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VOLUME 52, NUMBER 12 LEGISLATIVE RESEARCH COMMISSION JUNE 1, 2026

ADMINISTRATIVE REGISTER OF KENTUCKY

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

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The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2018 Edition of the **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

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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, June 9, 2026 at 1:00 p.m. EST/12:00 CST
Annex Room 149

1. CALL TO ORDER AND ROLL CALL

2. REGULATIONS FOR FULL REVIEW

OFFICE OF THE ATTORNEY GENERAL

Office of Consumer Protection

040 KAR 002:201. Repeal of 040 KAR 002:200.

Office of Regulatory Relief

040 KAR 012:400. Debt adjusters.
040 KAR 012:441. Health Spas.
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FINANCE AND ADMINISTRATION CABINET

Office of the Controller

200 KAR 038:080E. Account Validation Standards. (Filed with Ordinary) ("E" expires 12-15-2026)

BOARDS AND COMMISSIONS

Board of Pharmacy

201 KAR 002:440. Legend drug repository.

Board of Dentistry

201 KAR 008:533. Licensure of dentists.
201 KAR 008:540. Dental practices and prescription writing.
201 KAR 008:550. Anesthesia and sedation related to dentistry.

Board of Ophthalmic Dispensers

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

Board of Veterinary Examiners

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

Board of Nursing

201 KAR 020:472. Initial approval for dialysis technician training programs.
201 KAR 020:474. Continuing approval and periodic evaluation of dialysis technician training programs.

INDEPENDENT ADMINISTRATIVE BODIES

Board of Emergency Medical Services

202 KAR 007:801. Medical directors.

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections

Parole Board

501 KAR 001:030. Determining parole eligibility.

TRANSPORTATION CABINET (KYTC)

Division of Driver Licensing

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

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)

CABINET FOR HEALTH AND FAMILY SERVICES (CHFS)

Department for Public Health (DPH)

WIC Program

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

Office of the Inspector General

Health Services and Facilities

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

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. (Amended After Comments)

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

Department for Public Health (DPH)

Office for Children with Special Health Care Needs

911 KAR 001:010. Application for Clinical Programs. (Deferred from May)
911 KAR 001:085. Early Hearing Detection and Intervention Program. (Amended After Comments)
911 KAR 001:091. Repeal of 911 KAR 001:090. (Deferred from May)

3. REGULATIONS REMOVED FROM JUNE'S AGENDA

BOARDS AND COMMISSIONS

Board of Optometric Examiners

201 KAR 005:021. Licensure Compliance Review. (Filed with Emergency) (Comments Received; SOC ext. due 06-15-2026) ("E" expires 12-03-2026)

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health (DPH)

Public Health Protection and Safety

902 KAR 001:400. Administrative conference. (Comments Received; SOC ext. due 06-15-2026)

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.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:440. Legend drug repository.

RELATES TO: KRS 217.816, 315.191, 315.450, 315.452, 315.454, 315.456, 315.458, 315.460, 21 U.S.C. 340B, 21 U.S.C. 360-1 to 360-4, 21 U.S.C. 381 to 384g

STATUTORY AUTHORITY: KRS 315.191, 315.452, 315.458

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the Kentucky Board of Pharmacy to promulgate administrative regulations pursuant to KRS Chapter 13A necessary to regulate and control all matters relating to pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, and manufacturers. KRS 315.452 and 315.458 require the board to promulgate regulations to establish the legend drug repository program. This administrative regulation establishes the legend drug repository program and the requirements to participate in the program.

Section 1. Definitions.

(1) "Authorized recipient" means a recipient that has received authorization from the board to participate in the legend drug repository program pursuant to Section 2 and whose authorization has not been revoked by the board pursuant to Section 3.

(2) "Board" means the Kentucky Board of Pharmacy.

(3) "Controlled substance" is defined by KRS 218A.010.

(4) "Dispense" is defined by KRS 315.010.

(5) "Distribute" is defined by KRS 315.400.

(6) "Donor" means:

(a) Any person, including an individual member of the public that is over the age of 18, or any entity legally authorized and permitted to possess drugs, such as a wholesaler or distributor, third party logistic provider, pharmacy, clinic, surgical or health center, detention and rehabilitation center, laboratory, medical or pharmacy school, prescriber or other health care provider, or health facility; or

(b) Government agencies and entitles that are federally authorized to possess drugs, such as:

1. Drug manufacturers;
2. Repackagers;
3. Relabelers;
4. Outsourcing facilities;
5. Veteran Affairs hospitals;
6. Prisons; and
7. FDA authorized importers, such as those under 21 U.S.C. 384g or similar provisions.

(7) "Drug" is defined by KRS 315.010.

(8) "Eligible patient" means:

(a) An individual who is indigent, uninsured, or underinsured; and

(b) Other patients, if a need for the donated drugs is not identified among indigent, uninsured, and underinsured individuals.

(9) "Health care provider" is defined by KRS 304.17A-005(23).

(10) "Health facility" is defined by KRS 216B.015(13).

(11) "Original packaging" means the packaging in which the drug was donated by the donor.

(12) "Pharmacist" is defined by KRS 315.010(17).

(13) "Recipient" means a pharmacy as defined by KRS 315.010(19).

(14) "Relabeler" means any person who owns or operates an establishment that changes the content of the labeling from that supplied from the original manufacturer for distribution under the establishment's own name, except for establishments that do not change the original labeling, but merely add their own name.

(15) "Repackager" is defined by KRS 315.400(16).

(16) "Returns processor":

(a) Is defined by 21 U.S.C. Section 360eee(18); and

(b) Includes a reverse distributor or similar entity.

(17) "Unopened tamper-evident packaging" is defined by the United States Pharmacopeia (USP) General Chapter 659, Packaging and Storage Requirements, and includes unopened unit-dose, multiple dose, immediate, secondary, and tertiary packaging.

Section 2. Participation in the Legend Repository Program.

(1) Donors may donate drugs to an authorized recipient. An authorized recipient may receive donated drugs from donors. Prior to the first donation from a new donor, an authorized recipient shall verify and record the following:

(a) That the donor meets the definition provided in Section 1;

(b) The donor's name, address, phone number, and permit or license number;

(c) That the donor will only make donations of drugs in accordance with Section 3; and

(d) If applicable, that the donor will:

1. Remove or redact any patient names and prescription numbers on donated drugs; or

2. Otherwise maintain patient confidentiality by executing a confidentiality agreement with the authorized recipient.

3. Complete and sign a Donor Attestation Form to be reviewed by the authorized recipient prior to acceptance of any drug by an authorized patient.

(2) Any recipient seeking to become an authorized recipient in the program shall complete and provide to the Board the Legend Drug Repository Authorized Recipient Form that includes the specific policies and procedures of the recipient for planned implementation of the repository program. The policies and procedures shall include drug acceptance, destruction or transfer for unauthorized unaccepted drugs, quarantine of donated drugs, the electronic or written maintenance of inventory, storage and maintenance of donated drugs, recordkeeping of dispensed drugs and patient eligibility affidavit forms, separation of donated drugs, and repackaging of donated drugs.

(3) The board may revoke the authorization of a recipient to participate in the program by issuing a written notice to the recipient. The revocation shall include references to the specific requirements that were violated and the corrective actions necessary for the recipient to resume its participation in the program.

(4) A health facility, pharmacy, pharmacist, or practitioner shall not be required to participate in the program established by this section.

(5) A drug manufacturer, repackager, or wholesaler other than a returns processor participating in this program shall comply with the requirements of 21 U.S.C. Sections 360-1 through 360-4 relating to drug supply chain security.

Section 3. Accepting, Inspecting, and Storing Drugs.

(1) In accordance with KRS 315.454, an authorized recipient shall only accept into inventory donated drugs that:

(a)

1. Are in original, unopened, sealed, and tamper-evident packaging; or

2. Have been repackaged under this program in accordance with Section 4(4);

(b) If in a single unit dose, have packaging that is unopened;

(c) Are not classified as a controlled substance;

(d) Are not visually adulterated or misbranded;

(e) Are not samples;

(f) Have an expiration date of ninety (90) days or greater, unless the drug:

1. Is in high demand, as determined by the professional judgement of the authorized recipient; and

2. Can be dispensed for use prior to the drug's expiration date;

(g) Are not considered to be medical supplies;

(h) Do not require only being dispensed to a patient registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements, in accordance with KRS 315.460; and

(i) Have a USP-recognized method to detect improper temperature variations if the drugs require temperature control other than "room temperature storage."

(2)

(a) Donated drugs that do not meet the requirements of Section 3(1) shall be disposed by returning it to the drug donor, destroying it by incinerator, medical waste hauler, or other lawful method, or transferring it to a return processor.

(b) A record of disposed drugs shall consist of the:

1. Disposal method described in paragraph (a) of this subsection;

2. The date of the disposal; and

3. The name, strength, and quantity of each drug disposed.

(c) Other records of disposal shall not be required.

(3) All drugs received but not yet accepted into repository inventory shall be quarantined in a separate, designated area.

(4)

(a) Prior to or upon acceptance of a donation or transfer into inventory, an authorized recipient shall maintain a written or electronic inventory of the donation, consisting of the:

1. Name, strength, and quantity of each accepted drug; and

2. Name, address, phone number, and permit or license number, if applicable, of the donor.

(b) This record shall not be required if the two (2) parties are under common ownership.

(c) Other records of donation shall not be required.

(5) An authorized recipient shall store and maintain donated drugs in a manner that distinguishes them from other non-donated inventory and in a secure and temperature-controlled environment that meets the drug manufacturers' recommendations and USP Chapter 659, Packaging and Storage Requirements.

Section 4. Safe Distribution and Dispensing of Drugs.

(1) An authorized recipient may:

(a) Distribute donated drugs to another authorized recipient or to an entity participating in a drug donation program operated by another state.

(b) Repackage donated drugs as necessary for storage, dispensing, administration, or distribution in accordance with Section 4(4).

(c) Replenish drugs of the same drug name and strength previously dispensed or administered to eligible patients in accordance with 21 U.S.C. 340B.

(2) An authorized recipient shall only administer or dispense drugs that:

(a) Meet the requirements of Section 3(1) and are not visually adulterated or misbranded, as determined by a pharmacist employed by, or under contract, with the health facility or pharmacy;

(b) Are, if dispensed to a patient, repackaged into a new container or have all previous patient information on the donated container redacted or removed;

(c) Are properly labeled in accordance with KRS 217.816;

(d) Have an expiration date that will not expire before the full use by the patient based on the prescribing practitioner's directions for use; and

(e) Are:

1. Prescribed by a physician, advanced registered nurse, or a physician assistant; and

2. Dispensed by a pharmacist in accordance with KRS 315.454(1)(d).

(3) An authorized recipient shall only dispense or administer drugs to an eligible patient if permitted by KRS Chapter 315 and 201 KAR Chapter 2. Prescription drugs shall:

(a) Only be dispensed or administered to patients pursuant to a valid prescription drug order; and

(b) Have patient-specific written or electronic records maintained in accordance with KRS Chapter 315 and 201 KAR Chapter 2.

(4)

(a) Repackaged drugs shall be:

1. Labeled with the drug name, strength, and expiration date; and

2. Kept in a separate designated area until inspected and initialed by a pharmacist.

(b) If multiple packaged donated drugs with varied expiration dates are repackaged together, the shortest expiration date shall be used.

(5) The donation, distribution, transfer, receipt, or facilitation of donations, distribution, transfers, and receipt of drugs pursuant to this chapter shall not be considered wholesale distribution and shall not require licensing as a wholesale distributor.

(6) An entity participating in a drug donation or repository program operated by another state may participate in the Kentucky program, and in the case of a pharmacy, may dispense donated drugs to residents of Kentucky. This entity shall be required to comply with all Kentucky statutes and administrative regulations.

(7) Indigent and uninsured patients shall have priority access to drugs dispensed through the repository program. If a drug is available and no indigent or uninsured patient requests dispensing of the drug, the drug shall be made available to underinsured patients before dispensing to others. All authorized recipients shall use the Patient Eligibility Affidavit Form provided by the board or a substantively similar physical or electronic form when confirming a patient's status as indigent, uninsured, underinsured or other.

(8) A legend drug or supply needed to administer a legend drug that is donated for use under this program shall not be resold.

(9) All legend drugs, with the exception of controlled substances and extemporaneously compounded drugs, shall be eligible for dispensing under this program.

(10) A handling fee shall not be charged to a patient for pharmacy dispensing of a repository drug.

(11) Drugs specified in a recall notice shall be considered recalled unless the drug has an affixed lot number to exclude it from the recall.

(12) An authorized recipient may dispense a therapeutic equivalent drug product under the following conditions:

(a) The ordering practitioner has indicated "formulary compliance approval" on the prescription, in one (1) of the following ways:

1. In the practitioner's own handwriting; or

2. By checking a "formulary compliance approval" box on a preprinted form;

(b) The pharmacist, within twenty-four (24) hours of the formulary compliance substitution, shall notify the ordering practitioner, in an original writing or by facsimile:

1. That the pharmacist engaged in formulary compliance; and

2. Of the therapeutic equivalent drug product that was dispensed.

(c) The pharmacist may make adjustments in the quantity and directions to provide for an equivalent dose of the preferred formulary therapeutic alternative.

Section 5. Forms and Recordkeeping.

(1) All records required by this chapter shall be retained in physical or electronic format, on or off the authorized recipient's premise for a period of five (5) years. A donor or authorized recipient may contract with one another or a third-party to create and maintain records on each other's behalf. An identifier, such as a serial number or barcode, may be used in place of any or all information required by a record or label pursuant to this chapter if it allows for this information to be readily retrievable. Upon request by the board, the identifier used for requested records shall be replaced with the original information. An identifier shall not be used on patient labels when dispensing or administering a drug.

(2) An entity that chooses to participate in the program shall make all records available to audit by the board within forty-eight (48) hours.

