience must be obtained after January 30, 1989. Hours may be treated as cumulative in order to achieve the necessary hours of appraisal experience.
(4) For an appraisal to qualify for experience, there need not be a client in a traditional sense (e.g., a client hiring an appraiser for a business purpose). Experience gained for work without a traditional client can meet any portion of the total experience requirement.

(5) Up to 100 percent of the required appraisal experience may be obtained in a board-approved practicum course that requires students to:

(a) Produce credible appraisals that utilize an actual subject property;

(b) Perform market research containing sales analysis;

(c) Perform assignments that require problem solving skills for a variety of property types; and

(d) Apply and report the appraisal approaches in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), incorporated by reference in 831 KAR 3:020 and defined in KRS 324A.010(7).

Section 3. Practical Applications of Real Estate Appraisal.

(1) Practical Applications of Real Estate Appraisal (PAREA) programs approved by the AQB use simulated experience training and shall be accepted by the board as an alternative to the traditional supervisor-associate experience model for obtaining experience required for certification or licensure set forth in Sections 1 and 2.

(2) Only PAREA programs approved by the AQB shall satisfy the requirements of this administrative regulation.

(3) Participants successfully completing approved PAREA programs will receive the following experience credit toward the appraisal experience requirements set forth in Section 1:

(a) For participants completing an approved licensed residential PAREA program:

1. Up to 1,000 hours of the required experience hours for credit toward licensure as a residential real property appraiser.

2. Up to 1,000 hours of the required experience hours for credit toward certification as a certified residential real property appraiser.

3. Up to 1,000 hours of the total required residential experience hours, none of which is eligible towards the required non-residential hours, for certification as a general real property appraiser.

(b) For participants completing an approved certified residential PAREA program:

1. Up to 1,000 hours of the required experience hours for credit toward licensure as a licensed residential real property appraiser.

2. Up to 1,500 hours of the required experience hours for credit toward certification as a certified residential real property appraiser.

3. Up to 1,500 hours of the total required residential experience hours, none of which is eligible towards the required non-residential hours, for certification as a general real property appraiser.

(4) To receive credit for completion of PAREA, an applicant shall submit proof of completion of one or more PAREA courses.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026

FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation provides definitions for terms used throughout the Kentucky Real Estate Appraisers Board's ("Board's") administrative regulations.

(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for certification and licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions, including experience requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will clarify the standards for certification and licensure of appraisers in Kentucky.

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

(a) How the amendment will change this existing administrative regulation: Not applicable.

(b) The necessity of the amendment to this administrative regulation: Not applicable.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of prospective applicants for certification and licensure. Further, an unknown number of current licensees who are applying for an upgraded certification will also be impacted.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation, unless they are using PAREA as a substitute for certain experience requirements. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective applicants for licensure will need to follow the requirements set forth in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective applicants for licensure will be able to identify requirements for licensure.

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

(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all applicants for certification and licensure.

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 324A.015, 324A.020, 324A.035, KRS Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, 324A.035
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:050. Examinations.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.040
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035(3)(a), (b), and (e) require the board to establish by administrative regulations requirements for classifications of appraisers, certification and licensure, and examination of applicants for certification or licensure. KRS 324A.040 requires the Board to establish examination requirements for certification and licensure. This administrative regulation describes examination requirements for certification and licensure.

Section 1. Examination.

(1) An applicant for certification as a certified general real property appraiser, a certified residential real property appraiser, or for licensure as a licensed residential real property appraiser shall pass an examination specific to the certification or license applied for and approved by:

(a) The board; and

(b) The Appraiser Qualifications Board of the Appraisal Foundation.

(2) A passing score from an examination shall be valid for two (2) years from the date of the passing score being reported to the applicant.

(3) There is no examination requirement for an associate real property appraiser credential. An applicant for credentialing as an associate real property appraiser shall pass the appropriate end-of-course examinations in all prerequisite qualifying education courses to receive credit for those courses.

Section 2. Board Approval.

(1) Prior to being approved to take the national appraisal examination for credit toward licensure or certification by the board, an applicant shall complete all education and experience requirements for the credential set forth in administrative regulations 831 KAR 3:030 and 831 KAR 3:040.

(2) To receive board approval to take a national appraisal examination for credit toward licensure or certification by the board, prior to taking the examination an individual shall submit:

(a) A completed Application for Examination Approval;

(b) The fee required by 831 KAR 3:010 Section 1(1)(a);

(c) Proof of completion of the required education as established in administrative regulation 831 KAR 3:030; and

(d) Proof of completion of the required experience as established in administrative regulation 831 KAR 3:040, including:

1. An Appraisal Log as established in administrative regulation 831 KAR 3:040; and

2. Sample appraisal reports, file memoranda, and other documentation requested by the board to confirm the applicant's appraisal experience.

(3) An applicant for examination shall receive approval from the board before scheduling the examination.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026

FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation provides the requirements for the examination for certification and licensure and the steps necessary for an applicant to take prior to the examination.
(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for examinations for certification and licensure.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property including examination of applicants for certification or licensure.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist in the effective administration of examinations for licensure and certification by ensuring that only individuals qualified by education and experience may sit for examination, in accordance with the prerequisites for examination required by the Real Property Appraiser Qualification Criteria of the Appraisal Foundation Appraiser Qualifications Board.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of prospective applicants for certification and licensure. Further, an unknown number of current licensees who are applying for an upgraded certification will also be impacted.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective applicants for certification and licensure will need to follow the examination requirements set forth in this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective applicants for certification and licensure will be able to identify examination requirements.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or

this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all individuals interested in applying for certification or licensure.

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 324A.015, 324A.020, 324A.035, KRS 324A.040, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, KRS 324A.035, KRS 324A.040
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:060. Reciprocity.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.075
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. Under KRS 324A.075, "If, in the determination by the board, another state is deemed to have substantially equivalent or greater certification or licensure requirements for real property appraisers, an applicant who is certified or licensed under the laws of another state seeking to practice in this state shall apply to obtain a certificate as a state certified or licensed real property appraiser in this state upon terms and conditions determined by the board." This administrative regulation describes terms and conditions for reciprocity of certification and licensure.

Section 1. Reciprocal Licensing Requirements for Applicants Licensed or Certified in Another State.
(1) An individual licensed or certified in another state to practice real property appraising, including certified residential, certified general, or licensed residential real property appraiser, may apply and obtain a Kentucky credential that is the same as the credential

held by that individual in the other state through reciprocity if the appraiser licensing program of the other state:

(a) Complies with the provisions of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of Title XI Real Estate Appraisal Reform Amendments (12 U.S.C. §§ 3331-3351) as administered by the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council (FFIEC); and

(b) Meets or exceeds the board's credentialing requirements that exist at the time the Application for Reciprocity is submitted to the board.

(2) An individual holding a credential as a licensed residential, certified residential, or certified general appraiser in good standing in any jurisdiction shall be considered in compliance with current AQB Criteria if the individual has passed an AQB-approved examination for that credential.

(3) To obtain a Kentucky certification issued by the board, an out-of-state applicant shall:

(a) Complete the notarized Application for Reciprocity;

(b) Be identified on the National Registry of the Appraisal Subcommittee as an active licensed or certified real property appraiser that currently conforms to the AQB Criteria;

(c) Not have received disciplinary action that limits or prohibits the applicant from the practice of real property appraising; and

(d) Not have lost a license to practice any profession by revocation, suspension, or voluntary surrender.

(4) The applicant for reciprocity shall indicate whether the applicant:

(a) Has had an application for certification or licensure as an appraiser denied by any agency within the Commonwealth or any other state, and if so, explain and submit with the application a copy of the denial notice;

(b) Has been reprimanded, fined, or had a license, certificate, or registration suspended, revoked, restricted, denied, or surrendered in the Commonwealth or in any other state, and if so, submit with the application:

1. A written explanation; and

2. A copy of any documentation describing the charges and action taken by the agency;

(c) Is the subject of any pending investigation, administrative sanction proceeding, hearing, trial, or similar action by any agency that granted or denied the license, certificate, or registration, and if so, submit with the application:

1. A written explanation; and

2. A copy of any documentation describing the charges;

(d) Has ever entered a plea of nolo contendere, been found guilty of, or been convicted of a felony, or within the last ten (10) years convicted of a misdemeanor, and if so, submit with the application:

1. An explanation of the offense;

2. The location of the proceedings; and

3. A copy of all final court documents identifying the charges and assessing the penalties;

(e) Is awaiting trial or sentencing in any criminal proceeding, and if so, submit with the application:

1. An explanation of the facts of the alleged offense; and

2. The location of the proceedings; and

(f) Has had any disciplinary action brought against him or her as a member of any professional organization or trade association, and if so, submit with the application:

1. An explanation of the action;

2. A copy of any document reflecting the allegations; and

3. The final action or decision if rendered.

(5) No provision of this administrative regulation shall be construed to prohibit the professional appraisal practice activities of any out-of-state certified appraiser who is performing the duties and responsibilities for, and while a direct full-time employee of, any entity of the United States government.

Section 2. Material incorporated by reference.

(1) "Application for Reciprocity," KREAB Form 006, March 2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes reciprocity requirements for applicants duly licensed in other states for reciprocal certification and licensure by the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for reciprocal certification and licensure.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.075 provides, "If, in the determination by the board, another state is deemed to have substantially equivalent or greater certification or licensure requirements for real property appraisers, an applicant who is certified or licensed under the laws of another state seeking to practice in this state shall apply to obtain a certificate as a state certified or licensed real property appraiser in this state upon terms and conditions determined by the board." KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property. This administrative regulation establishes a process for board review of applications for reciprocity.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the authorizing statutes by establishing how appraisers may apply for reciprocal certification or licensure in Kentucky.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter

182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of current licensees who are applying for a reciprocal certification or licensure.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective applicants for reciprocal certification and licensure will need to follow the requirements set forth in this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective applicants for reciprocal certification and licensure will be able to identify reciprocal requirements.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all individuals interested in applying for reciprocal certification or licensure.

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 324A.015, 324A.020, 324A.035, 324A.075, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.075
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:070. Temporary practice permit.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. Title XI § 1122(a), 12 U.S.C. § 3351(a) requires states to permit temporary practice of appraisers for federally related transactions. This administrative regulation describes eligibility requirements for temporary practice within Kentucky.

Section 1. Temporary practice permit.
(1) An individual who is a certified residential, a certified general, or a licensed residential real property appraiser in another state may apply for a temporary practice permit for an appraisal assignment in Kentucky within the scope of practice for the same credential in Kentucky as established in 831 KAR 3:150 Section 1.
(2) An individual who is a certified residential, a certified general, or a licensed residential real property appraiser in another state shall apply for a temporary practice permit in this state by:
(a) Paying the fee established in administrative regulation 831 KAR 3:010 Section 1(1)(i); and
(b) Filing with the board a notarized Temporary Practice Application, including:
1. An irrevocable consent that service of process in an action against the applicant arising out of the applicant's appraisal activities in this state may be made by delivery on the board;
2. Information sufficient to identify the appraisal assignment to be performed under the temporary practice permit, including the projected beginning and ending dates for performing the appraisal assignment, except the applicant shall not divulge information concerning the appraisal assignment that would breach the applicant's duty of confidentiality to a client under the provisions of the Uniform Standards of Professional Appraisal Practice, incorporated by reference in 831 KAR 3:020; and
3. A letter of good standing or comparable written statement issued by the appraiser licensing or certifying agency of each state where the individual holds a license or certification to practice appraisal setting forth:
a. The applicant's name, business name, and address;
b. The type of license or certificate held by the applicant and the license or certificate number;
c. The dates of licensure or certification and the expiration date of the applicant's current license or certificate; and
d. A complete record of disciplinary actions taken or disciplinary proceedings pending against the applicant.
(3) The board shall issue a temporary practice permit to perform the appraisal assignment described in the application within five (5) business days of receipt of a completed application, if the applicant complies with the requirements of paragraphs (1) and (2) of this section. If the board is unable to issue a temporary practice permit within five (5) business days of receipt of a completed application, it shall notify the applicant and document the reasons for delay.

Section 2. Limitations on temporary practice permits.
(1) A temporary practice permit issued to an applicant for a temporary practice permit shall be valid only for the appraisal assignment listed on the applicant's Temporary Practice Application.
(2) An individual shall submit a separate Temporary Practice Application and fee for each appraisal assignment.
(3) A temporary practice permit shall expire six (6) months after issuance of the temporary practice permit, except:
(4) Prior to the expiration of the temporary practice permit, an individual holding a temporary practice permit may apply to the board for a single extension of time by:
(a) Filing a written request to the board describing the additional amount of time requested; and
(b) Submitting documentation to support that additional time is needed to complete the assignment.
(5) The holder of a temporary practice permit shall comply with all requirements for practice of appraisal in Kentucky set forth in KRS Chapter 324A and 831 KAR Chapter 3.
(6) The board shall discipline the permit holder of a temporary practice permit for violations of KRS Chapter 324A and 831 KAR Chapter 3 related to the appraisal assignment for which a temporary practice permit was issued, in accordance with KRS Chapter 13B, 12 U.S.C. 3351(a)(2), and the requirements of the Appraisal Subcommittee of the Federal Financial Institutions Council, Policy Statement 2, issued March 2018, and shall notify each state agency where the permit holder holds licensure or certification to practice appraisal of any disciplinary action taken by the board.
(7) A person holding a temporary practice permit shall not advertise or otherwise claim to be a Kentucky state-licensed or state-certified appraiser.

Section 3. Incorporation by Reference.
(1) "Temporary Practice Permit Application," KREAB Form 007, March 2026, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation sets standards for a temporary practice credential issued by the Kentucky Real Estate Appraisers Board.

(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for temporary practice in accordance with Title XI § 1122(a), 12 U.S.C. § 3351(a), and Policy Statement 2 of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property including classifications of appraisers and certification and licensure.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will establish how appraisers may apply for temporary practice in Kentucky.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will affect an unknown number of prospective applicants for temporary practice. In 2024, the Board issued permits to [NUMBER] applicants for temporary permits.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective applicants for temporary practice will need to follow the requirements set forth in this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective applicants will be able to identify requirements for temporary practice permits.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all applicants for temporary practice.

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 324A.015, KRS 324A.020, KRS 324A.035, KRS Chapter 324A, 12 U.S.C. § 3350, Title XI § 1122(a), 12 U.S.C. § 3351(a), and Policy Statement 2 of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion:

Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351
(2) State compliance standards. KRS 324A.020, KRS 324A.035
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:080. Criminal background checks.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.100, 324A.152
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.100 requires a national and state criminal background check for each initial application to be a licensed or certified real property appraiser. KRS 324A.152 requires national and state criminal background checks for the registration of Appraisal Management Companies. This administrative regulation describes criminal background check requirements for applicants for licensure and certification.

Section 1. National and state criminal background check for initial application to be a licensed or certified real property appraiser.
(1) No more than thirty (30) days prior to submitting an application, each applicant for an initial credential as an associate real property appraiser, licensed residential real property appraiser, certified residential real property appraiser, or certified general real property appraiser shall provide the applicant's fingerprints to the Kentucky State Police for a state criminal background check and for submission by the Kentucky State Police to the Federal Bureau of Investigation for a national criminal background check.
(2) The Kentucky State Police may offer a third-party vendor for processing and submission of fingerprints. If a third-party vendor is offered by the Kentucky State Police, applicants shall utilize the third-party vendor services using the application code listed on the board website at kreab.ky.gov.
(3) The results of the national and state criminal background check shall be sent in accordance with KRS 324A.100(1)(b).
(4) Applicants holding a current license or certification from the board shall be required to comply with subsection (1) of this section prior to applying for a different category of license or certification from the board.
(5) Applicants for licensure or certification by reciprocity shall not be required to submit a national or state criminal background check.

Section 2. National and state criminal background check for applicants for registration as an Appraisal Management Company and owners of an Appraisal Management Company.
(1) Each person who submits a certification for registration of an Appraisal Management Company and each person who owns ten (10) percent or more of the Appraisal Management Company applying for registration shall comply with this section:
(a) when applying to the board for registration of an Appraisal Management Company; and
(b) when applying to the board for renewal of the registration of an Appraisal Management Company.
(2) Each person who submits a certification for registration of an Appraisal Management Company and each person who owns ten (10) percent or more of an Appraisal Management Company applying for registration shall provide the person's fingerprints to the Kentucky State Police for a state criminal background check and for submission by the Kentucky State Police to the Federal Bureau of Investigation for a national criminal background check.
(3) The Kentucky State Police may offer a third-party vendor for submission and processing of fingerprints. If a third-party vendor is offered by the Kentucky State Police, applicants shall utilize the third-party vendor services using the application code listed on the board website at kreab.ky.gov.
(4) The results of the national and state criminal background check shall be sent in accordance with KRS 324A.100(1)(b).

Section 3. Review of background checks and denial of application based on convictions.
(1) The board may delegate investigation and review of background checks to board staff and counsel.
(2) The board shall review the application of, and any report prepared by board staff or counsel regarding, an applicant for an initial credential as an associate real property appraiser, licensed residential real property appraiser, certified residential real property appraiser, or certified general real property appraiser, who has been convicted within the past ten (10) years of:
(a) a misdemeanor involving mortgage lending or real estate appraising;
(b) any crime involving a breach of trust or fraudulent dealing or dishonest dealing; or
(c) a felony.
(3) The board may review the application of, and any report prepared by board staff or counsel regarding, an applicant for an initial credential as an associate real property appraiser, licensed residential real property appraiser, certified residential real property appraiser, or certified general real property appraiser, who has been convicted of a crime that in the opinion of board staff or counsel directly relates to the practice of appraisal.
(4) The board shall review the application of, and any report prepared by board staff or counsel regarding, an applicant for registration of an Appraisal Management Company, and the application of, and any report prepared by board staff or counsel regarding, an owner of ten (10) percent or more of an Appraisal Management Company, who has been convicted within the past (10) years of:
(a) a misdemeanor involving mortgage lending or real estate appraising;
(b) any crime involving a breach of trust or fraudulent dealing or dishonest dealing; or
(c) a felony.
(5) The board may deny an application based on a conviction if in accordance with KRS Chapter 335B.

(6) For purposes of this section, a conviction shall include disposition by trial, a guilty plea, or a plea of nolo contendere or its equivalent in another jurisdiction.

(7) If the board denies an application solely based on a conviction it shall refer the matter for an administrative hearing in accordance with KRS Chapter 13B and KRS Chapter 335B.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes the criminal background check process for applicants for certification and licensure by the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to establish the criminal background check process for applicants as required by KRS 324A.100 and KRS 324A.152.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property. KRS 324A.100 requires applicants to submit to a criminal background check as part of the application or registration process. Additionally, KRS 324A.152 requires applicants for registration of an Appraisal Management Company, as well as owners of 10% or more of the Appraisal Management Company, to submit to a criminal background check as part of the application or registration process.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will establish the process for appraisers and Appraisal Management Companies, including any owners of 10% or more of the Appraisal Management Company, to procure a background check as part of the application or registration 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: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will affect an unknown number of prospective applicants for licensure or certification.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective applicants for licensure or certification will need to follow the background check process set forth in this administrative regulation. Prospective applicants for registration of an Appraisal Management Company will need to follow the background check process set forth in this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective applicants for licensure will be able to identify requirements for licensure.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all applicants for licensure and certification and Appraisal Management Companies.

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 324A.015, 324A.020, 324A.035, 324A.100, 324A.152, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or

division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.100, 324A.152
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:090. Supervision of associates.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.020, 324A.035
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. Title XI requires the board to adopt or implement the minimum requirements for supervisory appraisers set forth in the Real Property Appraiser Qualification Criteria of the Appraiser Qualifications Board of the Appraisal Foundation. Under KRS 324A.035, "Requirements established by the board relating to appraisers of federally related transactions shall not exceed the minimum requirements established by federal law or regulation." KRS 324A.035(3)(d) requires the board to establish by administrative regulations requirements for professional appraisal practice including standards for experience. This administrative regulation describes how to become a supervisory appraiser, establishes standards for supervision, and sets scope of practice limitations consistent with these authorities.

Section 1. Associate real property appraiser credit for experience, scope of practice, and prerequisites for beginning training.
(1) All associate real property appraisers must be supervised by a supervisory appraiser to receive credit toward the experience requirements set forth in 831 KAR 3:040.
(2) An associate real property appraiser shall attend a Kentucky-specific seven (7) hour board-approved course in supervision practices prior to beginning training. The course shall comply with the specifications for course content established by the AQB regarding the requirements and responsibilities of supervisory appraisers and their supervisees.
(3) To continue receiving experience for credit toward the experience requirements set forth in 831 KAR 3:040, an associate real property appraiser shall attend the Kentucky-specific seven (7) hour board-approved course in supervision practices every three (3) years.
(4) The board-approved course in subsections (2) and (3) of this section shall not be eligible for education required by 831 KAR 3:030 Section 5 for licensure as an associate real property appraiser.
(5) An associate real property appraiser may have more than one supervisory appraiser.

Section 2. Supervisory appraiser eligibility requirements.
(1) To be eligible to serve as the supervisor of an associate real property appraiser, a certified residential real property appraiser or certified general real property appraiser shall:
(a) Have been a state certified real property appraiser for a period of at least three (3) years;
(b) Be in good standing and shall not have received a suspension, a revocation, or other sanction that limited or prohibited

that individual's practice of real property appraising within the three (3) year period immediately prior to applying to become a supervising appraiser;

(c) Be responsible for the training and supervision of the associate real property appraiser; and

(d) Shall not be employed by an associate real property appraiser or by a company, firm, or partnership in which the associate real property appraiser has a controlling interest.

(2) A certified general real property appraiser or a certified residential real property appraiser who satisfies the requirements of a supervisory appraiser in subsection (1) of this section may supervise a person for experience credit toward a Certified Residential Real Property Appraiser certificate.

(3) Only a certified general real property appraiser who satisfies the requirements of a supervisory appraiser in subsection (1) of this section may supervise a person for experience credit toward a Certified General Real Property Appraiser certificate.

(4) An individual who holds the credential of licensed residential real property appraiser or its equivalent shall not be eligible to serve as a supervisory appraiser.

(5) A supervisory appraiser shall attend a Kentucky-specific seven (7) hour board-approved course in supervision practices prior to beginning supervision. The course shall comply with the specifications for course content established by the AQB regarding the requirements and responsibilities of supervisory appraisers and their supervisees.

(6) To remain eligible to provide supervision, a supervisory appraiser shall attend the board- approved course in supervision practices every three (3) years.

Section 3. How to apply to become a supervisory appraiser.

(1) To apply for approval to serve as a supervisory appraiser, an individual meeting the requirements of Section 2 of this regulation shall submit a Supervisory Appraiser Application to the board.

(2) The board shall approve an application for supervisory appraiser if the applicant meets the requirements of Section 2 of this regulation.

(3) A supervisory appraiser shall not commence supervision until receiving notice of board approval.

Section 4. Duties of a supervisory appraiser.

(1) A supervisory appraiser shall:

(a) Review all appraisal reports prepared by the supervisee associate real property appraiser;

(b) Accompany the supervisee associate real property appraiser on all inspections, inspect each appraised property and the comparable sales on the supervisee's appraisal assignments, until the supervisee:

1. Is competent to conduct inspections independently;

2. Has met all specific requirements pertaining to property inspection established by KRS Chapter 324A and 831 KAR Chapter 3; and

3. The supervisory appraiser ensures the supervisee is acting in accordance with the competency provision of the Uniform Standards of Professional Appraisal Practice for the property type being appraised; and

(c) Accept responsibility for an appraisal report completed by the supervisee associate real property appraiser by signing the appraisal report and certifying that the appraisal report is in compliance with the Uniform Standards of Professional Appraisal Practice.

(2) A supervisory appraiser shall not supervise more than three (3) associate real property appraisers at a time, except as in (3) of this section.

(3) A supervisory appraiser may apply to the board for permission to supervise one or more additional associate real property appraisers, provided:

(a) The supervisory appraiser submits a written plan of supervision to describe how the supervisory appraiser will adequately supervise additional associate real property appraisers; and

(b) The board approves the written plan of supervision.

Section 5. Appraisal log and general requirements for supervision.

(1) An associate real property appraiser shall maintain an appraisal log for each supervisory appraiser of the associate real property appraiser.

(2) An appraisal log shall be maintained on the Appraisal Log form provided by the board.

(3) The appraisal log shall include:

(a) Type of property;

(b) Date of appraisal report;

(c) Address of appraised property;

(d) Description of work performed by the associate real property appraiser and scope of the review and supervision of the supervisory appraiser;

(e) Number of actual work hours by the associate real property appraiser on the assignment; and

(f) The signature and the credential number and state of the supervisory appraiser.

(4) Both supervisory appraisers and associate real property appraisers must ensure the accuracy, currentness, and compliance of an Appraisal Log with this administrative regulation.

(5) The associate real property appraiser, as well as the supervisory appraiser, shall be entitled to obtain copies of appraisal reports and shall be permitted to access work files for appraisals in which the associate real property appraiser participated, in accordance with the recordkeeping rule of the USPAP.

Section 6. Termination of supervision.

(1) An associate real property appraiser shall, within five (5) business days, notify the board and each supervisory appraiser in writing of the termination of a supervision relationship.

(2) A supervisory appraiser shall, within five (5) business days, notify the board and each associate real property appraiser in writing of the termination of a supervision relationship.

Section 7. Revocation of supervisory appraiser status.

(1) The board may revoke supervisor appraiser status if:

(a) A supervisory appraiser fails to comply with the requirements of this regulation; or

(b) A supervisory appraiser has been disciplined by the board under KRS 324A.050 and 831 KAR 3:160.

(2) If the board seeks to revoke supervisory appraiser status, it shall issue a notice to the supervisory appraiser with the opportunity for a supervisory appraiser to request an administrative hearing pursuant to KRS Chapter 13B within thirty (30) days of receipt of the notice.

(3) Revocation of supervisory status shall be effective on the later of:

(a) Thirty (30) days after the board issues a notice; or

(b) If a request for an administrative hearing is filed with the board, the date of the final order of the Kentucky Division of Real Property Boards pursuant to KRS 13B.120(7) and KRS 324B.045(2).

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Supervisory Appraiser Application," KREAB Form 008, March 2026; and

(b) "Appraisal Log," KREAB Form 009, March 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building,

Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes requirements for the supervision of associates licensed by the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to establish standards for the supervision of associates in accordance with federal requirements for state boards that license or certify appraisers for federally related transactions.
(c) How this administrative regulation conforms to the content of the authorizing statutes: Under KRS 324A.035, "Requirements established by the board relating to appraisers of federally related transactions shall not exceed the minimum requirements established by federal law or regulation." Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351) requires a state appraiser program to adopt or implement the minimum requirements for supervisory appraisers set forth in the Real Property Appraiser Qualification Criteria of the Appraiser Qualifications Board of the Appraisal Foundation. KRS 324A.035(3)(d) requires the board to establish by administrative regulations requirements for professional appraisal practice including standards for experience.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist the Board in effective oversight of supervision of associates.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of prospective and current licensees who wish to engage in a supervisor relationship.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current associate real property appraisers and supervisory appraisers will need to familiarize themselves with the provisions of this regulation regarding registration and supervision requirements. This regulation is a new regulation and partial recodification of 201 KAR 30:040 Section 5. The board shall notify stakeholders prior to the effective date of this regulation to remind current associate real property appraisers and supervisory appraisers of the requirements of this regulation and the necessity to register with the board.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Associate real property appraisers and supervisory appraisers will have clear guidelines in conformity with federal requirements. Members of the public who receive appraisal services performed by associate real property appraisers will benefit from increased effectiveness of board monitoring and tracking of supervisory appraisers.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement and enforce this administrative regulation.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all supervisors and associates.

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 324A.015, 324A.020, 324A.035, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended

to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, 324A.035
(3) Minimum or uniform standards contained in the federal mandate. n12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:100. Continuing education required for certification and licensure.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035, 324A.065
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035(3)(f) requires the board to establish requirements for continuing education of appraisers. This administrative regulation establishes continuing education requirements for certification and licensure.

Section 1. Annual continuing education requirements for licensed or certified real property appraisers.
(1) A continuing education cycle starts on June 1 of a given year and lasts through May 31 of the following year.
(2) Each associate real property appraiser, licensed residential real property appraiser, certified residential real property appraiser, and certified general real property appraiser shall complete fourteen (14) hours of board approved continuing education during each continuing education cycle.
(3) An associate real property appraiser, licensed residential real property appraiser, certified residential real property appraiser, or certified general real property appraiser who fails to comply with subsection (2) of this section shall not be eligible to renew a license or certificate under 831 KAR 3:110 Section 1 and Section 2.
(4) The board may place a credential in inactive status if the board determines a deficiency in continuing education was due to extenuating circumstances beyond the control of the credential holder and the credential holder or a person authorized by law to act on behalf of the credential holder submits a request for inactive status and an explanation of the extenuating circumstances including any supporting documentation. A credential placed in inactive status by the board shall expire three (3) years after placement in inactive status unless reactivated by the credential holder.
(5) A credential holder seeking to reactivate a credential placed in inactive status pursuant to this subsection shall comply with the requirements of 831 KAR 3:120 Section 2, including the most recent edition of the seven (7) hour Valuation Bias and Fair Housing Laws and Regulations course under Section 2 of this present administrative regulation.
(6) A licensed nonfederal real property appraiser shall not be required to complete continuing education.
(7) A credential holder shall not receive continuing education credit for repeating a continuing education course or an appraisal educational program within a continuing education cycle, except that a credential holder may receive continuing education credit for repeating the seven (7) hour National Uniform Standards of Professional Appraisal Practice Continuing Education Course, or its equivalent, if an updated version of the course is approved by the AQB after a credential holder takes the course during a continuing education cycle.

Section 2. National Uniform Standards of Professional Appraisal Practice Continuing Education Course Requirement. Each associate real property appraiser, licensed residential real property appraiser, certified residential real property appraiser, and certified general real property appraiser shall successfully complete the seven (7) hour National Uniform Standards of Professional Appraisal Practice Continuing Education Course, or its equivalent, every two (2) calendar years. Equivalency shall be determined by the Appraiser Qualifications Board Course Approval Program or by an alternate method established by the AQB.

Section 3. Valuation Bias and Fair Housing Laws and Regulations Course Requirement.

(1) Beginning January 1, 2026, each associate shall successfully complete a one-time eight (8) hour Valuation Bias and Fair Housing Laws and Regulations course approved by the Board.

(2) Beginning January 1, 2026, each licensed residential real property appraiser, certified residential real property appraiser, and certified general real property appraiser shall successfully complete a one-time seven (7) hour Valuation Bias and Fair Housing Laws and Regulations course approved by the Board.

(3) Every two (2) calendar years thereafter, each associate, licensed residential real property appraiser, certified residential real property appraiser, and certified general real property appraiser shall successfully complete a four (4) hour Valuation Bias and Fair Housing Laws and Regulations course approved by the board.

Section 4. Board approved continuing education credit.

(1) Board approved continuing education shall include:

(a) Continuing education courses approved by the board; or

(b) Participation, other than as a student, in appraisal educational programs and processes not to exceed seven (7) hours of the required fourteen (14) hours of continuing education for each continuing education cycle.

(2) Appraisal educational programs and processes shall include:

(a) Teaching a course. Credit for instructing any given course shall only be awarded one (1) time during a continuing education cycle;

(b) Program development;

(c) Authorship of textbooks; or

(d) Similar activities.

(3) Continuing education courses taken by an individual to fulfill the continuing education class hour requirement for a different credential than the individual's current credential may be simultaneously counted towards the continuing education requirement of the individual's current credential.

(4) The board shall accept real estate appraisal-related field trips for credit toward the continuing education requirements. However, transit time to or from a field trip destination may not be included when awarding credit unless instruction occurs during transit time. Credit toward continuing education requirements for courses regarding USPAP shall only be awarded when the course is instructed by at least one AQB Certified USPAP Instructor who is also a state certified appraiser in good standing.

Section 5. Extension of time for completion of annual continuing education requirement.

(1) An associate real property appraiser, licensed residential real property appraiser, certified residential real property appraiser, or certified general real property appraiser may request an extension of time to complete the requirements of Section 1 of this regulation by submitting a written request for an extension of time to the board prior to the conclusion of a continuing education cycle.

(2) The board shall grant an extension of up to ninety (90) days for a certificate holder or licensee:

(a) Returning from active military duty; or

(b) Whose business or residence is located in a county that has been declared a disaster area by the Governor of Kentucky or the President of the United States.

(3) Waivers may not be granted to credential holders who have failed to meet the continuing education requirements.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director

RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for continuing education for certificate and license holders by the Kentucky Real Estate Appraisers Board ("Board").

(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for continuing education for maintaining certification and licensure as an appraiser.

(c) How this administrative regulation conforms to the content of the authorizing statutes: Under KRS 324A.035, "Requirements established by the board relating to appraisers of federally related transactions shall not exceed the minimum requirements established by federal law or regulation." Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351) requires a state appraiser program to adopt or implement the minimum requirements for supervisory appraisers set forth in the Real Property Appraiser Qualification Criteria of the Appraiser Qualifications Board of the Appraisal Foundation. KRS 324A.035(3)(f) requires the board to establish by administrative regulations requirements for continuing education of appraisers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist the Board in effective oversight and approval processes for continuing education.

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

(a) How the amendment will change this existing administrative regulation: Not applicable.

(b) The necessity of the amendment to this administrative regulation: Not applicable.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board

licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact at least 1,564 appraisers who are taking continuing education.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Current licensees will need to follow the continuing education requirements set forth in this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Current licensees will be able to identify continuing education requirements.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all education providers interested in providing prelicensing or continuing education courses and to all certificate and license holders.

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 324A.015, 324A.020, 324A.035, K324A.065, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351
(2) State compliance standards. KRS 324A.020, 324A.035
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:110. Renewal and reinstatement of certificates and licenses.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035, 324A.065
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035(3)(a), (b), and (c) require the board to establish by administrative regulations requirements for classifications of appraisers, certification and licensure, and renewal of certification or licensure. KRS 324A.045(2) requires every certificate and license shall be subject to annual renewal on the date or dates determined by the board by administrative regulation and that each certificate and license holder provide proof of compliance with the continuing education requirements, or the certificate or license shall expire. KRS 324A.045(3) requires that an expired certificate or license may be reinstated by complying with renewal requirements and payment of a late fee. This administrative regulation describes how to renew certificates and licenses issued by the board and how to apply for reinstatement of a certificate or license previously issued by the board.