(3) If performing any action associated with this program or otherwise processing donated drugs for tax, manufacturer, or other credit, an authorized recipient is considered to be acting as a returns processor and shall comply with all recordkeeping requirements for nonsaleable returns, in accordance with 21 U.S.C. 360eee.

(4) A donation, or other transfer of possession or control, shall not be construed as a change of ownership unless specified by the

authorized recipient. If a record of the donation's transaction information or history is required, the history shall:

(a) Begin with the donor of the drugs;

(b) Include all prior donations; and

(c) If the drugs were previously dispensed, only include drug information required to be on the patient label in accordance with KRS Chapter 315 and 201 KAR Chapter 2.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "USP 659 Packaging and Storage Requirements," (2021)[05/2017];

(b) "Legend Drug Repository Authorized Recipient Form," Form Rep. 1121A (12/2021);

(c) "Legend Drug Repository Patient Eligibility Affidavit Form," Form Rep. 1121B (12/2021).

(d) "Legend Drug Donor Attestation Form," Form Rep. 1121 C (3/2026).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and may be accessed online at https://pharmacy.ky.gov/Forms/Pages/default.aspx.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: March 9, 2026

FILED WITH LRC: March 10, 2026 at 3:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 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: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow
Subject Headings: Pharmacy; Colleges and Universities; Education and Professional Standards.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes and governs the legend drug repository program for pharmacies and other entities legally entitled to possession prescription drugs in the Commonwealth and sets forth requirements relating to the ability of a pharmacy or other authorized entity to accept drugs as part of the legend drug repository program.
(b) The necessity of this administrative regulation: KRS 315.458 directs the Board to create, by administrative regulation, a legend drug repository program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes the legend drug repository program and sets forth requirements to ensure the program is safe for participants.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth the framework of the program and ensures the intent of the legislature is followed.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment expands the definition of "donor" to include individuals over the age of 18 and allows individuals, not just licensed entities- to donate eligible prescription drug to the legend drug repository program and thereby increasing the potential supply of donated medications for populations in need. This expansion will also reduce the barriers for participation in the program.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because one of the noted barriers from the one participating program in the state is that individuals cannot donate their medications or the medications of deceased loved ones. Often, these potential donors are referred to bordering states that allow individuals to donate qualifying medications.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.458 states that the Board shall promulgate regulations to establish the program which includes setting forth the criteria for acceptance of and processing of the donated medications. This authority would include establishing criteria for who can donate into the program and how those medications should be inspected for safety.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will expand the eligibility of who can donate to the program and thereby increase the ability of donated medications to help those Kentuckians that need this healthcare resource. The requirements for inspection will remain the same.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No. This builds upon the prior legislation that was enacted to create the legend drug repository program.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Statewide this regulation affects pharmacies or individuals seeking authorization as legend drug recipients; healthcare facilities and providers that may participate as donors or dispensing sites; drug manufacturers, wholesalers, repackagers, outsourcing facilities, return processors or other authorized entities that may donate drugs; and as amended, individual members of the public over the age of 18 who may donate eligible medications (if passed). It also impacts eligible patients who may receive donated drugs and the Kentucky Board of Pharmacy as the administering and auditing agency.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no significant changes beyond the updated standards.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the parties to comply with the amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment may increase participation in the legend drug repository and thereby make more meaningful impact for those that are in need in the Commonwealth. The amendment may also contribute to a reduction in pharmaceutical waste in the state. (6) Provide an estimate of how much it will cost to implement this administrative Regulation:
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No costs will be incurred.
(b) On a continuing basis: No costs will be incurred.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or

indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.450 – 315.460; 201 KAR 2:440.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 315.1941(1)(a) and KRS 315.458.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy will be impacted by this administrative regulation.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.
(b) Methodology and resources used to reach this conclusion: None.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).
(b) The methodology and resources used to reach this conclusion: Analysis of the Board’s expenditures as well as an assessment regarding cost of compliance for regulated entities.

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.

STATEMENT OF EMERGENCY
31 KAR 4:240E.

This emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)(1), to meet an imminent threat to public safety and welfare. Section 150 of the Kentucky Constitution requires free and fair elections in the Commonwealth. KRS 118.025(3) sets May 19, 2026, as the date for the next primary election. KRS 14.318 authorizes the State Board of Elections to promulgate administrative regulations to implement KRS 14.312 and 117.085. So that all Kentuckians may continue to cast their ballots with the highest degrees of ease and security, this is being filed as an emergency administrative regulation to ensure the procedures afforded by statute to promote free and fair elections are in effect for the upcoming election. This emergency administrative regulation is temporary in nature and will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
KAREN SELLERS, Director

STATE BOARD OF ELECTIONS
(New Emergency Administrative Regulation)

31 KAR 4:240E. Procedures for Safe at Home Participants to Register to Vote and Request a Mail-in Absentee Ballot.

EFFECTIVE: April 21, 2026
RELATES TO: KRS 14.312, 116.045, 116.0452, 117.085, 117.086
STATUTORY AUTHORITY: KRS 14.318, 117.015(1)(a)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) establishes that as the independent agency of state government tasked with administering the election laws of the state and supervising the registration and purgation of voters within the state, the State Board of Elections may promulgate administrative regulations necessary to properly carry out its duties. KRS 14.318(1) gives the State Board of Elections the authority to promulgate administrative regulations to implement KRS 14.312 and 117.085. KRS 14.312(2) grants the State Board of Elections the authority to modify statutory or regulatory requirements that would lead to disclosure of a Safe at Home program participant's name and address. This administrative regulation establishes the procedures by which Safe at Home program participants may initially register to vote, update their voter registration, and request a mail-in absentee ballot so that their name and address are protected from disclosure.

Section 1. Modified Statutes.
(1) Under the authority given to the State Board of Elections by KRS 14.312, KRS 116.045(4) is hereby construed to exclude those voters who participate in the Safe at Home program from registering to vote by any means other than those prescribed through this administrative regulation.
(2) Under the authority given to the State Board of Elections by KRS 14.312, KRS 116.0452(2) is hereby construed to exclude those voters who participate in the Safe at Home program from being sent a notice of the disposition of their voter registration application.
(3) Under the authority given to the State Board of Elections by KRS 14.312, KRS 117.085(1) is hereby construed to require those voters who participate in the Safe at Home program to request a mail-in absentee ballot by means of telephone or in-person request, as allowed by KRS 117.085(1)(c)(1).
(4) Under the authority given to the State Board of Elections by KRS 14.312, KRS 117.086(4) is hereby construed to exclude those voters who participate in the Safe at Home program from being included in any list of voters required to be kept by a County Clerk.

Section 2. Voter Registration.
(1) Following a Safe at Home participant registering a confidential address with the Secretary of State under either KRS 14.304(2)(c) or 14.304(11), the participant shall be offered an opportunity to register to vote pursuant to KRS 14.312, at their place of residence as determined by KRS 116.035, via use of a paper copy of the Commonwealth of Kentucky Voter Registration Application form, prescribed and furnished by the State Board of Elections under KRS 116.155. Should a participant desire to update their voter registration with information other than an address change, the participant shall submit a new paper copy of the Commonwealth of Kentucky Voter Registration Application form to the office of the Secretary of State.
(2) A Commonwealth of Kentucky Voter Registration Application form completed by a Safe at Home participant shall establish a prima facie determination by the Secretary of State that the State Board of Elections and the County Clerk of the county listed on the Commonwealth of Kentucky Voter Registration Application form have a bona fide statutory requirement for the use of the residential address listed on the Commonwealth of Kentucky Voter Registration Application form and that the residential address will be used only for those statutory purposes.
(3) Following the receipt of a completed paper copy of the Commonwealth of Kentucky Voter Registration Application form from a Safe at Home participant, the Secretary of State shall securely transmit the form to the State Board of Elections. Upon receipt of the form, the State Board of Elections shall see that the form is properly processed by the appropriate County Clerk into the electronic voter registration system established by 31 KAR 3:041§2(3). After processing the form, the paper copy shall be immediately destroyed, with only a digital copy appended to the voter's file in the electronic voter registration system.

Section 3. Mail-in Absentee Ballot Request. A voter participating in the Safe at Home program shall request a mail-in absentee ballot by means of telephone or in-person request, as allowed by KRS 117.085(1)(c)(1). The mail-in absentee ballot shall be transmitted to the participant at either the address identified as the voter's residential address in the electronic voter registration system or to a mailing address identified by the participant voter and so recorded in the electronic voter registration system.

Section 4. Incorporation by Reference.
(1) The following material is incorporated by reference: "Commonwealth of Kentucky Voter Registration Application", Form SBE 01, 04/2024;
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: April 21, 2026
FILED WITH LRC: April 21, 2026 at 4:10 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this new administrative regulation shall be held on June 30, 2026, at 10:00 a.m. ET, at the office of the State Board of Elections. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the procedures for Safe at Home participants to register to vote and request a mail-in absentee ballot.
(b) The necessity of this administrative regulation: This administrative regulation is necessary as KRS 14.312(2) requires it.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 14.318(1), 14.312(2), and 117.0145(1)(a) enable the State Board of Elections to promulgate this administrative regulation.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will allow for uniform instruction as to the procedures for Safe at Home participants to register to vote and request a mail-in absentee ballot.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation:
(b) The necessity of the amendment to this administrative regulation:
(c) How the amendment conforms to the content of the authorizing statutes:
(d) How the amendment will assist in the effective administration of the statutes: This is a new 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: This administrative regulation will affect Safe at Home participants, county clerks, the Secretary of State, and the State Board of Elections.
(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 comply with this administrative regulation, Safe at Home participants, county clerks, the secretary of State, and the State Board of Elections will need to follow the procedures outlined to register to vote and request a mail-in absentee ballot.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The entities identified should not incur any more costs than are already being expended.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will allow for further prevention against disclosure of Safe at Home program participant's names and addresses.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The State Board of Elections estimates that the implementation of this administrative regulation will cost the agency no more funds than are already being expended.
(b) On a continuing basis: The State Board of Elections estimates that the implementation of this administrative regulation will cost the agency no more funds than are already being expended.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the administrative budgets of the State Board of Elections and the Secretary of State will be used in the implementation and enforcement 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 fees or funding will be necessary to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for Safe at Home participants to register to vote and request a mail-in absentee ballot.

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 14.318(1), 14.312(2), and 117.0145(1)(a) require and authorize the actions taken by this administrative regulation.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by 2013 Ky. Acts ch. 87, sec. 10.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections, as well as the Secretary of State and county clerks.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation will cost the agency no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county clerks. (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: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or

(4)(a): This administrative regulation will affect participants of the Safe at Home program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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 State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

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
103 KAR 43:341E.

This emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)(1), KRS 11.065, KRS 12.020, KRS 12.040, KRS 12.250, KRS 12.270, KRS 42.012, KRS 45.301, KRS 131.020; 131.130, and KRS 138.226, in order to meet an imminent threat to the public health, safety, or welfare.
The Department of Revenue reports that beginning July 1, 2026, and ending June 30, 2027, the annual survey value that sets the average wholesale price of gasoline in the Commonwealth of Kentucky is indicating a gas tax increase. Current projections indicate the increase will raise the gas tax and diesel fuel tax in Kentucky by an estimated six-tenths of a penny ($0.006), costing Kentuckians about $1.7 million per month.
This gas hike would come at a time when Kentuckians are facing significantly higher prices at the gas pump, on top of other rising costs affecting citizens' daily lives. The Federal Reserve's inflation gauge reached its highest mark in nearly three years, and oil prices hit a four-year high last week, continuing to spike gas prices.
The Automobile Association of America ("AAA") reports, as of May 5, 2026, the average price of gas in Kentucky was $4.28 per gallon, up from $3.91 per gallon a month ago and $2.86 the year before. The average price for Kentucky reached $4.98 per gallon in April. Louisville's gas prices jumped nearly 35 cents within the past week and media there reported in April that some gas stations saw prices rise nearly 40 cents overnight.
The AAA national average gas price was $4.48 per gallon May 5, 2026 – up from $2.98 per gallon before the war in Iran began. That national average rose more than 38 cents within the past week, with the May 5, 2026 average up from $4.11 the month before and $3.16 the previous year. The war in Iran has intensified the concerns of petroleum analysis experts about prolonged disruptions to global oil flows that will keep markets on edge. Oil prices hit a wartime and four-year high on April 30, 2026, continuing to spike gas prices. This emergency administrative regulation will last until the end of the war in Iran or when gas prices drop below $3.00 per gallon, whichever occurs later in time.
Freezing the average wholesale price of gasoline and the annual survey value at the current rate to ensure the State gas tax will not increase on or after July 1, 2026, will help protect Kentuckians from the harm a higher gas tax would bring on top of other negative effects of rising inflation. The State gas tax will remain at 26.4 cents ($0.264) per gallon, and the State tax on diesel fuel and other special fuels will remain at 23.4 cents ($0.234) per gallon.
Under KRS 138.226, the Department of Revenue shall administer the taxes provided under KRS 138.210 to 138.490 and may prescribe and adopt administrative regulations relating to the administration of those taxes. KRS 131.130 authorizes the Department of Revenue to promulgate administrative regulations for the administration of all tax laws of the Commonwealth.
This administrative regulation must be filed as soon as possible to protect Kentuckians from the increase in the gas tax on July 1, 2026, and to provide notification of the average wholesale price of gasoline and special fuels to dealers licensed in the Commonwealth of Kentucky. Under KRS138.220(4), the Department of Revenue must notify licensed dealers at least 20 days in advance of July 1, 2026.
This emergency administrative regulation will not be replaced by an ordinary administrative regulation as future market conditions may affect the necessity of an administrative regulation. This emergency administrative regulation will last until the end of the war in Iran or when gas prices drop below $3.00 per gallon, whichever occurs later.

THOMAS B. MILLER, Commissioner
ANDY BESHEAR, Governor

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(New Emergency Administrative Regulation)

103 KAR 43:341E. Excise taxes on gasoline and special fuels; average wholesale price of gasoline and annual survey value.

EFFECTIVE: May 5, 2026
RELATES TO: KRS 131.020; KRS 131.130; KRS 138.210; 138.220; 138.226; 138.228; 138.290
STATUTORY AUTHORITY: KRS 11.065; KRS 12.020; KRS 12.040, KRS 12.050; KRS 12.250; KRS 12.270; KRS 42.012; KRS 45.301; KRS 131.020; KRS 131.130; KRS 138.210; 138.220; 138.226; 138.228
NECESSITY, FUNCTION, AND CONFORMITY: KRS 138.226 provides that the Department of Revenue shall administer the taxes provided under KRS 138.210 to 138.490 and authorizes the Department of Revenue to prescribe and adopt administrative regulations relating to the administration of those taxes. The department determines and adjusts the average wholesale price of gasoline rounded to the nearest one-tenth of one cent ($0.001) used for calculating the excises taxes imposed under KRS 138.220 to be paid by a dealer receiving gasoline or special fuel. This emergency administrative regulation establishes the average wholesale price of

gasoline as determined by the department effective July 1, 2026, and is being promulgated in order to meet an imminent threat to the public health, safety, or welfare.

Section 1. Definitions.

(1) "Annual survey value" has the same meaning as provided under KRS 138.210(3)

(2) "Average wholesale price" has the same meaning as provided under KRS 138.210(4).

(3) "Dealer" has the same meaning as provided under KRS 138.210(6).

(4) "Gasoline" has the same meaning as provided under KRS 138.210(11).

(5) "Received" has the same meaning as provided under KRS 138.210(15).

(6) "Special fuels" has the same meaning as provided under KRS 138.210(18).

Section 2. Average wholesale price of gasoline and annual survey value. Effective July 1, 2026, the average wholesale price of gasoline and the annual survey value under KRS 138.228 shall be two dollars and twenty-two and seven-tenths cents ($2.227) per gallon, which is the average wholesale price of gasoline and the annual survey value for fiscal year 2025-2026.

Section 3. Excise taxes on gasoline. Effective July 1, 2026, the excise tax imposed under KRS 138.220 on gasoline, including liquified petroleum, received in this State shall be twenty cents ($0.20) per gallon, which is the excise tax on gasoline, including liquified petroleum in effect during fiscal year 2025-2026. When combined with the five cents ($0.05) per gallon supplemental highway user motor fuel tax and the one point four cents ($0.014) per gallon petroleum environmental assurance fee, the total state tax on gasoline is twenty-six and four-tenths cents ($0.264) per gallon.

Section 4. Excise taxes on diesel fuel and other special fuel. Effective July 1, 2026, the excise tax imposed under KRS 138.220 on special fuel received in this State shall be twenty cents ($0.20) per gallon, which is the excise tax on special fuel in effect during fiscal year 2025-2026 during fiscal year 2025-2026. When combined with the two cents ($0.02) per gallon supplemental highway user motor fuel tax and the one point four cents ($0.014) per gallon petroleum environmental assurance fee, the total state tax on special fuel is twenty-three cents and four-tenths cents ($0.234) per gallon.

Section 5. Relief from penalties. No dealer shall be found in violation of the reporting requirements under KRS 138.240 to 138.260, or subject to the civil penalties imposed under KRS 138.290, for computing and reporting the gasoline and special fuel tax and supplemental highway user motor fuel tax imposed under KRS 138.220 in accordance with this regulation.

Section 6. This emergency administrative regulation shall last until the end of the Iran war or when gas prices drop below $3.00 per gallon, whichever occurs later in time.

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: May 5, 2026

FILED WITH LRC: May 5, 2026 at 3:30 p.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 501 High Street, 11th Floor Conference Room, 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: Gary Morris, Executive Director, Office of Tax Policy and Regulation, 501 High Street, Station 1, Frankfort, Kentucky 40601, Telephone: (502) 564-0424, Gary.Morris@ky.gov, Fax: (502) 564-9565.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Gary C. Morris Phone: (502) 564-0424 Email: Gary.Morris@ky.gov

Subject Headings: Finance and Administration; Taxation; Fuel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the average wholesale price of gasoline to be used in the computation of the State excise taxes on gasoline and special fuels imposed under KRS 138.220.

(b) The necessity of this administrative regulation: The Kentucky Department of Revenue reports that beginning July 1, 2026, and ending June 30, 2027, the annual survey value that sets the average wholesale price of gasoline in the Commonwealth of Kentucky is indicating a gas tax increase. Although the final survey results will not be final until May, the current projections indicate the increase will raise the gas tax in Kentucky by an estimated sixth-tenths of a cent ($0.006), taking the tax from 26.4 cents ($0.264) to 28.4 cents ($0.27) per gallon. It would also raise the tax on diesel fuel from 23.4 cents ($0.234) to 26 cents ($0.26) per gallon. This gas hike would come at a time when Kentuckians are facing significantly higher prices at the gas pump, on top of other rising costs affecting citizens' daily lives. According to the Automobile Association of America ("AAA"), as of April 15, 2026, the average price of gas in Kentucky was $4.98 per gallon, up from $3.33 per gallon a month ago, and $2.80 a year ago. The AAA national average gas price was $4.11 on April 15, 2026, up from $3.70 the month before. On April 7, Louisville media reported that some gas stations saw prices jump nearly 40 cents overnight. Recent escalations between the United States and Iran have intensified the concerns of petroleum analysis experts about prolonged disruptions to global oil flows that will keep markets on edge. Freezing the average wholesale price of gasoline and the annual survey value at the current rate to ensure the State gas tax will not increase on or after July 1, 2026, will help protect Kentuckians from the harm a higher gas tax would bring on top of other negative effects of rising inflation. The State gas tax will remain at 26.4 cents ($0.264) per gallon, and the State tax on diesel fuel and other special fuels will remain at 23.4 cents ($0.234) per gallon. The Department of Revenue anticipates the freeze of the state gas tax will be necessary until mid-January of 2027, when the General Assembly convenes 2027 regular session. This emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)(1) and KRS 138.226 in order to meet an imminent threat to the public health, safety, or welfare.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 138.226 authorizes the Department of Revenue to prescribe, adopt, and enforce administrative regulations relating to the administration of the taxes provided under KRS 138.210 to 138.490. KRS 131.130 authorizes the Department of Revenue to promulgate administrative regulations for the administration of all tax laws of the Commonwealth. Under KRS 42.012, the Secretary of the Finance and Administration Cabinet is the chief financial officer of the Commonwealth and the adviser of the Governor in financial matters, and must at all times protect the financial interests of Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The Department of Revenue determines and adjusts the average wholesale price of gasoline rounded to the nearest one-tenth of one cent ($0.001) used for calculating the excises taxes imposed under KRS 138.220 to be paid by a dealer receiving gasoline or special fuel. This administrative regulation establishes the average wholesale price of gasoline as determined by the department effective July 1, 2026.

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

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation: n/a
(c) How the amendment conforms to the content of the authorizing statutes: n/a
(d) How the amendment will assist in the effective administration of the statutes: n/a
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects dealers receiving gasoline or special fuel who pass the tax on to consumers purchasing gasoline or special fuel. While dealers will be affected in that they will continue to compute, report, and pay tax using the current average wholesale price, consumers purchasing gasoline and special fuels will be affected most significantly because the excise taxes imposed under KRS 138.220 and passed to consumers will not increase on July 1, 2026.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Dealers will continue to compute, report and pay tax based upon the current average wholesale price of gasoline.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This administrative regulation will not require dealers to incur any additional costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this administrative regulation will allow dealers to keep the price of gasoline lower because the State tax on gas will be computed using the current average wholesale price.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The Department of Revenue will not incur any additional costs to implement this administrative regulation initially or on a continuing basis.
(b) On a continuing basis: (please see the response to (5)(a))
(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: n/a
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering was not applied; all dealers in the Commonwealth of Kentucky will compute, report, and pay the tax on gasoline and special fuel in the same manner.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 138.226 authorizes the Department of Revenue to prescribe and adopt administrative regulations relating to the administration of the excise taxes imposed under KRS Chapter 138 on gasoline and special fuels received by dealers.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 39A.180(2)(b); 138.226; 138.220(1)(a); (4).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Finance and Administration Cabinet, Department of Revenue, Office of Sales and Excise Tax, Transportation Cabinet. This administrative regulation sets forth the average wholesale price of gasoline to be used in the computation of the State excise taxes on gasoline and special fuels imposed under KRS 138.220.
(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: $19,500,000
For subsequent years: $19,500,000
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): Any municipalities receiving funds from the Transportation Cabinet will be impacted by this administrative regulation. This administrative regulation sets forth the average wholesale price of gasoline to be used in the computation of the State excise taxes on gasoline and special fuels imposed under KRS 138.220.
(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:
For subsequent years:
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:
For subsequent years:
2. Revenues:
For the first year:
For subsequent years:
3. Cost Savings:
For the first year:
For subsequent years:
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation freezes the State tax on gasoline and special fuels to 26.4 cents and 23.4 cents respectively, per gallon, effective July 1, 2026, which is the current excise tax on gasoline and special fuels. Revenue generated through was $534,346,140 during fiscal year 2025-2026 (through February).
(b) Methodology and resources used to reach this conclusion: Current Motor Fuel Tax receipts.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will have a major economic effect. Freezing the gas tax through an emergency administrative regulation promulgated by the Kentucky Department of Revenue, keeping it from automatically increasing on July 1, 2026, should save Kentuckians about $1.7 million per month.
(b) The methodology and resources used to reach this conclusion: The Iran war continues and the Strait remains either closed or traffic has been dramatically reduced. The President’s and Vice President’s negotiations to reopen the Strait have failed. The President now says the conflict may continue indefinitely. Experts suggest even once over, it may take six months to remove damaging mines in the Strait. The President’s conflict has resulted in the Federal Reserve’s inflation gauge reaching its highest mark in nearly three years, and oil prices hitting a wartime and four-year high last week. According to the Automobile Association of America ("AAA"), as of May 5, 2026, the average price of gas in Kentucky was $4.28 per gallon, up from $2.86 the year before. The average price for Kentucky reached as high as $4.98 per gallon in April. Louisville’s gas prices jumped nearly 35 cents within the past week and media

there reported in April that some gas stations saw prices rise nearly 40 cents overnight. The AAA national average gas price was $4.48 per gallon on May 5, 2026 – up from $2.98 per gallon before the war in Iran began. That national average rose more than 38 cents within the past week, with the May 5th average up from $4.11 the month before and $3.16 the previous year. This administrative regulation will have a positive economic impact on citizens of the Commonwealth of Kentucky because the taxes on gasoline and special fuels will remain constant at 26.4 cents per gallon on gasoline, including liquified petroleum, and 23.4 cents per gallon on diesel and other special fuels. This administrative regulation will not have an overall negative or adverse economic impact.

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

STATEMENT OF EMERGENCY
201 KAR 5:010E.

Pursuant to KRS 13A.190(1)(a)1., this emergency amendment is being promulgated to meet an imminent threat to public health, safety, and welfare. This emergency amendment is necessary to immediately revise ce11ain licensure examination requirements. In response to OAG 25-13, the October 1, 2025 Opinion of the Attorney General (AG), the Board of Optometric Examiners (KBOE) promulgated 201 KAR 5:021E to review the licenses of individuals who graduated from optometry schools between 2020 and 2023. That emergency regulation included the option of submitting results from the Optometry Examining Board of Canada (OEBC) written examination as an alternative to results from the National Board of Examiners in Optometry (NBEO) Pait I, which was also an option for initial licensure under 201 KAR 5:010, as effective July 30, 2025. However, in response to public comments the KBOE filed a Statement of Consideration on April 15, 2026 to amend 201 KAR 5:021E to immediately remove the OEBC written examination as an acceptable test option for the ongoing license reviews moving forward. This emergency amendment to 201 KAR 5:0I0E is required to ensure that the OEBC written examination is immediately removed as an option for initial licensure as well. This emergency amendment will be replaced by an ordinary administrative regulation amendment. The ordinary administrative regulation amendment will not be identical to this emergency amendment, as the language in Section 1 of the emergency amendment should not be included in the ordinary regulation once the emergency amendment expires. This emergency amendment does not have the same subject matter as an emergency administrative regulation that was previously filed and withdrawn within the past 270 days.

ANDY BESHEAR, Governor
MARY BETH MORRIS, OD, President

BOARDS AND COMMISSIONS
BOARD OF OPTOMETRIC EXAMINERS
(Emergency Amendment)

201 KAR 5:010E. Application for licensure; endorsement.

EFFECTIVE: April 15, 2026
RELATES TO: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280
STATUTORY AUTHORITY: KRS 218A.205(3)(g), 320.240(7), 320.270(4)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.220(1) requires all persons who practice optometry in this state to be licensed by the Kentucky Board of Optometric Examiners. KRS 320.250 establishes criteria for an applicant to apply for a license. KRS 320.270 grants the board the discretion to admit to practice in Kentucky persons licensed to practice optometry in other states. KRS 218A.205(3)(g) requires fingerprint-supported criminal record checks and queries to the National Practitioner Data Bank on applicants. This administrative regulation prescribes the procedures to be followed in making application to the board for a license.