Section 1. Certificate and license annual renewal date and expiration.
(1) The annual renewal date shall be July 1 of each calendar year.
(2) A certificate or license issued by the board shall expire if the credential holder fails to comply with Section 2 of this administrative regulation on or before the annual renewal date of each calendar year.
(3) Prior to the annual renewal date, the board shall notify each credential holder that the license or certificate is due to expire. Failure to receive notification shall not excuse the credential holder of the obligation to renew.

Section 2. How to renew a license or certificate.
(1) Except as provided in subsection (2) of this section or Section 3 of this regulation, a person seeking to renew a license or certificate issued by the board shall, on or before the annual renewal date, through the online license renewal system offered by the board at www.kreab.ky.gov:
(a) Complete and submit the online Application to Renew or Reinstate a Certificate or License;
(b) Complete the continuing education required by administrative regulation 831 KAR 3:100;
(c) Pay the annual certificate or licensure fee established in administrative regulation 831 KAR 3:010 Section 1(1)(c); and
(d) Unless renewing an associate real property appraiser license, pay the roster fee established in administrative regulation 831 KAR 3:010 Section 1 (1)(f).
(2) If a licensed or certified appraiser is unable to use the online license renewal system, he or she shall, on or before the annual renewal date:
(a) Complete and submit to the board an Application to Renew or Reinstate a Certificate or License;
(b) Complete the continuing education required by administrative regulation 831 KAR 3:100;
(c) Pay the annual certificate or licensure fee established in administrative regulation 831 KAR 3:010 Section 1(1)(c); and
(d) Unless renewing an associate real property appraiser license, submit payment for the roster fee established in administrative regulation 831 KAR 3:010 Section 1(1)(f).

Section 3. Renewal of nonfederal real property appraiser license. To renew a nonfederal real property appraiser license issued by the board, the nonfederal real property appraiser shall, on or before the annual renewal date:
(1) Complete and submit to the board an Application to Renew or Reinstate a Certificate or License; and
(2) Pay the annual certificate or licensure fee established in administrative regulation 831 KAR 3:010Section 1(1)(c).

Section 4. Reinstatement of expired certificate or license.
(1) A former credential holder for federally related transactions may apply for reinstatement through January 2 of the calendar year following the year in which a certificate or license expired by:
(a) Completing and submitting to the board an Application to Renew or Reinstate a Certificate or License;
(b) Completing the continuing education required by administrative regulation 831 KAR 3:100;
(c) Paying the annual certificate or licensure fee established in administrative regulation 831 KAR 3:010 Section 1(1)(c);
(d) Unless most recently credentialed as an associate real property appraiser, submitting payment for the roster fee established in administrative regulation 831 KAR 3:010 Section 1(1)(f); and
(e) Paying the late fee established in 831 KAR 3:010 Section 1(1)(j).
(2) A former licensed nonfederal real property appraiser may apply for reinstatement through January 2 of the calendar year following the year in which a certificate or license expired by:
(a) Completing and submitting to the board a Nonfederal Real Property Appraiser Application;
(b) Paying the annual certificate or licensure fee established in administrative regulation 831 KAR 3:010 Section 1(1)(c); and
(c) Paying the late fee established in 831 KAR 3:010 Section 1(1)(j).
(3) If six (6) months or more elapse after a certificate or license expires, the former credential holder shall not be eligible for reinstatement and shall be required to meet all requirements for initial certification or licensure established in 831 KAR 3:020.
(4) An application for reinstatement under this section shall be presented to the board for review at the first regularly scheduled meeting of the board after an application is received by the board at least five (5) business days before the first regularly scheduled meeting and at the following regularly scheduled meeting if an application is received by the board less than five (5) business days before the first regularly scheduled meeting.

Section 5. Incorporation by Reference.
(1) "Application to Renew or Reinstate a Certification or License," KREAB Form 010, March 2026, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was

received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes requirements for renewal and reinstatement of certificates and licenses issued by the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for maintaining certification and licensure as an appraiser.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035(3)(a), (b), and (c) require the board to establish by administrative regulations requirements for classifications of appraisers, certification and licensure, and renewal of certification or licensure. KRS 324A.045(2) requires every certificate and license shall be subject to annual renewal on the date or dates determined by the board by administrative regulation and that each certificate and license holder provide proof of compliance with the continuing education requirements, or the certificate or license shall expire. KRS 324A.045(3) requires that an expired certificate or license may be reinstated by complying with renewal requirements and payment of a late fee. This administrative regulation describes how to renew certificates and licenses issued by the board and how to apply for reinstatement of a certificate or license previously issued by the board.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist the Board in effective oversight by establishing renewal and reinstatement processes for credential holders.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact all licensees and credential holders who wish to renew or reinstate their certification and licensure.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: This regulation is a new regulation and recodification of prior 201 KAR 30:190 Section 17. Current credential holders will need to familiarize themselves with the renewal process and process for reinstatement of credentials. Nonfederal real property appraisers shall be notified of this regulation prior to the effective date of this regulation due to establishment of a renewal deadline and process for that credential.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Current licensees will be able to identify renewal and reinstatement requirements.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all credential holders.

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 324A.015, 324A.020, 324A.035, 324A.045, 324A.065, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:

For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.045, 324A.065
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:120. Inactive status and reactivation of certification and licenses.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.047
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.047 permits certain certificate and license holders to request a certificate or license be placed in inactive status for a period not to exceed three (3) years. This administrative regulation describes how to request inactive status and how to reactivate a certificate or license.

Section 1. Inactive Status.
(1) The holder of a certificate or license issued by the board, except for an associate real property appraiser, may request a certificate or license to be placed in inactive status by:
(a) Submitting a Request for Inactive Status or Reactivation, KREAB Form 011, March 2026; and
(b) Paying the inactive status fee, set forth by administrative regulation, of up to fifty ($50) dollars.
(2) A certificate or license shall not be placed in inactive status for more than three (3) years.

Section 2. Return to Active Status
(1) To reactivate a certificate or license, a certificate holder or licensee shall:
(a) Submit a Request for Inactive Status or Reactivation, KREAB Form 011, March 2026;
(b) Pay the renewal fee, set forth by administrative regulation, of up to $250;
(c) Pay the roster fee, set forth by administrative regulation, of up to fifty ($50) dollars; and
(d) For each year of inactive status, submit evidence of completion of all required continuing education hours as set forth in administrative regulation 831 KAR 3:100.
(2) If reactivated on or before July 1 of a calendar year, the reactivation of a certificate or license shall not waive the requirements for renewal set forth in administrative regulation 831 KAR 3:110.
(3) If reactivated on or before July 1 of a calendar year, the reactivation of a certificate or license shall not waive the requirements for continuing education set forth in administrative regulation 831 KAR 3:100.

Section 3. Incorporation by Reference.
(1) "Request for Inactive Status or Reactivation," KREAB Form 011, March 2026, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-

4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes requirements for individuals holding certification and licensure by the Kentucky Real Estate Appraisers Board ("Board") to place a certificate or license into inactive status and how to reactivate a certificate or license.
(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for placing a certificate or license into inactive status and how to reactivate an inactive certificate or license.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms with KRS 324A.047, which permits certain certificate and license holders to request a certificate or license be placed in inactive status for a period not to exceed three (3) years.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist in the effective administration of KRS 324A.047 by establishing how an appraiser may place a certificate or license into inactive status and how to reactivate a certificate or license.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of licensees.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR 30:190 Section 19.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees will be able to identify the requirements for placing their license in inactive status and how to reactivate a certificate of license.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all individuals interested in inactive status or reactivating an inactive certificate or 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 324A.015, 324A.020, 324A.035, 324A.045, KRS 324A.047, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for

subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.047
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:130. Education provider and instructor standards and requirements.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035, 324A.065
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the approval of the director of the Division of Real Estate Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035 requires the board to establish requirements for the education of appraisers. This administrative regulation describes how to have education courses approved as an education provider, establishes standards for course approval, education providers, and instructors, and establishes requirements for approval and renewal for education instructors.

Section 1. Education provider requirements for course approval and renewal.
(1) To apply for board approval of a prelicensing or continuing education course or to renew board approval, an Applicant shall submit:
(a) A copy of the certificate of approval from the Kentucky Commission on Proprietary Education or the Kentucky Department of Education, if applicable;
(b) A sample schedule outlining how a course will be presented;
(c) A copy of an education provider brochure or information sheet promoting the education provider;
(d) A sample copy of an official transcript from the education provider; and
(e) For each course to be offered by the applicant:
1. An Instructor Application and current resume or curriculum vitae for each instructor of the course, unless the instructor has been approved by the board under Section 4 of this regulation; and
2. An Application for Course Approval and all items required by 831 KAR 3:140 unless the course has previously been approved by the board under 831 KAR 3:140.
(2) Board approval of a prelicensing or continuing education course shall expire on May 31 of each year.
(3) To renew board approval, an education provider shall submit an Application for Course Approval on or before May 31 of each year.
(4) The content of a course to be offered by an applicant must cover an area of study outlined in 831 KAR 3:030 or 831 KAR 3:140.
(5) An applicant shall not offer courses or programs of study for credit toward qualifying education under 831 KAR 3:030 or for credit for continuing education under 831 KAR 3:100 until the applicant receives notice of approval from the board.

Section 2. Standards for education providers.
(1) An education provider shall be one of the following:
(a) Colleges or universities;
(b) Community or junior colleges;
(c) Real estate appraisal or real estate-related organizations;
(d) State or federal agencies or commissions;

(e) Proprietary schools;

(f) Providers approved by state certification or licensing agencies; or

(g) The Appraisal Foundation or its boards.

(2) An education provider shall notify the board within fourteen (14) days of a change in the information originally furnished on an Application for Course Approval or in an attachment to the Application for Course Approval.

(3) The curriculum offered by the education provider shall:

(a) Include a minimum of two (2) class hours for each continuing education course offered for continuing education credit under 831 KAR 3:100;

(b) Include a minimum of fifteen (15) class hours, including examination time, for each qualifying education course offered for qualifying education credit under 831 KAR 3:030;

(c) Be conducted for a maximum of no more than twelve (12) hours during a twenty-four (24) hour period; and

(d) Consist of courses covering the topics listed in 831 KAR 3:030 or 831 KAR 3:140.

(4) An approved real estate appraisal education provider shall maintain accurate and permanent records on each student enrolled in a course.

(a) A permanent record shall include:

1. Each student's record of courses completed or attempted, academic hours awarded, and final grades; and

2. A board-approved certificate of completion form for each student and proof that it was provided to each student upon completion of a course.

(b) A permanent record shall:

1. Be maintained for five (5) years; and

2. Include student attendance records and test scores.

(5) By June 1 of each year, an education provider shall submit to the board a roster with the names of the individuals who attended each course approved by the board and shall indicate whether each student passed an examination, if applicable, by June 1 of each licensure year.

(6) An education provider shall provide to the student a certificate of course completion immediately upon the completion of any course.

(7) An education provider shall permit inspection and monitoring by the board or its designee to evaluate all aspects of the administration or operation of the education provider and courses offered by the education provider.

Section 3. Withdrawal of board approval of an education course.

(1) The board shall issue a notice of deficiency to an education provider if the board determines a deficiency of the education provider in one or more of the following:

(a) Information contained in an Application for Course Approval or in an attachment to the Application for Course Approval is inaccurate or misleading;

(b) The education provider does not comply with this regulation; or

(c) Deficient course instruction has been identified by the board or its investigator.

(2) An education provider shall:

(a) Correct each deficiency listed in the notice of deficiency within thirty (30) days of receipt of a notice of deficiency and shall submit proof of correction to the board; or

(b) Submit a written request for an administrative hearing to contest the notice of deficiency in accordance with KRS Chapter 13B.

(3) If an education provider fails to correct each deficiency listed in a notice of deficiency by the board within thirty (30) days of receipt, or does not request an administrative hearing, board approval for that education course shall expire.

Section 4. Instructor approval and renewal.

(1) To apply for board approval as an instructor, or to renew board approval, an applicant shall submit:

(a) A completed Instructor Application; and

(b) A copy of a current resume or curriculum vitae.

(2) Board approval of an instructor shall expire on May 31 of each year.

(3) To renew board approval, an instructor shall submit an Instructor Application on or before May 31 of each year.

(4) An education provider may submit an Instructor Application on behalf of an applicant for approval as an instructor.

Section 5. Standards for instructors.

(1) An instructor shall have:

(a) A baccalaureate degree or higher in real estate, business, law, finance or education from a college or university duly accredited by a nationally recognized accrediting organization;

(b) An associate degree in real estate from a college or university duly accredited by a nationally recognized accrediting organization;

(c) Completed five (5) consecutive years full-time experience, with an average of at least twenty (20) hours per week, in the real estate appraisal related subject area that he or she is teaching; or

(d) A combination of teaching, education, and full-time experience, averaging at least twenty (20) hours per week for each year of experience, in real estate appraisal totaling five (5) years.

(2) An instructor shall possess:

(a) A thorough familiarity of the provisions of KRS 324A and 831 KAR Chapter 3, and their effect on the subject area of the course;

(b) A thorough knowledge of the subject area of the course he or she is teaching, including property type and proper appraisal methods and techniques applicable to the subject area; and

(c) A thorough familiarity with the current edition of the Uniform Standards of Professional Appraisal Practice.

(3) An instructor for courses that are specific to the certified general real property appraiser level shall be a certified general real property appraiser in good standing in any jurisdiction.

(4) An instructor for courses that are specific to the certified residential real property appraiser level or the licensed real property appraiser level shall be a certified general real property appraiser in good standing or a certified residential real property appraiser in good standing in any jurisdiction.

(5) An instructor of any course titled "Uniform Standards of Professional Appraisal Practice" qualifying education course or continuing education course shall, prior to teaching such course, submit to the board:

(a) A copy of the AQB board-certified USPAP instructor approval certificate which includes the instructor approval number and the date of course completion; and

(b) Proof that the instructor is currently in good standing with the AQB national instructor approval program.

Section 6. Withdrawal of board approval of an instructor.

(1) The board shall issue a notice of deficiency to an instructor if the board determines a deficiency of the instructor in one or more of the following:

(a) A violation of a provision of KRS 324A.050 or an administrative regulation promulgated by the board that results in the suspension or revocation of the instructor's credential;

(b) Falsification of material submitted to the board to become an approved instructor;

(c) Falsification of a student's hours of attendance or grades in a course;

(d) Failure to be present during the class hour or leaving the course under the supervision of an instructor not approved by the board;

(e) Failure to provide to any materials requested by the board; or

(f) Improper conduct or incompetence in instruction as found in the report of a board investigator.

(2) An instructor shall:

(a) Correct each deficiency listed in the notice of deficiency within thirty (30) days of receipt of a notice of deficiency, and shall submit proof of correction to the board; or

(b) Submit a written request for an administrative hearing to contest the notice of deficiency in accordance with KRS Chapter 13B.

(3) If an instructor fails to correct each deficiency listed in a notice of deficiency by the board within (30) days of receipt, or does not request an administrative hearing, board approval for that instructor shall expire.

Section 7. Incorporation by Reference.

(1) "Instructor Application," KREAB Form 012, March 2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026

FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes standards for education providers and instructors and requirements for approval and renewal for instructors by the Kentucky Real Estate Appraisers Board ("Board").

(b) The necessity of this administrative regulation: This regulation is necessary to establish standards for education providers and instructors and requirements for approval and renewal for instructors.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions, for certification or licensure of appraisers of real property in non-federally related transactions, classifications of appraisers; certification and licensure; renewal, suspension, or revocation of certification or licensure; standards of professional appraisal practice, including experience, education, and ethics; examination of applicants for certification or licensure; and continuing education of appraisers. This regulation establishes standards for education providers and instructors and requirements for approval and renewal for instructors by the Kentucky Real Estate Appraisers Board ("Board").

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist the Board in effective oversight of education providers and effective oversight, including renewal and approval processes, for instructors.

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

(a) How the amendment will change this existing administrative regulation: Not applicable.

(b) The necessity of the amendment to this administrative regulation: Not applicable.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of licensees, education providers, and instructors.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current education providers and instructors will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective education providers and instructors will need to follow the requirements set forth in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees, education providers, or instructors.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Education providers and instructors will be able to identify standards and instructors will be able to identify requirements for approval and renewal.

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

(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.

(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.

(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 and neither directly nor indirectly increases any fees.

(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all education providers interested in providing prelicensing or continuing education courses and to all certificate and license holders.

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 324A.015, 324A.020, 324A.035, 324A.065, Chapter 324A, 12 U.S.C. § 3350

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, 324A.035
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:140. Education course approval, renewal, and standards.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035, 324A.065
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Estate Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035 requires the board to establish requirements for the education of appraisers. KRS 324A.035(d) and (f) requires the board to establish requirements for education and continuing education of appraisers, respectively. This administrative regulation describes how to receive board approval or renewal for qualifying education and continuing education courses, and provides standards including standards for distance learning.

Section 1. Types of education courses for appraisers.
(1) Qualifying education courses are prelicensure education courses designed to meet the qualifying education requirements for a credential issued by the board under 831 KAR 3:030.
(2) Continuing education courses are post-licensure education courses designed to meet the continuing education requirements for a credential issued by the board under 831 KAR 3:100.
(3) Each education course shall be approved by the board in accordance with this administrative regulation and shall be conducted by an education provider recognized by the board in accordance with 831 KAR 3:130.

Section 2. How to apply for education course approval. To apply for board approval of a qualifying education or continuing education course, an education provider shall, for each course:
(1) Complete and submit an Application for Course Approval and attach:
(a) A copy of a contract or agreement to be signed by the student which outlines the class schedule, grading system, and attendance requirements, if a contract or agreement is executed between the student and the provider; and
(b) A copy of the course syllabus or outline and all written material that will be used in the course;
(2) Complete and submit an Instructor Application and current resume or curriculum vitae for each instructor of the course listed on the Application for Course Approval, unless the instructor has been approved by the board in accordance with 831 KAR 3:130 Section 4; and
(3) Submit payment of the fee set forth in 831 KAR 3:010 Section 2.

Section 3. Board approval of education courses.

(1) The board shall approve a qualifying education course if it meets the requirements of this regulation and 831 KAR 3:030 Sections 1 and 2.

(2) The board shall approve a continuing education course if it meets the requirements of this regulation.

Section 4. Standards for continuing education courses.

(1) A continuing education course shall:

(a) Be at least two (2) class hours in duration; and

(b) Be designed to maintain or increase an appraiser's skill, knowledge, and competency in real property appraisal.

(2) A continuing education course shall cover topics related to real property appraisal, including:

(a) Ad valorem taxation;

(b) Arbitration, dispute resolution;

(c) Courses related to the practice of real estate appraisal or consulting;

(d) Development cost estimating;

(e) Ethics and standards of professional practice, USPAP;

(f) Fair housing, valuation bias, and equal housing opportunity;

(g) Land use planning, zoning;

(h) Management, leasing, timesharing;

(i) Property development, partial interests;

(j) Real estate law, easements, and legal interests;

(k) Real estate litigation, damages, condemnation;

(l) Real estate financing and investment;

(m) Real estate appraisal-related computer applications;

(n) Real estate securities and syndication;

(o) Green building construction;

(p) Impact of seller concessions;

(q) Appraising personal property as a component of real property value; or

(r) Appraising business value as a component of real property value.

(3) A continuing education course on the topic of USPAP shall be instructed by at least one (1) AQB Certified USPAP Instructor who is also a state certified appraiser in good standing.

Section 5. Distance education standards.

(1) Continuing education or qualifying education class hours may be delivered by synchronous distance education.

(2) Continuing education or qualifying education class hours may be delivered by asynchronous distance education if:

(a) The course provides a reciprocal environment where the student has verbal or written communication with the instructor;

(b) Approval of course content for college-level courses is obtained from the board, the AQB, or an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the United States Secretary of Education;

(c) Approval of non-academic credit college courses provided by a college is approved by the board or the AQB; and

(d) Course delivery mechanism approval is obtained from:

1. The AQB;

2. An organization approved by the AQB to provide approval of course design and delivery;

3. A college or university that is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the United States Secretary of Education, and that:

a. Awards academic credit for the distance education course; or

b. Has a distance education delivery program that approves the course design and delivery that incorporates a reciprocal environment where the student has verbal or written communication with the instructor.

(3) Continuing education or qualifying education class hours may be delivered by hybrid distance education if each of its class hours meets the requirements of subsection (1) or (2) of this section.

Section 6. Incorporation by Reference.

(1) "Application for Course Approval," KREAB Form 013, March 2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026

FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for approval, renewal, and standards of continuing education courses by the Kentucky Real Estate Appraisers Board ("Board").

(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for continuing education courses for certification and licensure of appraisers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 requires the board to establish requirements for the education of appraisers. KRS 324A.035(d) and (f) requires the board to establish requirements for education and continuing education of appraisers, respectively.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist the Board in effective oversight and approval processes for continuing education courses.

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

(a) How the amendment will change this existing administrative regulation: Not applicable.

(b) The necessity of the amendment to this administrative regulation: Not applicable.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of current and prospective licensees, education providers, and instructors.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Current and prospective education providers and instructors will need to follow the requirements set forth in this regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Current and prospective education providers and instructors will be able to identify the requirements set forth in this regulation.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all education course providers interested in providing prelicensing or continuing education courses and to all certificate and license holders.

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 324A.020, 324A.035, 324A.065, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.065
(3) Minimum or uniform standards contained in the federal mandate. m12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3351
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:150. Standards of professional conduct.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.020, 324A.035, 324A.050(1)(j), 12 C.F.R. 225.62-225.67, 12 U.S.C. 3331, 3336, 3339
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 13A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035(3)(d) requires the board to establish by administrative regulation standards of professional appraisal practice. 12 U.S.C. §§ 3331, 3336, and 3339 and 12 C.F.R. §§ 225.64 and 225.65 require that real estate appraisals in connection with federally related transactions be performed in accordance with appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation. This administrative regulation establishes standards of professional conduct for appraisers consistent with these authorities.

Section 1. Scope of Practice.
(1) A certified general real property appraiser may perform appraisals of all types of real property.
(2) A certified residential real property appraiser may perform residential appraisals on improved sites with up to four (4) residential units and on unimproved sites for which the highest and best use under the Uniform Standards of Professional Appraisal Practice (USPAP) is one (1) to four (4) residential units, without regard to value or complexity, and shall not perform appraisal of subdivisions for which a development analysis is necessary.
(3) A licensed residential real property appraiser may perform appraisals of:
(a) Non-complex, one (1) to four (4) residential units with a transaction value less than $1,000,000; and
(b) Complex, one (1) to four (4) residential units with a transaction value less than $400,000.
(4) An associate real property appraiser may perform an appraisal of property:
(a) Which the supervising appraiser is permitted by the credential issued by the board or by another state appraisal program; and
(b) That the supervisory appraiser is competent to appraise.

Section 2. USPAP Compliance.
(1) An individual holding any credential listed in paragraphs (a) through (f) of this subsection shall comply with the USPAP:
(a) Certified general real property appraiser;
(b) Certified residential real property appraiser;
(c) Licensed residential real property appraiser;
(d) Associate real property appraiser;
(e) Licensed nonfederal real property appraiser; and
(f) Temporary practice permit.
(2) The board shall evaluate an appraisal report in accordance with the USPAP in effect when the certificate holder or licensee signed the certification of the report, or when the report was prepared if the report was unsigned.
(3) The requirements of the USPAP shall not apply to the board, its agents, and employees while conducting an appraisal review for purposes of confirming an applicant's experience pursuant to this administrative regulation.
(4) The requirements of the USPAP shall not apply to the board, its agents, and employees while preparing an investigation for enforcement and disciplinary cases pursuant to this administrative regulation.

Section 3. Appraisal Reporting Requirements. For each appraisal assignment that includes an appraisal management company reference as the client or agent for the client, an appraiser shall identify within the appraisal report:
(1) The name that is on file with the board for the appraisal management company;
(2) The license number that is on file with the board for the appraisal management company; and
(3) The fee that will be paid to the appraiser for each appraisal assignment ordered by an appraisal management company, unless the appraiser is a W-2 employee of the appraisal management company.

Section 4. Licensed Nonfederal Real Property Appraiser Advertising.
(1) In a written or broadcast communication, a licensed nonfederal real property appraiser shall include the following statement: "Not licensed or certified to perform appraisals for any transactions requiring a licensed or certified appraiser pursuant to federal law or regulations."
(2) A written or broadcast communication shall include:
(a) Appraisal reports;
(b) Advertisements; and
(c) Business cards and stationery.
(3) In a print advertisement, the statement shall be in letters at least fifty (50) percent the size of the largest letter in the advertisement.
(4) In a radio or television advertisement, the statement shall be stated clearly and understandably.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes standards of professional conduct for individuals certified or licensed by the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to establish standards of professional conduct in accordance with federal requirements for state boards.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions, for certification or licensure of appraisers of real property in nonfederally related transactions, classifications of appraisers; certification and licensure; renewal, suspension, or revocation of certification or licensure; standards of professional appraisal practice, including experience, education, and ethics; examination of applicants for certification or licensure; an continuing education of appraisers. Specifically, KRS 324A.035(3)(d) requires the board to establish by administrative regulation standards of professional appraisal practice. 12 U.S.C. §§ 3331, 3336, and 3339 and 12 C.F.R. §§ 225.64 and 225.65 require that real estate appraisals in connection with federally related transactions be performed in accordance with appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist the Board in effective oversight of appraisers by establishing standards of professional conduct.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. All current and prospective licensees of the Board will be impacted by this regulation.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective applicants for certification and licensure will need to adhere to these standards.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective applicants for certification and licensure and current licensees will be able to identify standards of professional conduct.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all individuals licensed or certified by the Board.

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 324A.020, 324A.035, 324A.050, Chapter 324A, 12 U.S.C. § 3350, 12 U.S.C. §§ 3331, 3336, and 3339 and 12 C.F.R. §§ 225.64 and 225.65
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A

For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3331, 12 U.S.C. 3336, 12 U.S.C. 3339, 12 U.S.C. 3345, 12 U.S.C. 3347, 12 C.F.R. 225.62-225.67.
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.050.
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3331, 12 U.S.C. 3336, 12 U.S.C. 3339, 12 U.S.C. 3345, 12 U.S.C. 3347, 12 C.F.R. 225.62-225.67.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:160. Complaints and disciplinary proceedings.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035, 324A.050, 324A.052, 324A.162, Chapter 13B
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Estate Appraisers Board, with the review of the director of the Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.050 establishes grounds for disciplinary action for the board. KRS 324A.052 provides for the investigation of complaints, sanctions, hearings, and appeals. KRS 324A.162 provides for disciplinary action against Appraisal Management Companies. This administrative regulation establishes disciplinary proceedings of the board consistent with these authorities.

Section 1. Filing a Complaint.
(1) A complaint may be submitted against a credential holder or an Appraisal Management Company by the later of:
(a) Five (5) years after the date of transmittal of the appraisal report or appraisal review assignment; or
(b) Two (2) years after the final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment.
(2) A complaint shall:
(a) Be submitted in writing;
(b) Identify the person or organization submitting the complaint, unless submitted anonymously;
(c) Contain a concise statement of the facts, transaction, or occurrence upon which it is based; and
(d) Include exhibits or other documents, if applicable.
(3) If the board receives an anonymous complaint, it shall conduct an initial investigation to determine whether a formal investigation is warranted.

Section 2. Answer by Respondent.
(1) The credential holder or Appraisal Management Company listed by the complainant on the complaint shall be the Respondent. If more than one credential holder or Appraisal Management Company is listed on the complaint, each credential holder and Appraisal Management Company shall be a Respondent.
(2) The board shall serve a complaint on each Respondent at the last known address of the Respondent by certified mail, return receipt requested.
(3) A Respondent shall submit to the board an answer to the complaint within twenty (20) days after the complaint is certified mailed to the Respondent.
(4) The Respondent shall serve a copy of the answer on the complainant, by certified mail, return receipt requested, to the address listed by the complainant on the complaint, unless the complainant is anonymous.
(5) A Respondent may submit to the board a written request for an extension of time to answer a complaint for good cause which shall include extenuating circumstances outside the control of the Respondent.
(a) For requests of extensions of time up to twenty (20) days, staff may grant an extension of time to answer a complaint up to twenty (20) days for good cause shown; or,
(b) For requests of extensions of time longer than twenty (20) days, the request shall be reviewed by the chair of the board whereby the chair of the board shall approve the request, deny the request, or refer the request to the full board at its next meeting for a decision whether to approve or deny the request.

Section 3. Formal Investigation.
(1) The board shall retain an investigator to commence an investigation of the facts alleged in a complaint:
(a) Upon receipt of a complaint and an answer; or
(b) Upon expiration of the period established in Section 2(3) of this administrative regulation if an extension is not requested by the Respondent.
(2) An investigator for the board shall be a state-certified general appraiser with a minimum of five (5) years of experience.
(3) The investigator shall prepare a written investigative report for the board.

Section 4. Complaint Review by the Board.
(1) The board shall dismiss a complaint if the facts stated in the complaint fail to establish a violation of KRS Chapter 324A or 831 KAR Chapter 3.
(2) The board shall dismiss a complaint if after review of the complaint, answer, and investigative report, the board finds no grounds for discipline under KRS 324A.050 or KRS 324A.162.
(3) The board shall notify the complainant and the Respondent in writing if it dismisses the complaint.

Section 5. Disciplinary Proceedings.
(1) To commence disciplinary action against the Respondent, the board shall issue a notice of administrative hearing to the Respondent in accordance with KRS Chapter 13B.
(2) If agreed by the Respondent, the board may authorize board counsel and the board investigator to join a settlement conference with the Respondent.
(a) If the parties to a settlement conference agree on a stipulation, proposed term, or condition for an agreed order to

resolve the complaint, the agreed order shall be forwarded to the board for consideration.

(b) If the proposed agreed order is approved by the board, it shall be forwarded to the director of the Division of Real Property Boards for final review in accordance with KRS 324A.020.

(3) An administrative hearing shall be conducted in accordance with KRS Chapter 13B by a hearing officer of the Public Protection Cabinet Office of Administrative Hearings or a hearing officer designated by the Public Protection Cabinet.

(4) The hearing officer shall issue a recommended order in accordance with KRS Chapter 13B.

(5) Pursuant to KRS 324A.052(5) and KRS 13B.120(7), and in accordance with KRS Chapter 13B, the board shall review the recommended order of the hearing officer and shall issue a recommended order of the board. The board shall forward the recommended order to the director of the Division of Real Property Boards for review in accordance with KRS 324A.020.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Complaint Form-Appraiser," KREAB Form 014, March 2026; and

(b) "Complaint Form-Appraisal Management Company," KREAB Form 015, March 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026

FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes processes for disciplinary proceedings against individuals or entities certified or licensed by the Kentucky Real Estate Appraisers Board ("Board").

(b) The necessity of this administrative regulation: This regulation is necessary to establish disciplinary processes in accordance with KRS Chapters 324A and 13B and federal requirements for state boards that regulate appraisers and appraisal management companies.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions, for certification or licensure of appraisers of real property in nonfederally related transactions, classifications of appraisers; certification and licensure; renewal, suspension, or revocation of certification or licensure; standards of professional appraisal practice, including experience, education, and ethics; examination of applicants for certification or licensure; continuing education of appraisers; and disciplinary actions for appraisers who fail to meet these requirements. KRS 324A.050 establishes grounds for disciplinary action for the board. KRS 324A.052 provides for the investigation of complaints, sanctions, hearings, and appeals. KRS 324A.162 provides for disciplinary action against Appraisal Management Companies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist the Board in effective oversight of appraisers and appraisal management companies by establishing processes for discipline.

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

(a) How the amendment will change this existing administrative regulation: Not applicable.

(b) The necessity of the amendment to this administrative regulation: Not applicable.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of licensees.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Current licensees and appraisal management companies will need to be aware of the processes and procedures for complaints and disciplinary proceedings.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Current licensees and prospective applicants for certification and licensure will be able to identify processes and procedures for complaints and disciplinary proceedings.

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

(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.

(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to

implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all individuals licensed or certified by the Board.

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 324A.020, KRS 324A.035, KRS 324A.050, KRS 324A.052, KRS 324A.162, KRS Chapter 324A, KRS Ch. 13B, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, KRS 324A.035, KRS 324A.050, KRS 324A.052, KRS 324A.162, KRS Chapter 13B
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:170. Appraisal Management Company registration.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350 KRS 324A.020, 324A.035, 324A.152, 324A.154, 324A.155, 324A.163, 324B.045(2)(b), 15 U.S.C. § 1639e(i), 12 C.F.R. 226.42(f), 12 C.F.R. 34.210-216

STATUTORY AUTHORITY: KRS 324A.152, 324A.154, 324A.155, 324A.163, 12 C.F.R. 34.210-216

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020, 324A.035, and KRS 324B.045 require the Real Estate Appraisers Board, with the review and feedback of the director of the Kentucky Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.160 requires the board to maintain a registration of all appraisal management companies. KRS 324A.152(2) requires the board to establish by administrative regulation the application process for appraisal management companies. KRS 324A.155 and KRS 324A.163 require the board to establish by administrative regulation the amount to be charged to registrants for the appraisal management company recovery fund. KRS 324A.154(1) requires the board to establish by administrative regulation the filing fees for registration of appraisal management companies. KRS 324A.152(8) requires the board to establish by administrative regulation standards governing the operation of an

appraisal management company and for the implementation and enforcement of KRS 324A.150 to KRS 324A.164. This administrative regulation establishes the application process for registration for appraisal management companies, including the applicable registration, the amount to be charged to registrants for the appraisal management company recovery fund, and the appraisal procedures for appraisal management companies.

Section 1. Registration Requirements.

(1) A person required to be registered under KRS 324A.152 shall submit:

(a) A completed Initial and Renewal Application for Appraisal Management Company Registration; and

(b) An initial application fee of $2,000; and

(c) Payment for the AMC Recovery Fund required by KRS 324A.155 in the amount of $400.

(2) The applicant for registration shall designate a controlling person or managing principal.

(3) If information required or requested by the board, through application or otherwise, becomes inaccurate, the registrant shall file with the board an amendment correcting that information within ten (10) business days.

Section 2. Incorporation by reference.

(1) The following material is incorporated by reference:

(a) "Initial and Renewal Application for Appraisal Management Company Registration" KREAB Form 016, March 2026; and

(b) "Appraisal Management Company National Registry Fee Reporting Form" KREAB Form 017, March 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law at the Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4000, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time, and is available on the board website, kreab.ky.gov.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026

FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes how an Appraisal Management Company may register with the Kentucky Real Estate Appraisers Board ("Board").

(b) The necessity of this administrative regulation: This regulation is necessary to establish registration requirements and procedures in accordance with KRS 324A.152 and federal requirements for state boards that regulate appraisers and Appraisal Management Companies.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 authorizes and requires the Board to promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions, for certification or licensure of appraisers of real property in nonfederally related transactions, classifications of appraisers; certification and licensure; renewal, suspension, or revocation of certification or licensure; standards of professional appraisal practice, including experience, education, and ethics; examination of applicants for certification or licensure; continuing education of appraisers; and disciplinary actions for appraisers who fail to meet these requirements. KRS 324A.160 requires the board to maintain a registration of all appraisal management companies. KRS 324A.152(2) requires the board to establish by administrative regulation the application process for appraisal management companies. KRS 324A.155 and KRS 324A.163 require the board to establish by administrative regulation the amount to be charged to registrants for the appraisal management company recovery fund. KRS 324A.154(1) requires the board to establish by administrative regulation the filing fees for registration of appraisal management companies. KRS 324A.152(8) requires the board to establish by administrative regulation standards governing the operation of an appraisal management company and for the implementation and enforcement of KRS 324A.150 to KRS 324A.164.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraising in Kentucky. This administrative regulation will assist the Board in effective oversight of Appraisal Management Companies by establishing registration requirements and procedures.

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

(a) How the amendment will change this existing administrative regulation: Not applicable.

(b) The necessity of the amendment to this administrative regulation: Not applicable.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will affect an unknown number of appraisal management companies.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective applicants for certification and licensure as appraisal management companies will need to follow the application or renewal (in terms of current licensees) requirements set forth in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective and current appraisal

management companies will be able to identify registration requirements.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes the fees for appraisal management company registration and the national registry, but does not directly nor indirectly increase any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all Appraisal Management Companies registered with the Board.

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 324A.015, 324A.020, 324A.035, 324A.152, 324A.154, 324A.155, 324A.160, 324A.163, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3353, 12 C.F.R. 34.210-16
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.152, 324A.154, 324A.155, 324A.163
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3353, 12 C.F.R. 34.210-16
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:180. Appraisal Management Company registration renewal.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350 KRS 324A.020, 324A.035, 324A.152, 324A.154, 324A.155, 324A.163, 324B.045(2)(b), 15 U.S.C. § 1639e(i), 12 C.F.R. 226.42(f), 12 C.F.R. 34.210-216

STATUTORY AUTHORITY: KRS 324A.152, 324A.154, 324A.155, 324A.160, 324A.163, 12 C.F.R. 34.210-16

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020, KRS 324A.035, and KRS 324B.045 require the Real Estate Appraisers Board, with the review and feedback of the director of the Kentucky Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the

provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.160 requires the board to maintain a registration of all Appraisal Management Companies. KRS 324A.152(2) requires the board to establish by administrative regulation the application process for appraisal management companies. KRS 324A.155 and KRS 324A.163 require the board to establish by administrative regulation the amount to be charged to registrants for the appraisal management company recovery fund. KRS 324A.154(1) requires the board to establish by administrative regulation the filing fees for registration of appraisal management companies. KRS 324A.152(8) requires the board to establish by administrative regulation standards governing the operation of an appraisal management company and for the implementation and enforcement of KRS 324A.150 to KRS 324A.164. This administrative regulation establishes the application process for renewal of registration for appraisal management companies; the process for reinstatement of an expired registration for appraisal management companies, including the applicable renewal fees; and the amount to be charged to registrants for the appraisal management company recovery fund and the appraisal procedures for appraisal management companies.

Section 1. Appraisal Management Company (AMC) Registration Renewal.

(1) Each registration shall expire on October 31 of each year unless renewed before that time.

(2) An Initial and Renewal Application for Appraisal Management Company Registration shall not be complete, and a renewal shall not be issued, until all requirements under KRS 324A.152 and in this administrative regulation are satisfied.

(3) A holder of an Appraisal Management Company (AMC) registration seeking to renew shall:

(a) Complete the Initial and Renewal Application for Appraisal Management Company Registration;

(b) Submit the annual renewal fee of $2,000;

(c) Submit payment for the AMC Recovery Fund required by KRS 324A.155 in the amount of $400; and

(d) Submit a national reporting and registry fee consistent with 831 KAR 3:190 detailing how many Kentucky licensed or certified appraisers performed a covered transaction between July 1 of the preceding year through June 30 of the present renewal year.

(4) Registrant non-renewals.

(a) If a registrant does not intend to renew its registration, the controlling person or managing principal shall notify the board in writing of the non-renewal and provide the board with its notice to end business in Kentucky by October 31.

(b) If a registrant fails to comply with the requirement in subsection (4)(a) of this section, the registrant and all stakeholders holding ten (10) percent or more in the company shall be prohibited from reapplying for registration in Kentucky for a period of one (1) year.

(5) If a registrant fails to complete the National Registry Reporting requirement contained in 831 KAR 3:190 and the Appraisal Management Company National Registry Fee Reporting Form, the registrant shall be prohibited from renewing until the reporting requirement has been satisfied. The registrant shall pay the late filing fee provided for in KRS 324A.152(7).

Section 2. Appraisal Management Company Reinstatement of an Expired Registration.

(1) To reinstate an expired registration within six (6) months after expiration, a registrant shall:

(a) Apply in writing on the Initial and Renewal Application for Appraisal Management Company Registration;

(b) Submit the reinstatement fee of $2,000 in addition to the late filing fee provided for in KRS 324A.152(7); and

(c) Submit payment of $400 to be deposited in the AMC Recovery Fund in accordance with KRS 324A.155.

(2) Reinstatement shall not apply retroactively to the activities of the registrant while the registration was expired.

(3) Failure to renew a registration prior to the expiration date shall result in a loss of authority to operate, in accordance with KRS 324A.152(7).

(4) A registration expired beyond six (6) months shall not be renewed.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes how an Appraisal Management Company may renew or reinstate its registration with the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to establish renewal requirements and procedures for Appraisal Management Companies in accordance with KRS 324A.152 and federal requirements for state boards that regulate appraisers and Appraisal Management Companies.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statutes in KRS 324A.150 through KRS 324A.164.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist the Board in effective oversight of Appraisal Management Companies by establishing renewal and reinstatement requirements and procedures.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this

administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of AMCs.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. AMCs will need to follow the requirements of renewal or reinstatement, as needed, set forth in this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): AMCs will be able to identify renewal and reinstatement requirements.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes the fees for appraisal management company renewal and reinstatement, but does not directly nor indirectly increase any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all Appraisal Management Companies registered with the Board.

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 324A.015, 324A.020, 324A.035, Chapter 324A, 12 U.S.C. § 3350, 324A.152, 324A.154, 324A.155, 324A.163, 12 C.F.R. 34.210-216
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12, U.S.C. 3353, 15 U.S.C. § 1639e(i), 12 C.F.R. 226.42(f), 12 C.F.R. 34.210-16
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.152, 324A.154, 324A.155, 324A.163
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3353, 15 U.S.C. § 1639e(i), 12 C.F.R. 226.42(f), 12 C.F.R. 34.210-16
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:190. Appraisal Management Company duties and prohibitions.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350, 324A.020, 324A.035, 324A.152, 324A.154, 324A.155, 324A.163, 324B.045, 15 U.S.C. § 1639e(i), 12 C.F.R. 226.42(f), 12 C.F.R. 34.210-216

STATUTORY AUTHORITY: KRS 324A.152, 324A.154, 324A.155, 324A.156, 324A.158, 324A.163, 324B.045, 12 C.F.R. 34.210-216

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020, 324A.035, and KRS 324B.045 require the Real Estate Appraisers Board, with the review and feedback of the director of the Kentucky Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.156 and KRS 324A.158 requires the board to establish by administrative regulation the duties and prohibitions of appraisal management companies. KRS 324A.152(2) requires the board to establish by administrative regulation the application process for appraisal management companies. KRS 324A.155 and KRS 324A.163 require the board to establish by administrative regulation the amount to be charged to registrants for the appraisal management company recovery fund. KRS 324A.154(1) requires the board to establish by administrative regulation the filing fees for registration of appraisal management companies. KRS 324A.152(8) requires the board to establish by administrative regulation standards governing the operation of an appraisal management company and for the implementation and enforcement of KRS 324A.150 to KRS 324A.164. This administrative regulation establishes the duties, operational requirements, and prohibitions for appraisal management companies, including the applicable registration and renewal fees, the amount to be charged to registrants for the appraisal management company recovery fund, and the appraisal procedures for appraisal management companies.

Section 1. Operation of an Appraisal Management Company (AMC).

(1) A registrant shall disclose to its client the actual fees paid to an appraiser for appraisal services, separately from any other fees or changes for appraisal management services and, upon written request, shall make that information available to the board.

(2) A registrant shall verify its state registration to each appraiser that it engages for appraisal services.

(3) A registrant shall not attempt to directly or indirectly coerce an appraiser to accept an assignment if the appraiser indicates that the appraiser lacks competency or sufficient experience to complete the assignment, and the registrant shall not penalize the appraiser by reducing the number of assignments made to that appraiser, refusing to pay fees owed, or in any other manner.

(4) A registrant shall not withhold or threaten to withhold future business or assignments from an appraiser because of the appraiser's failure to concede to improper or illegal requests, demands, or coercion. This prohibition shall include any express or implicit promise of future business, assignments, promotions, or increased compensation for an appraiser in exchange for the appraiser's agreement to concede to improper or illegal requests, demands, or coercion.

(5) A registrant shall not require an appraiser to indemnify an AMC or hold an AMC harmless. This prohibition shall not preclude indemnification agreements for services performed by the appraiser.

(6) A registrant shall not use an appraiser directly selected or referred by any member of a loan production staff of a client.

(7) A registrant shall not request that a broker price opinion be used as a primary basis for developing and reporting an appraisal for the purpose of loan origination of a residential mortgage loan secured by any one (1) to four (4) unit residential property.

(8) A registrant may not remove an appraiser from its appraiser panel without prior written notice to the appraiser as required by KRS 324A.158(2)(d). An appraiser may file a complaint with the board to review the decision of the registrant for removal from its appraiser panel for reasons other than those allowed by KRS 324A.158(2)(d).

(9) A registrant shall require that if an appraisal report prepared by a Kentucky licensed or certified real property appraiser is reviewed by a state licensed or certified real property appraiser, the review appraiser shall also be licensed or certified by the board.

(10) A registrant shall not prohibit communication between a Kentucky licensed or certified real property appraiser and any person from whom the appraiser believes the information is relevant in the performance of an appraisal assignment.

(11) A registrant shall not require a Kentucky licensed or certified real property appraiser that is an independent contractor under Kentucky law to sign a non-compete agreement.

Section 2. AMC appraisal procedures.

(1) A registrant shall make payment to an engaged appraiser for the completion of an appraisal within forty-five (45) days after the date on which the appraisal is transmitted or otherwise completed.

(2) Subsequent request by a registrant to the appraiser for additional support of valuation or correction of factual and objective date shall not extend the payment date beyond the original forty-five (45) days from first receipt of the appraisal.

(3) An appraiser shall comply with a registrant's request for additional data support of estimate of value or correction of factual and objective data errors within fifteen (15) days of the request or be subject to the complaint process by the registrant under the board.

(4) An appraiser shall not be prohibited by an AMC from including within each appraisal report the compensation received from the AMC for each appraisal assignment completed.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation

establishes duties and prohibitions of an Appraisal Management Company upon registration with the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is necessary to set Appraisal Management Company duties and prohibitions in accordance with KRS 324A.156 and KRS 324A.158 and federal requirements for state boards that regulate appraisers.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statutes in KRS 324A.150 through KRS 324A.164.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraisal in Kentucky. This administrative regulation will assist the Board in effective oversight of Appraisal Management Companies by establishing registrant duties and prohibition requirements.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" signed by the Governor; effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of AMCs.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Current licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Prospective registrants will need to follow the duty and prohibition requirements set forth in this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on registrants or licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective registrants will be able to identify the duty and prohibition requirements.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all Appraisal Management Companies registered with the Board.

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 324A.015, KRS 324A.020, KRS 324A.035, KRS Chapter 324B.045, KRS 324A.152, KRS 324A.154, KRS 324A.155, KRS 324A.163, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3353, 15 U.S.C. § 1639e(i), 12 C.F.R. 226.42(f), 12 C.F.R. 34.210-16
(2) State compliance standards. KRS 324A.020, KRS 324A.035, KRS 324A.152, KRS 324A.154, KRS 324A.155, KRS 324A.156, KRS 324A.158, KRS 324A.160, KRS 324A.163, KRS 324B.045
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347, 12 U.S.C. 3353, 15 U.S.C. § 1639e(i), 12 C.F.R. 226.42(f), 12 C.F.R. 34.210-16
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:200. Appraisal Management Company roster and reporting.

RELATES TO: KRS Chapter 324A, KRS 324B.045, 12 U.S.C. § 3350

STATUTORY AUTHORITY: KRS 324A.065, 324A.152, 324A.154, 324A.155, 324A.160, 324A.163, 12 U.S.C. § 3338

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020, 324A.035, and KRS 324B.045 require the Real Estate Appraisers Board, with the review and feedback of the director of the Kentucky Division of Real Property Board, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.160 requires the board to maintain a registration of all Appraisal Management Companies. KRS 324A.152(2) requires the board to establish by administrative regulation the application and reporting process for appraisal management companies. KRS 324A.155 and KRS 324A.163 require the board to establish by administrative regulation the amount to be charged to registrants for the appraisal management company recovery fund. KRS 324A.154(1) requires the board to establish by administrative regulation all fees for registration and reporting of appraisal management companies. KRS 324A.152(8) requires the board to establish by administrative regulation standards governing the operation of an appraisal management company and for the implementation and enforcement of KRS 324A.150 to KRS 324A.164. This administrative regulation establishes the application and reporting process for rosters for appraisal management companies, including the applicable fees, the amount to be charged to registrants for the appraisal management company recovery fund, and the roster reporting procedures for appraisal management companies.

Section 1. Appraisal Management Company National Registry.

(1) A registrant meeting the following qualifications shall be registered by the board on the Appraisal Subcommittee's AMC National Registry. The registrant maintains or oversees an appraiser panel, network, or roster, consisting of:

(a) Fifteen (15) or more certified or licensed appraisers contracted or engaged to perform appraisals in connection with covered transactions, if the registrant only operates in Kentucky; or

(b) More than twenty-five (25) certified or licensed appraisers contracted or engaged to perform appraisals in connection with covered transactions, if the registrant operates in two (2) or more states; and

(c) The registrant satisfies the ownership limitations established by 12 C.F.R. 34.214.

(2) For purposes of counting the number of licensed or certified appraisers on a registrant's appraiser panel, network, or roster, 12 C.F.R. 34.212 shall control.

(3) The registrant shall report the following information to the board on the Appraisal Management Company National Registry Fee Reporting Form during each renewal year for the relevant reporting period of July 1 of the preceding year through June 30 of the present renewal year:

(a) The number of licensed or certified appraisers on the registrant's roster; and

(b) The number of covered transactions performed by appraisers in Kentucky on the registrant's roster.

(4) The registrant shall remit a twenty-five (25) dollar fee for each panel appraiser who performed appraisals in connection with covered transactions as defined in 12 C.F.R. 34.211(h).

(5) The information gathered by the board pursuant to subsection (3) of this section shall be transmitted to the Appraisal Subcommittee for publication on the AMC National Registry.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes how an Appraisal Management Company may provide a roster of all appraisers and report the roster to the Kentucky Real Estate Appraisers Board ("Board").
(b) The necessity of this administrative regulation: This regulation is

necessary to establish registration requirements and procedures in accordance with KRS 324A.152 through KRS 324A.164 and federal requirements for state boards that regulate appraisers and Appraisal Management Companies.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statutes in KRS 324A.150 through KRS 324A.164.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraising in Kentucky. This administrative regulation will assist the Board in effective oversight of Appraisal Management Companies by establishing roster reporting requirements and procedures.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of AMCs.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. AMCs will have to follow the roster and reporting requirements of this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This regulation will ensure compliance with a federal reporting mandate.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all Appraisal Management Companies registered with the Board.

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 324A.015, 324A.020, 324A.035, 324A.065, 324A.152, 324A.154, 324A.155, 324A.160, 324A.163, Chapter 324A, 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation is not intended to generate cost savings for regulated entities for the first year.
For subsequent years: This administrative regulation is not intended to generate cost savings for regulated entities for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3338, 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.152, 324A.154, 324A.155, 324A.156, 324A.158, 324A.160, 324A.163, 324B.045
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3338, 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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
Real Estate Appraisers Board
(New Administrative Regulation)

831 KAR 3:210. Appraiser roster and reporting.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.065, 324A.155(2), 324A.163(4)(b), 12 U.S.C. § 3338
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020, 324A.035, and KRS 324B.045 require the Real Estate Appraisers Board, with the review and feedback of the director of the Kentucky Division of Real Property Boards, to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.154 requires the board to establish by administrative regulation the roster fee to be charged to appraisers. KRS 324A.154(1) requires the board to establish by administrative regulation the filing fees. KRS 324A.020 authorizes the board to provide a list of certified appraisers to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council. 12 U.S.C. 3338(a)(1) requires the board to maintain and transmit a roster of all licensed or certified appraisers to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council. This administrative regulation sets the roster and reporting requirements authorized by KRS Chapter 324A and required by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351).

Section 1. Appraiser Roster and Reporting.
(1) The board shall maintain a roster of associate real property appraisers, licensed residential real property appraisers, certified residential real property appraisers, and certified general real property appraisers.
(2) The board shall collect an annual roster fee as established in 831 KAR 3:010 Section 1(1)(f) from each licensed residential real property appraiser, certified residential real property appraiser, and certified general real property appraiser.
(3) The board shall transmit the roster, minus the list of associate real property appraisers, and appropriate roster fees to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council at least annually.

JOHN DEXTER OUTLAW, Board Chairperson
TRACY CARROLL, Director
RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 25, 2026
FILED WITH LRC: March 30, 2026 at 2:50 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2026, at 1:00 P.M. Eastern Time at the Mayo-Underwood Building, Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Patrick Riley, General Counsel, Kentucky Real Estate Appraisers Board, 500 Mero Street, Frankfort, Kentucky 40601, Email patrick.riley@ky.gov, Tel. (502) 782-2618.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Patrick Riley
Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes how the board records, maintains, and provides a roster of all appraisers and reports the roster to the Appraisal Subcommittee.
(b) The necessity of this administrative regulation: This regulation is necessary to establish registration requirements and procedures in accordance with KRS 324A.020 and federal requirements for state boards that regulate appraisers.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statutes in KRS 324A.020, KRS 324A.035, and KRS 324B.045.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Board is charged with licensing and regulating the practice of appraising in Kentucky. This administrative regulation will assist the Board in effective oversight of appraisers by establishing roster reporting requirements and procedures.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements the following legislation from the previous five years. HB 172 (Acts Chapter 21) "AN ACT relating to the Kentucky Real Estate Appraisers Board;" effective June 29, 2021. HB 403 (Acts Chapter 182) "AN ACT relating to real property boards;" effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this

administrative regulation: As of October 22, 2025, the Board licenses and regulates over 1,564 individual appraisers and 106 appraisal management companies ("AMCs") that will be affected by this administrative regulation, as follows: 721 Certified General Real Property Appraisers, 664 Certified Residential Real Property Appraiser, 13 Licensed Residential Real Property Appraisers, and 166 Associate Real Property Appraisers. This regulation will impact an unknown number of current and prospective licensees.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Licensees will not need to take any new steps to comply with this regulation. This regulation is a new regulation and recodification of prior 201 KAR Chapter 30. Current and prospective appraisers should be aware of the roster and reporting requirements of this administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This regulation will ensure compliance with a federal reporting mandate.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.
(b) On a continuing basis: There will be no additional cost to the Board to implement this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement 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: The implementation of this administrative regulation requires no increase in fees or funding.
(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 and neither directly nor indirectly increases any fees.
(10) TIERING: Is tiering applied? No, tiering is not applied because the fees set forth in this administrative regulation apply equally to all.

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 324A.015, 324A.020, 324A.035, 324A.065, 324A.154(1), 324A.155(2), 324A.163(4)(b), 12 U.S.C. § 3350
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Estate Appraisers Board ("Board") is the agency responsible for implementing this regulation. No other divisions of state or local government entities should be affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There is no cost to administer this administrative regulation for the first year.
For subsequent years: There is no cost to administer this administrative regulation for subsequent years.
2. Revenues:
For the first year: This administrative regulation is not intended to generate revenue for any state or local government agency for the first year.
For subsequent years: This administrative regulation is not intended to generate revenue for any state or local government agency for subsequent years.
3. Cost Savings:
For the first year: There are no cost savings to administer this administrative regulation for the first year.
For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.
(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 is not intended or anticipated to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3338, 12 U.S.C. 3345, 12 U.S.C. 3347
(2) State compliance standards. KRS 324A.020, 324A.035, 324A.065, 324A.154, 324A.155, 324A.163
(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3338, 12 U.S.C. 3345, 12 U.S.C. 3347
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of April 13, 2026

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of April 13, 2026

Call to Order and Roll Call
The April meeting of the Administrative Regulation Review Subcommittee was held on Monday, April 13, 2026, at 1 PM in Room 149 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senator Mike Wilson; and Representatives Randy Bridges and Deanna Gordon.

LRC Staff: Karen Howard, Emily Harkenrider, Carrie Nichols, Laura Begin, Ange Darnell, Anna Latek, and Callie Lewis.

Guests: Christy Kinney, Director, Office of Individual Income Tax, Department of Revenue (DOR); Bethany Atkins Rice, General Counsel, Finance and Administration Cabinet (FAC); Carole Catalfo, Policy Specialist, Kentucky Public Pensions Authority (KPPA); Nathan Goodrich, Staff Attorney Supervisor, KPPA; Leanne Diakov, General Counsel, Board of Medical Licensure (KBML); Steven Fields, Staff Attorney, Department of Fish and Wildlife Resources (KDFWR); Jenny Gilbert, Legislative Liaison, KDFWR; Susie Edwards, Deputy Executive Director, Office of Vocational Rehabilitation, Education and Labor Cabinet (ELC-OVR); Bernadette Leveridge, Staff Attorney, ELC; Cora McNabb, Executive Director, OVR; Greg Higgins, Executive Director, Office of Unemployment Insurance, ELC (ELC-OUI); Jamie H. Eads, President and CEO, Horse Racing and Gaming Corporation (KHRGC); George Haydon, Director of Licensing, KHRGC; Joey Went, Staff Attorney, KHRGC; Julie Brooks, Policy Specialist, Department for Public Health (DPH); Krista Hamilton, Branch Manager, Local Health Personnel Branch, DPH; Valerie Moore, Policy Specialist, Office of Inspector General, Cabinet for Health and Family Services (CHFS-OIG); Peyton Sands, Deputy Inspector General, CHFS-OIG; Justin Dearinger, Director, Division of Health Care Policy, Department for Medicaid Services (DMS); and Jonathan Scott, Executive Advisor, DMS.

Approval of March 9, 2026 Minutes
A motion was made by Representative Gordon and seconded by Representative Lewis to approve the minutes of the March 9, 2026, meeting. Minutes were approved by voice vote without objection.

Administrative Regulations Reviewed by this Subcommittee:

FINANCE AND ADMINISTRATION CABINET: Department of Revenue

103 KAR 019:010. Computation of income; estates and trusts.

KENTUCKY PUBLIC PENSIONS AUTHORITY

105 KAR 001:160. Sick leave plans.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph, certification statement, and Sections 2 through 4, 6, and 7 to correct statutory references and comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

105 KAR 001:170. Membership form requirements.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

105 KAR 001:261. Repeal of 105 KAR 001:260.

105 KAR 001:330. Purchase of service credit.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1, 2, 5, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

105 KAR 001:400. Federal taxation limitation year.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 2, 7, 8, 9, 14, and 16 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

105 KAR 001:430. General compliance with federal tax laws.

BOARDS AND COMMISSIONS: Board of Medical Licensure

201 KAR 009:086. License renewal and registration; reregistration of inactive license for physician assistants.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 009:305. License renewal and registration; reregistration of inactive licenses; and continuing education requirements for athletic trainers.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Hunting and Fishing

301 KAR 003:012. Public use of Otter Creek Outdoor Recreation Area.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

301 KAR 003:013. Peabody Wildlife Management Area use requirements and restrictions.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

EDUCATION AND LABOR CABINET: 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.

In response to Representative Gordon, Susie Edwards, Deputy

Executive Director, OVR, stated there is financial participation, meaning income is considered in determining benefits. Previously, this consideration was temporarily suspended.

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.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, and CONFORMITY paragraph and Sections 2 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

KENTUCKY HORSE RACING AND GAMING CORPORATION: Licensing

810 KAR 003:020. Licensing of racing participants.

In response to Chair West, Jamie Eads, President and CEO, KHRGC, stated recent legislative changes require the KHRGC to license everyone on the backside of the race track. The Kentucky Board of Veterinary Examiners (KBVE) does not agree with the equine therapist licensing requirement. President Eads explained the regulation establishes a guardrail, which requires a KBVE-licensed veterinarian to sign off on an equine therapist application.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph, the NECESSITY, FUNCTION, AND CONFORMITY paragraph, and Sections 3, 8, 15, 17, 19, and 21 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Division of Administration and Financial Management

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

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 4 through 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

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

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 4 through 6 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend to re-insert Section 7 and the incorporated application form. Without objection, and with agreement from the agency, the amendments were approved.

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

A motion was made and seconded to approve the following amendments: to amend Sections 2 through 6, 8, 9, 11, and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

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

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 3, 5, 8, 9, and 11, and incorporated material to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

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

A motion was made and seconded to approve the following amendments: (1) to amend Sections 2 and 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 21 to delete the provision that employees dismissed for cause may have unused compensatory time forfeited in lieu of payment. Without objection, and with agreement from the agency, the amendments were approved.

Office of Inspector General: Division of Audits and Investigations

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

Representative Gordon commented on chronic pain patients who have difficulty getting a prescription filled, either because it is not submitted or the pharmacy does not have enough medication in stock. These medications cannot be transferred to another pharmacy location, and holidays and weekends pose challenges. This population feels villainized in the process, and she hopes the regulation helps them.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph, the NECESSITY, FUNCTION, AND CONFORMITY paragraph, and Sections 1 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Department for Medicaid Services: Division of Health Care Policy

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

In response to Chair West, Justin Dearinger, Director, Division of Health Care Policy, DMS, stated the regulation requires all genetic testing to have prior authorization confirming medical necessity. This change mitigates rising costs of the tests. The preauthorization takes two to five calendar days. Most delays are due to incomplete or inaccurate information. DMS has a program to notify and educate physicians on providing information for timely decisions, which has improved preauthorization time by 30 percent.

In response to Co-Chair Lewis, Mr. Dearinger stated he is not aware of GLP-1 treatment for sleep apnea. Covered products and services mostly consist of C-PAP machines and sleep studies.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, 6, and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

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

The following administrative regulations were DEFERRED OR REMOVED from the April 13, 2026, subcommittee agenda:

KENTUCKY PUBLIC PENSIONS AUTHORITY

105 KAR 001:380. Minimum distribution.

BOARDS AND COMMISSIONS: Board of Optometric Examiners

201 KAR 005:021E. Licensure Compliance Review.

Board of Veterinary Examiners

201 KAR 016:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers.

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.

Division of Driver Licensing

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

EDUCATION AND LABOR CABINET: Department of Education

702 KAR 005:130. Non-school bus passenger vehicles.

Department of Workforce Development: Office of Vocational Rehabilitation

781 KAR 001:001. Definitions.

781 KAR 001:010. Office of Vocational Rehabilitation appeal procedures.

781 KAR 001:020. General provisions for operation of the Office of Vocational Rehabilitation.

781 KAR 001:030. Order of selection.

781 KAR 001:040. Provision of Vocational Rehabilitation Services.

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

804 KAR 013:010. Tobacco enforcement and administration.

804 KAR 013:020. Tobacco, nicotine, or vapor product license application form.

804 KAR 013:030. Causes for denial of tobacco, nicotine, or vapor product license.

804 KAR 013:040. Notice of intention to apply for tobacco, nicotine, or vapor product transitional license.

Department of Insurance: Health, Life, Managed Care

806 KAR 017:595. Dental Benefits Assignment.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General:
Health Services and Facilities

902 KAR 020:150. Freestanding Birthing Centers.

Division of Audits and Investigations

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

Department for Medicaid Services: Division of Long-Term Services and Supports

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.

The subcommittee adjourned at 1:25 PM. The next meeting of this subcommittee is tentatively scheduled for May 12, 2026, at 1 PM in Room 149 of the Annex.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(11), the following reports were forwarded by the appropriate jurisdictional committees to the Regulations Compiler and the Legislative Research Commission and are hereby printed in the *Administrative Register of Kentucky*.

HOUSE STANDING COMMITTEE ON HEALTH SERVICES
Meeting of March 12, 2026

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Health Services for its meeting on March 12, 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 03/12/2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

CUMULATIVE SUPPLEMENT

Unless otherwise noted, information contained in these indexes relates only to administrative regulations printed in this, the 52nd year of the *Administrative Register of Kentucky*, from July 2025 through June 2026.

Locator Index - Effective Dates **K – 2**

Lists all administrative regulations published or continuing through the KRS Chapter 13A review process during this Register year. It also lists the page number on which each regulation is published, the effective date of the regulation after it has completed the review process, and other actions that may affect the regulation.