Section 1.
(1) Effective immediately, a[A] person applying for a license to practice optometry shall submit to the board, within fifteen (15) days of board review:
(a) A completed Application for License to Practice Optometry;
(b) A birth certificate;
(c) A certified copy of college transcripts received directly from the registrar's office;
(d) A certified copy of optometry school transcripts received directly from the registrar's office;
(e) National Board of Examiners in Optometry, "NBEO", results for Part 1, Part 2, and Part 3. The Optometry Examining Board of Canada, "OEBC", written examination results may be submitted in lieu of Part 1 of the NBEO results if the OEBC Part 1 test was taken by the licensee or the test results were submitted to the Kentucky Board of Optometric Examiners by the licensee between July 30, 2025 and April 15, 2026;
(f) Therapeutic Management of Ocular Disease, "TMOD" results;
(g) Two (2) letters of recommendation, one (1) of which shall be from a licensed optometrist;
(h) Proof of successful completion of State Law Exam results;
(i) A recent photograph of head and shoulders, front view;
(j) Payment in the amount of $500 representing the non-refundable application fee; and
(k) Payment in the amount of twenty-five (25) dollars for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services.
(2)
(a) Prior to approval for examination, the board shall review and consider:
1. A national and state, fingerprint-supported criminal record check conducted by the:
a. Federal Bureau of Investigation; or
b. Kentucky State Police; and
2. A query for any relevant data from the National Practitioner Data Bank of the U.S. Department of Health and Human Services.
(b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days old when reviewed by the board.

Section 2.
(1) Effective January 1, 2027, a person applying for a license to practice optometry shall submit to the board, within fifteen (15) days of board review:
(a) A completed Application for License to Practice Optometry;
(b) A birth certificate;
(c) A certified copy of college transcripts received directly from the registrar's office;
(d) A certified copy of optometry school transcripts received directly from the registrar's office;
(e) National Board of Examiners in Optometry, "NBEO", results for Part 1, Part 2, and Part 3;
(f) NBEO Therapeutic Management of Ocular Disease, "TMOD" results;
(g) NBEO Injections Skill Exam, "ISE" results;
(h) Two (2) letters of recommendation, one (1) of which shall be from a licensed optometrist;
(i) Proof of successful completion of State Law Exam results;
(j) A recent photograph of head and shoulders, front view;
(k) Payment in the amount of $500 representing the non-refundable application fee; and
(l) Payment in the amount of twenty-five (25) dollars for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services.
(2)
(a) Prior to approval for examination, the board shall review and consider:

1. A national and state, fingerprint-supported criminal record check conducted by the:

a. Federal Bureau of Investigation; or

b. Kentucky State Police; and

2. A query for any relevant data from the National Practitioner Data Bank of the U.S. Department of Health and Human Services.

(b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days old when reviewed by the board.

Section 3.[~~Section 2.~~]

(1) A person applying for a license to practice optometry by endorsement shall submit to the board, within fifteen (15) days of board review:

(a) A completed Application for License by Endorsement to Practice Optometry;

(b) Verification that the applicant has been licensed in optometry and in active practice the past five (5) years;

(c) Information regarding any resolved, pending, or unresolved board action or malpractice suit in any state or territory;

(d) A certified copy of college transcripts received directly from the registrar's office;

(e) A certified copy of optometry school transcripts received directly from the registrar's office;

(f) A certificate of good standing from the board where the applicant is currently licensed and from all state boards where the applicant has held a license in the past;

(g) A copy of the credential that proves the applicant is therapeutically licensed;

(h) Two (2) letters of recommendation, one (1) of which shall be from a licensed optometrist;

(i) Proof of successful completion of Kentucky State Law Exam;

(j) A recent photograph of head and shoulders, front view;

(k) Payment in the amount of $700 representing the non-refundable application fee;

(l) A notarized statement explaining why the applicant wishes to be admitted to practice in Kentucky; and

(m) Payment in the amount of twenty-five (25) dollars for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services to retrieve any relevant data on the applicant.

(2)

(a) Prior to approval for licensure, the board shall receive and consider:

1. A national and state, fingerprint-supported criminal record check conducted by the:

a. Federal Bureau of Investigation; or

b. Kentucky State Police; and

2. A query for any relevant data from the National Practitioner Data Bank of the U.S. Department of Health and Human Services.

(b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days old when reviewed by the board.

Section 4.[~~Section 3.~~]

(1) A person whose license has been revoked pursuant to KRS 320.280(3) may apply for reinstatement of his or her license.

(2) Except as provided in subsection (3) of this section, a person applying for reinstatement shall submit to the board:

(a) Evidence of completion of the continuing education requirements established in 201 KAR 5:030; and

(b) Payment of the reinstatement fee established in 201 KAR 5:005, Section 7.

(3) To apply for reinstatement, an optometrist whose license has been revoked pursuant to KRS 320.280(3) shall submit to the board:

(a) Evidence of completion of the annual continuing education requirement for each year, or any portion of a year, that the license was not renewed up to a maximum of sixty (60) hours; and

(b) Payment of the reinstatement fee established in 201 KAR 5:005, Section 7 for each year, or any portion of a year, that the license was not renewed.

Section 5.[~~Section 4.~~] The board shall notify licensees of any proposed changes to the licensing process and provide licensees with information on the public comment period for any proposed change.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for License to Practice Optometry", April 2026[~~June 2024~~]; and

(b) "Application for License by Endorsement to Practice Optometry", April 2026[~~June 2024~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Optometric Examiners, 100 Consumer Lane, Frankfort, Kentucky 40601, phone (502) 234-2114, Monday through Friday, 9:00 a.m. to 4:30 p.m.[.] This material may also be viewed on the board's Web site at: https://optometry.ky.gov/applicants/Pages/default.aspx.

MARY BETH MORRIS, O.D., President

APPROVED BY AGENCY: April 14, 2026

FILED WITH LRC: April 15, 2026 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2026 at 2:00 p.m. EST at the Hyatt Regency Hotel, 401 West High Street, Lexington, Kentucky 40507. 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 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christi LeMay, Executive Director, Kentucky Board of Optometric Examiners, 100 Consumer Lane, Frankfort, Kentucky 40601, (502) 234-2114, fax (859) 246-2746, christi.lemay@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christi LeMay

Subject Headings: Occupations and Professions, Optometry, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation prescribes the procedures to be followed in making application to the Board for a license to practice optometry.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for licensure, licensure by endorsement, and reinstatement of a license.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific authority provided in KRS 218A.205(3)(g), 320.240(7), 320.270(4).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation set forth the requirements for licensure so applicants, licensees, and the public are aware of the requirements.

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

(a) How the amendment will change this existing administrative regulation: The emergency amendment to this regulation will immediately remove the OEBC Part I test as an alternative to the NBEO Part I test. Other amendments clarify that the NBEO Injections Skills Exam (ISE) will be required effective January 1, 2027.

(b) The necessity of the amendment to this administrative regulation: These amendments are necessary to immediately remove the OEBC Part I test and update the licensure requirements effective January 1, 2027.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes provide the board with authority to establish the licensing requirements, and require that the board establish these requirements in regulation.

(d) How the amendment will assist in the effective administration of

the statutes: These amendments provide 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: These amendments affect all individuals seeking licensure from the date of filing.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: All applicants are required to provide passing scores of the licensing examinations established in this amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants must continue to pay the licensing examinations for each required examination.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this amendment is necessary to be licensed to practice optometry. (6) Provide an estimate of how much it will cost the administrative body to implement this amendment:
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: $0
(b) On a continuing basis: $0
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding to implement this amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes fees for licensure. This amendment does not change any of these fees.
(10) TIERING: Is tiering applied? No, each group of applicants has the same requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Optometric Examiners
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0 expenditure increase with this amendment.
For subsequent years: $0 expenditure increase with this amendment.
2. Revenues:
For the first year: $0 revenue increase with this amendment.
For subsequent years: $0 revenue increase with this amendment.
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): All applicants for licensure to practice optometry in Kentucky are affected by this regulation and 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: There is no additional fiscal impact on licensees with these amendments. The amendments clarify which licensing examination tests will be required, and this clarification does not result in any increased licensing examination costs that do not already exist.
(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 and does not change any current licensing examination costs for licensees.

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
804 KAR 13:011E.

Pursuant to KRS 13A.190(1)(a)3., 2025 Ky. Acts Ch. 78 (SB 100), and 2026 Ky. Acts Ch. 70 (SB 245) this emergency administrative regulation is being promulgated to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. The Department of Alcoholic Beverage Control (the "Department") has issued approximately 5,500 tobacco, nicotine, or vapor product licenses. 2025 Ky. Acts Ch. 78 (SB 100), which the Governor signed into law on March 24, 2025, requires the Department to ensure the safe and reasonable regulation of tobacco, nicotine, and vapor products within the Commonwealth. 2026 Ky. Acts Ch. 70 (SB 245), which the Governor signed into law on April 10, 2026, requires the Department to prescribe and publish forms to apply for tobacco, nicotine, or vapor product licenses within 30 days of its signature. SB 245, Sections 2, 5, and 19.
SB 245 further requires any tobacco retailers not already licensed to remit applications for tobacco, nicotine, or vapor product licenses within 60 days of its signature. SB 245, Sections 15 and 19. To ensure that retailers who are mandated to apply for tobacco, nicotine, or vapor product licenses are able to do so within the statutorily required timeframe, this emergency administrative regulation is being promulgated to implement a tobacco, nicotine, or vapor product licensing, enforcement, and administrative structure as soon as possible, following consultation with the Administrative Regulation Review Subcommittee Co-Chairs, and based upon the recommendation of Legislative Research Commission staff.
This emergency administrative regulation will be replaced by an

ordinary administrative regulation filed concurrently. The ordinary administrative regulation is identical to this emergency administrative regulation.

SCOTTY TRACY, Commissioner
ANDY BESHEAR, Governor

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(New Emergency Administrative Regulation)

804 KAR 13:011E. Tobacco, nicotine, and vapor product enforcement and administration.

EFFECTIVE: May 15, 2026
RELATES TO: KRS Chapter 13B, 438.305 to 438.350
STATUTORY AUTHORITY: KRS 438.340, 438.3055
NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.305 to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate relevant statutory provisions or the department's administrative regulations related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and report statistics relating to the illegal sale to persons under the age of twenty-one (21) of tobacco products, alternative nicotine products, and vapor products, and the enforcement of KRS 438.305 to 438.350. Specifically, KRS 438.340 authorizes the department to promulgate administrative regulations necessary to implement and carry out the provisions of KRS 438.305 to 438.350, and KRS 438.3055 requires the department to carry out the enforcement provisions of KRS 438.305 to 438.350, including the promulgation of administrative regulations that govern the sale and distribution of alternative nicotine products, tobacco products, and vapor products. Additionally, 2026 Ky. Acts Ch. 70 (SB 245) mandates that the department prescribe and publish application forms for tobacco, nicotine, or vapor product licenses within 30 days of its passage.

Section 1. Definitions.
(1) "Department" is defined in KRS 438.305(5).
(2) "License" means a tobacco, nicotine, or vapor product license.

Section 2. Administration. The department shall be the administrative agency for hearing violations of KRS 438.305 to 438.350.

Section 3. Requests for Hearing.
(1) A person or business receiving an administrative citation pursuant to KRS 438.305 to 438.350, a revocation of their license pursuant to KRS 438.3069, or a denial of their application for a license pursuant to KRS 438.3067, may request an administrative hearing on the matter, to be conducted by the department in accordance with KRS Chapter 13B.
(2) A request for hearing to contest the following shall be made in writing by the person or business receiving the administrative citation, revocation, or denial, or their attorney, within thirty (30) days of receipt:
(a) An administrative citation for a violation of KRS 438.305 to 438.350;
(b) A license revocation pursuant to KRS 438.3069; or
(c) A license application denial pursuant to KRS 438.3067.
(3) A request for a hearing shall include:
(a) A copy of the administrative citation, notice of revocation, or notice of denial;
(b) The name, address, and contact information of the person or business that received the administrative citation, revocation, or denial; and
(c) The name, address, and contact information of their agent for service, if that differs from the information provided pursuant to paragraph (b) of this subsection.
(4) A request for a hearing shall be mailed to the Department of Alcoholic Beverage Control, ATTN: Tobacco Hearing Request, 500 Mero Street, Frankfort, Kentucky 40601, or emailed to the department at abc.legal@ky.gov.
(5) Upon receipt of a timely request for hearing, the department shall refer the matter to an administrative hearing officer for adjudication in accordance with KRS Chapter 13B.
(6) If a request for hearing is not made within thirty (30) days of receipt of an administrative citation, revocation, or denial, the opportunity for a hearing shall be deemed to have been waived and the disciplinary action imposed shall thereby be deemed effective.

Section 4. Prepayment of Fines. A fine imposed pursuant to an administrative citation shall be prepayable within thirty (30) days of issuance of the administrative citation. A person not wishing to contest the allegations in the citation may resolve the charge by making a payment in the amount set forth in the administrative citation through any of the following methods:
(1) Mailing or otherwise submitting a cashier's check, certified check, business check, or money order payable to the Kentucky State Treasurer, to the Department of Alcoholic Beverage Control, 500 Mero Street, Frankfort, Kentucky 40601; or
(2) Making an electronic Tobacco Citation Payment on the department's online payment portal at https://abcportal.ky.gov/BELLEExternal.

Section 5. License Surrender. A tobacco, nicotine, or vapor product licensee and its employees shall not evade imposition of penalties or a finding of culpability for violations related to the regulation of alternative nicotine products, tobacco products, or vapor products by surrender or expiration of its license. The department shall retain the authority to enforce relevant provisions and penalties of KRS 438.305 to 438.350 against any individual or business entity who is under investigation for or charged with a violation of those statutes, even if the individual's or business entity's tobacco, nicotine, or vapor product license has been surrendered or has expired by operation of law.

Section 6. Disposition of Records and Evidence.
(1) The department shall preserve the confidentiality of all juvenile records by maintaining a separate filing system with access limited to the parties and their legal counsel. The department shall maintain statistical summaries of case information, including date of buy, geographical location of buy, name and address of retail seller, date of purchase, date of birth and gender of underage buyer, and disposition of case. Statistical summaries relating to underage buyers shall not identify the underage buyer by name.
(2) Physical property seized as contraband property, as defined by KRS 438.305(4), in the course of investigations of administrative violations of KRS 438.305 to 438.350 shall be maintained by the department in a secured evidentiary storage facility and destroyed after the administrative matter is resolved, unless it is found that the evidence was not used in violation of the law, in which case the property shall be returned to its owner.
(3) The disposition of contraband property and evidence shall not occur until all appeals associated with the administrative matter have been exhausted.