NOTE: Regulations 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 **K – 13**

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 **K – 28**

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index **K – 44**

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 **K – 45**

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
Replaced	52 Ky.R.	602	4-7-2026
104 KAR 001:010E	52 Ky.R.	683	9-19-2025
200 KAR 038:080E	52 Ky.R.	1791	3-20-2026
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
Am Comments		1794	4-15-2025
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
Impacted by 2026 legislation			
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	3-13-2026
781 KAR 001:010E	52 Ky.R.	1270	12-31-2025
Am Comments		1638	3-13-2026
781 KAR 001:020E	52 Ky.R.	1273	12-31-2025
Am Comments		1641	3-13-2026
781 KAR 001:030E	52 Ky.R.	1281	12-31-2025
781 KAR 001:040E	52 Ky.R.	1284	12-31-2025
Am Comments		1648	3-13-2026
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
Impacted by 2026 legislation			
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
Impacted by 2026 legislation			
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
As Amended		550	9-9-2025
As Amended at IJC		935	10-22-2025
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

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
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
Replaced	52 Ky.R. 58	7-30-2025
907 KAR 010:840E	51 Ky.R. 1759	2-24-2025
As Amended	1931	5-13-2025
Replaced	52 Ky.R. 59	7-30-2025
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
Replaced	1946	6-25-2025

ORDINARY ADMINISTRATIVE REGULATIONS

011 KAR 012:010		
Amended	52 Ky.R. 178	
As Amended	940	3-3-2026
011 KAR 012:020		
Amended	52 Ky.R. 180	
As Amended	940	3-3-2026
011 KAR 012:030		
Amended	52 Ky.R. 182	
As Amended	941	3-3-2026
011 KAR 012:040		
Amended	52 Ky.R. 183	3-3-2026
011 KAR 012:050		
Amended	52 Ky.R. 185	
As Amended	942	3-3-2026
011 KAR 012:060		
Amended	52 Ky.R. 187	
As Amended	942	3-3-2026
011 KAR 012:070		
Amended	52 Ky.R. 189	3-3-2026
011 KAR 012:090		
Amended	52 Ky.R. 190	3-3-2026
012 KAR 001:134	51 Ky.R. 1907	
As Amended	52 Ky.R. 167	11-4-2025
012 KAR 001:144	51 Ky.R. 1908	
As Amended	52 Ky.R. 167	11-4-2025
012 KAR 001:149	51 Ky.R. 1909	
As Amended	52 Ky.R. 168	11-4-2025
012 KAR 001:164	51 Ky.R. 1910	
As Amended	52 Ky.R. 168	11-4-2025
012 KAR 002:006		
Amended	52 Ky.R. 569	
As Amended	1660	
012 KAR 002:011		
Amended	52 Ky.R. 570	
As Amended	1660	
012 KAR 002:018		
Amended	52 Ky.R. 572	
As Amended	1661	
012 KAR 002:026		
Amended	52 Ky.R. 576	
As Amended	1664	
012 KAR 002:041		
Amended	52 Ky.R. 578	
As Amended	1664	
012 KRA 002:046		
Amended	52 Ky.R. 579	
As Amended	1665	
012 KAR 002:051		
Amended	52 Ky.R. 581	
As Amended	1665	
012 KAR 003:012		
Amended	52 Ky.R. 582	
Am Comments	1344	
As Amended	1666	
012 KAR 003:022		
Amended	52 Ky.R. 584	
Am Comments	1347	
As Amended	1668	
012 KAR 003:027		
Amended	52 Ky.R. 586	
Am Comments	1351	
As Amended		
012 KAR 003:028		
Amended	52 Ky.R. 588	
Am Comments	1353	
012 KAR 003:032		
Amended	52 Ky.R. 590	
Am Comments	1355	
As Amended	1672	
012 KAR 003:037		
Amended	52 Ky.R. 592	
Am Comments	1357	
As Amended	1673	
012 KAR 003:039		
Amended	52 Ky.R. 594	
Am Comments	1358	
As Amended	1673	
012 KAR 003:042		
Amended	52 Ky.R. 596	
Am Comments	1361	
As Amended	1675	
013 KAR 002:111*(r)*	52 Ky.R 907	
013 KAR 002:140	52 Ky.R. 1968	
016 KAR 002:020		
Amended	52 Ky.R. 598	
As Amended	1113	4-7-2026
016 KAR 004:090		
Amended	52 Ky.R. 995	
017 KAR 001:030		
Amended	51 Ky.R. 1490	
As Amended	1845	6-25-2025
017 KAR 003:042	51 Ky.R. 1825	
Am Comments	52 Ky.R. 82	
As Amended	169	11-4-2025
030 KAR 002:010		
Repealed	51 Ky.R. 1644	6-3-2025
030 KAR 002:011*(r)*	51 Ky.R. 1222	
As Amended	1644	6-3-2025
031 KAR 002:010		
Amended	52 Ky.R. 768	
As Amended	1304	
031 KAR 002:020		
Amended	52 Ky.R. 770	
As Amended	1305	
031 KAR 002:030		
Amended	52 Ky.R. 774	
As Amended	1307	
031 KAR 003:010		
Amended	52 Ky.R. 776	
As Amended	1307	
031 KAR 003:031		
Amended	52 Ky.R. 778	
031 KAR 003:041		
Amended	52 Ky.R. 780	
031 KAR 004:020		
Amended	52 Ky.R. 783	
As Amended	1308	
031 KAR 004:031		
Amended	52 Ky.R. 784	
As Amended	1309	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
031 KAR 004:050		
Amended	52 Ky.R. 787	
031 KAR 004:071		
Amended	52 Ky.R. 789	
031 KAR 004:080		
Amended	52 Ky.R. 791	
031 KAR 004:090		
Amended	52 Ky.R. 793	
031 KAR 004:100		
Amended	52 Ky.R. 794	
As Amended	1310	
031 KAR 004:120		
Amended	52 Ky.R. 796	
As Amended	1310	
031 KAR 004:131		
Amended	52 Ky.R. 798	
031 KAR 004:141		
Amended	52 Ky.R. 801	
031 KAR 004:150		
Amended	52 Ky.R. 803	
As Amended	1311	
031 KAR 004:160		
Amended	52 Ky.R. 804	
As Amended	1311	
031 KAR 004:170		
Amended	52 Ky.R. 808	
031 KAR 004:196		
Amended	52 Ky.R. 809	
031 KAR 004:201		
Amended	52 Ky.R. 811	
031 KAR 004:220		
Amended	52 Ky.R. 813	
As Amended	1313	
031 KAR 004:230		
Amended	52 Ky.R. 816	
031 KAR 005:011		
Amended	52 Ky.R. 818	
031 KAR 005:026		
Amended	52 Ky.R. 820	
031 KAR 005:040		
Amended	52 Ky.R. 823	
031 KAR 006:010		
Amended	52 Ky.R. 826	
As Amended	1315	
031 KAR 006:020		
Amended	52 Ky.R. 829	
As Amended	1316	
031 KAR 006:030		
Amended	52 Ky.R. 832	
031 KAR 006:040		
Amended	52 Ky.R. 835	
As Amended	1318	
040 KAR 002:010		
Recodified as 040 KAR 012:420		7-18-2025
040 KAR 002:040		
Recodified as 040 KAR 012:300		7-18-2025
040 KAR 002:050		
Recodified as 040 KAR 012:900		7-18-2025
040 KAR 002:070		
Recodified as 040 KAR 012:310		7-18-2025
040 KAR 002:110		
Recodified as 040 KAR 012:200		7-18-2025
040 KAR 002:120		
Recodified as 040 KAR 012:410		7-18-2025
040 KAR 002:145		
Recodified as 040 KAR 012:100		7-18-2025
040 KAR 002:150		
Recodified as 040 KAR 012:130		7-18-2025
040 KAR 002:155		
Recodified as 040 KAR 012:110		7-18-2025
040 KAR 002:201 *(r)*	52 Ky.R. 1769	
040 KAR 002:210		
Recodified as 040 KAR 012:500		7-18-2025
040 KAR 002:220		
Recodified as 040 KAR 012:510		7-18-2025
040 KAR 002:270		
Recodified as 040 KAR 012:210		7-18-2025
040 KAR 002:340		
Recodified as 040 KAR 012:600		7-18-2025
040 KAR 002:345		
Recodified as 040 KAR 012:610		7-18-2025
040 KAR 002:350		
Recodified as 040 KAR 012:400		7-18-2025
040 KAR 005:010		
Amended	51 Ky.R. 1187	
As Amended	1644	6-3-2025
040 KAR 009:010		
Amended	51 Ky.R. 1699	
As Amended	1933	9-2-2025
040 KAR 009:020		
Amended	51 Ky.R. 1701	9-30-2025
040 KAR 012:100		
Recodified from 40 KAR 002:145		7-18-2025
Amended	52 Ky.R. 837	
As Amended	1319	
040 KAR 012:110		
Recodified from 40 KAR 002:155		7-18-2025
Amended	52 Ky.R. 840	
As Amended	1320	
040 KAR 012:120	52 Ky.R. 908	
As Amended	1327	
040 KAR 012:130		
Recodified from 40 KAR 002:150		7-18-2025
Amended	52 Ky.R. 849	
As Amended	1328	
040 KAR 012:200		
Recodified from 40 KAR 002:110		7-18-2025
040 KAR 012:210		
Recodified from 40 KAR 002:270		7-18-2025
040 KAR 012:300		
Recodified from 40 KAR 002:040		7-18-2025
Amended	52 Ky.R. 1872	
040 KAR 012:310		
Recodified from 40 KAR 002:070		7-18-2025
Amended	52 Ky.R. 1874	
040 KAR 012:400		
Recodified from 40 KAR 002:350		7-18-2025
Amended	52 Ky.R. 1720	
040 KAR 012:410		
Recodified from 40 KAR 002:120		7-18-2025
Amended	52 Ky.R. 1161	
As Amended	1676	
040 KAR 012:420		
Recodified from 40 KAR 002:010		7-18-2025
Amended	52 Ky.R. 1878	
040 KAR 012:430	52 Ky.R. 1238	
As Amended	1678	
040 KAR 012:440	52 Ky.R. 1058	
As Amended	1505	
Withdrawn		2-19-2026
040 KAR 012:441	52 Ky.R. 1770	
040 KAR 012:500		
Recodified from 40 KAR 002:210		7-18-2025
Amended	52 Ky.R. 1724	
040 KAR 012:510		
Recodified from 40 KAR 002:220		7-18-2025
Amended	52 Ky.R. 1726	
040 KAR 012:520	52 Ky.R. 1060	
040 KAR 012:600		
Recodified from 40 KAR 002:340		7-18-2025
Amended	52 Ky.R. 1730	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
040 KAR 012:610		
Recodified from 40 KAR 002:345		7-18-2025
Amended	52 Ky.R. 1733	
040 KAR 012:900		
Recodified from 40 KAR 002:050		7-18-2025
045 KAR 001:090	52 Ky.R. 1240	
As Amended	1679	
101 KAR 001:325		
Amended	51 Ky.R. 1703	9-2-2025
101 KAR 002:034		
Amended	51 Ky.R. 1492	
As Amended	52 Ky.R. 17	9-30-2025
101 KAR 002:102		
Amended	51 Ky.R. 1498	
As Amended	52 Ky.R. 22	9-30-2025
101 KAR 002:120		
Amended	52 Ky.R. 414	
As Amended	942	3-3-2026
102 KAR 002:140		
Amended	52 Ky.R. 417	
As Amended	944	3-3-2026
101 KAR 002:210		
Amended	52 Ky.R. 602	4-7-2026
101 KAR 002:230		
Amended	52 Ky.R. 419	3-3-2026
101 KAR 003:015		
Amended	51 Ky.R. 1505	
As Amended	52 Ky.R. 27	9-30-2025
101 KAR 003:045		
Amended	51 Ky.R. 1511	
As Amended	52 Ky.R. 32	9-30-2025
102 KAR 001:175		
Amended	52 Ky.R. 192	2-3-2026
103 KAR 002:005		
Amended	52 Ky.R. 195	
As Amended	703	2-3-2026
103 KAR 019:010		
Amended	52 Ky.R. 1372	
104 KAR 001:010		
Amended	52 Ky.R. 852	
105 KAR 001:001		
Amended	52 Ky.R. 1881	
105 KAR 001:020		
Amended	52 Ky.R. 997	
As Amended	1505	
105 KAR 001:150		
Amended	52 Ky.R. 1000	
As Amended	1507	
105 KAR 001:160		
Amended	52 Ky.R. 1373	
As Amended	1796	
105 KAR 001:170		
Amended	52 Ky.R. 1377	
As Amended	1797	
105 KAR 001:200		
Amended	51 Ky.R. 1864	
As Amended	52 Ky.R. 169	11-4-2025
105 KAR 001:202	51 Ky.R. 1913	11-4-2025
105 KAR 001:261	52 Ky.R. 1464	
105 KAR 001:300		
Amended	52 Ky.R. 1006	
105 KAR 001:330		
Amended	52 Ky.R. 1380	
As Amended	1798	
105 KAR 001:340		
Amended	52 Ky.R. 1009	
105 KAR 001:350		
Amended	52 Ky.R. 1011	
As Amended	1511	
105 KAR 001:380		
Amended	52 Ky.R. 1385	
Am Comments	1837	
105 KAR 001:400		
Amended	52 Ky.R. 1388	
As Amended	1802	
105 KAR 001:430		
Amended	52 Ky.R. 1393	
105 KAR 001:440		
Amended	52 Ky.R. 1885	
105 KAR 001:445		
Amended	52 Ky.R. 1013	
As Amended	1512	
105 KAR 001:451		
Amended	51 Ky.R. 1191	
As Amended	1767	7-1-2025
200 KAR 005:021		
Amended	52 Ky.R. 196	
Am Comments	973	
As Amended	1115	4-7-2026
200 KAR 038:080	52 Ky.R. 1970	
201 KAR 002:010		
Amended	52 Ky.R. 1164	
201 KAR 002:045		
Amended	51 Ky.R. 1799	
As Amended	52 Ky.R. 367	10-22-2025
201 KAR 002:050		
Amended	52 Ky.R. 1166	
As Amended	1680	
201 KAR 002:090		
Amended	52 Ky.R. 1168	
201 KAR 002:116		
Amended	52 Ky.R. 1169	
As Amended	1681	
201 KAR 002:160		
Amended	52 Ky.R. 1171	
As Amended	1681	
201 KAR 002:165		
Amended	51 Ky.R. 1801	
As Amended	52 Ky.R. 368	10-22-2025
201 KAR 002:180		
Amended	52 Ky.R. 1173	
As Amended	1682	
201 KAR 002:185		
Amended	52 Ky.R. 1174	
201 KAR 002:190		
Amended	52 Ky.R. 1176	
As Amended	1682	
201 KAR 002:205		
Amended	52 Ky.R. 1178	
As Amended	1683	
201 KAR 002:250		
Amended	52 Ky.R. 1180	
As Amended	1683	
201 KAR 002:260		
Amended	52 Ky.R. 1182	
As Amended	1684	
201 KAR 002:280		
Amended	52 Ky.R. 1184	
201 KAR 002:300		
Amended	52 Ky.R. 1186	
201 KAR 002:330		
Amended	52 Ky.R. 1187	
As Amended	1685	
201 KAR 002:416	51 Ky.R. 1611	
Reprint	1633	
Am Comments	1861	
As Amended	52 Ky.R. 173	8-27-2025
201 KAR 002:440		
Amended	52 Ky.R. 1736	
201 KAR 002:480		
Amended	51 Ky.R. 1869	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
Am Comments	52 Ky.R. 400	
As Amended	554	10-22-2025
201 KAR 005:010		
Amended	51 Ky.R. 712	
As Amended	1846	7-30-2025
Amended	52 Ky.R. 1548	
Withdrawn		4-15-2026
201 KAR 005:021	52 Ky.R. 1616	
201 KAR 006:030		
Amended	52 Ky.R. 84	
As Amended	1686	
201 KAR 006:061	52 Ky.R. 1062	
As Amended	1687	
201 KAR 006:071	52 Ky.R. 125	
201 KAR 008:533		
Amended	52 Ky.R. 1739	
201 KAR 008:540		
Amended	52 Ky.R. 1744	
201 KAR 008:550		
Amended	52 Ky.R. 1747	
201 KAR 008:563		
Amended	52 Ky.R. 198	
Am Comments	974	
As Amended	1115	1-22-2026
Amended	1887	
201 KAR 009:086	52 Ky.R. 1465	
As Amended	1805	
201 KAR 009:270		
Amended	51 Ky.R. 1872	
Am. Comments	52 Ky.R. 402	
As Amended	703	
As Amended	945	1-22-2026
201 KAR 009:305		
Amended	52 Ky.R. 1396	
As Amended	1806	
201 KAR 009:360		
Amended	52 Ky.R. 1189	
As Amended	1687	
201 KAR 010:010		
Amended	52 Ky.R. 422	3-3-2026
201 KAR 010:030		
Amended	52 Ky.R. 423	
As Amended	949	3-3-2026
201 KAR 010:040		
Amended	52 Ky.R. 425	
As Amended	950	3-3-2026
201 KAR 010:050		
Amended	52 Ky.R. 428	3-3-2026
201 KAR 010:080		
Amended	52 Ky.R. 430	
As Amended	951	3-3-2026
201 KAR 010:090	52 Ky.R. 511	
As Amended	953	3-3-2026
201 KAR 012:010		
Amended	51 Ky.R. 1876	
As Amended	52 Ky.R. 369	12-2-2025
201 KAR 012:030		
Amended	51 Ky.R. 1878	
As Amended	52 Ky.R. 369	12-2-2025
201 KAR 012:060		
Amended	51 Ky.R. 1882	
As Amended	52 Ky.R. 372	12-2-2025
201 KAR 012:082		
Amended	51 Ky.R. 1884	
As Amended	52 Ky.R. 373	12-2-2025
201 KAR 012:100		
Amended	51 Ky.R. 1889	
As Amended	52 Ky.R. 377	12-2-2025
201 KAR 012:190		
Amended	51 Ky.R. 1892	
As Amended	52 Ky.R. 379	12-2-2025
201 KAR 012:260		
Amended	51 Ky.R. 1894	
As Amended	52 Ky.R. 380	12-2-2025
201 KAR 012:280		
Amended	51 Ky.R. 1896	
As Amended	52 Ky.R. 381	12-2-2025
201 KAR 012:290		
Amended	51 Ky.R. 1898	
As Amended	52 Ky.R. 382	12-2-2025
201 KAR 013:010		
Amended	52 Ky.R. 1550	
201 KAR 013:040		
Amended	52 Ky.R. 1552	
201 KAR 013:050		
Amended	52 Ky.R. 1555	
201 KAR 013:055		
Amended	52 Ky.R. 1557	
201 KAR 013:065	52 Ky.R. 1617	
201 KAR 013:071*(r)*	52 Ky.R. 1620	
201 KAR 013:075	52 Ky.R. 1621	
201 KAR 016:510		
Amended	51 Ky.R. 972	
Am Comments	1664	7-1-2025
201 KAR 016:513	51 Ky.R. 1012	
Am Comments	1667	7-1-2025
201 KAR 016:515	51 Ky.R. 1014	
Am Comments	1669	7-1-2025
201 KAR 016:517	51 Ky.R. 1016	
Am Comments	1671	7-1-2025
201 KAR 016:730	51 Ky.R. 1018	
Am Comments	1673	7-1-2025
Amended	52 Ky.R. 433	
As Amended	1514	
201 KAR 016:731	51 Ky.R. 1020	
Am Comments	1675	7-1-2025
Amended	52 Ky.R. 435	
Am Comments	1149	
201 KAR 016:732	51 Ky.R. 1022	
Am Comments	1676	7-1-2025
Amended	52 Ky.R. 437	
Am Comments	1151	
201 KAR 016:735	51 Ky.R. 1024	
Am Comments	1679	7-1-2025
Amended	52 Ky.R. 440	
As Amended	1515	
201 KAR 016:737	51 Ky.R. 1026	
Am Comments	1681	7-1-2025
Amended	52 Ky.R. 443	
Am Comments	1154	
201 KAR 016:762	51 Ky.R. 1028	
Am Comments	1683	7-1-2025
Amended	52 Ky.R. 203	
Am Comments	979	
Withdrawn		2-9-2026
201 KAR 016:767		
Amended	52 Ky.R. 206	
Am Comments	982	
201 KAR 016:765	51 Ky.R. 1031	
Am Comments	1685	
As Amended	1770	7-1-2025
201 KAR 016:767	51 Ky.R. 1033	
Am Comments	1688	
As Amended	1772	7-1-2025
201 KAR 016:772	51 Ky.R. 1035	
Am Comments	1690	7-1-2025
Amended	52 Ky.R. 446	
As Amended	1516	
201 KAR 016:775	51 Ky.R. 1037	
Am Comments	1692	
As Amended	1773	7-1-2025
Amended	52 Ky.R. 449	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.		Effective Date
As Amended		1518	
201 KAR 016:777	51 Ky.R.	1040	
Am Comments		1694	
As Amended		1774	7-1-2025
Amended	52 Ky.R.	452	
As Amended		1519	
201 KAR 017:120	51 Ky.R.	1342	
As Amended		1775	6-18-2025
Amended	52 Ky.R.	604	
As Amended		1119	1-22-2026
201 KAR 018:040			
Amended	52 Ky.R.	454	3-3-2026
201 KAR 018:060			
Amended	52 Ky.R.	457	3-3-2026
201 KAR 018:072			
Amended	52 Ky.R.	459	
As Amended	1689		
201 KAR 018:080			
Repealed	52 Ky.R.	513	3-3-2026
201 KAR 018:081*(r)*	52 Ky.R.	513	3-3-2026
201 KAR 018:096	52 Ky.R.	515	3-3-2026
201 KAR 018:150			
Amended	52 Ky.R.	1892	
201 KAR 020:161			
Amended	52 Ky.R.	209	
As Amended		707	11-12-2025
201 KAR 020:162			
Amended	52 Ky.R.	212	11-12-2025
201 KAR 020:215			
Amended	51 Ky.R.	1521	7-30-2025
201 KAR 020:240			
Amended	51 Ky.R.	1803	7-30-2025
201 KAR 020:410			
Amended	52 Ky.R.	214	
As Amended		709	11-12-2025
201 KAR 020:472			
Amended	52 Ky.R.	1754	
201 KAR 020:474			
Amended	52 Ky.R.	1758	
201 KAR 020:476			
Amended	52 Ky.R.	1018	3-12-2026
201 KAR 020:490			
Amended	52 Ky.R.	1021	3-12-2026
201 KAR 020:600			
Amended	51 Ky.R.	1805	
As Amended	52 Ky.R.	36	7-30-2025
201 KAR 020:620			
Amended	51 Ky.R.	1807	7-30-2025
201 KAR 022:010			
Amended	52 Ky.R.	1898	
201 KAR 022:020			
Amended	52 Ky.R.	216	
As Amended		710	11-12-2025
201 KAR 022:045			
Amended	52 Ky.R.	606	1-22-2026
As Amended		1119	
201 KAR 022:070			
Amended	52 Ky.R.	1899	
201 KAR 023:012	51 Ky.R.	1914	8-27-2025
201 KAR 023:025	51 Ky.R.	1915	
As Amended	52 Ky.R.	175	8-27-2025
201 KAR 023:075			
Amended	51 Ky.R.	1901	
Am Comments	52 Ky.R.	407	11-12-2025
As Amended		711	
201 KAR 026:118	52 Ky.R.	910	2-12-2026
201 KAR 026:155			
Amended	52 Ky.R.	854	
As Amended		1330	2-12-2026
201 KAR 026:160			
Amended	52 Ky.R.	608	
As Amended		1331	2-12-2026
201 KAR 026:171			
Amended	52 Ky.R.	857	
As Amended		1332	2-12-2026
201 KAR 026:175			
Amended	52 Ky.R.	861	2-12-2026
201 KAR 026:190			
Amended	52 Ky.R.	863	2-12-2026
201 KAR 026:280			
Amended	52 Ky.R.	866	
As Amended		1335	2-12-2026
201 KAR 026:320	51 Ky.R.	1826	7-30-2025
201 KAR 028:240			
Amended	52 Ky.R.	86	
As Amended		556	10-22-2025
Amended		1192	
201 KAR 029:010			
Amended	52 Ky.R.	461	1-22-2026
201 KAR 029:015			
Amended	52 Ky.R.	463	
As Amended		955	1-22-2026
201 KAR 029:020			
Amended	52 Ky.R.	465	
As Amended		955	1-22-2026
201 KAR 029:030			
Amended	52 Ky.R.	467	
As Amended		956	1-22-2026
201 KAR 029:040			
Amended	52 Ky.R.	471	
As Amended		959	1-22-2026
201 KAR 029:050			
Amended	52 Ky.R.	473	
As Amended		959	1-22-2026
201 KAR 029:060			
Amended	52 Ky.R.	476	
As Amended		961	1-22-2026
201 KAR 029:070			
Amended	52 Ky.R.	478	
Withdrawn by agency			11-4-2025
201 KAR 031:010			
Amended	51 Ky.R.	1952	
As Amended	52 Ky.R.	556	12-30-2025
201 KAR 036:050			
Amended	51 Ky.R.	975	
Am Comments		1696	
As Amended		1775	6-18-2025
201 KAR 036:100			
Amended	51 Ky.R.	1305	
As Amended		1776	6-18-2025
Amended	52 Ky.R.	1194	
201 KAR 045:110			
Amended	52 Ky.R.	1023	
As Amended		1690	
201 KAR 045:120			
Amended	52 Ky.R.	1026	
201 KAR 045:130			
Amended	52 Ky.R.	1028	
Am Comments		1536	
201 KAR 045:150			
Amended	52 Ky.R.	1030	
As Amended		1691	
201 KAR 045:170			
Amended	52 Ky.R.	1032	
As Amended		1692	
201 KAR 045:180			
Amended	52 Ky.R.	1034	
As Amended		1693	
201 KAR 045:190	52 Ky.R.	1064	
As Amended		1694	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
201 KAR 046:010		
Amended	52 Ky.R. 218	11-12-2025
201 KAR 046:020		
Amended	52 Ky.R. 1036	3-12-2026
201 KAR 046:030		
Amended	52 Ky.R. 1038	3-12-2026
201 KAR 046:045		
Amended	52 Ky.R. 1039	
As Amended	1520	3-12-2026
201 KAR 046:081		
Amendment	52 Ky.R. 221	
As Amended	715	11-12-2025
202 KAR 007:410		
Amended	51 Ky.R. 1524	
As Amended	1847	7-30-2025
202 KAR 007:501		
Amended	52 Ky.R. 87	
As Amended	557	10-22-2025
202 KAR 007:545		
Amended	52 Ky.R. 90	
As Amended	558	10-22-2025
202 KAR 007:555		
Amended	52 Ky.R. 610	
As Amended	1121	1-22-2026
202 KAR 007:565		
Amended	52 Ky.R. 94	
As Amended	560	10-22-2025
202 KAR 007:801		
Amended	52 Ky.R. 616	
Withdrawn		1-22-2026
Amended	1761	
301 KAR 001:015		
Recodified as 301 KAR 006:015		8-19-2025
301 KAR 001:016		
Amended	52 Ky.R. 224	
Withdrawn by agency		8-11-2025
301 KAR 001:017*(r)*	51 Ky.R. 1968	
Withdrawn by agency		8-19-2025
301 KAR 001:115		
Amended	52 Ky.R. 229	11-6-2025
301 KAR 001:125		
Amended	52 Ky.R. 232	11-6-2025
301 KAR 001:132		
Amended	52 Ky.R. 234	11-6-2025
301 KAR 001:140		
Amended	52 Ky.R. 237	11-6-2025
301 KAR 001:152		
Amended	52 Ky.R. 240	11-6-2025
301 KAR 001:155		
Amended	52 Ky.R. 243	11-6-2025
301 KAR 001:185		
Amended	52 Ky.R. 248	
As Amended	718	11-6-2025
301 KAR 001:201		
Amended	51 Ky.R. 1528	6-18-2025
Amended	52 Ky.R. 1901	
301 KAR 002:030		
Repealed	51 Ky.R. 1969	11-6-2025
301 KAR 002:031*(r)*	51 Ky.R. 1969	11-6-2025
301 KAR 002:041		
Amended	51 Ky.R. 1196	
As Amended	1647	6-3-2025
Amended	52 Ky.R. 250	
As Amended	719	11-6-2025
301 KAR 002:075		
Amended	52 Ky.R. 256	
Am Comments	754	
As Amended	961	3-3-2026
301 KAR 002:081		
Amended	52 Ky.R. 261	11-6-2025
301 KAR 002:082		
Amended	52 Ky.R. 267	11-6-2025
301 KAR 002:083		
Amended	52 Ky.R. 272	
As Amended	723	11-6-2025
301 KAR 002:132		
Amended	51 Ky.R. 1306	
As Amended	1777	6-18-2025
301 KAR 002:172		
Amended	51 Ky.R. 1310	6-18-2025
Amended	52 Ky.R. 479	3-3-2026
301 KAR 002:176		
Amended	52 Ky.R. 1196	
As Amended	1695	
301 KAR 002:178		
Amended	52 Ky.R. 276	11-6-2025
Amended	1907	
301 KAR 002:195		
Amended	52 Ky.R. 283	
As Amended	725	11-6-2025
301 KAR 002:221		
Amended	51 Ky.R. 1955	9-18-2025
301 KAR 002:230		
Amended	52 Ky.R. 289	
As Amended	730	11-6-2025
301 KAR 002:300		
Amended	51 Ky.R. 1314	6-18-2025
301 KAR 002:251		
Amended	52 Ky.R. 483	3-3-2026
Amended	1913	
301 KAR 003:001	51 Ky.R. 1970	
As Amended	52 Ky.R. 84	9-18-2025
301 KAR 003:010		
Amended	51 Ky.R. 1957	
As Amended	52 Ky.R. 385	9-18-2025
301 KAR 003:012		
Amended	52 Ky.R. 1397	
As Amended	1806	
301 KAR 003:013		
Amended	52 Ky.R. 1400	
As Amended	1807	
301 KAR 003:015		
Amended	52 Ky.R. 619	
As Amended	1125	3-12-2026
Reprint	1785	
301 KAR 003:120		
Amended	52 Ky.R. 291	
As Amended	730	11-6-2025
301 KAR 003:140	51 Ky.R. 1973	
As Amended	561	10-16-2025
301 KAR 003:150	52 Ky.R. 323	
As Amended	733	11-6-2025
301 KAR 003:160	52 Ky.R. 127	
As Amended	562	10-16-2025
301 KAR 004:120	51 Ky.R. 1974	
As Amended	52 Ky.R. 387	9-18-2025
301 KAR 004:070		
Amended	52 Ky.R. 295	11-6-2025
301 KAR 004:090		
Amended	52 Ky.R. 298	11-6-2025
301 KAR 004:100		
Amended	52 Ky.R. 300	11-6-2025
301 KAR 004:112	52 Ky.R. 1243	
As Amended	1697	
301 KAR 005:001		
Amended	52 Ky.R. 302	
As Amended	736	11-6-2025
301 KAR 005:022		
Amended	1317	
As Amended	1780	6-18-2025
Amended	52 Ky.R. 304	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
As Amended	737	11-6-2025
301 KAR 006:001		
Amended	52 Ky.R. 1041	
As Amended	1521	
301 KAR 006:005		
Repealed	51 Ky.R. 1978	9-18-2025
301 KAR 006:006*(r)*	51 Ky.R. 1978	9-18-2025
301 KAR 006:015		
Recodified from 301 KAR 001:015		8-19-2025
Amended	52 Ky.R. 1044	
As Amended	1522	
301 KAR 006:020		
Amended	52 Ky.R. 1046	
301 KAR 006:030		
Amended	52 Ky.R. 1199	
301 KAR 006:070		
Amended	52 Ky.R. 487	
As Amended	965	3-3-2026
307 KAR 001:006	52 Ky.R. 1066	
As Amended	1524	
307 KAR 001:080	52 Ky.R. 327	
As Amended	739	2-3-2026
401 KAR 047:110		
Amended	51 Ky.R. 773	
Am Comments	1483	
As Amended	1650	6-3-2025
401 KAR 048:320		
Amended	51 Ky.R. 777	
As Amended	1652	6-3-2025
401 KAR 060:005		
Amended	52 Ky.R. 868	
401 KAR 063:002		
Amended	52 Ky.R. 873	
501 KAR 001:030		
Amended	52 Ky.R. 1764	
Reprint	1786	
501 KAR 006:420		
Amended	52 Ky.R. 1202	
As Amended	1698	
501 KAR 006:460		
Amended	52 Ky.R 1204	
501 KAR 006:470		
Amended	52 Ky.R. 1206	
As Amended	1698	
501 KAR 006:510		
Amended	52 Ky.R. 1208	
As Amended	1699	
501 KAR 006:530		
Amended	52 Ky.R. 1211	
As Amended	1699	
501 KAR 016:310		
Amended	52 Ky.R. 309	4-7-2026
502 KAR 012:010		
Amended	51 Ky.R. 1204	
As Amended	1654	6-3-2025
503 KAR 003:010		
Amended	52 Ky.R. 489	
Am Comments	984	
As Amended	1127	4-7-2026
503 KAR 005:140	52 Ky.R. 517	
As Amended	966	3-3-2026
505 KAR 001:140		
Amended	52 Ky.R. 879	
As Amended	1525	
505 KA 001:410		
Amended	52 Ky.R. 881	
Am Comments	1363	
As Amended	1526	
601 KAR 001:114	52 Ky.R. 1245	
Am Comments	1840	
601 KAR 009:076	52 Ky.R. 330	
Withdrawn by agency		7-16-2025
601 KAR 009:120	52 Ky.R. 1248	
Impacted by 2026 legislation		
601 KAR 012:120	51 Ky.R. 1343	
As Amended	1850	6-3-2025
601 KAR 012:130	52 Ky.R. 1249	
Am Comments	1843	
601 KAR 023:070	52 Ky.R. 331	
As Amended	742	2-3-2026
701 KAR 005:055		
Amended	51 Ky.R. 1706	
As Amended	1934	7-14-2025
701 KAR 005:150		
Amended	52 Ky.R. 886	
As Amended	1336	
701 KAR 005:170	52 Ky.R. 520	
Am Comments	1157	
As Amended	1338	
702 KAR 003:130		
Amended	52 Ky.R. 1213	
702 KAR 003:220		
Amended	52 Ky.R. 1917	
702 KAR 005:130		
Amended	52 Ky.R. 96	
Am Comments	758	
702 KAR 006:110		
Amended	52 Ky.R. 1919	
702 KAR 007:065		
Amended	52 Ky.R. 99	
As Amended	563	10-14-2025
Amended	1560	
703 KAR 005:280		
Amended	52 Ky.R. 498	
704 KAR 003:305		
Amended	52 Ky.R. 1563	
704 KAR 003:315	51 Ky.R. 1346	
As Amended	1782	6-3-2025
704 KAR 003:370		
Amended	52 Ky.R. 1215	
704 KAR 003:406		
Amended	52 Ky.R. 889	
As Amended	1340	
704 KAR 003:410		
Amended	52 Ky.R. 894	
Am Comments	1538	
As Amended	1700	
704 KAR 003:440		
Amended	52 Ky.R. 505	
As Amended	968	12-9-2025
704 KAR 003:535		
Amended	51 Ky.R. 567	
704 KAR 004:010		
Amended	52 Ky.R. 104	
As Amended	566	10-14-2025
704 KAR 008:020		
Amended	52 Ky.R. 899	
704 KAR 008:030		
Amended	52 Ky.R. 106	
As Amended	566	10-14-2025
704 KAR 008:050		
Amended	52 Ky.R. 108	10-14-2025
704 KAR 008:080		
Amended	52 Ky.R. 110	
As Amended	567	10-14-2025
707 KAR 001:002		
Amended	52 Ky.R. 1219	
Withdrawn		2-13-2026
707 KAR 001:350		
Amended	52 Ky.R. 1224	
Withdrawn		2-13-2026