Section 7. Application Forms.
(1) A tobacco, nicotine, or vapor product retailer shall initially apply for an annual tobacco, nicotine, or vapor product license by submitting the Initial Tobacco, Nicotine, or Vapor Product License Application Form to the department.
(a) The Initial Tobacco, Nicotine, or Vapor Product License Application Form shall be submitted with the following documents:
1. A copy of the deed or lease for the premises to be licensed if not currently on file with the department for an alcoholic beverage license, or a certification from the landlord or landowner stating that the premises may be used for the sale of tobacco, nicotine, or vapor products;
2. Proof of registration with the Department of Revenue; and
3. A $50 non-refundable application fee.
(b) An electronic version of the Initial Tobacco, Nicotine, or Vapor Product License Application Form may be completed and submitted through the department's online portal located at https://abcportal.ky.gov/BelleExternal/.

(2) A tobacco, nicotine, or vapor product retailer shall apply for a temporary tobacco, nicotine, or vapor product license by submitting the Tobacco, Nicotine, or Vapor Product Temporary License Application Form to the department.

(a) The Tobacco, Nicotine, or Vapor Product Temporary License Application Form shall be submitted with proof of the occurrence and duration of the fair, festival, or other event where the products will be sold.

(b) An electronic version of the Tobacco, Nicotine, or Vapor Product Temporary License Application Form may be completed and submitted through the department's online portal located at https://abcportal.ky.gov/BelleExternal/.

Section 8. Batch Application Form.

(1) Notwithstanding Section 7, a tobacco, nicotine, or vapor product retailer may submit a Tobacco, Nicotine, or Vapor Product License Batch Application Form for:

(a) Multiple tobacco, nicotine, or vapor product licenses for multiple premises; or

(b) A tobacco, nicotine, or vapor product license or multiple licenses for multiple premises, in conjunction with one or more alcoholic beverage retail licenses.

(2) The Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form shall be submitted with the following documents:

(a) A copy of the deed or lease for each premises to be licensed if not currently on file with the department for an alcoholic beverage license, or a certification from the landlord or landowner stating that the premises may be used for the sale of tobacco, nicotine, or vapor products;

(b) Proof of registration with the Department of Revenue; and

(c) Any documents required by the department for alcoholic beverage licenses for which the applicant is applying.

(3) An electronic version of the Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form may be completed and submitted through the department's online portal located at https://abcportal.ky.gov/BelleExternal/.

Section 9. Renewals. To renew its annual Tobacco, Nicotine or Vapor Product Licenses, a licensed tobacco, nicotine, or vapor product retailer shall submit to the department:

(1) A $500 annual fee for each of the annual Tobacco, Nicotine, or Vapor Product licenses it holds; and

(2) If a material change has occurred as defined in 26 RS SB 245 Section 2(2)(b):

(a) A Tobacco, Nicotine, or Vapor Product License Renewal Form; or

(b) An Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Renewal Form.

(3) Electronic versions of the Tobacco, Nicotine, or Vapor Product License Renewal Form, and the Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product Batch Renewal Form may be completed and submitted through the department's online portal located at https://abcportal.ky.gov/BelleExternal/

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Initial Tobacco, Nicotine, or Vapor Product License Application Form," May 2026;

(b) "Tobacco, Nicotine, or Vapor Product Temporary License Application Form," May 2026;

(c) "Tobacco, Nicotine, or Vapor Product License Renewal Form," May 2026;

(d) "Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form," May 2026; and

(e) "Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Renewal Form," May 2026.

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

SCOTTY TRACY, Commissioner
DJ WASSON, Secretary

APPROVED BY AGENCY: May 15, 2026

FILED WITH LRC: May 15, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on June 25, 2026 at 10:00 EDT, at 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing 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 emergency administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joshua Newton, Phone: 502-782-0770, Email: Joshua.Newton@ky.gov
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation outlines the process for enforcement and administration of laws related to tobacco, nicotine and vapor products.
(b) The necessity of this administrative regulation: KRS 438.305 to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate their provisions, or the regulations of the department related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce these penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and report statistics relating to the illegal sale to persons under the age of twenty-one (21) of tobacco products, alternative nicotine products, and vapor products, and the enforcement of KRS 438.305 to 438.350. Additionally, 2026 Ky. Acts Ch. 70 (SB 245), Sections 2, 5, and 12 require that the department issue application forms for tobacco, nicotine, or vapor product licenses.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation outlines the process for enforcing the requirements of the statutes related to underage tobacco, nicotine and vapor product sales, how penalties are to be paid, and to whom the department will report data related to these enforcement efforts. This administrative regulation also outlines the process for applying for tobacco, nicotine, or vapor product licenses, and incorporates the application forms necessary for applying.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in effective administration of the statute by outlining the process for citing violations, payment of fines related to violations, and the process to appeal those citations, as well as outlining the process for applying for tobacco, nicotine, or vapor product licenses and incorporating the necessary forms to do so.
(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, 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: It is estimated that there are between 5,500 and 7,000 retailers of tobacco, nicotine or vapor products in the Commonwealth of Kentucky. These businesses include gas stations, grocery stores, and standalone vape/tobacco businesses. This amendment could affect any number of these retailers and their clerks to the extent that this amendment updates them on how to pay fines for violations or how to appeal violation citations. Additionally, any retailers who have not previously obtained a license will need to apply for tobacco, nicotine, and vapor product licenses, and this regulation details how they apply for those licenses, incorporates the license application forms, and details how they may request a hearing if their application for licensure is denied.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated businesses will be required to take no action because of this amendment. However, this amendment provides the implementation process for statutory mandates set out in 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245).
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This amendment does not impose costs on any entity identified in question (4). Costs are imposed by statute.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): By complying with this amendment, a licensee who is charged with a violation will be afforded the benefit of a KRS Chapter 13B administrative hearing, should they elect to request one, whenever a tobacco, nicotine, or vapor product citation is issued. A tobacco retailer will also be able to apply for a license to continue selling tobacco, nicotine, or vapor products.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245), the department will be required to employ 20 additional staff members, resulting in an annual increased cost of $2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—executing the new enforcement procedures contemplated by this administrative regulation and administering the licensing process outlined by this administrative regulation.
(b) On a continuing basis: See increased annual cost referenced above.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The implementation and enforcement of the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245) will be funded through the collection of licensure fees and civil penalty fines.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: 2025 Ky. Acts Ch. 78 (SB 100) established license fees and fines that will be necessary to implement this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees directly or indirectly.
(10) TIERING: Is tiering applied? Tiering is not applied. This regulation amendment provides the process for paying violation fines or appealing violation citations.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 13B, KRS 438.3055, 438.3067, 438.3069, 438.310, 438.312, 438.313, 438.316, 2026 Ky. Acts Ch. 70 (SB 245) Sections 2, 5, and 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 438.340, Senate Bill 100 of the 2025 Kentucky General Assembly, and Senate Bill 245 of the 2026 Kentucky General Assembly.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Alcoholic Beverage Control is the promulgating agency. No other state units, parts, or divisions are affected by this regulation amendment.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This regulation will have no effect on any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities will be affected by this regulation. This regulation will have no effect on any other regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact as it only provides the process for paying fines, appealing citations, and applying for tobacco, nicotine, or vapor product licenses, as well as incorporating the forms necessary to do so.
(b) Methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the amendment imposes no new action on any regulated body.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation is anticipated to have a major economic im-pact. To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100), the department will be required to employ 20 additional staff members, resulting in an annual increased cost of $2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—executing the new enforcement procedures contemplated by this administrative regulation.
(b) The methodology and resources used to reach this conclusion: The Department consulted budget analysts to perform economic

analysis on the implementation and enforcement of the requirements of 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245) in arriving at the need for additional staff members.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. N/A
(2) State compliance standards. N/A
(3) Minimum or uniform standards contained in the federal mandate. N/A
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

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.

NONE

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, May 12, 2026)

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(16)(b)4.***[***61.635(4)(16)(b)(4)***], 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 61.645(9)***(e)***[***(g)***] requires the Kentucky Public Pensions Authority ***on behalf of the Kentucky Retirement Systems and the County Employees Retirement System***[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(16)(b)4.*[*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 ***his or her***[~~***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.

FILED WITH LRC: May 12, 2026

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BOARDS AND COMMISSIONS
BOARD OF OPTOMETRIC EXAMINERS
(As Amended at ARRS, May 12, 2026)

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 ***and [-]***2023, the following examinations shall be taken and a passing score ***shall[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 *administrative* 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.

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TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(As Amended at ARRS, May 12, 2026)

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***, 365.522, 365.524***

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 ***31***[~~*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.

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EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(As Amended at ARRS, May 12, 2026)

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" ***means***[~~***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" ***means***[~~***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 *or*[*"*]*"*(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" ***means***[~~***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 ***shall***[~~***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" ***means***[~~***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 ***fourteen (14) and twenty-one***

(21)[***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 ***or***[***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 ***fourteen (14) to twenty-one (21)***[***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).

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EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(As Amended at ARRS, May 12, 2026)

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) ***requires***[***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 ***by***[~~***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**~~]***by***[***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.~~]

FILED WITH LRC: May 12, 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.

EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(As Amended at ARRS, May 12, 2026)

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 1Definitions.]

[(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 ***shall***[***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 ***(1)*** 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 ***(1)*** 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; ***and***

(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 ***place***[***~~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. ***A***[***~~Any~~***] review ***shall***[***~~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 ***shall***[***~~does~~***] not constitute an ineligibility

determination and ***shall***[~~***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 ***$500***[~~***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 ***shall***[***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 ***$5,000***[***five thousand dollars ($5,000)***] and ***$10,000***[***ten thousand dollars ($10,000)***]; and

(b) Ninety-five (95) percent of that portion of start up costs that exceeds ***$10,000***[***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 ***$10,000***[***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 ***shall***[***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 ***by text or SMS***[~~***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 ***eighteen (18)***[~~***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 ***shall***[~~***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 ***shall***[~~***will***~~]be used only for the purposes for which it is being provided;

(b) Information ***shall***[~~***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, ***ninety (90)***[~~***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 *shall*[~~*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 ***(1)*** 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)**][~~**(3)**~~] 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 ***shall***[***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.

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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.

EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(As Amended at ARRS, May 12, 2026)

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 ***(1)*** 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.]

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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.

EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(As Amended at ARRS, May 12, 2026)

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 ***shall***[~~***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 ***the requirements of*** Section 7 ***of this administrative regulation***[***~~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 ***the***[***~~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.

~~(3)~~[***~~(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.

~~(4)~~[***~~(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 ***shall***[***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 ***shall***[***~~does~~***] not include wheelchairs, scooters, or any other mobility devices used as personal medical equipment under Section 6 ***of this administrative regulation***.

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) ***of this section*** or requiring upgrades to underlying systems or structures as described in subsection (6) ***of this section***.

(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 ***the***[***~~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 ***shall***[~~***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 ***these***[~~***such***~~] circumstances may not exceed three ***(3)*** 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 ***shall***[~~***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) ***of this section*** 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 ***shall***[~~***must***~~]be directly related to the individual's vocational rehabilitation needs.

FILED WITH LRC: May 12, 2026

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ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR RECEIPT OF WRITTEN COMMENTS

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

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Long-Term Services and Supports
(Amended After Comments)

907 KAR 2:720. 1915(c) Kentucky's Community Health for Improved Lives and Development (CHILD) Waiver Program Requirements.

RELATES TO: KRS 14A.4, 17.165, 189.125, 200.503, 205.520, 205.5605, 205.8451, 209, 217, 218A, 273.182, 309, 314.011, 315, 319, 319A, 335, 369, 387, 500.080, 600.020, 620.030, 620.055, 42 C.F.R. 430.10, 431.53, 440.150, 440.170, 441.301, 441.530, 441.725, 45 C.F.R. Parts 160, 162, and 164, 20 U.S.C. 1400, 1401, 29 U.S.C. 730, 794, 42 U.S.C. 11434a, 12101, 1320d, 1396a, 1396d, 1396n, H.R.34 - 114th Congress (2015-2016)

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has the responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the program and operational requirements to provide expanded services to individuals who have a primary diagnosis of autism, developmental disability, intellectual disability, or serious emotional disturbance.

Section 1. Definitions.

(1) "1915(c) CHILD Waiver" means: the Home and Community-Based Services program titled Community Health for Improved Lives and Development (CHILD) authorized under Section 1915(c) of the Social Security Act, and administered by the Department for Medicaid Services to serve eligible children and youth with intellectual disability or developmental disability including autism.

(2) "1915(c) home and community-based waiver program" means a Kentucky Medicaid program established pursuant to, and in accordance with, 42 U.S.C. 1396n(c).

(3) "Abuse" is defined by KRS 600.020 for children and KRS 209.020(8) for adults.

(4) "Activities of daily living" or "ADLs" means activities that a person normally undertakes in their daily life, including activities such as bathing, eating, dressing, toileting, transferring.

(5) "Allocation" is defined as an individual who has been assigned a slot on the waiver but has not yet started services.

(6) "Americans with Disabilities Act" or "ADA" is defined by 42 U.S.C. 12101.

(7) "Applicant" means an individual applying to receive 1915(c) waiver services.

(8) "Assessment" means the process that authorizes the department or its designee to determine applicant service needs that can be met safely in a community-based setting and determine if the participant is eligible for 1915(c) CHILD waiver services.