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
725 KAR 001:050		
Amended	52 Ky.R. 622	
As Amended	1131	4-7-2026
739 KAR 001:080	52 Ky.R. 334	12-9-2025
739 KAR 002:015	52 Ky.R. 524	12-9-2025
739 KAR 002:050		
Amended	51 Ky.R. 1809	
As Amended IJC	52 Ky.R. 389	8-26-2025
739 KAR 002:140		
Amended	51 Ky.R. 1810	8-26-2025
781 KAR 001:001	52 Ky.R. 1467	
Am Comments	1844	
781 KAR 001:010		
Amended	52 Ky.R. 1402	
Am Comments	1847	
781 KAR 001:020		
Amended	52 Ky.R. 1405	
Am Comments	1849	
781 KAR 001:030		
Amended	52 Ky.R. 1413	
Am Comments	1857	
781 KAR 001:040		
Amended	52 Ky.R. 1415	
Am Comments	1860	
787 KAR 001:370		
Amended	52 Ky.R. 1227	
Reprint	1263	
As Amended	1809	
802 KAR 001:010		
Amended	51 Ky.R. 1534	
As Amended	1934	9-2-2025
802 KAR 002:010		
Amended	51 Ky.R. 1537	
As Amended	1936	9-2-2025
802 KAR 003:010		
Amended	51 Ky.R. 1541	
As Amended	1939	9-2-2025
802 KAR 003:020		
Amended	51 Ky.R. 1544	
As Amended	1941	9-2-2025
802 KAR 003:030	51 Ky.R. 1613	
As Amended	1942	9-2-2025
802 KAR 003:040	51 Ky.R. 1616	
As Amended	1944	9-2-2025
802 KAR 003:050	51 Ky.R. 1618	
As Amended	1944	9-2-2025
802 KAR 003:060	51 Ky.R. 1620	
As Amended	1945	9-2-2025
803 KAR 002:120		
Amended	52 Ky.R. 508	3-3-2026
803 KAR 002:181		
Amended	52 Ky.R. 312	2-3-2026
803 KAR 002:250		
Amended	52 Ky.R. 314	
As Amended	743	2-3-2026
803 KAR 002:260	52 Ky.R. 335	
As Amended	744	2-3-2026
803 KAR 002:300		
Amended	51 Ky.R. 1320	7-1-2025
803 KAR 002:310		
Amended	52 Ky.R. 317	3-3-2026
803 KAR 002:320		
Amended	51 Ky.R. 1322	
As Amended	1783	7-1-2025
803 KAR 002:404		
Amended	52 Ky.R. 113	12-30-2025
804 KAR 004:212		
Amended	51 Ky.R. 1547	
As Amended	1852	8-5-2025
804 KAR 004:251		
Amended	51 Ky.R. 1549	
As Amended	1853	8-5-2025
804 KAR 004:400		
Amended	51 Ky.R. 1550	
As Amended IJC	52 Ky.R. 390	7-31-2025
804 KAR 004:410		
Amended	51 Ky.R. 1552	
As Amended	1853	8-5-2025
804 KAR 004:415		
Amended	51 Ky.R. 1554	
As Amended	1946	
As Amended IJC	52 Ky.R. 391	7-31-2025
804 KAR 013:010		
Amended	52 Ky.R. 1049	
Am Comments	1707	
804 KAR 013:020	52 Ky.R. 1069	
Am Comments	1709	
Impacted by 2026 legislation		
804 KAR 013:030	52 Ky.R. 1071	
Am Comments	1712	
Impacted by 2026 legislation		
804 KAR 013:040	52 Ky.R. 1073	
806 KAR 002:200	52 Ky.R. 338	
As Amended	746	12-17-2025
806 KAR 002:210	52 Ky.R. 341	
As Amended	748	
As Amended at IJC	1134	12-17-2025
806 KAR 002:220	52 Ky.R. 343	
As Amended	749	12-17-2025
806 KAR 009:360		
Amended	51 Ky.R. 1207	
As Amended	52 Ky.R. 391	12-2-2025
806 KAR 017:595	52 Ky.R. 1251	
Am Comments	1870	
806 KAR 020:030	52 Ky.R. 344	
As Amended	749	2-3-2026
807 KAR 005:015		
Amended	51 Ky.R. 1813	
As Amended	52 Ky.R. 392	9-18-2025
810 KAR 002:070		
Amended	51 Ky.R. 1209	
As Amended	1787	7-1-2025
810 KAR 003:020		
Amended	51 Ky.R. 1961	
Withdrawn by agency		8-14-2025
Amended	52 Ky.R. 1229	
As Amended	1810	
810 KAR 004:030		
Amended	51 Ky.R. 1214	
As Amended	1791	7-1-2025
810 KAR 006:001		
Amended	52 Ky.R. 115	2-3-2026
810 KAR 007:060		
Amended	52 Ky.R. 319	
As Amended	749	
As Amended at IJC	1135	11-20-2025
810 KAR 007:080	52 Ky.R. 346	
As Amended	751	11-20-2025
815 KAR 004:010		
Amended	52 Ky.R. 1921	
815 KAR 004:025		
Amended	52 Ky.R. 1923	
815 KAR 007:070		
Amended	52 Ky.R. 1926	
815 KAR 015:010		
Amended	52 Ky.R. 1930	
815 KAR 015:025		
Amended	52 Ky.R. 1933	
815 KAR 015:026		
Amended	52 Ky.R. 1940	
815 KAR 015:027		
Amended	52 Ky.R. 1943	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
815 KAR 015:080		
Amended	52 Ky.R. 1946	
815 KAR 025:020		
Amended	52 Ky.R. 1949	
815 KAR 025:050		
Amended	52 Ky.R. 1953	
815 KAR 025:060		
Amended	52 Ky.R. 1957	
815 KAR 025:090		
Amended	52 Ky.R. 1960	
815 KAR 035:015		
Amended	52 Ky.R. 1964	
820 KAR 001:032		
***Withdrawn		12-18-2025
Amended	52 Ky.R. 1568	
Withdrawn		3-18-2026
831 KAR 003:001	52 Ky.R. 1972	
831 KAR 003:010	52 Ky.R. 1975	
831 KAR 003:020	52 Ky.R. 1977	
831 KAR 003:030	52 Ky.R. 1979	
831 KAR 003:040	52 Ky.R. 1983	
831 KAR 003:050	52 Ky.R. 1985	
831 KAR 003:060	52 Ky.R. 1987	
831 KAR 003:070	52 Ky.R. 1990	
831 KAR 003:080	52 Ky.R. 1992	
831 KAR 003:090	52 Ky.R. 1994	
831 KAR 003:100	52 Ky.R. 1997	
831 KAR 003:110	52 Ky.R. 2000	
831 KAR 003:120	52 Ky.R. 2002	
831 KAR 003:130	52 Ky.R. 2004	
831 KAR 003:140	52 Ky.R. 2007	
831 KAR 003:150	52 Ky.R. 2010	
831 KAR 003:160	52 Ky.R. 2012	
831 KAR 003:170	52 Ky.R. 2014	
831 KAR 003:180	52 Ky.R. 2016	
831 KAR 003:190	52 Ky.R. 2019	
831 KAR 003:200	52 Ky.R. 2021	
831 KAR 003:210	52 Ky.R. 2023	
900 KAR 005:020		
Amended	52 Ky.R. 119	
Am Comments	762	
As Amended	969	1-22-2026
900 KAR 006:075		
Amended	52 Ky.R. 120	
Am Comments	763	
As Amended	969	1-22-2026
902 KAR 001:400		
Amended	52 Ky.R. 1582	
902 KAR 004:105	51 Ky.R. 1050	
Am Comments	1487	6-3-2025
902 KAR 008:060		
Amended	52 Ky.R. 1426	
As Amended	1816	
902 KAR 8:070		
Amended	52 Ky.R. 1429	
As Amended	1818	
902 KAR 008:080		
Amended	52 Ky.R. 1432	
As Amended	1820	
902 KAR 008:096		
Amended	52 Ky.R. 1437	
As Amended	1823	
902 KAR 008:120		
Amended	52 Ky.R. 1441	
As Amended	1826	
902 KAR 018:011		
Amended	52 Ky.R. 1585	
902 KAR 018:021		
Amended	52 Ky.R. 1588	
902 KAR 018:031		
Amended	52 Ky.R. 1590	
902 KAR 018:040		
Amended	52 Ky.R. 1593	
902 KAR 018:050		
Amended	52 Ky.R. 1595	
902 KAR 018:061		
Amended	52 Ky.R. 1597	
902 KAR 018:071		
Amended	52 Ky.R. 1600	
902 KAR 018:081		
Amended	52 Ky.R. 1603	
902 KAR 018:090		
Amended	52 Ky.R. 1605	
902 KAR 020:150		
Amended	52 Ky.R. 1052	
Am Comments	1713	
902 KAR 055:015		
Amended	52 Ky.R. 626	
Am Comments	1368	3-12-2026
902 KAR 055:095		
Amended	52 Ky.R. 1447	
As Amended	1831	
902 KAR 055:110		
Amended	52 Ky.R. 1450	
Impacted by 2026 legislation		
902 KAR 100:130		
Amended	52 Ky.R. 629	
As Amended	1136	1-22-2026
907 KAR 001:023		
Amended	52 Ky.R. 632	1-22-2026
907 KAR 001:039		
Amended	51 Ky.R. 1555	
As Amended	52 Ky.R. 37	7-30-2025
907 KAR 001:065		
Amended	52 Ky.R. 635	
As Amended	1138	1-22-2026
907 KAR 001:595		
Amended	51 Ky.R. 1558	7-30-2025
907 KAR 001:835		
Amended	51 Ky.R. 1562	7-30-2025
907 KAR 002:720	52 Ky.R. 1469	
907 KAR 002:725	52 Ky.R. 1489	
907 KAR 003:005		
Amended	52 Ky.R. 1453	
As Amended	1832	
907 KAR 003:010		
Amended	52 Ky.R. 1459	
907 KAR 003:062	52 Ky.R. 670	1-22-2026
907 KAR 003:100		
Amended	51 Ky.R. 1576	
As Amended	52 Ky.R. 39	7-30-2025
907 KAR 003:210		
Amended	51 Ky.R. 1579	
As Amended	52 Ky.R. 40	7-30-2025
907 KAR 003:320	52 Ky.R. 672	
As Amended	1529	3-12-2026
907 KAR 007:015		
Amended	51 Ky.R. 1597	
As Amended	52 Ky.R. 58	7-30-2025
907 KAR 008:020		
Amended	52 Ky.R. 642	
As Amended	1144	1-22-2026
907 KAR 008:040		
Amended	52 Ky.R. 645	
As Amended	1146	1-22-2026
907 KAR 010:015		
Amended	51 Ky.R. 581	
As Amended	1657	6-3-2025
907 KAR 010:016		
Amended	52 Ky.R. 649	1-22-2026
907 KAR 010:840		
Amended	51 Ky.R. 1821	

Regulation Number	46 Ky.R. Page No.		Effective Date
As Amended	52 Ky.R.	59	7-30-2025
907 KAR 012:020			
Amended	51 Ky.R.	1601	
As Amended		1854	7-30-2025
907 KAR 015:022			
Amended	52 Ky.R.	653	1-22-2026
907 KAR 016:005	51 Ky.R.	1714	
As Amended	52 Ky.R.	61	7-30-2025
907 KAR 016:010	51 Ky.R.	1717	
As Amended	52 Ky.R.	63	7-30-2025
907 KAR 016:015	51 Ky.R.	1719	
As Amended	52 Ky.R.	64	7-30-2025
907 KAR 016:020	51 Ky.R.	1729	
As Amended	52 Ky.R.	72	7-30-2025
907 KAR 016:025	51 Ky.R.	1739	
As Amended	52 Ky.R.	81	7-30-2025
907 KAR 020:005			
Amended	51 Ky.R.	1605	
As Amended		1856	7-30-2025
907 KAR 023:010			
Amended	52 Ky.R.	663	
As Amended		1531	
Impacted by 2026 legislation			
911 KAR 001:010			
Amended	52 Ky.R.	1607	
911 KAR 001:085			
Amended	52 Ky.R.	1612	
911 KAR 001:091*r*	52 Ky.R.	1623	
920 KAR 001:090			
Amended	51 Ky.R.	1332	7-1-2025
922 KAR 001:360			
Amended	51 Ky.R.	1707	
As Amended		1946	6-25-2025
922 KAR 001:565			
Amended	52 Ky.R.	902	
Am Comments		1543	
As Amended		1704	
Impacted by 2026 legislation			
922 KAR 002:020			
Amended	51 Ky.R.	1336	
As Amended		1793	6-25-2025
922 KAR 005:120			
Amendment	51 Ky.R.	593	
Am Comments		1184	

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.

KRS SECTION	REGULATION
2.015	922 KAR 001:565
6.500-6.577	105 KAR 001:020
11A.020	105 KAR 001:445
11A.040	105 KAR 001:445
12.245	201 KAR 012:030
	201 KAR 046:081
12.354	201 KAR 046:081
12.355	201 KAR 022:045
	201 KAR 006:061
12.357	201 KAR 006:030
	201 KAR 046:081
	810 KAR 003:020
	201 KAR 006:061
12U.S.C.§3350324A.020	831 KAR 003:170
	831 KAR 003:180
13A.310	013 KAR 002:111
Chapter 13B	201 KAR 020:161
	201 KAR 020:162
	301 KAR 001:115
	301 KAR 001:125
	301 KAR 001:152
	301 KAR 002:082
	301 KAR 003:010
	503 KAR 003:010
	907 KAR 023:010
	031 KAR 006:010
	301 KAR 001:185
	301 KAR 002:041
	301 KAR 002:083
	301 KAR 002:195
	201 KAR 010:090
	301 KAR 002:075
	804 KAR 013:010
	902 KAR 001:400
	902 KAR 018:040
	902 KAR 018:050
	902 KAR 018:081
	810 KAR 003:020
13B.050	911 KAR 001:085
13B.125	201 KAR 009:360
13B.140	725 KAR 001:050
14.302	031 KAR 005:040
14A.4-010	806 KAR 009:360
	806 KAR 017:595
14A.4	907 KAR 002:720
15.111	902 KAR 018:040
	902 KAR 018:081
	911 KAR 001:085
15.310	503 KAR 005:140
15.380-15.404	503 KAR 003:010
15.518	503 KAR 005:140
15A.065	505 KAR 001:140
	505 KAR 001:410
15A.067	505 KAR 001:140
15A.070	503 KAR 003:010
15A.200-15A.245	505 KAR 001:140
15A.200-15A.240	505 KAR 001:140
15A.305	505 KAR 001:140
15A.0652	505 KAR 001:410
16.505-16.652	105 KAR 001:200
	105 KAR 001:430
	105 KAR 001:350
	105 KAR 001:001
16.505	105 KAR 001:330
	105 KAR 001:400
16.530	105 KAR 001:170
16.545	105 KAR 001:330
16.560	105 KAR 001:150
16.568	105 KAR 001:400
16.645	105 KAR 001:150
	105 KAR 001:330
16.505–16.652	105 KAR 001:020

KRS SECTION	REGULATION
	105 KAR 001:340
17.165	907 KAR 003:210
	907 KAR 002:720
18A.020	101 KAR 002:034
	101 KAR 002:102
	101 KAR 003:015
	101 KAR 003:045
18A.030	101 KAR 002:034
	101 KAR 002:102
	101 KAR 003:015
	101 KAR 002:230
	101 KAR 002:210
18A.095	101 KAR 002:102
	045 KAR 001:090
18A.110	101 KAR 002:034
	101 KAR 002:102
	101 KAR 003:015
	101 KAR 003:045
	101 KAR 002:140
	101 KAR 002:230
18A.140	101 KAR 002:102
	101 KAR 003:015
18A.145	101 KAR 002:102
	101 KAR 003:015
18A.155	101 KAR 003:045
18A.165	101 KAR 002:034
18A.195	101 KAR 002:102
	101 KAR 003:015
18A.202	101 KAR 003:045
	101 KAR 002:120
18A.225	101 KAR 002:210
18A.370	101 KAR 002:140
18A.375	101 KAR 002:140
18A.380	101 KAR 002:140
18A.990	101 KAR 002:102
	101 KAR 003:015
18A.2254	201 KAR 002:416
	101 KAR 002:210
21.345-21.570	105 KAR 001:020
39A.100	031 KAR 004:160
	201 KAR 002:330
39A.350-39A.366	201 KAR 008:533
40.320	017 KAR 003:042
40.325	017 KAR 003:042
41.070	011 KAR 012:020
42.0201	200 KAR 038:080
43.010	045 KAR 001:090
43.032	045 KAR 001:090
43.035	045 KAR 001:090
43.040	045 KAR 001:090
45.229	907 KAR 003:062
45.237-45.241	922 KAR 001:565
45.237	200 KAR 038:080
Chapter 45A	806 KAR 002:220
	702 KAR 003:130
45A.045	200 KAR 005:021
49.480	501 KAR 001:030
61.080	105 KAR 001:445
61.373	101 KAR 002:102
	101 KAR 003:015
61.394	101 KAR 002:102
	101 KAR 003:015
61.505	105 KAR 001:200
	105 KAR 001:340
	105 KAR 001:445
	105 KAR 001:261
	105 KAR 001:330
	105 KAR 001:400
61.505-61.705	105 KAR 001:350
61.510-61.705	105 KAR 001:200
	105 KAR 001:020
	105 KAR 001:430

KRS SECTION	REGULATION
	105 KAR 001:001
61.510	105 KAR 001:170
	105 KAR 001:330
	105 KAR 001:400
61.525	105 KAR 001:170
61.526	105 KAR 001:170
61.540	105 KAR 001:170
61.542	105 KAR 001:170
61.543	105 KAR 001:330
61.545	105 KAR 001:300
	105 KAR 001:170
61.546	105 KAR 001:160
61.552	105 KAR 001:150
	105 KAR 001:300
	105 KAR 001:340
	105 KAR 001:330
	105 KAR 001:160
	105 KAR 001:400
61.575	105 KAR 001:150
61.592	105 KAR 001:330
61.625	105 KAR 001:170
61.635	105 KAR 001:380
61.645	105 KAR 001:445
	105 KAR 001:380
	105 KAR 001:440
	105 KAR 001:330
61.663	105 KAR 001:400
61.685	105 KAR 001:330
61.702	105 KAR 001:160
61.703	105 KAR 001:350
61.800-884	907 KAR 003:320
61.805-61.850	702 KAR 007:065
61.826	031 KAR 005:040
61.870-61.884	201 KAR 029:040
61.872	902 KAR 008:070
61.5525	105 KAR 001:160
62.020	031 KAR 004:220
65.250	704 KAR 003:410
65.1591	503 KAR 005:140
Chapter 65A	739 KAR 002:015
66.480	702 KAR 003:130
72.026	902 KAR 055:110
Chapter 75	739 KAR 002:050
75.430	739 KAR 002:015
78.510-78.852	105 KAR 001:200
	105 KAR 001:430
	105 KAR 001:350
	105 KAR 001:001
78.510-78.990	105 KAR 001:020
78.510	105 KAR 001:170
	105 KAR 001:330
	105 KAR 001:400
78.540	105 KAR 001:170
78.545	105 KAR 001:150
	105 KAR 001:350
	105 KAR 001:330
	105 KAR 001:170
78.610	105 KAR 001:330
78.615	105 KAR 001:300
78.616	105 KAR 001:160
78.640	105 KAR 001:150
78.652	105 KAR 001:400
78.782	105 KAR 001:445
	105 KAR 001:440
78.5520	105 KAR 001:330
78.5536	105 KAR 001:160
78.510–78.852	105 KAR 001:340
Chapter 95A	739 KAR 002:015
95A.262	739 KAR 002:050
116.025	031 KAR 005:026
116.045	031 KAR 003:041
	031 KAR 004:141
	031 KAR 004:150

KRS SECTION	REGULATION
116.045	031 KAR 004:150
116.065	031 KAR 003:041
116.085	031 KAR 003:010
116.112	031 KAR 003:041
116.155	031 KAR 003:010
	031 KAR 003:041
116.0452	031 KAR 003:041
117.001	031 KAR 002:030
	031 KAR 005:026
	031 KAR 005:040
	031 KAR 002:010
117.015	031 KAR 005:040
	031 KAR 006:010
	031 KAR 006:020
	031 KAR 006:040
	031 KAR 004:150
117.020	031 KAR 004:080
117.025	031 KAR 003:010
	031 KAR 005:026
	031 KAR 005:040
	031 KAR 004:150
117.035	031 KAR 004:220
	031 KAR 005:040
117.045	031 KAR 004:050
	031 KAR 004:100
	031 KAR 004:120
	031 KAR 004:160
117.065	031 KAR 004:160
117.066	031 KAR 004:196
	031 KAR 004:160
117.066	031 KAR 002:020
117.076	031 KAR 002:010
	031 KAR 005:026
	031 KAR 005:040
	031 KAR 006:040
117.079	031 KAR 004:141
	031 KAR 005:011
117.085	031 KAR 002:010
	031 KAR 004:031
	031 KAR 004:131
	031 KAR 004:141
	031 KAR 004:160
	031 KAR 005:026
	031 KAR 005:040
	031 KAR 006:040
117.086	031 KAR 004:031
	031 KAR 004:131
	031 KAR 005:011
	031 KAR 005:026
	031 KAR 006:040
117.087	031 KAR 005:026
	031 KAR 005:040
117.125	031 KAR 006:030
117.145	031 KAR 002:010
	031 KAR 005:026
117.155	031 KAR 002:020
117.165	031 KAR 002:020
	031 KAR 004:160
117.187	031 KAR 004:160
	031 KAR 006:040
117.215	031 KAR 002:020
117.225	031 KAR 003:010
	031 KAR 005:026
	031 KAR 005:040
117.227	031 KAR 005:040
117.228	031 KAR 005:026
	031 KAR 005:040
117.235	031 KAR 004:031
	031 KAR 004:090
	031 KAR 004:170
117.245	031 KAR 005:040
117.255	031 KAR 004:031
117.265	031 KAR 004:031

KRS SECTION	REGULATION
	031 KAR 006:030
117.275	031 KAR 002:020
	031 KAR 004:031
	031 KAR 006:020
	031 KAR 006:040
	031 KAR 004:160
117.295	031 KAR 005:026
117.305	031 KAR 004:071
	031 KAR 006:020
117.343	031 KAR 004:020
117.355	031 KAR 004:031
117.365	031 KAR 005:026
117.379	031 KAR 002:020
	031 KAR 002:030
	031 KAR 006:030
117.381	031 KAR 002:020
117.383	031 KAR 002:010
	031 KAR 002:020
	031 KAR 004:230
	031 KAR 006:040
117.389	031 KAR 002:020
	031 KAR 002:010
117.0861	031 KAR 005:026
117A.010	031 KAR 003:031
117A.030	031 KAR 004:131
	031 KAR 004:141
117A.040	031 KAR 003:031
117A.050	031 KAR 004:141
	031 KAR 005:011
117A.060	031 KAR 004:141
	031 KAR 005:011
117A.080	031 KAR 004:131
117A.100	031 KAR 005:011
117A.120	031 KAR 004:131
117A.130	031 KAR 004:131
	031 KAR 005:011
117A.160	031 KAR 005:011
118.015	031 KAR 004:150
118.025	031 KAR 004:031
	031 KAR 004:220
	031 KAR 005:026
	031 KAR 005:040
118.035	101 KAR 002:102
	101 KAR 003:015
	031 KAR 002:010
118.215	031 KAR 002:010
	031 KAR 002:020
	031 KAR 004:031
118.425	031 KAR 004:031
	031 KAR 004:071
118.710	031 KAR 004:196
118.720	031 KAR 004:196
118.730	031 KAR 004:196
118.770	031 KAR 002:010
	031 KAR 002:020
	031 KAR 004:031
119.025	501 KAR 001:030
119.307	031 KAR 004:031
120.095	031 KAR 004:220
120.157	031 KAR 004:220
120.185	031 KAR 004:220
120.205	031 KAR 004:201
120.215	031 KAR 004:201
120.260	031 KAR 004:220
120.290	031 KAR 004:220
138.170	781 KAR 001:020
138.510	810 KAR 007:060
	810 KAR 007:080
140.100	103 KAR 002:005
141.010	103 KAR 019:010
141.019	103 KAR 019:010
141.020	103 KAR 019:010
141.030	103 KAR 019:010
141.081	103 KAR 019:010
141.190	103 KAR 019:010
141.900	103 KAR 019:010
142.301	201 KAR 002:045
142.361	907 KAR 001:065
142.363	907 KAR 001:065
147A.050	806 KAR 002:200
150.010	301 KAR 001:125
	301 KAR 001:140
	301 KAR 001:152
	301 KAR 001:155
	301 KAR 002:041
	301 KAR 002:075
	301 KAR 002:081
	301 KAR 002:082
	301 KAR 002:083
	301 KAR 002:178
	301 KAR 002:195
	301 KAR 004:070
	301 KAR 004:090
	301 KAR 003:001
	301 KAR 002:172
	301 KAR 003:140
	301 KAR 005:001
	301 KAR 006:070
	301 KAR 002:176
	301 KAR 004:112
	301 KAR 003:012
	301 KAR 001:201
150.015	301 KAR 002:075
	301 KAR 002:081
	301 KAR 002:082
	301 KAR 004:120
150.021	301 KAR 002:075
150.025	301 KAR 002:230
	301 KAR 005:022
	301 KAR 003:001
	301 KAR 003:010
	301 KAR 003:140
	301 KAR 003:015
	301 KAR 004:112
150.090	301 KAR 001:016
	301 KAR 006:015
150.105	301 KAR 004:120
	301 KAR 004:112
150.120	301 KAR 001:155
	301 KAR 004:112
150.170	301 KAR 001:125
	301 KAR 001:152
	301 KAR 001:155
	301 KAR 002:041
	301 KAR 002:075
	301 KAR 002:178
	301 KAR 002:230
	301 KAR 003:150
	301 KAR 004:070
	301 KAR 002:172
	301 KAR 002:251
	301 KAR 002:195
	301 KAR 004:112
	301 KAR 001:201
150.175	301 KAR 001:132
	301 KAR 001:152
	301 KAR 002:230
	301 KAR 004:090
	301 KAR 002:176
	301 KAR 001:201
150.177	301 KAR 002:172
150.180	301 KAR 001:132
	301 KAR 002:041
	301 KAR 002:195
	301 KAR 004:070
	301 KAR 004:090
	301 KAR 005:022
	301 KAR 002:172

KRS SECTION	REGULATION
	301 KAR 002:251
150.183	301 KAR 002:075
	301 KAR 002:081
	301 KAR 002:082
	301 KAR 002:195
	301 KAR 003:120
	301 KAR 004:090
	301 KAR 005:022
150.186	301 KAR 002:082
150.190	301 KAR 002:081
150.195	301 KAR 002:075
	301 KAR 002:081
	301 KAR 002:082
	301 KAR 004:070
	301 KAR 005:001
	301 KAR 006:070
150.235	301 KAR 001:125
	301 KAR 002:081
	301 KAR 002:082
150.240	301 KAR 005:022
	301 KAR 003:012
150.250	301 KAR 004:100
	301 KAR 003:013
150.275	301 KAR 003:120
	301 KAR 005:022
150.280	301 KAR 001:132
	301 KAR 002:041
	301 KAR 005:022
	301 KAR 004:112
150.290	301 KAR 001:115
	301 KAR 002:083
	301 KAR 002:195
	301 KAR 005:022
150.305	301 KAR 002:195
	301 KAR 004:090
150.320	301 KAR 002:081
	301 KAR 002:082
	301 KAR 002:195
150.330	301 KAR 003:160
	301 KAR 002:075
	301 KAR 002:081
	301 KAR 002:082
	301 KAR 002:195
	301 KAR 002:230
	301 KAR 003:120
	301 KAR 004:090
150.340	301 KAR 003:160
	301 KAR 002:178
	301 KAR 001:201
150.360	301 KAR 002:081
	301 KAR 002:195
	301 KAR 002:176
150.370	301 KAR 002:081
	301 KAR 002:178
	301 KAR 004:090
	301 KAR 002:251
150.390	301 KAR 002:176
150.399	301 KAR 002:251
150.410	301 KAR 003:120
150.411	301 KAR 004:090
	301 KAR 002:172
150.412	301 KAR 003:150
150.415	301 KAR 002:251
150.416	301 KAR 002:251
150.440	301 KAR 003:160
150.445	301 KAR 003:160
	301 KAR 001:152
	301 KAR 001:155
150.450	301 KAR 003:160
	301 KAR 001:132
	301 KAR 001:140
	301 KAR 001:152
	301 KAR 001:155
	301 KAR 005:022
150.470	301 KAR 003:160
	301 KAR 001:185
150.485	301 KAR 001:115
	301 KAR 001:125
	301 KAR 001:132
	301 KAR 005:022
150.520	301 KAR 005:022
150.525	301 KAR 005:022
150.600	301 KAR 005:022
150.603	301 KAR 005:022
150.620	301 KAR 004:100
	301 KAR 003:010
	301 KAR 003:012
	301 KAR 003:013
	301 KAR 001:201
150.625	301 KAR 001:016
	301 KAR 006:015
150.630	301 KAR 002:041
150.640	301 KAR 001:016
	301 KAR 003:010
	301 KAR 003:012
150.660	301 KAR 005:022
150.720	301 KAR 005:022
	301 KAR 004:120
150.722	301 KAR 004:090
	301 KAR 004:120
150.725	301 KAR 002:083
150.730	301 KAR 002:083
150.735	301 KAR 002:083
150.740	301 KAR 002:083
	301 KAR 004:120
150.990	301 KAR 001:152
	301 KAR 001:155
	301 KAR 001:185
	301 KAR 002:041
	301 KAR 002:075
	301 KAR 002:081
	301 KAR 002:082
	301 KAR 002:178
	301 KAR 004:070
	301 KAR 004:090
	301 KAR 004:100
	301 KAR 002:172
	301 KAR 002:251
	301 KAR 006:015
	301 KAR 002:176
	301 KAR 003:012
	301 KAR 003:013
	301 KAR 001:201
150.995	301 KAR 002:251
151B.185	781 KAR 001:001
	781 KAR 001:020
151B.190	781 KAR 001:001
	781 KAR 001:010
	781 KAR 001:020
	781 KAR 001:030
	781 KAR 001:040
151B.195	781 KAR 001:001
	781 KAR 001:020
151B.200	781 KAR 001:001
	781 KAR 001:010
	781 KAR 001:020
154.12-100	307 KAR 001:006
154.20-010	307 KAR 001:006
154.20-020	307 KAR 001:006
154.20-033	307 KAR 001:006
154.20-190	307 KAR 001:006
154.20-234	307 KAR 001:006
154.20-236	307 KAR 001:006
154.20-255	307 KAR 001:006
154.20-256	307 KAR 001:006
154.26-080	307 KAR 001:006
154.30-030	307 KAR 001:006
154.30-040	307 KAR 001:006

KRS SECTION	REGULATION
154.30-050	307 KAR 001:006
154.30-060	307 KAR 001:006
154.31-020	307 KAR 001:006
154.31-030	307 KAR 001:006
154.32-020	307 KAR 001:006
154.32-030	307 KAR 001:006
154.34-070	307 KAR 001:006
154.60-020	307 KAR 001:006
154.61-010	307 KAR 001:080
154.61-020	307 KAR 001:080
154.61-030	307 KAR 001:080
156.029	702 KAR 003:130
156.070	704 KAR 008:030
	704 KAR 008:050
	704 KAR 008:080
	702 KAR 007:065
	701 KAR 005:170
	704 KAR 003:440
	704 KAR 008:020
	702 KAR 006:110
156.076	702 KAR 003:130
156.095	016 KAR 002:020
156.111	704 KAR 003:406
156.153	702 KAR 005:130
156.160	702 KAR 005:130
	704 KAR 004:010
	704 KAR 008:030
	704 KAR 008:050
	704 KAR 008:080
	701 KAR 005:170
	704 KAR 003:440
	704 KAR 003:410
	704 KAR 008:020
	702 KAR 003:130
	704 KAR 003:305
156.161	701 KAR 005:170
156.200	702 KAR 003:130
156.265	702 KAR 003:130
156.496	922 KAR 001:565
156.557	704 KAR 003:370
156.800	704 KAR 003:370
156.990	702 KAR 005:130
157.200	707 KAR 001:002
	707 KAR 001:350
157.220	707 KAR 001:002
	707 KAR 001:350
157.224	707 KAR 001:002
	707 KAR 001:350
157.230	707 KAR 001:002
	707 KAR 001:350
157.250	707 KAR 001:002
	707 KAR 001:350
157.260	707 KAR 001:002
	707 KAR 001:350
157.280	707 KAR 001:002
	707 KAR 001:350
157.285	707 KAR 001:002
	707 KAR 001:350
157.290	707 KAR 001:002
	707 KAR 001:350
157.360	701 KAR 005:170
	707 KAR 001:002
	707 KAR 001:350
157.3175	704 KAR 003:410
158.030	704 KAR 003:440
	707 KAR 001:002
	707 KAR 001:350
158.031	704 KAR 003:440
158.032	704 KAR 003:410
158.033	707 KAR 001:002
	707 KAR 001:350
158.070	016 KAR 002:020
	701 KAR 005:150
158.100	707 KAR 001:002
	707 KAR 001:350
158.110	702 KAR 005:130
158.120	704 KAR 003:410
158.140	704 KAR 003:305
158.141	704 KAR 003:305
158.142	704 KAR 003:305
158.148	702 KAR 005:130
158.150	707 KAR 001:002
	707 KAR 001:350
158.162	702 KAR 007:065
158.290	702 KAR 003:130
158.305	704 KAR 003:440
158.622	704 KAR 003:305
158.645	704 KAR 008:030
	704 KAR 008:050
	704 KAR 008:080
	704 KAR 008:020
	704 KAR 003:305
158.782	703 KAR 005:280
158.791	704 KAR 003:440
158.816	016 KAR 002:020
158.840	704 KAR 003:440
158.854	701 KAR 005:170
158.1411	704 KAR 008:080
	704 KAR 003:305
158.1413	704 KAR 008:080
	704 KAR 003:305
158.6451	704 KAR 008:030
	704 KAR 008:050
	704 KAR 008:080
	704 KAR 003:440
	704 KAR 008:020
	704 KAR 003:305
158.6453	704 KAR 008:030
	704 KAR 008:050
	704 KAR 008:080
	703 KAR 005:280
	704 KAR 008:020
158.6455	703 KAR 005:280
158.8402	704 KAR 003:440
Chapter 160	702 KAR 003:130
160.290	704 KAR 008:030
	704 KAR 008:050
	704 KAR 008:080
	704 KAR 008:020
	707 KAR 001:002
	707 KAR 001:350
160.310	702 KAR 005:130
160.330	702 KAR 003:220
160.346	703 KAR 005:280
160.350	704 KAR 003:406
160.380	702 KAR 005:130
	702 KAR 007:065
	016 KAR 002:020
160.445	702 KAR 007:065
161.020	016 KAR 002:020
	016 KAR 004:090
161.028	016 KAR 002:020
	016 KAR 004:090
161.030	016 KAR 002:020
	016 KAR 004:090
161.048	016 KAR 004:090
161.053	016 KAR 004:090
161.120	016 KAR 002:020
161.155	105 KAR 001:160
161.430	102 KAR 001:175
161.600	105 KAR 001:020
161.661	105 KAR 001:020
161.675	105 KAR 001:020
161.740	704 KAR 003:370
164.038	013 KAR 002:140
164.772	201 KAR 022:020
	301 KAR 003:150
164A.300-164A.380	011 KAR 012:010