(9) "Autism" means autism spectrum disorder (ASD) which is characterized by:

(a) Persistent deficits in social communication and social interaction across multiple contexts;

(b) Restricted, repetitive patterns of behavior, interests, or activities, currently or by history;

(c) Symptoms that shall be present in the early developmental period (but may not become fully manifested until social demands exceed limited capacities, or may be masked by learned strategies in later life);

(d) Symptoms that cause clinically significant impairment in social, occupational, or other important areas of current functioning; and

(e) These disturbances are not better explained by intellectual disability (intellectual developmental disorder) or global developmental delay. Intellectual disability and autism spectrum disorder frequently co-occur; to make comorbid diagnoses of autism spectrum disorder and intellectual disability, social communication shall be below that expected for general developmental level.

(10) "Aversive technique" means:

(a) Withholding:

1. Food or hydration as a means to control or impose calm;
2. Access to a:
a. Legal advocate; or
b. Ombudsman;
3. Access to a:
a. Toilet;
b. Bath; or
c. Shower;
4. Access to personal belongings; or
5. Access to natural supports;

(b) Depriving medical attention or prescribed medication;

(c) Depriving sleep;

(d) Dehumanization of the individual, through means such as:

1. Social degradation;
2. Social isolation;
3. Verbal abuse;
4. Techniques inappropriate for the individual's age; or
5. Treatment out of proportion to the target behavior; or

(e) Activities that include:

1. Electric shocking;
2. Sleep or food deprivation;
3. Punitive exercise tasks;
4. Shaming;
5. Yelling;
6. Corporal punishment;
7. Hitting;
8. Sensory triggering;
9. Intimidation; or
10. Use of stress positions.

(11) "Behavior intervention committee" or "BIC" means a group of individuals:

(a) Established to evaluate the technical adequacy of a proposed behavioral intervention for a participant; and

(b) That meets in accordance with the BIC policies established in Section 10 of this administrative regulation.

(12) " Behavioral health practitioner" mean an independently licensed practitioner who is:

(a) An advanced practice registered nurse (APRN);
(b) A certified psychologist with autonomous functioning;
(c) A licensed behavior analyst;
(d) A licensed clinical alcohol and drug counselor;
(e) A licensed clinical social worker (LCSW);
(f) A licensed marriage and family therapist (LMFT);
(g) A licensed professional art therapist;
(h) A licensed professional clinical counselor (LPCC);
(i) A licensed psychological practitioner;
(j) A licensed psychologist;
(k) A physician;
(l) A physician assistant;
(m) A psychiatrist; or
(n) A licensed professional clinical counselor (LPCC).

(13) "Behavioral health practitioner under clinical supervision" means a:

(a) Psychologist certified and practicing in accordance with KRS 319.056;

(b) Licensed psychological associate, practicing as defined by KRS 319.064;

(c) Marriage and family therapist associate as defined by KRS 335.300(3);

(d) Social worker certified and practicing in accordance with KRS 335.080;

(e) Licensed professional counselor associate as defined by KRS 335.500(4);

(f) Licensed professional art therapist associate as defined by KRS 309.130(3); or

(g) Registered behavior technician under the supervision of a licensed behavior analyst.

(14) "Board" means three (3) meals a day or other full nutritional regimen of a caregiver for the purpose of providing shared living services.

(15) "Case manager" means an individual who meets the personnel and training requirements established in Section 5 of this administrative regulation and is responsible for facilitating person-centered service planning, coordination, and oversight of waiver services.

(16) "Case manager supervisor" means an individual who:

(a) Provides professional oversight of case managers;

(b)

1. Has a bachelor's or higher degree in a human service field from an accredited college or university;

2. Has a bachelor's degree in any other field from an accredited college or university with at least one (1) year of experience in the field of intellectual disability; or

3. Is a registered nurse;

(c) Has at least two (2) years of experience of case management responsibility in an organization that serves individuals with intellectual or developmental disabilities;

(d) Completes a case management supervisory training curriculum approved by the department within six (6) months of beginning supervisory responsibilities; and

(e) Meets all personnel and training requirements established in Section 5 of this administrative regulation.

(17) "Centers for Medicare and Medicaid Services (CMS)" means the federal agency within the U.S. Department of Health and Human Services responsible for approving Medicaid waivers and ensuring compliance with federal regulations.

(18) "Certification" or "recertification" means the authorization received by a Medicaid enrolled provider who:

(a) Has been determined to meet the requirements of the Centers for Medicare and Medicaid Services (CMS) approved 1915(c) CHILD waiver and this administrative regulation; and

(b) Is approved by the department to provide one (1) or more services to 1915(c) CHILD waiver participants.

(19) "Certified psychologist with autonomous functioning" means a person licensed pursuant to KRS 319.056.

(20) "Certified school psychologist" means an individual certified by the Kentucky Education Professional Standards Board under 16 KAR 2:090.

(21) "Child and Adolescent Needs and Strengths Assessment" or "CANS Assessment" means an assessment tool that is:

(a) Designed to give a profile of the specific current needs and strengths of the child or adolescent and caregiver(s);

(b) A person-centered, consensus-based functional needs assessment for young people with developmental disabilities and their families; and

(c) Used to determine level of care for the 1915(c) CHILD Waiver.

(22) "Chemical restraint" means a drug or medication:

(a) Used to restrict an individual's:

1. Behavior; or

2. Freedom of movement; and

(b)

1. That is not a standard treatment for the individual's condition; or

2. Dosage that is not an appropriate dosage for the individual's condition.

(23) "Child" or "youth" means an individual aged zero (0) up to twenty-one (21) years who meets the eligibility criteria specified in this administrative regulation.

(24) "Controlled substance" is defined by KRS 218A.010(8).

(25) "Corrective action plan" or "CAP" means a document submitted by a 1915(c) CHILD waiver provider to the department that:

(a) States the system changes, processes, or other actions that the provider is required to take to prevent a future occurrence of a founded violation stated in a citation or findings report;

(b) States the timeframe in which the provider shall successfully implement or perform a system change, process, or other action required by the corrective action plan; and

(c) Is not valid or effective until approved by the department.

(26) "Covered services and supports" is defined by Section 6 of 907 KAR 2.720.

(27) "Crisis Prevention and Response Plan" means **an individualized and proactive**[~~a~~] document developed as part of the person-centered service plan **that is consistent with trauma-informed and evidence-based practices that**[~~to~~]:

(a) **Identifies and anticipates medical, behavioral, or environmental crises**[~~Anticipate~~];

(b) **Mitigates the impact of any crises**[~~Mitigate~~];

(c) **Manages** [~~Manage behavioral~~][~~ health~~] crises;[~~ and~~]

(d) **Promotes**[~~Promote~~] safety**; and**

(e) Is reviewed and updated at least annually and revised as needed, including any change in the youth's placement or service region to ensure the plan appropriateness and accessibility of identified supports and services.

(28) "Critical incident" means an **alleged, suspected, or actual occurrence of an** incident that**:**

(a) Can reasonably be expected to result in harm to a participant; and

(b) Shall include:

1. Abuse, neglect, or exploitation;

2. A serious medication error;

3. Death;

4. A homicidal or suicidal ideation;

5. A missing person; or

6. Other action or event that the provider determines may result in harm to the participant[~~is serious in nature and poses an immediate risk to the health, safety, or welfare of a participant. "Critical incident" includes a serious medication error~~].

(29) "DCBS" means the Kentucky Department for Community Based Services.

(30) "Department" means the Kentucky Department for Medicaid Services or its designee.

(31) "Developmental disability" means a disability that:

(a) Is manifested prior to the age of twenty-two (22);

(b) Constitutes a substantial disability to the affected individual; and

(c) Is attributable either to an intellectual disability or a condition related to an intellectual disability that:

[~~*1.*~~] Results in an impairment of general intellectual functioning **or**[~~and~~] adaptive behavior similar to that of a person with an intellectual disability; and

(d)[~~*2.*~~] Is a direct result of, or is influenced by, the person's cognitive deficits.

(32) "Direct support professional" means an individual who:

(a) Provides services to a participant in accordance with Section 6 of this administrative regulation;

(b) Has direct contact with a participant when providing services to the participant;

(c) Is at least twenty-one (21) years old;

(d) Meets the personnel and training requirements established in Section 4 of this administrative regulation;

(e) Has the ability to:

1. Communicate effectively with a participant and the participant's family;

2. Read, understand, and implement written and oral instructions;

3. Perform required documentation; and

4. Participate as a member of the participant's person-centered planning team if requested by the participant; and

(f) Demonstrates competence and knowledge on topics required to safely support the participant as described in the participant's person-centered service plan.

(33) "Direct support professional supervisor" means an individual who:

(a) Provides oversight of direct support professionals in the provision of services to participants;

(b) Is at least twenty-one (21) years old;

(c) Meets the personnel and training requirements established in Section 4 of this administrative regulation;

(d) Has the ability to:

1. Communicate effectively with a participant and the participant's family;

2. Read, understand, and implement written and oral instructions;

3. Perform required documentation; and

4. Participate as a member of the participant's person-centered team if requested by the participant;

(e) Has at least two (2) years of experience in providing direct support to persons with a developmental disability;

(f) Demonstrates competence and knowledge on topics required to safely support the participant as described in the participant's person-centered service plan; and

(g) Completes a supervisory training curriculum approved by department or its designee within six (6) months of beginning supervisory responsibilities.

(34) "Drug paraphernalia" is defined by KRS 218A.500(1).

(35) "Early and Periodic Screening, Diagnostic, and Treatment" or "EPSDT" is defined by 42 U.S.C. 1396d(r).

(36) "Electronic signature" is defined by KRS 369.102(8).

(37) "Electronic Visit Verification" or "EVV" is an electronic system used to record information when delivering home and community-based personal care services (PCS), as required by the 21st Century Cures Act (Pub. L. No. 114-255, 130 Stat. 1033 (2016)).

(38)[**(37)**] "Employee" means an individual who is employed by a CHILD provider.

(39)[**(38)**] "Exploitation" is defined by KRS 209.020(9).

(40)[**(39)**] "Face-to-face" means in person, in the same location, or via telehealth, as consistent with 907 KAR 3:170.

(41)[**(40)**] "Functional assessment" means an assessment performed using evidenced based tools, direct observation, and empirical measurement to obtain and identify functional relations between behavioral and environmental factors.

(42)[**(41)**] "Guardian" is defined by KRS 387.010(3) for a minor and by KRS 387.812(3) for an adult.

(43)[**(42)**] "Home and Community-Based Services" or "HCBS" means services provided under a 1915(c) waiver to support individuals in community settings as an alternative to institutional care.

(44)[**(43)**] "Human rights committee" means a group of individuals:

(a) Comprised of representatives from home and community-based waiver provider agencies in the community where a participant resides; and

(b) Who meet:

1. To ensure that the rights of participants are respected and protected through due process; and

2. In accordance with the human rights committee requirements established in Section 9 of this administrative regulation.

(45)[**(44)**] "Human services field" means:

(a) Psychology;

(b) Behavioral analysis;

(c) Counseling;

(d) Rehabilitation counseling;

(e) Public health;

(f) Special education;

(g) Sociology;

(h) Gerontology;

(i) Recreational therapy;

(j) Education;

(k) Occupational therapy;

(l) Physical therapy;

(m) Speech-language pathology;

(n) Social work;

(o) Family studies; or

(p) A similar area of study consistent with the list in this subsection.

(46)[**(45)**] "Human services related experience" or "experience in a related human services field" means professional experience that includes:

(a) Experience as a case manager in a related human services field;

(b) Certified nursing assistant experience;

(c) Certified medical assistant experience;

(d) Certified home health aide experience;

(e) Personal care assistant experience;

(f) Paid professional experience with aging or disabled populations or programs as a case manager, a rehabilitation specialist or health specialist, or a social services coordinator;

(g) Assessment and care planning experience with clients;

(h) Experience in working directly with persons with serious mental illness, serious emotional disturbance or substance use disorder; or

(i) Work providing assistance to individuals and groups with economically disadvantaged, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, or cultural issues.

(47)[**(46)**] "IDEA" means the Individuals with Disabilities Education Act.

(48)[**(47)**] "Illicit substance" means:

(a) A drug, prescription or not prescription, used illegally or in excess of therapeutic levels;

(b) A prohibited drug; or

(c) A prohibited substance.

(49)[**(48)**] "Immediate family member" is defined by KRS 205.8451(3).

(50)[**(49)**] "Incident" means any occurrence that impacts health, safety, welfare, or lifestyle choices of a participant and include a:

(a) Minor injury;

(b) Medication error without a serious outcome; or

(c) Behavior or situation that is not a critical incident.

(51)[**(50)**] "Independent functioning" means someone working alone with a participant and who is a fully trained staff.

(52)[**(51)**] "Instrumental activities of daily living" (IADLs) means actions that require more advanced skills than basic ADLs. IADLs support overall well-being and not just basic physical needs. IADLs include:

(a) Managing money;

(b) Managing a household;

(c) Communicating with healthcare providers;

(d) Preparing meals;

(e) Communicating with others;

(f) Managing transportation; or

(g) Shopping.

(53)[**(52)**] "Integrated setting" means a setting that:

(a) Enables a participant to interact with non-disabled persons to the fullest extent possible;

(b) Includes access to community activities and opportunities at times, frequencies, and with persons of a participant's choosing; and

(c) Affords a participant choice in the participant's daily activities.

(54)[**(53)**] "Intellectual disability" or "ID" means a neurodevelopmental disorder as defined by the most current Diagnostic and Statistical Manual of Mental Disorders.

(55)[**(54)**] "Intermediate Care Facility for Individuals with Intellectual Disabilities" or "ICF/IID" means an institutional setting that provides care to individuals with intellectual or developmental disabilities, as defined in 42 C.F.R. Sec. 440.150.