KRS SECTION	REGULATION
164A.305	011 KAR 012:040
164A.310	011 KAR 012:020
	011 KAR 012:070
164A.325	011 KAR 012:020
	011 KAR 012:050
	011 KAR 012:060
164A.330	011 KAR 012:030
	011 KAR 012:040
	011 KAR 012:050
	011 KAR 012:070
164A.335	011 KAR 012:020
	011 KAR 012:070
164A.350	011 KAR 012:060
	011 KAR 012:090
164A.375	011 KAR 012:020
164A.380	011 KAR 012:030
164A.605	739 KAR 001:080
Chapter 171	725 KAR 001:050
186.010	601 KAR 023:070
186.020	601 KAR 023:070
186.040	601 KAR 009:120
186.050	601 KAR 023:070
	601 KAR 001:114
186.400-186.640	601 KAR 012:130
186A.040	601 KAR 009:120
186A.042	601 KAR 009:120
186A.115	601 KAR 023:070
189.010	301 KAR 003:001
189.125	907 KAR 002:720
189.290	601 KAR 001:114
189.540	702 KAR 005:130
189.550	702 KAR 005:130
189A.010	601 KAR 001:114
194A.005	922 KAR 001:565
194A.030	907 KAR 003:062
	911 KAR 001:085
	911 KAR 001:091
194A.050	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
194A.505	902 KAR 018:011
	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
194A.540	201 KAR 023:075
194A.990	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
Chapter 196	501 KAR 006:420
	501 KAR 006:460
	501 KAR 006:470
	501 KAR 006:510
	501 KAR 006:530
196.030	501 KAR 016:310
196.070	501 KAR 016:310
196.180	501 KAR 016:310
Chapter 197	501 KAR 006:420
	501 KAR 006:460
	501 KAR 006:470
	501 KAR 006:510

KRS SECTION	REGULATION
	501 KAR 006:530
197.045	501 KAR 006:420
	501 KAR 006:470
197.065	501 KAR 006:460
197.070	501 KAR 006:460
197.110	501 KAR 006:460
197.120	501 KAR 006:460
	501 KAR 006:510
197.140	501 KAR 006:510
197.150	501 KAR 006:460
197.170	501 KAR 006:510
197.175	501 KAR 006:510
197.400-197.440	501 KAR 006:530
197.410	501 KAR 001:030
198B.010	815 KAR 007:070
198B.040	815 KAR 007:070
198B.050	815 KAR 004:025
	815 KAR 007:070
198B.060	815 KAR 035:015
	815 KAR 007:070
198B.090	815 KAR 035:015
	815 KAR 007:070
198B.095	815 KAR 007:070
198B.400	815 KAR 004:010
198B.400-198B.540	815 KAR 004:025
198B.470	815 KAR 004:010
198B.480	815 KAR 004:010
198B.500	815 KAR 004:010
198B.510	815 KAR 004:010
198B.540	815 KAR 004:010
199.011	922 KAR 001:565
199.462	922 KAR 001:565
199.470-199.590	922 KAR 001:565
199.555	101 KAR 003:045
	101 KAR 002:120
200.080-200.120	505 KAR 001:140
200.460	911 KAR 001:010
	911 KAR 001:085
200.470	911 KAR 001:010
200.503	907 KAR 002:720
200.654	911 KAR 001:010
202A.011	907 KAR 003:210
	503 KAR 005:140
205.211	922 KAR 001:565
205.231	902 KAR 018:040
	902 KAR 018:090
205.510	907 KAR 023:010
	907 KAR 003:005
205.520	907 KAR 001:039
	907 KAR 016:005
	907 KAR 016:015
	907 KAR 016:020
	907 KAR 016:025
	907 KAR 016:010
	907 KAR 008:020
	907 KAR 008:040
	907 KAR 010:016
	907 KAR 015:022
	907 KAR 002:720
	907 KAR 002:725
205.540	907 KAR 003:320
205.560	907 KAR 003:010
205.564	907 KAR 023:010
205.565	907 KAR 003:010
205.622	907 KAR 008:040
	907 KAR 015:022
	907 KAR 003:005
205.5605	907 KAR 003:100
	907 KAR 003:210
	907 KAR 002:720
205.5606	907 KAR 003:100
205.5607	907 KAR 003:210
205.5631-205.5639	907 KAR 023:010
205.6316	907 KAR 023:010

KRS SECTION	REGULATION
205.6405	907 KAR 010:840
205.6406	907 KAR 010:840
205.6407	907 KAR 010:840
205.6408	907 KAR 010:840
205.6411	907 KAR 010:840
205.8451	907 KAR 001:039
	907 KAR 003:210
	907 KAR 023:010
	907 KAR 002:720
	907 KAR 003:005
205.8453	907 KAR 023:010
205.8477	907 KAR 003:210
Chapter 209	907 KAR 002:720
209.030	907 KAR 003:210
210.005	907 KAR 016:005
210.366	201 KAR 026:175
	201 KAR 023:075
210.370-210.485	907 KAR 003:010
211.090	902 KAR 008:096
211.170	902 KAR 008:060
	902 KAR 008:070
	902 KAR 008:080
	902 KAR 008:096
	902 KAR 008:120
211.180	902 KAR 001:400
211.190	902 KAR 001:400
211.210	902 KAR 001:400
211.332	201 KAR 045:190
211.334	201 KAR 045:190
211.335	201 KAR 045:190
211.336	201 KAR 045:190
211.338	201 KAR 045:190
211.350	815 KAR 035:015
211.357	902 KAR 001:400
211.360	902 KAR 001:400
211.760	902 KAR 001:400
211.842-211.852	902 KAR 100:130
211.844	902 KAR 001:400
211.848	902 KAR 020:150
211.925	902 KAR 001:400
211.990	902 KAR 100:130
211.1751	902 KAR 008:060
	902 KAR 008:070
	902 KAR 008:096
211.1752	902 KAR 008:060
211.1755	902 KAR 008:060
212.040	902 KAR 008:080
212.170	902 KAR 008:060
	902 KAR 008:070
	902 KAR 008:096
	902 KAR 008:120
212.210	902 KAR 001:400
212.230	902 KAR 001:400
212.620	902 KAR 001:400
212.627	902 KAR 001:400
212.850	902 KAR 008:080
212.870	902 KAR 008:060
	902 KAR 008:070
	902 KAR 008:080
	902 KAR 008:096
	902 KAR 008:120
213.081	040 KAR 012:130
213.098	040 KAR 012:130
214.034	704 KAR 003:410
214.155	902 KAR 020:150
214.610	201 KAR 009:360
214.620	201 KAR 009:360
216.380	907 KAR 010:840
	907 KAR 001:065
216.510	201 KAR 009:270
	902 KAR 055:095
216.530	902 KAR 020:150
216A.070	201 KAR 006:030
	201 KAR 006:061
216A.090	201 KAR 006:071
216A.110	201 KAR 006:061
216A.130	201 KAR 006:061
216B.010-216B.130	900 KAR 005:020
	902 KAR 020:150
216B.010	900 KAR 006:075
216B.015	900 KAR 006:075
	902 KAR 055:110
216B.020	202 KAR 007:501
	202 KAR 007:545
	202 KAR 007:565
	900 KAR 006:075
216B.040	900 KAR 006:075
216B.042	902 KAR 055:095
216B.062	900 KAR 006:075
216B.090	900 KAR 006:075
216B.095	900 KAR 006:075
216B.115	900 KAR 006:075
216B.178	900 KAR 005:020
216B.195	201 KAR 002:260
216B.198	902 KAR 020:150
216B.450	900 KAR 006:075
216B.455	900 KAR 006:075
216B.990	900 KAR 006:075
	902 KAR 020:150
Chapter 217	201 KAR 002:190
	907 KAR 002:720
217.005-217.215	902 KAR 055:015
217.015	301 KAR 001:155
	907 KAR 023:010
217.125	902 KAR 001:400
217.126	902 KAR 001:400
217.215	201 KAR 002:165
217.809	902 KAR 001:400
217.816	201 KAR 002:440
217.819	201 KAR 002:116
217.822	907 KAR 023:010
	201 KAR 002:280
	201 KAR 002:116
217C.040	902 KAR 001:400
217C.050	902 KAR 001:400
Chapter 218A	907 KAR 002:720
218A.010	902 KAR 055:015
	902 KAR 055:110
218A.020	902 KAR 055:015
218A.040	902 KAR 055:015
218A.060	902 KAR 055:015
	902 KAR 055:095
218A.080	902 KAR 055:015
218A.100	902 KAR 055:015
218A.120	902 KAR 055:015
218A.180	902 KAR 055:095
218A.200	902 KAR 055:015
	902 KAR 055:095
218A.202	902 KAR 055:110
218A.205	201 KAR 020:161
	201 KAR 009:270
	201 KAR 002:050
	201 KAR 009:360
	902 KAR 055:110
	201 KAR 005:010
	201 KAR 008:540
	201 KAR 008:533
218A.240	902 KAR 055:110
219.031	902 KAR 001:400
219.370	902 KAR 001:400
223.070	902 KAR 001:400
224.10-100	401 KAR 060:005
	401 KAR 063:002
224.20-100	401 KAR 060:005
	401 KAR 063:002
224.20-110	401 KAR 060:005
	401 KAR 063:002
224.20-120	401 KAR 060:005

KRS SECTION	REGULATION
	401 KAR 063:002
227.450	815 KAR 035:015
227.480	815 KAR 035:015
227.489	815 KAR 035:015
227.491	815 KAR 035:015
227.492	815 KAR 035:015
227.495	815 KAR 035:015
227.550-227.665	815 KAR 025:020
	815 KAR 025:050
227.550	815 KAR 025:060
	815 KAR 025:090
227.570	815 KAR 025:060
	815 KAR 025:090
227.580	815 KAR 025:060
227.590	815 KAR 025:060
	815 KAR 025:090
227.600	815 KAR 025:060
227.610	815 KAR 025:060
227.620	815 KAR 025:060
227.630	815 KAR 025:060
227.660	815 KAR 025:090
227.990	815 KAR 025:050
	815 KAR 025:060
	815 KAR 025:090
227.992	815 KAR 025:050
Chapter 230	810 KAR 006:001
230.215	810 KAR 007:060
	810 KAR 007:080
	810 KAR 003:020
230.225	810 KAR 007:060
	810 KAR 007:080
230.260	810 KAR 003:020
230.280	810 KAR 003:020
230.290	810 KAR 003:020
230.300	810 KAR 003:020
230.310	810 KAR 003:020
230.320	810 KAR 003:020
230.330	810 KAR 003:020
230.405	810 KAR 007:080
230.443	810 KAR 007:060
	810 KAR 007:080
230.445	810 KAR 007:060
Chapter 235	301 KAR 006:001
235.010	301 KAR 005:001
	301 KAR 006:015
235.040	301 KAR 005:022
	301 KAR 006:070
235.050	301 KAR 005:022
235.080	301 KAR 005:022
235.205	301 KAR 006:020
235.220	301 KAR 005:022
	301 KAR 006:070
235.240	301 KAR 006:030
235.250	301 KAR 006:030
235.290	301 KAR 006:030
235.990	301 KAR 006:015
Chapter 236	815 KAR 015:010
	815 KAR 015:025
	815 KAR 015:027
236.010	815 KAR 015:026
236.030	815 KAR 015:026
236.097	815 KAR 015:080
236.110	815 KAR 015:026
236.210	815 KAR 015:080
236.240	815 KAR 015:026
236.250	815 KAR 015:026
236.990	815 KAR 015:026
Chapter 238	702 KAR 003:130
238.505	820 KAR 001:032
238.545	820 KAR 001:032
241.010	902 KAR 018:011
241.060	804 KAR 004:400
	804 KAR 004:415
242.110	031 KAR 004:071
242.120	031 KAR 004:071
243.027	804 KAR 004:415
243.090	804 KAR 004:400
243.380	804 KAR 004:400
243.390	804 KAR 004:400
243.630	804 KAR 004:400
250.021	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.031	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.041	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.051	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.061	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.071	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.081	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.091	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.101	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.111	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.491-250.631	012 KAR 002:006
	012 KAR 002:011
	012 KAR 002:018
	012 KAR 002:026
	012 KAR 003:032
250.501	012 KAR 002:041
	012 KAR 002:046
	012 KAR 002:051
	012 KAR 003:012
	012 KAR 003:022
	012 KAR 003:027
	012 KAR 003:028
	012 KAR 003:037
	012 KAR 003:042
	012 KAR 003:039
250.511	012 KAR 002:041
	012 KAR 002:051
	012 KAR 003:037
250.521	012 KAR 003:012
	012 KAR 003:022
	012 KAR 003:027
	012 KAR 003:028
	012 KAR 003:042
	012 KAR 003:039
250.541	012 KAR 002:041
	012 KAR 002:046
	012 KAR 002:051
	012 KAR 003:037

KRS SECTION	REGULATION
250.551	012 KAR 002:046
	012 KAR 002:051
250.581	012 KAR 002:051
258.043	201 KAR 016:762
258.065	301 KAR 002:081
	301 KAR 002:082
258.085	301 KAR 002:081
	301 KAR 002:082
	301 KAR 004:112
273.182	907 KAR 016:015
	907 KAR 002:720
273.401	739 KAR 002:050
273.600	013 KAR 002:140
Chapter 278	807 KAR 005:015
281.010	601 KAR 001:114
281.600	601 KAR 001:114
281.630	601 KAR 001:114
281.631	601 KAR 001:114
281.640	601 KAR 001:114
281.655	601 KAR 001:114
281.656	601 KAR 001:114
281.990	601 KAR 001:114
281.6301	601 KAR 001:114
304.1-050	806 KAR 009:360
	806 KAR 002:200
	806 KAR 002:210
	806 KAR 002:220
	806 KAR 017:595
304.2-450	806 KAR 002:210
	806 KAR 002:220
	806 KAR 002:200
304.2-310	806 KAR 009:360
304.2-290	806 KAR 009:360
304.3-070	601 KAR 001:114
304.17A-005	806 KAR 009:360
304.5-070	902 KAR 020:150
304.9-053	201 KAR 002:416
	806 KAR 009:360
304.9-054	201 KAR 002:416
	806 KAR 009:360
304.9-055	201 KAR 002:416
	806 KAR 009:360
304.9-020	806 KAR 009:360
304.9-133	806 KAR 009:360
304.10-030	806 KAR 009:360
304.10-040	806 KAR 009:360
304.10-070	601 KAR 001:114
304.14-120	201 KAR 002:416
304.20-110	601 KAR 009:076
	806 KAR 020:030
304.20-020	601 KAR 001:114
304.39-020	601 KAR 001:114
304.39-040	601 KAR 001:114
304.39-320	601 KAR 001:114
304.40-075	201 KAR 008:563
	201 KAR 008:533
304.47-050	806 KAR 002:220
304.99-020	806 KAR 009:360
304.99-010	806 KAR 002:220
304.38A-115	201 KAR 002:416
304.17C-125	201 KAR 002:416
304.17C-130	806 KAR 017:595
304.17C-137	806 KAR 017:595
304.17A-162	806 KAR 009:360
304.17A-163	806 KAR 009:360
304.17A-165	806 KAR 009:360
304.17A-535	806 KAR 009:360
304.17A-595	201 KAR 002:416
304.17A-607	806 KAR 009:360
304.17A-712	201 KAR 002:416
304.17A-617-304.17A-633	806 KAR 009:360
Chapter 309	907 KAR 002:720
309.331	201 KAR 045:110
	201 KAR 045:120
309.334	201 KAR 045:120
	201 KAR 045:170
309.335	201 KAR 045:120
	201 KAR 045:150
	201 KAR 045:170
309.336	201 KAR 045:170
309.337	201 KAR 045:130
309.339	201 KAR 045:130
309.0831	907 KAR 015:022
Chapter 311	911 KAR 001:010
311.530-311.620	201 KAR 009:270
311.565	201 KAR 009:360
311.601	201 KAR 009:360
311.840-311.862	201 KAR 009:270
	907 KAR 003:005
311.840	907 KAR 003:010
311.842	201 KAR 009:360
	201 KAR 009:086
311.844	201 KAR 009:360
	201 KAR 009:086
311.850	201 KAR 009:360
311.852	201 KAR 009:360
311.901	201 KAR 009:305
311.905	201 KAR 009:305
311.909	201 KAR 009:305
311.990	201 KAR 009:270
311.1917	040 KAR 012:100
311A.010	202 KAR 007:545
311A.025	900 KAR 006:075
	202 KAR 007:801
311A.030	202 KAR 007:501
	202 KAR 007:545
	202 KAR 007:565
	202 KAR 007:555
311A.055	202 KAR 007:801
311A.060	202 KAR 007:501
	202 KAR 007:565
311A.075	202 KAR 007:555
311A.125	202 KAR 007:801
311A.130	202 KAR 007:801
311A.170	202 KAR 007:801
311A.175	202 KAR 007:801
311A.180	202 KAR 007:565
	202 KAR 007:801
311A.190	202 KAR 007:501
	202 KAR 007:545
	202 KAR 007:565
	202 KAR 007:555
311B.020	201 KAR 046:010
	201 KAR 046:081
	201 KAR 046:030
311B.050	201 KAR 046:081
	201 KAR 046:020
	201 KAR 046:030
	201 KAR 046:045
311B.080	201 KAR 046:030
311B.100	201 KAR 046:081
	201 KAR 046:020
	201 KAR 046:045
311B.110	201 KAR 046:081
	201 KAR 046:020
311B.120	201 KAR 046:081
	201 KAR 046:020
	201 KAR 046:045
311B.130	201 KAR 046:020
311B.140	201 KAR 046:081
	201 KAR 046:020
311B.150	201 KAR 046:081
311B.180	201 KAR 046:081
	201 KAR 046:020
	201 KAR 046:045

KRS SECTION	REGULATION
311B.190	201 KAR 046:081
	201 KAR 046:020
	201 KAR 046:045
313.010	201 KAR 008:563
	201 KAR 008:533
313.030	201 KAR 008:563
	201 KAR 008:533
313.035	201 KAR 008:550
313.040	201 KAR 008:563
313.060	201 KAR 008:563
	201 KAR 008:540
	201 KAR 008:550
313.080	201 KAR 008:563
313.085	201 KAR 008:540
313.130	201 KAR 008:563
313.254	201 KAR 008:563
	201 KAR 008:533
314.011	907 KAR 003:210
	907 KAR 016:020
	201 KAR 020:161
	201 KAR 020:162
	201 KAR 020:490
	907 KAR 002:720
	907 KAR 003:005
314.031	201 KAR 020:161
	201 KAR 020:162
314.035	201 KAR 020:161
	201 KAR 020:476
	201 KAR 020:472
	201 KAR 020:474
314.071	201 KAR 020:161
	201 KAR 020:162
314.091	201 KAR 020:161
	201 KAR 020:162
314.103	201 KAR 020:476
314.107	201 KAR 020:161
314.131	201 KAR 020:410
	201 KAR 020:476
	201 KAR 020:472
	201 KAR 020:474
314.137	201 KAR 020:161
	201 KAR 020:476
	201 KAR 020:472
	201 KAR 020:474
314.161	201 KAR 020:162
314.402	201 KAR 020:161
314.404	201 KAR 020:161
314.475	201 KAR 020:161
314.991	201 KAR 020:161
	201 KAR 020:162
314.400–314.414	201 KAR 020:600
314A.100	201 KAR 029:070
314A.110	201 KAR 029:010
	201 KAR 029:015
	201 KAR 029:050
	201 KAR 029:060
314A.112	201 KAR 029:010
	201 KAR 029:015
314A.115	201 KAR 029:050
	201 KAR 029:060
314A.200	201 KAR 029:020
314A.205	201 KAR 029:020
314A.215	201 KAR 029:015
314A.220	201 KAR 029:015
314A.225	201 KAR 029:020
	201 KAR 029:030
	201 KAR 029:040
	201 KAR 029:050
Chapter 315	201 KAR 002:160
	201 KAR 002:180
	201 KAR 002:190
	907 KAR 002:720
315.010	201 KAR 002:045
	201 KAR 002:260
315.020	201 KAR 002:045
	201 KAR 002:480
	201 KAR 002:205
	201 KAR 002:260
	201 KAR 002:300
315.035	201 KAR 002:050
	201 KAR 002:205
	201 KAR 002:260
	201 KAR 002:300
315.036	201 KAR 002:050
315.050	201 KAR 002:010
	201 KAR 002:050
315.060	201 KAR 002:050
315.110	201 KAR 002:050
315.120	201 KAR 002:050
315.121	201 KAR 002:165
	201 KAR 002:250
315.136	201 KAR 002:045
315.191	201 KAR 002:045
	201 KAR 002:165
	201 KAR 002:050
	201 KAR 002:185
	201 KAR 002:205
	201 KAR 002:280
	201 KAR 002:440
315.295	201 KAR 002:260
315.300	201 KAR 002:205
	201 KAR 002:260
315.310	201 KAR 002:480
315.335	201 KAR 002:205
315.0351	201 KAR 002:050
	201 KAR 002:205
	201 KAR 002:300
315.402	201 KAR 002:050
315.500	201 KAR 002:330
317A.020	201 KAR 012:030
	201 KAR 012:082
	201 KAR 012:290
317A.040	201 KAR 012:010
317A.050	201 KAR 012:010
	201 KAR 012:030
	201 KAR 012:082
	201 KAR 012:260
	201 KAR 012:290
317A.060	201 KAR 012:010
	201 KAR 012:030
	201 KAR 012:060
	201 KAR 012:290
317A.062	201 KAR 012:260
317A.070	201 KAR 012:190
317A.090	201 KAR 012:082
317A.100	201 KAR 012:030
317A.120	201 KAR 012:010
317A.130	201 KAR 012:100
	201 KAR 012:280
317A.140	201 KAR 012:060
	201 KAR 012:190
317A.145	201 KAR 012:010
	201 KAR 012:030
	201 KAR 012:060
	201 KAR 012:190
Chapter 319	907 KAR 002:720
	911 KAR 001:010
319.010	907 KAR 003:210
319.032	201 KAR 026:171
	201 KAR 026:175
319.050	201 KAR 026:160
	201 KAR 026:155
	201 KAR 026:171
	201 KAR 026:175
	201 KAR 026:190
319.053	201 KAR 026:175
	201 KAR 026:190
319.054	201 KAR 026:118

KRS SECTION	REGULATION
319.056	907 KAR 003:210
	201 KAR 026:171
	201 KAR 026:190
319.064	201 KAR 026:160
	201 KAR 026:171
	201 KAR 026:175
	201 KAR 026:190
	201 KAR 026:280
319.071	201 KAR 026:160
	201 KAR 026:175
319.082	201 KAR 026:171
319.092	201 KAR 026:171
319.118	201 KAR 026:171
Chapter 319A	907 KAR 002:720
319A.010	907 KAR 003:210
319A.310	201 KAR 028:240
320.220	201 KAR 005:020
	201 KAR 005:010
	201 KAR 005:021
320.250	201 KAR 005:020
	201 KAR 005:010
	201 KAR 005:021
320.270	201 KAR 005:010
320.280	201 KAR 005:020
	201 KAR 005:010
	201 KAR 005:021
321.175	201 KAR 016:762
	201 KAR 016:730
	201 KAR 016:731
	201 KAR 016:732
	201 KAR 016:735
	201 KAR 016:737
	201 KAR 016:775
	201 KAR 016:772
	201 KAR 016:777
321.181	201 KAR 016:762
	201 KAR 016:767
	201 KAR 016:730
	201 KAR 016:731
	201 KAR 016:732
	201 KAR 016:735
	201 KAR 016:737
	201 KAR 016:775
	201 KAR 016:777
	201 KAR 016:772
	301 KAR 002:075
321.185	301 KAR 002:075
321.187	201 KAR 016:737
321.189	201 KAR 016:762
	201 KAR 016:732
	201 KAR 016:775
	201 KAR 016:772
321.200	201 KAR 016:732
	201 KAR 016:737
321.203	201 KAR 016:762
	201 KAR 016:767
	201 KAR 016:737
	201 KAR 016:775
	201 KAR 016:777
	201 KAR 016:772
321.205	201 KAR 016:767
	201 KAR 016:737
	201 KAR 016:775
	201 KAR 016:777
	201 KAR 016:772
321.235	201 KAR 016:767
	201 KAR 016:730
	201 KAR 016:731
	201 KAR 016:732
	201 KAR 016:735
	201 KAR 016:737
	201 KAR 016:775
	201 KAR 016:777
	201 KAR 016:772
321.236	201 KAR 016:762
	201 KAR 016:767
	201 KAR 016:777
321.251	201 KAR 016:730
	201 KAR 016:731
	201 KAR 016:732
	201 KAR 016:735
	201 KAR 016:737
	201 KAR 016:777
321.253	201 KAR 016:732
	201 KAR 016:775
	201 KAR 016:772
321.255	201 KAR 016:730
	201 KAR 016:731
	201 KAR 016:732
	201 KAR 016:735
	201 KAR 016:737
	201 KAR 016:775
	201 KAR 016:777
	201 KAR 016:772
321.257	201 KAR 016:732
321.441	810 KAR 003:020
321.443	810 KAR 003:020
322.010	201 KAR 018:096
322.040	201 KAR 018:060
	201 KAR 018:072
	201 KAR 018:096
322.045	201 KAR 018:060
	201 KAR 018:072
322.047	201 KAR 018:060
	201 KAR 018:072
322.050	201 KAR 018:060
322.060	201 KAR 018:040
322.090	201 KAR 018:040
322.100	201 KAR 018:040
322.110	201 KAR 018:040
	201 KAR 018:081
322.120	201 KAR 018:040
	201 KAR 018:060
	201 KAR 018:081
	201 KAR 018:096
322.160	201 KAR 018:040
	201 KAR 018:081
322.170	201 KAR 018:040
	201 KAR 018:081
322.220	201 KAR 018:081
322.290	201 KAR 018:096
	201 KAR 018:150
322.300	201 KAR 018:060
322A.050	201 KAR 031:010
322A.060	201 KAR 031:010
322A.070	201 KAR 031:010
Chapter 323A	201 KAR 010:090
323A.010	201 KAR 010:040
	201 KAR 010:080
323A.040	201 KAR 010:040
	201 KAR 010:050
323A.050	201 KAR 010:040
	201 KAR 010:050
323A.060	201 KAR 010:040
	201 KAR 010:050
323A.100	201 KAR 010:050
	201 KAR 010:080
323A.105	201 KAR 010:040
	201 KAR 010:050
323A.110	201 KAR 010:030
	201 KAR 010:090
323A.120	201 KAR 010:090
323A.210	201 KAR 010:010
	201 KAR 010:080
	201 KAR 010:090
Chapter 324A	831 KAR 003:001
	831 KAR 003:010
	831 KAR 003:020

KRS SECTION	REGULATION
	831 KAR 003:030
	831 KAR 003:040
	831 KAR 003:050
	831 KAR 003:060
	831 KAR 003:070
	831 KAR 003:080
	831 KAR 003:090
	831 KAR 003:100
	831 KAR 003:110
	831 KAR 003:120
	831 KAR 003:130
	831 KAR 003:140
	831 KAR 003:150
	831 KAR 003:160
	831 KAR 003:170
	831 KAR 003:180
	831 KAR 003:190
	831 KAR 003:200
	831 KAR 003:210
324A.035	831 KAR 003:170
	831 KAR 003:180
324A.152	831 KAR 003:170
	831 KAR 003:180
324A.154	831 KAR 003:170
	831 KAR 003:180
324A.155	831 KAR 003:170
	831 KAR 003:180
324A.163	831 KAR 003:170
	831 KAR 003:180
324B.045	831 KAR 003:170
	831 KAR 003:180
	831 KAR 003:200
326.020	201 KAR 013:010
	201 KAR 013:040
	201 KAR 013:050
	201 KAR 013:055
	201 KAR 013:071
326.035	201 KAR 013:040
	201 KAR 013:050
	201 KAR 013:055
326.040	201 KAR 013:040
	201 KAR 013:071
326.080	201 KAR 013:040
	201 KAR 013:055
326.090	201 KAR 013:065
326.100	201 KAR 013:075
Chapter 326100	201 KAR 013:071
327.010	907 KAR 003:210
	201 KAR 022:020
	201 KAR 022:045
	201 KAR 022:010
327.050	201 KAR 022:020
	201 KAR 022:070
327.060	201 KAR 022:020
	201 KAR 022:070
327.070	201 KAR 022:045
327.075	201 KAR 022:020
327.080	201 KAR 022:020
327.310	201 KAR 022:020
334.010	907 KAR 001:039
334.040	907 KAR 001:039
334.200	907 KAR 001:039
Chapter 334A	911 KAR 001:010
334A.020	907 KAR 001:039
	907 KAR 003:210
334A.188	201 KAR 017:120
Chapter 335	907 KAR 002:720
335.010-335.160	201 KAR 023:025
335.070	201 KAR 023:075
335.130	201 KAR 023:075
335.300	907 KAR 003:210
335.500	907 KAR 003:210
335.560	201 KAR 036:100
335.990	201 KAR 023:025

KRS SECTION	REGULATION
Chapter 335B	810 KAR 003:020
335B.010	045 KAR 001:090
335B.020	045 KAR 001:090
335B.030	201 KAR 045:170
336.232	787 KAR 001:370
Chapter 337	101 KAR 002:102
	101 KAR 003:015
	902 KAR 008:120
Chapter 338	803 KAR 002:310
	803 KAR 002:120
338.015	803 KAR 002:181
	803 KAR 002:250
338.051	803 KAR 002:404
338.061	803 KAR 002:404
338.071	803 KAR 002:250
338.091	803 KAR 002:260
338.121	803 KAR 002:181
	803 KAR 002:241
	803 KAR 002:250
338.141	803 KAR 002:250
338.161	803 KAR 002:181
338.991	803 KAR 002:250
340.2-450	806 KAR 002:200
Chapter 342	101 KAR 002:140
	810 KAR 003:020
344.010	104 KAR 001:010
344.030	101 KAR 002:102
	101 KAR 003:015
	104 KAR 001:010
344.130	104 KAR 001:010
344.190	104 KAR 001:010
344.367	104 KAR 001:010
365.415	040 KAR 012:500
365.420	040 KAR 002:201
	040 KAR 012:500
365.447	040 KAR 012:510
365.680	040 KAR 012:520
367.395	040 KAR 012:430
367.401	040 KAR 012:430
367.403	040 KAR 012:430
367.461	040 KAR 012:300
367.463	040 KAR 012:300
367.465	040 KAR 012:300
367.467	040 KAR 012:300
367.469	040 KAR 012:300
367.472	040 KAR 012:420
367.474	040 KAR 012:420
367.480	040 KAR 012:420
367.486	040 KAR 012:420
367.680	040 KAR 012:600
	040 KAR 012:610
367.681	040 KAR 012:600
	040 KAR 012:610
367.683	040 KAR 012:600
367.685	040 KAR 012:600
367.686	040 KAR 012:600
	040 KAR 012:610
367.687	040 KAR 012:600
367.688	040 KAR 012:610
367.689	040 KAR 012:610
367.690	040 KAR 012:610
367.805	040 KAR 012:410
367.807	040 KAR 012:410
367.815	040 KAR 012:410
367.828	201 KAR 002:416
367.900	040 KAR 012:440
	040 KAR 012:441
367.905	040 KAR 012:440
	040 KAR 012:441
367.906	040 KAR 012:440
	040 KAR 012:441
367.937	040 KAR 012:120
367.940	040 KAR 012:120
367.946	040 KAR 012:110

KRS SECTION	REGULATION
367.952	040 KAR 012:110
367.954	040 KAR 012:110
367.958	040 KAR 012:110
367.972	040 KAR 012:110
367.46971	040 KAR 012:310
367.46973	040 KAR 012:310
367.46981	040 KAR 012:310
367.93101	040 KAR 012:100
367.93103	040 KAR 012:100
	040 KAR 012:130
367.93105	040 KAR 012:100
	040 KAR 012:130
367.93107	040 KAR 012:100
367.93109	040 KAR 012:100
367.93111	040 KAR 012:100
367.93113	040 KAR 012:100
367.93115	040 KAR 012:100
	040 KAR 012:130
367.93117	040 KAR 012:100
	040 KAR 012:130
367.93121	040 KAR 012:100
367.97501	040 KAR 012:100
	040 KAR 012:130
367.97504	040 KAR 012:130
367.97507	040 KAR 012:130
367.97511	040 KAR 012:130
367.97514	040 KAR 012:100
	040 KAR 012:130
367.97517	040 KAR 012:130
367.97521	040 KAR 012:130
367.97524	040 KAR 012:100
	040 KAR 012:130
367.97527	040 KAR 012:100
	040 KAR 012:130
367.477367.478	040 KAR 012:420
367.688367.689	040 KAR 012:600
Chapter 369	907 KAR 003:210
	907 KAR 002:720
369.101-369.120	907 KAR 008:040
	907 KAR 015:022
	907 KAR 023:010
	907 KAR 003:005
380.010	040 KAR 012:400
380.030	040 KAR 012:400
380.040	040 KAR 012:400
380.050	040 KAR 012:400
380.060	040 KAR 012:400
380.070	040 KAR 012:400
380.080	040 KAR 012:400
380.090	040 KAR 012:400
380.100	040 KAR 012:400
380.110	040 KAR 012:400
380.120	040 KAR 012:400
380.130	040 KAR 012:400
380.990	040 KAR 012:400
Chapter 385	011 KAR 012:090
Chapter 387	922 KAR 001:565
	907 KAR 002:720
391.010	040 KAR 012:130
391.030	105 KAR 001:350
403.270-403.355	922 KAR 001:565
405.024	922 KAR 001:565
421.500	501 KAR 006:510
422.317	201 KAR 008:540
Chapter 424	031 KAR 004:160
424.260	702 KAR 003:130
431.213-431.270	501 KAR 016:310
438.305-438.350	804 KAR 013:010
	804 KAR 013:025
438.310	804 KAR 013:020
438.3063	804 KAR 013:020
	804 KAR 013:030
	804 KAR 013:040
438.3065	804 KAR 013:020
	804 KAR 013:040
438.3067	804 KAR 013:020
	804 KAR 013:030
Chapter 439	501 KAR 006:530
439.268	501 KAR 006:470
439.340	501 KAR 001:030
439.563	501 KAR 001:030
439.590	501 KAR 006:510
439.600	501 KAR 006:510
439.610	501 KAR 006:510
439.3110	501 KAR 006:510
439.3401	501 KAR 001:030
439.3405	501 KAR 006:510
440.010	501 KAR 006:510
441.146	501 KAR 006:510
441.148	501 KAR 006:510
500.080	907 KAR 002:720
527.100	922 KAR 001:565
527.110	922 KAR 001:565
532.043	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
	702 KAR 006:110
12 C.F.R.	831 KAR 003:170
	831 KAR 003:180
	831 KAR 003:190
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
	815 KAR 025:090
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

KRS SECTION	REGULATION
	202 KAR 007:555
	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
12 U.S.C.	831 KAR 003:001
	831 KAR 003:010
	831 KAR 003:020
	831 KAR 003:030
	831 KAR 003:040
	831 KAR 003:050
	831 KAR 003:060
	831 KAR 003:070
	831 KAR 003:080
	831 KAR 003:090
	831 KAR 003:100
	831 KAR 003:110
	831 KAR 003:120
	831 KAR 003:130
	831 KAR 003:140
	831 KAR 003:150
	831 KAR 003:160
	831 KAR 003:170
	831 KAR 003:180
	831 KAR 003:190
	831 KAR 003:200
	831 KAR 003:210

KRS SECTION	REGULATION
15 U.S.C.	012 KAR 003:012
	012 KAR 003:028
	012 KAR 003:039
	831 KAR 003:170
	831 KAR 003:180
	831 KAR 003:190
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
	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

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	907 KAR 002:720		
	907 KAR 003:005		
	907 KAR 003:010		
	911 KAR 001:010		
	201 KAR 008:540		
	815 KAR 025:050		
	702 KAR 006:110		
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
020 KAR 001:010	04-15-2026	To be amended; filing deadline 10-15-2027
020 KAR 001:020	04-15-2026	To be amended; filing deadline 10-15-2027
020 KAR 001:030	04-15-2026	To be amended; filing deadline 10-15-2027
020 KAR 001:040	04-15-2026	To be amended; filing deadline 10-15-2027
020 KAR 001:050	04-15-2026	To be amended; filing deadline 10-15-2027
020 KAR 001:060	04-15-2026	To be amended; filing deadline 10-15-2027
020 KAR 001:070	04-15-2026	To be amended; filing deadline 10-15-2027
020 KAR 001:080	04-15-2026	To be amended; filing deadline 10-15-2027
020 KAR 001:090	04-15-2026	To be amended; filing deadline 10-15-2027
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 001:020	03-30-2026	Remain in Effect without Amendment
201 KAR 001:160	03-30-2026	Remain in Effect without Amendment
201 KAR 001:180	03-30-2026	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 020:163	04-10-2026	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 020:510	04-10-2026	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 002:060	03-25-2026	Remain in Effect without Amendment

400 KAR 002:070	03-25-2026	Remain in Effect without Amendment
400 KAR 002:080	03-25-2026	Remain in Effect without Amendment
400 KAR 002:090	03-25-2026	Remain in Effect without Amendment
400 KAR 002:100	03-25-2026	Remain in Effect without Amendment
400 KAR 003:010	03-25-2026	Remain in Effect without Amendment
400 KAR 003:020	03-25-2026	Remain in Effect without Amendment
400 KAR 003:030	03-25-2026	Remain in Effect without Amendment
400 KAR 003:040	03-25-2026	Remain in Effect without Amendment
400 KAR 004:100	10-28-2025	Remain in Effect without Amendment
400 KAR 004:110	03-25-2026	Remain in Effect without Amendment
400 KAR 004:110	03-25-2026	Remain in Effect without Amendment
400 KAR 004:125	03-25-2026	Remain in Effect without Amendment
400 KAR 004:130	03-25-2026	Remain in Effect without Amendment
400 KAR 004:140	03-25-2026	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
401 KAR 047:090	10-01-2025	Remain in Effect without Amendment
401 KAR 047:095	10-01-2025	Remain in Effect without Amendment
401 KAR 047:100	10-01-2025	Remain in Effect without Amendment
401 KAR 047:120	10-01-2025	Remain in Effect without Amendment
401 KAR 047:130	10-01-2025	Remain in Effect without Amendment
401 KAR 047:136	10-01-2025	Remain in Effect without Amendment
401 KAR 047:140	10-01-2025	Remain in Effect without Amendment
401 KAR 047:150	10-01-2025	Remain in Effect without Amendment
401 KAR 047:160	10-01-2025	Remain in Effect without Amendment
401 KAR 047:170	10-01-2025	Remain in Effect without Amendment
401 KAR 047:180	10-01-2025	Remain in Effect without Amendment
401 KAR 047:190	10-01-2025	Remain in Effect without Amendment
401 KAR 047:205	10-01-2025	Remain in Effect without Amendment
401 KAR 047:207	10-01-2025	Remain in Effect without Amendment
401 KAR 048:005	07-22-2025	Remain in Effect without Amendment
401 KAR 048:050	07-22-2025	Remain in Effect without Amendment
401 KAR 048:060	07-22-2025	Remain in Effect without Amendment
401 KAR 048:070	07-22-2025	Remain in Effect without Amendment
401 KAR 048:080	07-22-2025	Remain in Effect without Amendment
401 KAR 048:090	07-22-2025	Remain in Effect without Amendment
401 KAR 048:170	07-22-2025	Remain in Effect without Amendment
401 KAR 048:200	08-06-2025	To be amended; filing deadline 2-8-2027
401 KAR 048:205	07-22-2025	Remain in Effect without Amendment
401 KAR 048:206	07-22-2025	Remain in Effect without Amendment
401 KAR 048:207	07-22-2025	Remain in Effect without Amendment
401 KAR 048:208	07-22-2025	Remain in Effect without Amendment
401 KAR 048:300	07-22-2025	Remain in Effect without Amendment
401 KAR 048:310	07-22-2025	Remain in Effect without Amendment
401 KAR 049:005	08-29-2025	Remain in Effect without Amendment
401 KAR 049:011	08-29-2025	Remain in Effect without Amendment
401 KAR 049:080	08-29-2025	Remain in Effect without Amendment
401 KAR 049:100	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 050:010	11-06-2025	Remain in Effect without Amendment
401 KAR 050:012	11-06-2025	Remain in Effect without Amendment
401 KAR 050:015	11-06-2025	Remain in Effect without Amendment
401 KAR 050:020	11-06-2025	Remain in Effect without Amendment
401 KAR 050:025	11-06-2025	Remain in Effect without Amendment
401 KAR 050:038	11-06-2025	To be amended; filing deadline 5-6-2027
401 KAR 050:040	11-06-2025	Remain in Effect without Amendment
401 KAR 050:042	11-06-2025	Remain in Effect without Amendment
401 KAR 050:045	11-06-2025	Remain in Effect without Amendment
401 KAR 050:047	11-06-2025	Remain in Effect without Amendment
401 KAR 050:050	11-14-2025	Remain in Effect without Amendment
401 KAR 050:055	11-14-2025	Remain in Effect without Amendment
401 KAR 050:060	11-14-2025	Remain in Effect without Amendment
401 KAR 050:065	11-14-2025	To be amended; filing deadline 5-14-2027
401 KAR 050:066	11-14-2025	Remain in Effect without Amendment
401 KAR 051:001	06-12-2025	Remain in Effect without Amendment
401 KAR 051:005	06-12-2025	Remain in Effect without Amendment
401 KAR 051:017	06-27-2025	To be amended; filing deadline 12-27-2026
401 KAR 051:052	06-27-2025	To be amended; filing deadline 1-3-2027
401 KAR 051:150	06-05-2025	Remain in Effect without Amendment
401 KAR 051:160	06-05-2025	Remain in Effect without Amendment

401 KAR 051:170	06-27-2025	Remain in Effect without Amendment
401 KAR 051:180	06-27-2025	Remain in Effect without Amendment
401 KAR 051:190	06-27-2025	Remain in Effect without Amendment
401 KAR 051:195	06-27-2025	Remain in Effect without Amendment
401 KAR 051:210	06-12-2025	Remain in Effect without Amendment
401 KAR 051:220	06-12-2025	Remain in Effect without Amendment
401 KAR 051:230	06-12-2025	Remain in Effect without Amendment
401 KAR 051:240	06-27-2025	Remain in Effect without Amendment
401 KAR 051:250	06-27-2025	Remain in Effect without Amendment
401 KAR 051:260	06-27-2025	Remain in Effect without Amendment
401 KAR 052:001	08-28-2025	Remain in Effect without Amendment
401 KAR 052:020	08-28-2025	Remain in Effect without Amendment
401 KAR 052:030	08-28-2025	Remain in Effect without Amendment
401 KAR 052:040	08-28-2025	Remain in Effect without Amendment
401 KAR 052:050	01-20-2026	Remain in Effect without Amendment
401 KAR 052:060	08-28-2025	Remain in Effect without Amendment
401 KAR 052:070	01-20-2026	Remain in Effect without Amendment
401 KAR 052:090	08-28-2025	Remain in Effect without Amendment
401 KAR 053:005	08-28-2025	Remain in Effect without Amendment
401 KAR 053:010	08-28-2025	Remain in Effect without Amendment
401 KAR 055:005	08-28-2025	Remain in Effect without Amendment
401 KAR 055:010	08-28-2025	Remain in Effect without Amendment
401 KAR 055:015	08-28-2025	Remain in Effect without Amendment
401 KAR 055:020	08-28-2025	Remain in Effect without Amendment
401 KAR 057:002	08-28-2025	Remain in Effect without Amendment
401 KAR 058:010	06-27-2025	To be amended; filing deadline 12-27-2026
401 KAR 058:025	06-12-2025	Remain in Effect without Amendment
401 KAR 059:001	11-18-2025	Remain in Effect without Amendment
401 KAR 059:005	11-18-2025	Remain in Effect without Amendment
401 KAR 059:010	11-18-2025	Remain in Effect without Amendment
401 KAR 059:020	11-18-2025	Remain in Effect without Amendment
401 KAR 059:021	11-18-2025	Remain in Effect without Amendment
401 KAR 059:023	11-18-2025	Remain in Effect without Amendment
401 KAR 059:046	11-18-2025	Remain in Effect without Amendment
401 KAR 059:050	11-18-2025	Remain in Effect without Amendment
401 KAR 059:080	11-18-2025	Remain in Effect without Amendment
401 KAR 059:085	11-20-2025	Remain in Effect without Amendment
401 KAR 059:090	11-05-2025	Remain in Effect without Amendment
401 KAR 059:095	11-05-2025	Remain in Effect without Amendment
401 KAR 059:101	11-05-2025	Remain in Effect without Amendment
401 KAR 059:105	11-05-2025	Remain in Effect without Amendment
401 KAR 059:174	11-05-2025	Remain in Effect without Amendment
401 KAR 059:175	11-05-2025	Remain in Effect without Amendment
401 KAR 059:185	11-05-2025	Remain in Effect without Amendment
401 KAR 059:190	11-05-2025	Remain in Effect without Amendment
401 KAR 059:210	11-05-2025	Remain in Effect without Amendment
401 KAR 059:212	11-05-2025	Remain in Effect without Amendment
401 KAR 059:214	11-20-2025	Remain in Effect without Amendment
401 KAR 059:225	11-20-2025	Remain in Effect without Amendment
401 KAR 059:230	11-20-2025	Remain in Effect without Amendment
401 KAR 059:240	11-20-2025	Remain in Effect without Amendment
401 KAR 059:260	11-20-2025	Remain in Effect without Amendment
401 KAR 059:315	11-20-2025	Remain in Effect without Amendment
401 KAR 059:760	11-20-2025	Remain in Effect without Amendment
401 KAR 061:001	01-20-2026	Remain in Effect without Amendment
401 KAR 061:005	01-20-2026	Remain in Effect without Amendment
401 KAR 061:010	01-20-2026	Remain in Effect without Amendment
401 KAR 061:011	01-20-2026	To be amended; filing deadline 7-20-2027
401 KAR 061:013	01-20-2026	To be amended; filing deadline 7-20-2027
401 KAR 061:020	01-20-2026	Remain in Effect without Amendment
401 KAR 061:025	01-20-2026	Remain in Effect without Amendment
401 KAR 061:030	01-20-2026	Remain in Effect without Amendment
401 KAR 061:035	01-20-2026	Remain in Effect without Amendment
401 KAR 061:040	01-20-2026	Remain in Effect without Amendment
401 KAR 061:045	01-20-2026	Remain in Effect without Amendment
401 KAR 061:050	01-20-2026	Remain in Effect without Amendment
401 KAR 061:055	01-20-2026	Remain in Effect without Amendment
401 KAR 061:056	01-20-2026	Remain in Effect without Amendment
401 KAR 061:060	01-20-2026	Remain in Effect without Amendment
401 KAR 061:065	01-20-2026	Remain in Effect without Amendment

401 KAR 061:070	01-20-2026	Remain in Effect without Amendment
401 KAR 061:075	01-20-2026	Remain in Effect without Amendment
401 KAR 061:080	01-20-2026	Remain in Effect without Amendment
401 KAR 061:085	01-20-2026	Remain in Effect without Amendment
401 KAR 061:090	01-20-2026	Remain in Effect without Amendment
401 KAR 061:095	01-20-2026	To be amended; filing deadline 7-21-2027
401 KAR 061:100	01-20-2026	Remain in Effect without Amendment
401 KAR 061:105	01-20-2026	Remain in Effect without Amendment
401 KAR 061:110	01-20-2026	Remain in Effect without Amendment
401 KAR 061:120	01-20-2026	Remain in Effect without Amendment
401 KAR 061:122	01-20-2026	Remain in Effect without Amendment
401 KAR 061:124	01-20-2026	Remain in Effect without Amendment
401 KAR 061:125	01-20-2026	Remain in Effect without Amendment
401 KAR 061:130	01-20-2026	Remain in Effect without Amendment
401 KAR 061:132	01-20-2026	Remain in Effect without Amendment
401 KAR 061:135	01-20-2026	Remain in Effect without Amendment
401 KAR 061:137	01-20-2026	Remain in Effect without Amendment
401 KAR 061:140	01-20-2026	Remain in Effect without Amendment
401 KAR 061:145	01-20-2026	Remain in Effect without Amendment
401 KAR 061:150	01-20-2026	Remain in Effect without Amendment
401 KAR 061:155	01-20-2026	Remain in Effect without Amendment
401 KAR 061:160	01-20-2026	Remain in Effect without Amendment
401 KAR 061:165	01-20-2026	Remain in Effect without Amendment
401 KAR 061:170	01-20-2026	Remain in Effect without Amendment
401 KAR 061:175	01-20-2026	Remain in Effect without Amendment
401 KAR 063:001	08-28-2025	Remain in Effect without Amendment
401 KAR 063:005	08-28-2025	Remain in Effect without Amendment
401 KAR 063:015	08-28-2025	Remain in Effect without Amendment
401 KAR 063:020	08-28-2025	Remain in Effect without Amendment
401 KAR 063:021	08-28-2025	Remain in Effect without Amendment
401 KAR 063:025	08-28-2025	Remain in Effect without Amendment
401 KAR 063:031	08-28-2025	Remain in Effect without Amendment
401 KAR 065:001	09-09-2025	Remain in Effect without Amendment
401 KAR 065:005	09-09-2025	Remain in Effect without Amendment
401 KAR 068:010	09-09-2025	Remain in Effect without Amendment
401 KAR 068:020	09-09-2025	Remain in Effect without Amendment
401 KAR 068:048	09-09-2025	Remain in Effect without Amendment
401 KAR 068:065	09-09-2025	Remain in Effect without Amendment
401 KAR 068:090	09-09-2025	Remain in Effect without Amendment
401 KAR 068:100	09-09-2025	Remain in Effect without Amendment
401 KAR 068:150	09-09-2025	Remain in Effect without Amendment
401 KAR 068:200	09-09-2025	Remain in Effect without Amendment
401 KAR 100:030	08-06-2025	To be amended; filing deadline 2-6-2027
401 KAR 101:001	07-22-2025	Remain in Effect without Amendment
401 KAR 101:010	07-22-2025	Remain in Effect without Amendment
401 KAR 101:020	07-22-2025	Remain in Effect without Amendment
401 KAR 101:030	07-22-2025	Remain in Effect without Amendment
401 KAR 101:040	07-22-2025	Remain in Effect without Amendment
401 KAR 102:005	07-22-2025	Remain in Effect without Amendment
401 KAR 102:010	07-22-2025	Remain in Effect without Amendment
401 KAR 102:020	07-22-2025	Remain in Effect without Amendment
402 KAR 003:010	06-17-2025	Remain in Effect without Amendment
402 KAR 003:020	06-17-2025	Remain in Effect without Amendment
402 KAR 003:030	06-17-2025	Remain in Effect without Amendment
402 KAR 003:040	06-17-2025	Remain in Effect without Amendment
402 KAR 003:050	06-17-2025	Remain in Effect without Amendment
405 KAR 002:010	06-17-2025	Remain in Effect without Amendment
405 KAR 005:015	06-17-2025	Remain in Effect without Amendment
405 KAR 005:021	06-17-2025	Remain in Effect without Amendment
405 KAR 005:036	06-17-2025	Remain in Effect without Amendment
405 KAR 005:040	06-17-2025	Remain in Effect without Amendment
405 KAR 005:042	06-17-2025	Remain in Effect without Amendment
405 KAR 005:050	06-17-2025	Remain in Effect without Amendment
405 KAR 005:055	06-17-2025	Remain in Effect without Amendment
405 KAR 005:062	06-17-2025	Remain in Effect without Amendment
405 KAR 005:065	06-17-2025	Remain in Effect without Amendment
405 KAR 005:070	06-17-2025	Remain in Effect without Amendment
405 KAR 005:078	06-17-2025	Remain in Effect without Amendment
405 KAR 005:082	06-17-2025	Remain in Effect without Amendment
405 KAR 005:085	06-17-2025	Remain in Effect without Amendment

405 KAR 007:001	06-10-2025	Remain in Effect without Amendment
405 KAR 007:015	06-10-2025	Remain in Effect without Amendment
405 KAR 007:030	06-10-2025	Remain in Effect without Amendment
405 KAR 007:035	06-10-2025	Remain in Effect without Amendment
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
405 KAR 008:001	06-10-2025	Remain in Effect without Amendment
405 KAR 008:020	06-10-2025	Remain in Effect without Amendment
405 KAR 008:040	06-10-2025	Remain in Effect without Amendment
405 KAR 008:050	06-10-2025	Remain in Effect without Amendment
405 KAR 010:025	06-30-2025	Remain in Effect without Amendment
405 KAR 010:030	06-30-2025	Remain in Effect without Amendment
405 KAR 010:035	06-30-2025	Remain in Effect without Amendment
405 KAR 010:040	06-30-2025	Remain in Effect without Amendment
405 KAR 010:070	06-30-2025	Remain in Effect without Amendment
405 KAR 010:080	06-30-2025	Remain in Effect without Amendment
405 KAR 010:090	06-30-2025	Remain in Effect without Amendment
405 KAR 012:001	06-10-2025	Remain in Effect without Amendment
405 KAR 012:010	06-10-2025	Remain in Effect without Amendment
405 KAR 012:020	06-10-2025	Remain in Effect without Amendment
405 KAR 012:030	06-10-2025	Remain in Effect without Amendment
405 KAR 016:001	06-10-2025	Remain in Effect without Amendment
405 KAR 016:010	06-10-2025	Remain in Effect without Amendment
405 KAR 016:020	06-10-2025	Remain in Effect without Amendment
405 KAR 016:030	06-10-2025	Remain in Effect without Amendment
405 KAR 016:040	06-10-2025	Remain in Effect without Amendment
405 KAR 016:050	06-10-2025	Remain in Effect without Amendment
405 KAR 016:060	06-10-2025	Remain in Effect without Amendment
405 KAR 016:070	06-10-2025	Remain in Effect without Amendment
405 KAR 016:080	06-10-2025	Remain in Effect without Amendment
405 KAR 016:090	06-10-2025	Remain in Effect without Amendment
405 KAR 016:110	06-10-2025	Remain in Effect without Amendment
405 KAR 016:120	06-10-2025	Remain in Effect without Amendment
405 KAR 016:130	06-10-2025	Remain in Effect without Amendment
405 KAR 016:140	06-10-2025	Remain in Effect without Amendment
405 KAR 016:150	06-10-2025	Remain in Effect without Amendment
405 KAR 016:160	06-10-2025	Remain in Effect without Amendment
405 KAR 016:170	06-10-2025	Remain in Effect without Amendment
405 KAR 016:180	06-10-2025	Remain in Effect without Amendment
405 KAR 016:190	06-10-2025	Remain in Effect without Amendment
405 KAR 016:200	06-10-2025	Remain in Effect without Amendment
405 KAR 016:220	06-10-2025	Remain in Effect without Amendment
405 KAR 016:250	06-10-2025	Remain in Effect without Amendment
405 KAR 018:001	06-26-2025	Remain in Effect without Amendment
405 KAR 018:010	06-26-2025	Remain in Effect without Amendment
405 KAR 018:020	06-26-2025	Remain in Effect without Amendment
405 KAR 018:030	06-26-2025	Remain in Effect without Amendment
405 KAR 018:040	06-26-2025	Remain in Effect without Amendment
405 KAR 018:050	06-26-2025	Remain in Effect without Amendment
405 KAR 018:060	06-26-2025	Remain in Effect without Amendment
405 KAR 018:070	06-26-2025	Remain in Effect without Amendment
405 KAR 018:080	06-26-2025	Remain in Effect without Amendment
405 KAR 018:090	06-26-2025	Remain in Effect without Amendment
405 KAR 018:110	06-26-2025	Remain in Effect without Amendment
405 KAR 018:120	06-26-2025	Remain in Effect without Amendment
405 KAR 018:130	06-26-2025	Remain in Effect without Amendment
405 KAR 018:140	06-26-2025	Remain in Effect without Amendment
405 KAR 018:150	06-26-2025	Remain in Effect without Amendment
405 KAR 018:160	06-26-2025	Remain in Effect without Amendment
405 KAR 018:170	06-26-2025	Remain in Effect without Amendment
405 KAR 018:180	06-26-2025	Remain in Effect without Amendment
405 KAR 018:190	06-26-2025	Remain in Effect without Amendment
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

405 KAR 018:260	06-26-2025	Remain in Effect without Amendment
405 KAR 020:001	06-30-2025	Remain in Effect without Amendment
405 KAR 020:010	06-30-2025	Remain in Effect without Amendment
405 KAR 020:030	06-30-2025	Remain in Effect without Amendment
405 KAR 020:050	06-30-2025	Remain in Effect without Amendment
405 KAR 020:060	06-30-2025	Remain in Effect without Amendment
405 KAR 020:070	06-30-2025	Remain in Effect without Amendment
405 KAR 020:080	06-30-2025	Remain in Effect without Amendment
405 KAR 020:090	06-30-2025	Remain in Effect without Amendment
405 KAR 024:001	06-26-2025	Remain in Effect without Amendment
405 KAR 024:020	06-26-2025	Remain in Effect without Amendment
405 KAR 024:030	06-26-2025	Remain in Effect without Amendment
405 KAR 024:040	06-26-2025	Remain in Effect without Amendment
405 KAR 030:010	06-30-2025	Remain in Effect without Amendment
405 KAR 030:015	06-30-2025	Remain in Effect without Amendment
405 KAR 030:020	06-30-2025	Remain in Effect without Amendment
405 KAR 030:025	06-30-2025	Remain in Effect without Amendment
405 KAR 030:035	06-30-2025	Remain in Effect without Amendment
405 KAR 030:040	06-30-2025	Remain in Effect without Amendment
405 KAR 030:050	06-30-2025	Remain in Effect without Amendment
405 KAR 030:060	06-30-2025	Remain in Effect without Amendment
405 KAR 030:070	06-30-2025	Remain in Effect without Amendment
405 KAR 030:080	06-30-2025	Remain in Effect without Amendment
405 KAR 030:090	06-30-2025	Remain in Effect without Amendment
405 KAR 030:100	06-30-2025	Remain in Effect without Amendment
405 KAR 030:110	06-30-2025	Remain in Effect without Amendment
405 KAR 030:121	06-30-2025	Remain in Effect without Amendment
405 KAR 030:125	06-30-2025	Remain in Effect without Amendment
405 KAR 030:130	06-30-2025	Remain in Effect without Amendment
405 KAR 030:140	06-30-2025	Remain in Effect without Amendment
405 KAR 030:150	06-30-2025	Remain in Effect without Amendment
405 KAR 030:160	06-30-2025	Remain in Effect without Amendment
405 KAR 030:170	06-30-2025	Remain in Effect without Amendment
405 KAR 030:180	06-30-2025	Remain in Effect without Amendment
405 KAR 030:210	06-30-2025	Remain in Effect without Amendment
405 KAR 030:220	06-30-2025	Remain in Effect without Amendment
405 KAR 030:230	06-30-2025	Remain in Effect without Amendment
405 KAR 030:240	06-30-2025	Remain in Effect without Amendment
405 KAR 030:250	06-30-2025	Remain in Effect without Amendment
405 KAR 030:260	06-30-2025	Remain in Effect without Amendment
405 KAR 030:270	06-30-2025	Remain in Effect without Amendment
405 KAR 030:280	06-30-2025	Remain in Effect without Amendment
405 KAR 030:290	06-30-2025	Remain in Effect without Amendment
405 KAR 030:300	06-30-2025	Remain in Effect without Amendment
405 KAR 030:310	06-30-2025	Remain in Effect without Amendment
405 KAR 030:320	06-30-2025	Remain in Effect without Amendment
405 KAR 030:330	06-30-2025	Remain in Effect without Amendment
405 KAR 030:340	06-30-2025	Remain in Effect without Amendment
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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
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405 KAR 030:400	06-30-2025	Remain in Effect without Amendment
405 KAR 030:410	06-30-2025	Remain in Effect without Amendment
418 KAR 001:010	03-25-2026	To be amended; filing deadline 9-25-2027
418 KAR 001:020	03-25-2026	To be amended; filing deadline 9-25-2027
418 KAR 001:040	03-25-2026	To be amended; filing deadline 9-25-2027
418 KAR 001:050	03-25-2026	To be amended; filing deadline 9-25-2027
418 KAR 001:060	03-25-2026	Remain in Effect without Amendment
418 KAR 001:070	03-25-2026	Remain in Effect without Amendment
500 KAR 007:020	03-11-2026	Remain in Effect without Amendment
500 KAR 008:010	12-09-2025	Remain in Effect without Amendment
500 KAR 008:010	12-17-2025	Remain in Effect without Amendment
500 KAR 008:020	12-17-2025	Remain in Effect without Amendment
500 KAR 008:020	12-09-2025	Remain in Effect without Amendment
500 KAR 008:030	12-05-2025	Remain in Effect without Amendment
500 KAR 008:030	12-17-2025	Remain in Effect without Amendment
501 KAR 006:170	06-27-2025	To be amended; filing deadline 12-27-2026
501 KAR 006:270	06-27-2025	To be amended; filing deadline 12-27-2026
501 KAR 016:290	06-27-2025	Remain in Effect without Amendment

501 KAR 016:300	06-27-2025	Remain in Effect without Amendment
501 KAR 016:330	06-27-2025	Remain in Effect without Amendment
501 KAR 016:340	06-27-2025	Remain in Effect without Amendment
503 KAR 005:090	10-01-2025	To be amended; filing deadline 4-1-2027
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 001:190	04-02-2026	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 003:100	04-09-2026	Remain in Effect without Amendment
702 KAR 003:110	04-09-2026	Remain in Effect without Amendment
702 KAR 003:120	04-09-2026	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 003:220	04-14-2026	To be amended; filing deadline 10-15-2027
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 005:030	04-09-2026	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 005:110	04-09-2026	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
702 KAR 006:110	04-14-2026	To be amended; filing deadline 10-14-2027
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 002:140	04-09-2026	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 001:310	04-09-2026	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 002:140	04-09-2026	Remain in Effect without Amendment
780 KAR 003:010	06-09-2025	Remain in Effect without Amendment
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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 003:140	04-09-2026	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 007:010	04-09-2026	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
808 KAR 001:060	04-07-2026	Remain in Effect without Amendment
808 KAR 001:140	04-07-2026	Remain in Effect without Amendment
808 KAR 001:140	04-07-2026	To be amended; filing deadline 10-8-2027
808 KAR 003:050	04-07-2026	Remain in Effect without Amendment
808 KAR 006:095	04-07-2026	Remain in Effect without Amendment
808 KAR 012:050	04-07-2026	Remain in Effect without Amendment
808 KAR 012:055	04-07-2026	Remain in Effect without Amendment
808 KAR 014:010	04-07-2026	Remain in Effect without Amendment
808 KAR 014:020	04-07-2026	Remain in Effect without Amendment
808 KAR 015:010	04-07-2026	To be amended; filing deadline 10-7-2027
808 KAR 015:020	04-07-2026	To be amended; filing deadline 10-7-2027
808 KAR 015:030	04-07-2026	To be amended; filing deadline 10-7-2027
808 KAR 015:040	04-07-2026	Remain in Effect without Amendment
810 KAR 007:010	04-14-2026	Remain in Effect without Amendment
810 KAR 007:020	04-14-2026	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 009:010	04-21-2026	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
902 KAR 011:035	12-29-2025	Remain in Effect without Amendment
902 KAR 011:040	12-29-2025	Remain in Effect without Amendment
902 KAR 011:045	12-29-2025	Remain in Effect without Amendment
902 KAR 011:050	12-29-2025	Remain in Effect without Amendment
902 KAR 019:010	01-08-2026	Remain in Effect without Amendment
902 KAR 020:008	09-03-2025	Remain in Effect without Amendment
902 KAR 020:009	11-24-2025	Remain in Effect without Amendment
902 KAR 020:012	11-24-2025	Remain in Effect without Amendment
902 KAR 020:031	02-17-2026	Remain in Effect without Amendment
902 KAR 020:041	02-17-2026	Remain in Effect without Amendment
902 KAR 020:046	02-17-2026	Remain in Effect without Amendment
902 KAR 020:048	02-17-2026	Remain in Effect without Amendment
902 KAR 020:051	02-17-2026	Remain in Effect without Amendment
902 KAR 020:056	02-17-2026	Remain in Effect without Amendment
902 KAR 020:066	02-17-2026	Remain in Effect without Amendment
902 KAR 020:074	02-17-2026	Remain in Effect without Amendment
902 KAR 020:078	02-17-2026	Remain in Effect without Amendment
902 KAR 020:101	02-17-2026	Remain in Effect without Amendment
902 KAR 020:140	02-17-2026	Remain in Effect without Amendment
902 KAR 020:170	02-17-2026	Remain in Effect without Amendment
902 KAR 020:230	02-17-2026	Remain in Effect without Amendment
902 KAR 020:240	02-17-2026	Remain in Effect without Amendment
902 KAR 020:260	05-19-2025	Remain in Effect without Amendment
902 KAR 020:275	09-03-2025	Remain in Effect without Amendment
902 KAR 020:291	02-09-2026	Remain in Effect without Amendment
902 KAR 020:310	02-09-2026	Remain in Effect without Amendment
902 KAR 020:330	02-09-2026	Remain in Effect without Amendment
902 KAR 020:350	10-13-2025	Remain in Effect without Amendment
902 KAR 020:380	02-09-2026	Remain in Effect without Amendment
902 KAR 020:390	02-09-2026	Remain in Effect without Amendment
902 KAR 020:410	11-24-2025	Remain in Effect without Amendment
902 KAR 045:005	10-13-2025	Remain in Effect without Amendment
902 KAR 045:120	04-21-2026	Remain in Effect without Amendment
902 KAR 045:150	10-13-2025	Remain in Effect without Amendment
902 KAR 047:010	10-13-2025	Remain in Effect without Amendment
902 KAR 047:020	10-13-2025	Remain in Effect without Amendment
902 KAR 047:030	10-13-2025	Remain in Effect without Amendment
902 KAR 047:200	10-13-2025	Remain in Effect without Amendment
902 KAR 050:110	04-21-2026	Remain in Effect without Amendment
902 KAR 055:060	11-24-2025	Remain in Effect without Amendment
902 KAR 055:065	11-24-2025	Remain in Effect without Amendment
902 KAR 055:070	02-09-2026	Remain in Effect without Amendment
902 KAR 055:080	11-24-2025	Remain in Effect without Amendment
902 KAR 055:105	11-24-2025	Remain in Effect without Amendment
902 KAR 055:105	11-24-2025	Remain in Effect without Amendment
902 KAR 055:115	11-24-2025	Remain in Effect without Amendment
902 KAR 055:120	11-24-2025	Remain in Effect without Amendment
902 KAR 100:015	04-21-2026	Remain in Effect without Amendment
902 KAR 100:021	04-21-2026	Remain in Effect without Amendment
902 KAR 100:022	05-19-2025	Remain in Effect without Amendment

902 KAR 100:040	04-21-2026	Remain in Effect without Amendment
902 KAR 100:041	04-21-2026	Remain in Effect without Amendment
902 KAR 100:045	04-21-2026	Remain in Effect without Amendment
902 KAR 100:052	05-19-2025	Remain in Effect without Amendment
902 KAR 100:070	05-19-2025	Remain in Effect without Amendment
902 KAR 100:072	05-19-2025	Remain in Effect without Amendment
902 KAR 100:100	05-19-2025	Remain in Effect without Amendment
902 KAR 100:105	04-21-2026	Remain in Effect without Amendment
902 KAR 100:110	04-21-2026	Remain in Effect without Amendment
902 KAR 100:115	04-21-2026	Remain in Effect without Amendment
902 KAR 100:120	04-21-2026	Remain in Effect without Amendment
902 KAR 100:125	04-21-2026	Remain in Effect without Amendment
902 KAR 100:136	04-21-2026	Remain in Effect without Amendment
902 KAR 100:137	04-21-2026	Remain in Effect without Amendment
902 KAR 100:140	04-21-2026	Remain in Effect without Amendment
902 KAR 100:142	05-19-2025	Remain in Effect without Amendment
902 KAR 100:145	04-21-2026	Remain in Effect without Amendment
902 KAR 100:150	04-21-2026	Remain in Effect without Amendment
902 KAR 100:155	04-21-2026	Remain in Effect without Amendment
902 KAR 100:160	04-21-2026	Remain in Effect without Amendment
902 KAR 100:170	04-21-2026	Remain in Effect without Amendment
902 KAR 115:020	01-07-2026	Remain in Effect without Amendment
906 KAR 001:040	04-21-2026	Remain in Effect without Amendment
906 KAR 001:100	12-01-2025	Remain in Effect without Amendment
906 KAR 001:120	11-24-2025	Remain in Effect without Amendment
906 KAR 001:140	11-24-2025	Remain in Effect without Amendment
906 KAR 001:160	11-24-2025	Remain in Effect without Amendment
906 KAR 001:170	11-24-2025	Remain in Effect without Amendment
906 KAR 001:180	11-24-2025	Remain in Effect without Amendment
906 KAR 001:200	05-19-2025	Remain in Effect without Amendment
907 KAR 001:022	02-09-2026	Remain in Effect without Amendment
907 KAR 001:075	08-13-2025	Remain in Effect without Amendment
907 KAR 001:270	01-07-2026	Remain in Effect without Amendment
907 KAR 001:280	01-07-2026	Remain in Effect without Amendment
907 KAR 001:330	02-09-2026	Remain in Effect without Amendment
907 KAR 001:340	02-09-2026	Remain in Effect without Amendment
907 KAR 001:360	01-07-2026	Remain in Effect without Amendment
907 KAR 001:560	04-21-2026	Remain in Effect without Amendment
907 KAR 001:563	04-21-2026	Remain in Effect without Amendment
907 KAR 008:040	09-19-2025	Remain in Effect without Amendment
907 KAR 010:820	04-21-2026	Remain in Effect without Amendment
910 KAR 001:260	05-19-2025	Remain in Effect without Amendment
911 KAR 001:020	04-21-2026	Remain in Effect without Amendment
920 KAR 001:060	05-19-2025	Remain in Effect without Amendment
921 KAR 002:055	01-08-2026	Remain in Effect without Amendment
921 KAR 003:070	01-08-2026	Remain in Effect without Amendment
922 KAR 001:010	01-08-2026	Remain in Effect without Amendment
922 KAR 001:050	01-08-2026	Remain in Effect without Amendment
922 KAR 001:305	01-08-2026	Remain in Effect without Amendment
922 KAR 001:400	01-08-2026	Remain in Effect without Amendment
922 KAR 002:190	06-17-2025	Remain in Effect without Amendment
922 KAR 002:270	06-17-2025	Remain in Effect without Amendment

TECHNICAL AMENDMENT INDEX

The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments made during the 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).