(56)[**(55)**] "Legally responsible individual" means an individual who has a duty under state law to care for another person and includes:

(a) A parent, whether biological, step, adoptive, or foster, who provides care to the parent's minor child;

(b) A legal guardian who is a court-appointed person who has the authority to make decisions for the participant; or

(c) A spouse of a participant.

(57)[**(56)**] "Level of care determination" means a determination by the department that an individual:

(a) Meets patient status criteria for an intermediate care facility for individuals with intellectual disabilities as established in 907 KAR 1:022; or

(b) Meets patient status criteria for inpatient psychiatric hospitalization established in 907 KAR 10:016 and demonstrates requiring direct support as a result of at least one of the following:

1. Has functional psychoses without significant concurrent illness;

2. Requires brief periods of protection from consequences of their behavior during acute disturbance or depression episodes, which may include suicidal or homicidal ideation, or refusal to eat;

3. Is diagnosed with an acute or chronic psychiatric illness;

4. Has a diagnosed chronic mental illness requiring regular and frequent protection, symptom management, and treatment during periods of disruptive behavior;

5. Demonstrates having a neurocognitive disorder, which is unresponsive to medication and cannot be managed in an acute care hospital due to physical aggression or risk of danger to themselves; or

6. Has episodes of agitation or restlessness produced by stressful situations which may require brief hospital treatment.

(58)[~~(57)~~] "Licensed clinical social worker" means an individual who meets the licensed clinical social worker requirements established in KRS 335.100.

(59)[~~(58)~~] "Licensed marriage and family therapist" or "LMFT" is defined by KRS 335.300(2).

(60)[~~(59)~~] "Licensed practical nurse" is defined by KRS 314.011(9).

(61)[~~(60)~~] "Licensed professional clinical counselor" or "LPCC" is defined by KRS 335.500(3).

(62)[~~(61)~~] "Licensed psychological associate" means an individual who:

(a) Currently possesses a licensed psychological associate license in accordance with KRS 319.010(6); and

(b) Meets the licensed psychological associate requirements established in 201 KAR Chapter 26.

(63)[~~(62)~~] "Licensed psychological practitioner" means an individual who meets the requirements established in KRS 319.053.

(64)[~~(63)~~] "Licensed psychologist" means an individual who:

(a) Currently possesses a licensed psychologist license in accordance with KRS 319.010(6); and

(b) Meets the licensed psychologist requirements established in 201 KAR Chapter 26.

(65)[~~(64)~~] "Management experience" means professional or volunteer work:

(a) In an organization that served individuals with an intellectual or developmental disability; and

(b) That includes experience in the execution of the overall administration of an agency including:

1. Development, implementation, and maintenance of the agency's budget;

2. Development, review, implementation, and revisions as needed of the organization's policies and procedures; and

3. Supervision of employees or volunteers including conducting performance evaluations.

(66)[~~(65)~~] "Mechanical or physical restraint" means any manual, physical, or mechanical method, device, material, or equipment that:

(a) Immobilizes or reduces the ability of a person to move his or her arms, legs, body, or head freely; and

(b) Does not include orthopedically prescribed devices or other devices, surgical dressings or bandages, protective helmets, or other methods that involve the physical holding of a person for the purpose of:

1. Conducting routine physical examinations or tests;

2. Protecting the person from falling out of bed; or

3. Permitting the person to participate in activities without the risk of physical harm.

(67)[~~(66)~~] "Medically complex" means a child who is determined to have a medical condition as defined by 922 KAR 1:495 and further described in 922 KAR 1:350, Section 6.

(68)[~~(67)~~] "MWMA" means the Kentucky Medicaid Waiver Management Application internet portal.

(69)[~~(68)~~] "Natural supports" means unpaid relationships and resources that participants rely on within their families and communities that:

(a) Support the participant in the community;

(b) Promote the participant's independence and well-being, including their sense of belonging, dignity, and self-esteem; and

(c) Are based on ordinary social relationships in family, friendships, school, clubs, activities, and in the community.

(70)[~~(69)~~] "Neglect" is defined by KRS 209.020(16).

(71)[~~(70)~~] "Participant" means a Medicaid recipient who:

(a) Meets **level of care**[~~patient status~~] criteria **in accordance with this section**[~~for an intermediate care facility for individuals with intellectual disabilities as established in 907 KAR 1:022 or inpatient psychiatric hospitalization as established in 907 KAR 10:016~~];

(b) Is service authorized by the department to receive CHILD waiver services; and

(c) Utilizes CHILD waiver services and supports in accordance with a person-centered service plan.

(72)[~~(71)~~] "Person-centered service plan" or "PCSP" means a written individualized plan of 1915(c) CHILD waiver services developed in accordance with the participant and family's wants, assessed needs, and preferences that may include a transition plan to a more intense or less intense level of services, and that meets the requirements of Section 7 of this administrative regulation.

(73)[~~(72)~~] "Person-centered team" means a participant, the participant's legal guardian, family, or representative, and other individuals who are natural or paid supports and who:

(a) Recognize that evidenced-based decisions are determined within the basic framework of what is important for the participant and within the context of what is important to the participant and their family based on informed choice;

(b) Work together to identify what roles they shall assume to assist the participant in gaining stabilization and related skill development; and

(c) Include providers who receive payment for services who shall:

1. Be active, contributing members of the person-centered team meetings;

2. Base their input upon evidence-based information; and

3. Not request reimbursement for person-centered team meetings.

(74)[~~(73)~~] "Prohibited drug" means a drug or substance that is illegal under KRS Chapter 218A or other statutes or administrative regulations of the Commonwealth of Kentucky.

(75)[~~(74)~~] "Registered agent" means an individual meeting the requirements of KRS 14A.4-010(1)(b).

(76)[~~(75)~~] "Registered nurse" is defined by KRS 314.011(5).

(77)[~~(76)~~] "Registered office" means an office meeting the requirements of KRS 14A.4-010(1)(a).

(78)[~~(77)~~] "Representative" is defined by KRS 205.5605(6).

(79)[~~(78)~~] "Rights restriction" means any intervention that restricts a participant's:

(a) Movement;

(b) Access to:

1. Other individuals;

2. Locations; or

3. Activities; or

(c) Rights.

(80)[~~(79)~~] "Room" means the aggregate expense of housing costs for the purpose of providing shared living, including:

(a) Rent, lease, or mortgage payments;

(b) Real estate taxes;

(c) Insurance;

(d) Maintenance; and

(e) Utilities.

(81)[~~(80)~~] "Seclusion" means the involuntary confinement of a participant alone in:

(a) A room; or

(b) An area from which the participant is physically prevented from leaving.

(82)[~~(81)~~] "Serious emotional disability" or "SED" is defined by KRS 200.503.

(83)[**~~(82)~~**] "Serious medication error" means a medication error that requires or has the potential to require a medical intervention or treatment.

(84)[**~~(83)~~**] "State plan" is defined by 42 C.F.R. 430.10.

(85)[**~~(84)~~**] "Subcontractor" means an entity or an individual:

(a) Who is a currently credentialed professional or other service provider;

(b) Who has signed an agreement with a certified CHILD agency to provide CHILD services and supports; and

(c) To whom the employee requirements in this administrative regulation apply.

(86)[**~~(85)~~**] "Substance use disorder" or "SUD" means individuals with a diagnosis designated in the latest edition of the Diagnostic and Statistical Manual of Mental Disorders, which reflects an individual's continued use of a substance despite significant substance related problems.

(87)[**~~(86)~~**] "TB" means tuberculosis.

(88)[**~~(87)~~**] "Unhoused or at risk of being unhoused" is defined by 42 U.S. Code Sec.11434a.

Section 2. General Coverage Requirements.

(1) To be eligible to receive a service in the CHILD waiver program, an individual shall:

(a) Be a child or youth up to age twenty-one (21), and classified as having a primary diagnosis of autism, developmental disability, intellectual disability, or serious emotional disability;

(b) Be designated as eligible, based on review of the child and adolescent needs and strengths (CANS) assessment;

(c) Have:

1. An approved person-centered service plan (PCSP); and

2. Prior authorization for that service pursuant to the requirements established in this administrative regulation;

(d) Meet the coverage requirements established in this administrative regulation; and

(e) Be provided services by a provider who is enrolled in accordance with this administrative regulation.

(2) The department shall ensure that duplication of services does not occur by prohibiting payment for services without prior authorization.

Section 3. 1915(c) CHILD waiver Participant Eligibility, Enrollment, and Termination.

(1) To be eligible to receive a service in the 1915(c) CHILD waiver, an individual [**~~or an individual's representative~~**]shall:

(a) Meet participant eligibility requirements:

1. Be zero (0) to twenty-one (21) years of age;

2. With an intellectual or developmental disability, or both, or **serious**[**~~severe~~**] emotional disability;[**~~and~~**]

3. Have been unresponsive to other services and supports enabling them to remain in a community setting and meet one or more of the following criteria:

a. Be currently unhoused or at risk of being unhoused as a direct result of the intensity of their disability and care needs;

b. Have a history (within the last year) of at least two different out-of-home care placements as a direct result of the intensity of their disability and care needs;

c. Within the last year, as a direct result of the intensity of the individual's disability and care needs, the individual has had any incident that involved at least five (5) contacts with:

(i) A police department;

(ii) A sheriff's office;

(iii) Emergency services; or

(iv) A fire department**; and**[.]

d. Be **recently discharged,** identified for discharge**,** or recommended for discharge from an inpatient psychiatric hospital, ICF/IID, or other similar institution, as defined in 907 KAR 1:022, Section 4 (5)(a) - (d), within the next forty-five (45) days; **or**[**~~and~~**]

e. Require support offered through the CHILD waiver.

(b) Complete an application in MWMA with required supporting documentation to validate that the individual meets criteria for CHILD waiver program;

(2) Supporting documentation to validate that the individual meets criteria for CHILD waiver shall include:

(a) For individuals aged eight (8) and under with a reported diagnosis of intellectual or developmental disability documentation of the applicant's intellectual disability, developmental disability, or other related developmental condition diagnosis.

(b) For individuals aged nine (9) to eighteen (18) with a reported diagnosis of intellectual or developmental disability, supporting documentation shall include a psychological or psycho-educational report of assessment results that has been signed by the licensed psychologist, licensed psychological associate under supervision of a board approved licensed psychologist, certified psychologist with autonomous functioning, licensed psychological practitioner, or certified school psychologist who prepared the report. The report shall include at minimum:

1. An individual, standardized test of intelligence or test of non-verbal intelligence, that is not brief or abbreviated in nature, and which results in a Full Scale IQ or equivalent score;

2. The results of a standardized assessment of adaptive behavior abilities; and

3. Documentation **that the diagnosis of intellectual or developmental disability is not solely due to the substance use or psychiatric disorder or solely due to a medical disorder not known to cause an intellectual or developmental disability**[**~~ruling out factors or conditions that may contribute to diminished cognitive and adaptive functioning, including applicant's substance use, psychiatric disorders, or medical conditions~~**].

(c) For individuals aged eighteen (18) and above with a reported diagnosis of intellectual or developmental disability, supporting documentation shall include a psychological or psycho-educational report of assessment results that has been signed by the licensed psychologist, licensed psychological associate under supervision of a board approved licensed psychologist, certified psychologist with autonomous functioning, licensed psychological practitioner, or certified school psychologist who prepared the report. The report shall include at minimum:

1. An individual, standardized test of intelligence or non-verbal intelligence that is not brief or abbreviated in nature, and which results in a Full Scale IQ or equivalent score;

2. The results of a standardized assessment of adaptive behavior abilities; and

3. The documentation provides evidence that the condition had an onset prior to age eighteen (18).

(d) For individuals with a reported SED, supporting documentation shall include:

1. A SED checklist completed by a qualified licensed behavioral professional; and

2. Any inpatient psychiatric treatment records within the last year, if applicable.

(3) A participant shall receive notification of potential CHILD funding in accordance with eligibility requirements in Section 2 of this administrative regulation.

(4) Upon receiving notification of potential CHILD funding, the participant's case manager shall upload the following into the MWMA:

(a) The results of a physical examination that was conducted within the last twelve (12) months; and

(b) Documentation of a participant's status change.

(5) To maintain eligibility as a participant, each participant shall:

(a) Maintain Medicaid eligibility requirements established in 907 KAR 20:010; and

(b) Be reassessed and meet ICF-IID or inpatient psychiatric hospitalization level of care determination criteria, in accordance with this section, annually utilizing the CANS assessment tool.

(6) 1915(c) CHILD waiver services shall not be provided to an individual who is:

(a) Receiving a service in another 1915(c) home and community-based program;

(b) Receiving a duplicate service provided through another funding source; or

(c) An inpatient of a hospital, ICF-IID, or other facility.

(7) Involuntary termination and loss of a 1915(c) CHILD waiver service shall:

(a) Be subject to an appeal or hearing in accordance with 907 KAR 1:563; and

(b) Occur when:

1. An applicant fails to access a CHILD waiver service within one-hundred twenty (120) days of receiving notice of potential funding; or

2. A participant:

a. Fails to access any services outlined in the participant's service plan for a period greater than one hundred twenty days (120) consecutive days;

b. Moves to a residence outside of the Commonwealth of Kentucky; or

c. Does not meet ICF-IID or inpatient psychiatric hospital level of care determination criteria in accordance with this administrative regulation.

(c) If initiated by a 1915(c) CHILD waiver provider:

1. At least thirty (30) days prior to the effective date of the termination, the 1915(c) CHILD waiver provider shall simultaneously notify electronically or in writing the:

a. Participant or the participant's guardian;

b. Participant's case manager; and

c. Department or its designee.