Regulation Number	Date Corrected	Regulation Number	Date Corrected
040 KAR 012:130	7-18-2025		
105 KAR 001:190	10-3-2025		
105 KAR 001:345	10-7-2025		
105 KAR 001:345	10-7-2025		
200 KAR 003:020	9-26-2025		
302 KAR 045:020	7-24-2025		
401 KAR 005:050	11-14-2025		
401 KAR 050:010	10-20-2025		
401 KAR 052:001	10-20-2025		
401 KAR 059:001	10-20-2025		
401 KAR 061:001	10-20-2025		
401 KAR 063:001	10-20-2025		
401 KAR 065:001	10-20-2025		
810 KAR 003:020	10-6-2025		
922 KAR 005:150	9-26-2025		
922 KAR 005:170	9-26-2025		

ADULT SERVICES
Veterans Centers
Eligibility requirements for veterans' nursing homes; 017 KAR 003:042

AGRICULTURAL EXPERIMENT STATION
Feed
Definitions for 12 KAR Chapter 2; 012 KAR 002:006
Drug and feed additives; 012 KAR 002:041
Guaranteed analysis; 012 KAR 002:018
Ingredients; 012 KAR 002:026
Label format; 012 KAR 002:011
Manufacturing conditions; 012 KAR 002:051
Poisonous or deleterious substances; 012 KAR 002:046
Pet Food
Descriptive terms; 012 KAR 003:028
Drugs and pet food additives; 012 KAR 003:037
Expression of guarantees; 012 KAR 003:022
Feeding directions; 012 KAR 003:032
Ingredients; 012 KAR 003:027
Label format and labeling; 012 KAR 003:012
Nutritional adequacy; 012 KAR 003:039
Statements of calorie content; 012 KAR 003:042
Seed
Germination standards for vegetable seed; 012 KAR 001:164
Registration of agricultural seed dealers, noncertified custom seed conditions, certified seed growers, and certified seed conditioners; 012 KAR 001:144
Stop sale orders; 012 KAR 001:149
Tags available for purchase from the director; 012 KAR 001:134

ALCOHOLIC BEVERAGE CONTROL
Tobacco Enforcement
Causes for denial of tobacco, nicotine, or vapor product license; 804 KAR 013:030
Notice of intention to apply for tobacco, nicotine, or vapor product transitional license; 804 KAR 013:040
Tobacco enforcement and administration; 804 KAR 013:010
Tobacco, nicotine, or vapor product license application form; 804 KAR 013:020

ATTORNEY GENERAL
Office of Consumer Protection
Repeal of 040 KAR 002:200; 040 KAR 002:201
Office of Regulatory Relief
Automated calling equipment operators; 040 KAR 012:300
Business opportunity sellers; 040 KAR 012:410
Buying Clubs and Vacation Clubs; 040 KAR 012:430
Cemetery companies and preneed cemetery merchandise sellers; 040 KAR 012:110
Crematory authorities and inspections; 040 KAR 012:130
Debt adjusters; 040 KAR 012:400
Funeral planning declaration form; 040 KAR 012:100
Going out of business, fire, removal and other KRS 365.415 sales; 040 KAR 012:500
Health Spas; 040 KAR 012:441
Nonresident sellers of contact lenses; 040 KAR 012:600
Nonresident sellers of visual aid glasses; 040 KAR 012:610
Preneed funeral and burial contract sellers; 040 KAR 012:120
Prior approval to obtain excess going out of business sale license; 040 KAR 012:510
Recreational and retirement use land sellers; 040 KAR 012:420
Telemarketing companies; 040 KAR 012:310
Transient Merchant Permit Bonds; 040 KAR 012:520

AUDITOR OF PUBLIC ACCOUNTS
Employee Access to Federal Tax Information (FTI); 045 KAR

BOARDS AND COMMISSIONS
See also Occupations and Professions
See listing below for other possible, specific subject headings:
Barbering (201 KAR Chapter 014)
Emergency Medical Services (202 KAR Chapter 007)
Examiners of Psychology (201 KAR Chapter 026)
Landscape Architects (201 KAR Chapter 010)
Licensed Diabetes Educators (201 KAR Chapter 045)
Licensed Professional Counselors (201 KAR Chapter 036)
Licensure for Occupational Therapy (201 KAR Chapter 028)
Long-term Care Administrators (201 KAR Chapter 006)
Medical Imaging and Radiation Therapy (201 KAR Chapter 046)
Nursing (201 KAR Chapter 020)
Occupational Therapy (201 KAR Chapter 028)
Ophthalmic Dispensers (201 KAR Chapter 013)
Optometric Examiners (201 KAR Chapter 005)
Pharmacy (201 KAR Chapter 002)
Physical Therapy (201 KAR Chapter 022)
Professional Engineers and Land Surveyors (201 KAR Chapter 018)
Real Estate Appraisers Board (831 KAR Chapter 002)
Respiratory Care (201 KAR Chapter 029)
Speech-Language Pathology and Audiology (201 KAR Chapter 017)
Veterinary Examiners (201 KAR Chapter 016)

CHARITABLE GAMING
Pulltabs; 820 KAR 001:032

COMMUNITY AND TECHNICAL COLLEGE SYSTEM
See also: Fire Commission
Board of Regents
Issuance of bonds; 739 KAR 001:080

CORRECTIONS
Corrections policies and procedures: inmate education and training; 501 KAR 006:470
Corrections policies and procedures: inmate rules and discipline; 501 KAR 006:420
Corrections policies and procedures: inmate work programs; 501 KAR 006:460
Corrections policies and procedures: programs and sentence credits; 501 KAR 006:530
Corrections policies and procedures: release preparation and temporary release; 501 KAR 006:510
Parole Board
Determining parole eligibility; 501 KAR 001:030

CRIMINAL JUSTICE TRAINING
General Training Provision
Basic law enforcement training course recruit conduct requirements; procedures and penalties; 503 KAR 003:010
Law Enforcement Foundation Fund
Law Enforcement Professional Development and Wellness Program; 503 KAR 005:140

DENTISTRY
Anesthesia and sedation related to dentistry; 201 KAR 008:550.
Dental practices and prescription writing; 201 KAR 008:540
Licensure of dental hygienists; 201 KAR 008:563
Licensure of dentists; 201 KAR 008:533

DIABETES EDUCATORS
Application procedures; 201 KAR 045:170
Complaint procedures; 201 KAR 045:150
Continuing education; 201 KAR 045:130
Diabetes Education Courses; 201 KAR 045:180
Renewal, reinstatement, and inactive status; 201 KAR 045:120
Supervision and work experience; 201 KAR 045:110
Telehealth diabetes education; 201 KAR 045:190

ECONOMIC DEVELOPMENT FINANCE AUTHORITY
Applications and Fee Structure for Kentucky Incentive Programs under the Kentucky Economic Development Finance Authority; 307 KAR 001:006
Kentucky Entertainment Incentive Program; 307 KAR 001:080

EDUCATION
See also: Community and Technical College System (KAR Title 739)
Higher Education Assistance Authority (KAR Title 011)

Academic Standards
Career studies, required; 704 KAR 008:080
Financial literacy, required; 704 KAR 008:080
Health education, required; 704 KAR 008:030
Physical education, required; 704 KAR 008:050
Required academic standards for reading and writing; 704 KAR 008:020
Food Service Program
Claim reimbursement for school and community nutrition programs; 702 KAR 006:110
Health and Physical Education Programs
Physical education; 704 KAR 004:010
Office of Chief State School Officer
Nontraditional instruction program; 701 KAR 005:150
Waiver requests; 701 KAR 005:170
Office of District Support Services
Designation of agent to manage middle and high school interscholastic athletics; 702 KAR 007:065
Office of Instruction
Superintendent training program and assessment process; 704 KAR 003:406
Office of Learning Programs Development
Kentucky Framework for Personnel Evaluation; 704 KAR 003:370
Minimum requirements for high school graduation; 704 KAR 003:305
Preschool education program for four (4) year old children.
Primary school program guidelines; 704 KAR 003:440
Office of Special Instructional Services
Definitions; 707 KAR 001:002
Placement decisions; 707 KAR 001:350
Pupil Transportation
Non-school bus passenger vehicles; 702 KAR 005:130
School Administration and Finance
Guidelines for waiver of school fees; 702 KAR 003:220
Internal accounting; 702 KAR 003:130
School Terms, Attendance and Operation
Agent designation, high school interscholastic athletics; 702 KAR 7:065
Agent designation, middle school interscholastic athletics; 702 KAR 7:065

EDUCATION AND LABOR
See also:
Council on Postsecondary Education (KAR Title 013)
Education (KAR Titles 702 and 704)
Education Professional Standards Board (KAR Title 016)
Higher Education Assistance Authority (KAR Title 011)
Workplace Standards (KAR Title 803)

EDUCATION PROFESSIONAL STANDARDS BOARD
Certification Procedures
Reissuance; 016 KAR 004:090
Teaching Certificates
Occupation-based career and technical education certification; 016 KAR 002:020

ELECTIONS
Election Voting Systems
Accuracy test and setting of voting systems prior to election day; 031 KAR 002:020
E-poll book product certification; 031 KAR 002:030
Preparation of ballots and voting systems prior to election day; 031 KAR 002:010
Forms and Procedures
Additional and emergency precinct officers; 031 KAR 004:120
Chain of custody for records during an election contest; 031 KAR 004:201
Consolidation of precincts and precinct election officers; 031 KAR 004:196
Delivery and return of absentee ballots transmitted to covered voters via facsimile or electronically; 031 KAR 004:131
Election costs and county clerk reimbursement and form; 031 KAR 004:020
Elections Emergency Contingency Plan; 031 KAR 004:160
Evaluation of precinct election officers; 031 KAR 004:100
Exceptions to prohibition on electioneering; 031 KAR 004:170
Mock election for school children; 031 KAR 004:090
Post-election audit procedures; 031 KAR 004:230
Preclearance counties; 031 KAR 004:080
Procedures for Safe at Home Participants to Register to Vote and Request a Mail-in Absentee Ballot; 031 KAR 004:240
Recanvass procedures; 031 KAR 004:071
Recount procedures; 031 KAR 004:220
Removal procedure for precinct election officers; 031 KAR 004:050
Reporting; 031 KAR 004:031
Submission of the federal postcard application via electronic mail; 031 KAR 004:141
Tracking registration of voters identifying with political organizations and groups, and voters of independent status; 031 KAR 004:150
Statewide Voter Registration
Current address of Kentucky registered voters and distribution of voter registration lists; 031 KAR 003:010
Electronic Voter Registration System; 031 KAR 003:041
Voting precinct and address of overseas voter whose last place of residence in the Commonwealth is no longer a recognized residential address; 031 KAR 003:031
Voting
Ballot standards and election security; 031 KAR 005:026
Questions regarding voter eligibility; 031 KAR 005:040.
Use of the federal write-in absentee ballot; 031 KAR 005:011
Help America Vote Act 2002
Elections and Voting Equipment Security Plan; 031 KAR 006:040
Provisional voting; 031 KAR 006:020
State-based administrative complaint procedure; 031 KAR 006:010
Uniform definition of a vote; 031 KAR 006:030

EMERGENCY MEDICAL SERVICES
Ambulance agency licensure; 201 KAR 007:501
Clinical pilot programs; 202 KAR 007:565
Ground Agencies; 202 KAR 007:555
License classifications; 202 KAR 007:545
Medical directors; 202 KAR 007:801

ENVIRONMENTAL PROTECTION
40 C.F.R. Part 60 standards of performance for new stationary sources; 401 KAR 060:005
40 C.F.R. Part 63 national emission standards for hazardous air pollutants; 401 KAR 063:002

EXAMINERS OF PSYCHOLOGY
Continuing education; 201 KAR 026:175
Fee schedule; 201 KAR 026:160
Licensed psychologist: application procedure and temporary license; 201 KAR 026:155
Licensed psychological associate: application procedures and temporary license; 201 KAR 026:280
Psychology interjurisdictional compact; 201 KAR 026:118
Requirements for clinical supervision; 201 KAR 026:171
Requirements for supervised professional experience; 201 KAR 026:190

FINANCE AND ADMINISTRATION CABINET
See Also: Revenue
Retirement
Office of the Controller
Account Validation Standards; 200 KAR 038:080
Purchasing
Manual of policies and procedures; 200 KAR 005:021

FIRE COMMISSION
Firefighter training hours; 739 KAR 002:015

FISH AND WILDLIFE RESOURCES
Fish
Commercial fishing requirements; 301 KAR 001:155
Harvest and sale of invasive carp; 301 KAR 001:152
Pay lakes; 301 KAR 001:185
Propagation of aquatic organisms; 301 KAR 001:115
Sale of live bait; 301 KAR 001:132
Special commercial fishing permit for Kentucky Lake and Lake Barkley; 301 KAR 001:140
Taking of fish by traditional fishing methods; 301 KAR 001:201
Transportation of fish; 301 KAR 001:125
Use of lands and waters on lakes owned or controlled by the department; 301 KAR 001:016
Game
Deer hunting on pubic properties; 301 KAR 002:178
Deer hunting seasons, zones, requirements; 301 KAR 002:172
Falconry, raptor take, and raptor propagation; 301 KAR 002:195
Holding and intrastate transportation of captive cervids; 301 KAR 002:083
Hunting, fishing outfitter and guide licenses; 301 KAR 002:150
Hunting, trapping seasons, limits for furbearers; 301 KAR 002:251
Shoot-to-retrieve field trial permits, procedures; 301 KAR 002:230
Shooting areas, dog training areas, commercial and noncommercial foxhound training enclosures, and bobwhite shoot-to-train season; 301 KAR 002:041
Transportation, holding of live exotic wildlife; 301 KAR 002:082
Transportation, holding of live native wildlife; 301 KAR 002:081
Wildlife Causing Damage and Landowner Designee Process; 301 KAR 002:176
Wildlife rehabilitation permit; 301 KAR 002:075
Hunting and Fishing
Commercial wildlife control; 301 KAR 003:120
Peabody Wildlife Management Area use requirements and restrictions; 301 KAR 003:013.
Public use of Otter Creek Outdoor Recreation Area; 301 KAR 003:012
Reciprocal agreements; 301 KAR 003:160
Shooting ranges on department-owned or managed lands; 301 KAR 003:015
Licensing
Definitions for 301 KAR Chapter 5; 301 KAR 005:001
License, tag, registration and permit fees; 301 KAR 005:022
Water Patrol
Boat and motor restrictions; 301 KAR 006:015
Boating safety equipment; 301 KAR 006:020
Definitions for 301 KAR Chapter 6; 301 KAR 006:001
Motorboat dealer/manufacturer registration; 301 KAR 006:070
Waterway safety requirements; 301 KAR 006:030
Wildlife
Holding and Preservation of Seized Wildlife; 301 KAR 004:112.
Peabody Wildlife Management Area use requirements and restrictions; 301 KAR 004:100
Scientific and educational collecting permits; 301 KAR 004:070
Taxidermy and the buying and selling of inedible wildlife parts; 301 KAR 004:090

HEALTH AND FAMILY SERVICES
Certificate of Need
Nonsubstantive review; 900 KAR 006:075
Child Welfare
Service array for a relative or fictive kin caregiver; 922 KAR 001:565
Controlled Substances
Monitoring system for prescription controlled substances; 902 KAR 055:110
Prescription for Schedule II controlled substance - authorization of oral prescriptions for immediate administration, facsimile transmission, or partial filling; 902 KAR 055:095
Schedules of controlled substances; 902 KAR 055:015
Health Services and Facilities
Freestanding Birthing Centers; 902 KAR 020:150
Local Health Departments
Initial probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments; 902 KAR 008:080
Leave provisions applicable to employees of local health departments; 902 KAR 008:120
Local health department employee performance evaluation program; 902 KAR 008:096
Recruitment, examination, and certification of eligible applicants for local health departments; 902 KAR 008:070
Salary adjustments for local health departments; 902 KAR 008:060
Public Health Protection and Safety
Administrative conference; 902 KAR 001:400
Office for Children with Special Health Care Needs
Application for Clinical Programs; 911 KAR 001:010
Early Hearing Detection and Intervention Program; 911 KAR 001:085
Repeal of 911 KAR 001:090; 911 KAR 001:091
State Health Plan
Facilities and services; 900 KAR 005:020 Controlled Substances
Schedules of controlled substances; 902 KAR 055:015
Radiology
Dental; 902 KAR 100:130
WIC Program
Definitions for 902 KAR Chapter 18; 902 KAR 018:011
Eligibility, certification periods, and time frames for processing applicants; 902 KAR 018:021
Fair hearing procedures for participants; 902 KAR 018:040
High risk criteria; 902 KAR 018:090
Local agency fair hearing and vendor administrative review process; 902 KAR 018:081
Participant access determination and civil money penalty; 902 KAR 018:071
Participant violations; 902 KAR 018:031
Vendor authorization criteria; 902 KAR 018:050
Vendor violations and sanctions; 902 KAR 018:061

HIGHER EDUCATION ASSISTANCE AUTHORITY
Kentucky Educational Savings Plan Trust
Benefits payable from the Kentucky Educational Savings Plan Trust Program fund; 011 KAR 012.070
Cancellation, partial withdrawal, and payment of refund; 011 KAR 012:060
Definitions for 011 KAR Chapter 012; 011 KAR 012:010
Eligibility of beneficiary and participant; 011 KAR 012:030
General rules for investments; fund transfers; 011 KAR 012:020
Residency classification for Kentucky Educational Savings Plan Trust vested participation agreements; 011 KAR 012:040
Substitution of a beneficiary; 011 KAR 012:050
Transfer of ownership of Kentucky Educational Savings Plan Trust Program fund; 011 KAR 012:090

HORSE RACING AND GAMING CORPORATION
Licensing
Licensing of racing participants; 810 KAR 003:020
Pari-Mutuel Wagering
Definitions; 810 KAR 006:001

HOUSING, BUILDINGS AND CONSTRUCTION
Administration and enforcement of manufactured housing construction standards; 815 KAR 025:050
Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts; 815 KAR 004:010
Boiler and pressure vessel licenses; 815 KAR 015:080
Definitions for 815 KAR Chapter 15; 815 KAR 015:010
Existing boilers and pressure vessels; testing, repairs, inspection, and safety factors; 815 KAR 015:026
Fees and certificates for boiler and pressure vessel inspection; 815 KAR 015:027
Licensing and certifications with manufactured homes and

mobile homes; 815 KAR 025:060
New installations, general design, construction, and inspection criteria for boilers, pressure vessels, and pressure piping; 815 KAR 015:025
Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts; 815 KAR 004:025
Recreational vehicles; 815 KAR 025:020
Site preparation, installation, and inspection requirements; 815 KAR 025:090
The Kentucky Certified Building Inspector Program; 815 KAR 007:070
Certification of electrical inspectors; 815 KAR 035:015

HUMAN RIGHTS
Posting, distribution, availability of notices and pamphlets; 104 KAR 001:010

INSURANCE
Administration
Strengthen Kentucky Homes Program:
Eligibility requirements: contractors; evaluators; 806 KAR 002:210
Operations, eligibility, grant procedures; 806 KAR 002:200
Subsequent reinspection procedures; 806 KAR 002:220
Casualty Insurance Contracts
Car valuation guides; 806 KAR 020:030
Health Insurance Contracts
Dental Benefits Assignment; 806 KAR 017:595

KENTUCKY PUBLIC PENSIONS AUTHORITY
General Rules
Collection of account under $1000 by next of kin; 105 KAR 001:350
Definitions for KAR Title 105; 105 KAR 001:001
Determination of service credit for local school board classified employees; 105 KAR 001:300
Federal taxation limitation year; 105 KAR 001:400
General compliance with federal tax laws; 105 KAR 001:430
Installment purchase procedures; 105 KAR 001:150
Kentucky Public Pensions Authority
Membership form requirements; 105 KAR 001:170
Minimum distribution; 105 KAR 001:380
Purchase of service credit; 105 KAR 001:330
Reciprocal program between CERS, KERS, SPRS, TRS, JRP and LRP; 105 KAR 001:020
Repeal of 105 KAR 001:260; 105 KAR 001:261
Rollovers and transfers of contributions in other plans; 105 KAR 001:340
Sick leave plans; 105 KAR 001:160
Trustee Education Programs; 105 KAR 001:440
Trustee elections; 105 KAR 001:445

LANDSCAPE ARCHITECTS
Applications; 201 KAR 010:040
Board personnel; 201 KAR 010:010
Code of ethics; 201 KAR 010:030
Continuing education; 201 KAR 010:080
Fees; 201 KAR 010:050
Investigation and discipline process; 201 KAR 010:090

LIBRARIES AND ARCHIVES
Archives and Record Management Division
Records management program; 725 KAR 001:050

LICENSED PROFESSIONAL COUNSELORS
Counseling compact; 201 KAR 036:100

LICENSURE FOR OCCUPATIONAL THERAPY
Occupational Therapy Licensure Compact; 201 KAR 028:240

LONG-TERM CARE ADMINISTRATORS
Fees; 201 KAR 006:061
Continuing education requirements; 201 KAR 006:071
Temporary permits; 201 KAR 006:030

MEDICAID SERVICES
1915(c) Waivers
1915(c) Kentucky's Community Health for Improved Lives and Development (CHILD) Waiver Program Requirements; 907 KAR 002:720
1915(c) Kentucky's Community Health for Improved Lives and Development (CHILD) Waiver Reimbursement; 907 KAR 002:725
Behavioral Health
Coverage provisions and requirements regarding services provided by behavioral health services organizations for substance use disorder treatment and co-occurring disorders; 907 KAR 015:022
Certified Provider Requirements
Reimbursement for home/community-based waiver services version 2; 907 KAR 007:015
Home and Community Based Services 1915(i) Initiatives
Definitions; 907 KAR 016:005
RISE Covered services; 907 KAR 016:020
RISE Participant eligibility; 907 KAR 016:010
RISE Program reimbursement provisions; requirements; 907 KAR 016:025
RISE Provider participation and enrollment; 907 KAR 016:015
Hospital Service Coverage and Reimbursement
Hospital Rate Improvement Program; 907 KAR 010:840
Medicaid Services
Coverage provisions and requirements regarding inpatient psychiatric hospital services; 907 KAR 010:016
Hearing program reimbursement provisions, requirements; 907 KAR 001:039
Payments for price-based nursing facility services; 907 KAR 001:065
Review and approval of selected therapies as ancillary services in nursing facilities; 907 KAR 001:023
Occupational, Physical, and Speech Therapy
Coverage of occupational therapy, physical therapy, and speech-language pathology services provided by various entities; 907 KAR 008:040
Independent physical therapy service coverage provisions and requirements; 907 KAR 008:020
Outpatient Pharmacy Program
Outpatient Pharmacy Program; 907 KAR 023:010
Payments and Services
ABI long-term care waiver services and reimbursement; 907 KAR 003:210
ABI waiver services & reimbursement; 907 KAR 003:100
Services
Beneficiary Advisory Council and modifications to the Advisory Council for Medical Assistance to establish the Kentucky Medicaid Advisory Committee; 907 KAR 003:320
Coverage of physicians' services; 907 KAR 003:005
Public Ground Ambulance Supplemental Payment Program; 907 KAR 003:062
Reimbursement for physicians' services; 907 KAR 003:010

MEDICAL IMAGING AND RADIATION THERAPY
Definitions for 201 KAR Chapter 46; 201 KAR 046:010
Education for medical imaging technologists, advanced imaging professionals, nuclear medicine technologists, radiographers, and radiation therapists; 201 KAR 046:030
Fees; 201 KAR 046:020
Limited X-Ray machine operator; 201 KAR 046:081
Temporary license application for medical imaging technologists, advanced imaging professionals, radiographers, nuclear medicine technologists, radiation therapists, and student radiographers; 201 KAR 046:045

MEDICAL LICENSURE
Continuing education requirements for physician assistants; 201 KAR 009:360
License renewal and registration; reregistration of inactive license for physician assistants; 201 KAR 009:086

License renewal and registration; reregistration of inactive licenses; and continuing education requirements for athletic trainers; 201 KAR 009:305

NURSING
Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement; 201 KAR 020:476
Disciplinary proceedings; 201 KAR 020:162
Expungement of records; 210 KAR 020:410
Investigation and dispositions of complaints; 201 KAR 020:161
Licensed practical nurse infusion therapy scope of practice201 KAR 020:490
Standards for training programs; 201 KAR 020:600

OCCUPATIONAL THERAPY
Licensure compact; 201 KAR 028:240

OCCUPATIONS AND PROFESSIONS
See Boards and Commissions
See listings for specific occupational headings

OPHTHALMIC DISPENSERS
Administrative hearings; 201 KAR 013:075
Apprentices; 201 KAR 013:050
Board; powers, duties, meetings; 201 KAR 013:010
Complaint Management; 201 KAR 013:065
Continuing education requirements; 201 KAR 013:055
Licensing; 201 KAR 013:040
Repeal of 201 KAR 013:070; 201 KAR 013:071

OPTOMETRIC EXAMINERS
Application for licensure; endorsement; 201 KAR 005:010
Licensure Compliance Review; 201 KAR 005:021

PERSONNEL
Cabinet: Classified
2026 Plan Year Handbook for the Public Employee Health Insurance Program; 101 KAR 002:210
Compensation; 101 KAR 002:034
Incentive programs; 101 KAR 002:120
Kentucky Employee Mediation and Workplace Resolution Programs;101 KAR 002:230
Leave, general requirements; 101 KAR 002:102
Workers' Compensation Fund and Program; 101 KAR 002:140
Cabinet: Unclassified service
Compensation plan & pay incentives; 101 KAR 003:045
Leave requirements; 101 KAR 003:015

PHARMACY
Automated Pharmacy System in residential hospice facilities; 201 KAR 002:260
Common database; 201 KAR 002:300
Emergency pharmacy powers; 201 KAR 002:330
Legend drug repository; 201 KAR 002:440
Licensees; inactive status; 201 KAR 002:160
Licenses and permits; fees; 201 KAR 002:050
Noncontrolled substance prescription drug refills; 201 KAR 002:185
Prescription dispensing for formulary Compliance; 201 KAR 002:280
Pharmacist-in-charge; 201 KAR 002:205
Pharmacist Recovery Network Committee; 201 KAR 002:250
Pharmacy sanitation; 201 KAR 002:180
Reference material and prescription equipment; 201 KAR 002:090
Return of prescription drugs; 201 KAR 002:190
Schools approved by the board; 201 KAR 002:010
Substitution of drugs, biologics and biosimilar products; 201 KAR 002:116

PHYSICAL THERAPY
Continued competency requirements and procedures; 201 KAR 022:045
Eligibility and credentialing procedure; 201 KAR 022:020
Objectives of physical therapy; 201 KAR 022:010
Requirements for foreign-educated physical therapists; 201 KAR 022:070

POSTSECONDARY EDUCATION
Repeal of 013 KAR 002:110; 013 KAR 002:111
Research consortiums; 013 KAR 002:140

PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Experience; 201 KAR 018:072
Fees; 201 KAR 018:040
Fire Protection Engineering Technology Program Core Curriculum; 201 KAR 018:096
Rejections, denials of licensure applications; 201 KAR 018:060
Repeal of 201 KAR 18:080; 201 KAR 018:081.
Standards of practice for professional land surveyors.; 201 KAR 018:150.

REAL ESTATE APPRAISERS
Appraisal experience requirements for certification and licensure; 831 KAR 003:040
Appraisal Management Company duties and prohibitions; 831 KAR 003:190
Appraisal Management Company registration; 831 KAR 003:170
Appraisal Management Company registration renewal; 831 KAR 003:180
Appraisal Management Company roster and reporting; 831 KAR 003:200
Appraiser roster and reporting; 831 KAR 003:210
Complaints and disciplinary proceedings; 831 KAR 003:160
Continuing education required for certification and licensure; 831 KAR 003:100
Criminal background checks; 831 KAR 003:080
Education course approval, renewal, and standards; 831 KAR 003:140
Education provider and instructor standards and requirements; 831 KAR 003:130
Education requirements for certification and licensure; 831 KAR 003:030
Definitions for 831 KAR Chapter 3; 831 KAR 003:001
Examinations; 831 KAR 003:050
Fees; 831 KAR 003:010.
General requirements for certification and licensure; 831 KAR 003:020
Inactive status and reactivation of certification and licenses; 831 KAR 003:120
Reciprocity; 831 KAR 003:060.
Renewal and reinstatement of certificates and licenses; 831 KAR 003:110
Standards of professional conduct; 831 KAR 003:150
Supervision of associates; 831 KAR 003:090
Temporary practice permit; 831 KAR 003:070

RESPIRATORY CARE
Code of ethics; unprofessional conduct; 201 KAR 029:020
Complaint processing procedures; 201 KAR 029:030
Continuing education requirements; 201 KAR 029:050
Continuing education requirements for persons on inactive status; waiver; reinstatement; 201 KAR 029:060
Fees; 201 KAR 029:015
Reporting of final orders and agreed orders; 201 KAR 029:040
Scope of practice; 201 KAR 029:070

REVENUE
Income Tax, Miscellaneous
Computation of income; estates and trusts; 103 KAR 019:010
Inheritance Tax
Life Mortality Table; 103 KAR 002:005

SOCIAL WORK
Application for licensure; 201 KAR 023:025

SPEECH-LANGUAGE PATHOLOGY and AUDIOLOGY
Audiology and Speech-Language Pathology Interstate

Compact; 201 KAR 017:120
Interstate Compact; 201 KAR 017:120

TEACHERS' RETIREMENT
General Rules
Investment policies; 102 KAR 001:175

VETERANS AFFAIRS
State Veterans' Nursing Home
Eligibility requirements for veterans' nursing homes; 017 KAR 003:042

VETERINARY EXAMINERS
AAHP facilities – Renewal notice – Requirements for renewal and reinstatement; 201 KAR 016:775
Application requirements for AAHP facility registration; AAHP managers; Registered responsible parties; 201 KAR 016:772
Application requirements for AAHP licenses – reinstatement; 201 KAR 016:732
Approved allied animal professional (AAHP) programs; education requirements; 201 KAR 016:730
Examination requirements for AAHP providers; 201 KAR 016:731
Registered AAHP facilities – Duties of registered responsible parties and AAHP managers; 201 KAR 016:777
Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers; 201 KAR 016:767
Renewal requirements for AAHP licenses – renewal notice – expiration; 201 KAR 016:735
Responsibilities for AAHP providers; limitations on practice; 201 KAR 016:737

TRANSPORTATION CABINET
Certification of Title
Street-legal special purpose vehicles; 601 KAR 023:070
Driver License
Third-party issuance of identity documents; 601 KAR 012:130
Motor Carriers
Peer-to-peer services; 601 KAR 001:114
Motor Vehicle Tax
Accessible online insurance verification system; 601 KAR 009:120

WORKFORCE DEVELOPMENT
Office of Unemployment Insurance
Professional Employer Organization Contribution and Reporting Requirements; 787 KAR 001:370
Office of Vocational Rehabilitation
Definitions; 781 KAR 001:001
General provisions for operation of the Office of Vocational Rehabilitation; 781 KAR 001:020
Office of Vocational Rehabilitation appeal procedures; 781 KAR 001:010
Order of selection; 781 KAR 001:030
Provision of Vocational Rehabilitation Services; 781 KAR 001:040

WORKPLACE STANDARDS
Occupational Safety and Health Compliance
Appeal procedure; 803 KAR 002:260
Citations; 803 KAR 002:120
Discrimination; 803 KAR 002:250
Medical services and first aid; 803 KAR 002:310
Personal protective and lifesaving equipment; 803 KAR 002:404
Recordkeeping and reporting occupational injuries and illnesses; 803 KAR 002:181