2. The participant's case manager, in conjunction with the 1915(c) CHILD waiver provider, shall immediately act to:

a. Provide the participant or participant's guardian with the name, address, and telephone number of each current 1915(c) CHILD waiver provider in Kentucky;

b. Facilitate contacts and referrals for the participant or participant's guardian in making contact with other 1915(c) CHILD waiver provider(s);

c. Arrange or provide transportation for a requested visit to a 1915(c) CHILD waiver provider site;

d. Provide a copy of pertinent information to the participant or participant's guardian;

e. Ensure the health, safety, and welfare of the participant until another provider is chosen;

f. Continue to provide supports until alternative services or another provider is secured; and

g. Provide assistance to ensure a safe and effective service transition; and

3. The notice referenced in this paragraph shall include:

a. A statement of the intended action;

b. The basis for the intended action;

c. The authority by which the intended action is taken; and

d. The participant's right to appeal the intended action through the provider's appeal or grievance process.

(8) In the instance of a voluntary termination and loss of a 1915(c) CHILD waiver service:

(a) The department or its designee shall initiate an intent to discontinue a participant's participation in the 1915(c) CHILD waiver services if the participant or participant's guardian submits a written notice of intent to discontinue services to:

1. The 1915(c) CHILD waiver provider; and

2. The department or its designee.

(b) An action to terminate 1915(c) CHILD waiver participation shall not be initiated until thirty (30) calendar days from the date of the notice referenced in paragraph (a) of this subsection.

(c) A participant or guardian may reconsider and revoke the notice referenced in paragraph (a) of this subsection in writing during the thirty (30) calendar day period.

Section 4. 1915(c) CHILD Waiver Provider Participation Requirements.

(1) A 1915(c) CHILD waiver provider shall comply with:

(a) 907 KAR 1:671 and 672;

(b) 907 KAR 7:005;

(c) The Health Insurance Portability and Accountability Act, 42 U.S.C. 1320d-2, and 45 C.F.R. Parts 160, 162, and 164;

(d) 42 U.S.C. 1320d to 1320d-8; and

(e) Local laws and ordinances governing smoke-free environments, as relevant.

(2) To provide a 1915(c) CHILD waiver service, a 1915(c) CHILD waiver provider shall:

(a) Be certified by the department or its designee prior to the initiation of a service;

(b) Be recertified by the department or its designee at least biennially;

(c) In accordance with KRS 273.182, maintain a registered agent and a registered office in Kentucky with the Office of the Secretary of State and file appropriate statement of change documentation with the filing fee with the Office of Secretary of State if the registered office or agent changes;

(d) Be in good standing with the Office of the Secretary of State of the Commonwealth of Kentucky;

(e) Abide by the laws that govern the chosen business or tax structure of the 1915(c) CHILD waiver provider;

(f) Maintain policy that complies with this administrative regulation concerning the operation of the 1915(c) CHILD waiver provider and the health, safety, and welfare of all people supported or served by the 1915(c) CHILD waiver provider; and

(g) Maintain administrative oversight, which shall include management by a director.

(3) A director shall:

(a) Lead the design, development, and implementation of strategic plans for a CHILD provider;

(b) Maintain responsibility for the day-to-day operation of the CHILD provider organization;

(c) Have at least a bachelor's degree in a human service field or be a registered nurse and have two (2) years of documented experience with the target population, and two (2) years of management experience;

(d) Have at least two (2) years of:

1. Experience in the field of intellectual or developmental disabilities or inpatient psychiatric hospitals; and

2. Management experience:

(e) Meet all personnel and training requirements specified in this section;

(f) If providing professional oversight or supervision of employees, meet the supervisory qualifications specified for each service;

(g) Assume authority and responsibility for the management of the affairs of the 1915(c) CHILD waiver provider in accordance with written policy and procedures that comply with this administrative regulation; and

(h) Participate in all department directed survey initiatives.

(4) A 1915(c) CHILD waiver provider:

(a) Shall ensure that 1915(c) CHILD waiver services are not provided to a participant by a staff person of the 1915(c) CHILD waiver provider who is a guardian, legally responsible individual, or immediate family member of the participant;

(b) Shall not agree to serve a participant whose needs the 1915(c) CHILD waiver provider is unable to meet;

(c) Shall have and follow written criteria that comply with this administrative regulation for determining the appropriateness of a participant for admission to services;

(d) Shall document:

1. Each denial by the provider for a service requested or necessary for the 1915(c) CHILD waiver participant; and

2. The reason for the denial;

(e) Shall maintain documentation of its operations including:

1. A written description of available 1915(c) CHILD waiver services;

2. A current table of organizational structure;

3. Any memorandum of understanding between a participant's case management agency and the participant's service providers;

4. Information regarding participants' satisfaction with services and the utilization of that information;

5. A quality improvement plan that:

a. Includes updated findings and corrective actions, and corrective action plans as a result of department and case management quality assurance monitoring; and

b. Addresses how the provider shall:

(i) Ensure that the participant receives person-centered 1915(c) CHILD waiver services;

(ii) Enable the participant to be safe, healthy, and respected in the participant's chosen community;

(iii) Enable the participant to live in the community with effective, individualized assistance; and

(iv) Enable the participant to enjoy living and working in the participant's community;

6. A written plan of how the 1915(c) CHILD waiver provider shall participate in the human rights committee in the area the 1915(c) CHILD waiver provider is located;

(f) Shall maintain accurate fiscal information including documentation of revenues and expenses;

(g) Shall meet the following requirements, if responsible, for the management of a participant's funds:

1. Separate accounting shall be maintained for each participant or for the participant's interest in a common trust or special account;

2. Account balance and records of transactions shall be provided to the participant or the participant's guardian on a quarterly basis; and

3. The participant or the participant's guardian shall be notified if a balance is accrued that may affect Medicaid eligibility;

(h) Shall have a written statement of its mission and values, related to the 1915(c) CHILD waiver, which shall:

1. Support participant empowerment and informed decision-making;

2. Support and assist participants to form and remain connected to natural support networks;

3. Promote participant dignity and self-worth;

4. Support team meetings that help ensure and promote the participant's right to choice, inclusion, employment, growth, and privacy;

5. Foster a restraint-free environment where the use of physical restraints, seclusion, chemical restraints, or aversive techniques shall be prohibited; and

6. Support the 1915(c) CHILD waiver goal that all participants:

a. Receive person-centered 1915(c) CHILD waiver services;

b. Are safe, healthy, and respected in the participant's community;

c. Live in the community with effective, individualized assistance; and

d. Enjoy living and working in the participant's community;

(i) Shall have written policy and procedures for communication and interaction with a participant, family, or participant's guardian, which shall include:

1. A response within seventy-two (72) hours of an inquiry;

2. The guidelines for interaction with direct support professionals;

3. Notification timelines surrounding critical and non-critical incidents;

4. Visitation with the participant at any reasonable time, without prior notice, and with due regard for the participant's right to privacy;

5. Involvement in decision making regarding the selection and direction of the person-centered service provided; and

6. Consideration of the cultural, educational, language, and socioeconomic characteristics of the participant and family being supported;

(j) Shall ensure the rights of a participant by:

1. Providing conflict-free services and supports that are person-centered; and

2. Making available a description of the rights and means by which the rights may be exercised and supported including the right to:

a. Live and work in an integrated setting;

b. Time, space, and opportunity for personal privacy;

c. Communicate, associate, and meet privately with the person of choice;

d. Send and receive unopened mail;

e. Retain and use personal possessions including clothing and personal articles;

f. Private, accessible use of a telephone or cell phone;

g. Access accurate and easy-to-read information;

h. Be treated with dignity and respect and to maintain one's dignity and individuality;

i. Voice grievances and complaints regarding services and supports that are furnished without fear of retaliation, discrimination, coercion, or reprisal;

j. Choose among service providers;

k. Accept or refuse services;

l. Be informed of and participate in preparing the PCSP and any changes in the PCSP;

m. Be advised in advance of the:

(i) Provider or providers who shall furnish services; and

(ii) Frequency and duration of services;

n. Confidential treatment of all information, including information in the participant's records;

o. Receive services in accordance with the current PCSP;

p. Be informed of the name, business, telephone number, and business address of the person supervising the services and how to contact the person;

q. Have the participant's property and residence treated with respect;

r. Be fully informed of any cost sharing liability and the consequences if any cost sharing is not paid;

s. Review the participant's records upon request;

t. Receive adequate and appropriate services without discrimination;

u. Be free from and educated on mental, verbal, sexual, and physical abuse, neglect, exploitation, isolation, and corporal or unusual punishment, including interference with daily functions of living; and

v. Be free from mechanical, chemical, or physical restraints;

3. Having a grievance and appeals system that includes an external mechanism for review of complaints; and

4. Ensuring access to participation in the local human rights committee in accordance with the human rights committee requirements established in Section 9 of this administrative regulation;

(k) Shall maintain, as applicable, fiscal records, service records, investigations, medication error logs, and incident reports for seven (7) years from the date of final payment for services;

(l) Shall make available all records, internal investigations, and incident reports:

1. To the:

a. Department or its designee;

b. Office of Inspector General or its designee;

c. Office of the State Budget Director or its designee;

d. Office of the Auditor of Public Accounts or its designee;

e. Office of the Attorney General or its designee;

f. Department for Community Based Services (DCBS); and

g. Centers for Medicare and Medicaid Services; or

2. Pertaining to a participant to:

a. The participant, the participant's guardian, or the participant's case manager upon request; or

b. Protection and Advocacy upon written request;

(m) Shall cooperate with monitoring visits from monitoring agents;

(n) Shall maintain a record in MWMA for each participant served that shall:

1. Contain all information necessary to support person-centered practices;

2. Be cumulative;

3. Be readily available;

4. Contain the following:

a. The participant's name, Social Security number, and Medicaid identification number;

b. The results of a department approved functional assessment;

c. The current PCSP;

d. The goals and objectives identified by the participant and the participant's person-centered team that facilitates achievement of the participant's chosen outcomes as identified in the participant's PCSP;

e. A list containing emergency contact telephone numbers;

f. The participant's history of allergies with appropriate allergy alerts;

g. The participant's medication record, including a copy of the signed or authorized current prescription or medical orders and the medication administration record if medication is administered at the service site;

h. A recognizable photograph of the participant;

i. Legally adequate consent, updated annually, and a copy of which is located at each service site for the provision of services or other treatment requiring emergency attention;

j. The prior authorization notifications;

k. Incident reports, if any exist;

l. The results of a physical examination that was conducted within the last twelve (12) months; and

m. Documentation of a participant's status change.

5. Be maintained by the provider in a manner that:

a. Ensures the confidentiality of the participant's record and other personal information; and

b. Allows the participant or guardian to determine when to share the information in accordance with law; and

6. Be safe from loss, destruction, or use by an unauthorized person;

(o) Shall ensure that an employee or volunteer:

1. Behaves in a legal and ethical manner in providing a service;

2. Has a valid Social Security number or valid work permit if not a citizen of the United States of America; and

3. If responsible for driving a participant during a service delivery, has a valid driver's license with proof of current mandatory liability insurance for the vehicle used to transport the participant;

(p) Shall ensure that an employee or volunteer:

1. Completes a tuberculosis (TB) risk assessment, as defined in 902 KAR 20:205, performed by a licensed medical professional (a physician, an advanced practice registered nurse, a physician assistant, a registered nurse, a licensed practical nurse, or a pharmacist), and, if indicated, a TB skin test with a negative result within the past twelve (12) months as documented on test results received by the provider within thirty (30) days of the date of hire or date the individual began serving as a volunteer; or

2. Who tests positive for TB or has a history of positive TB skin tests:

a. Shall be assessed annually by a licensed medical professional for signs or symptoms of active disease; and

b. If it is determined that signs or symptoms of active disease are present, in order for the person to be allowed to work or volunteer, is administered follow-up testing by his or her physician with the testing indicating the person does not have active TB disease;

(q) Shall maintain documentation:

1. Of an annual TB risk assessment or negative TB test for each employee who performs direct support or a supervisory function; or

2. Annually for each employee with a positive TB test that ensures no active disease symptoms are present;

(r) Shall provide a written job description for each staff person that describes the required qualifications, duties, and responsibilities for the person's job;

(s) Shall maintain an employee record for each employee that includes:

1. The employee's experience;

2. The employee's training;

3. Documented competency of the employee;

4. Evidence of the employee's current licensure or registration if required by law; and

5. An annual evaluation of the employee's performance;

(t) Shall require a background check:

1. And drug testing for each employee who is paid with funds administered by the department and who:

a. Provides support to a participant who utilizes 1915(c) CHILD waiver services; or

b. Manages funds or services on behalf of a participant who utilizes 1915(c) CHILD waiver services; or

2. For a volunteer recruited and placed by an agency or provider who has the potential to interact with a participant;

(u)

1. Shall for a potential employee or volunteer obtain:

a. The results of a criminal record check from the Kentucky Administrative Office of the Courts and equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment or volunteerism;

b. The results of a nurse aide abuse registry check as described in 906 KAR 1:100 and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment or volunteerism;

c. The results of a vulnerable adult maltreatment registry check as described in 922 KAR 5:120 and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment or volunteerism; and

d. Within thirty (30) days of the date of hire or initial date of volunteerism, the results of a central registry check as described in 922 KAR 1:470 and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment or volunteerism; or

2. May use Kentucky's National Background Check Program established by 906 KAR 1:190 to satisfy the background check requirements of subparagraph 1 of this paragraph;

(v) Shall for each potential employee obtain negative results of drug testing for illicit substances or prohibited drugs;

(w) Shall on an annual basis:

1. Randomly select and perform criminal history background checks, nurse aide abuse registry checks, central registry checks, and vulnerable adult maltreatment registry checks of at least twenty-five (25) percent of employees; and

2. Conduct drug testing of at least five (5) percent of employees;

(x) Shall not use an employee or volunteer to provide 1915(c) CHILD waiver services if the employee or volunteer:

1. Has a prior conviction of an offense delineated in KRS 17.165(1) - (3);

2. Has a prior felony conviction or diversion program that has not been completed;

3. Has a drug related conviction within the past two (2) years;

4. Has a positive drug test conducted by the employer within the previous six (6) months for prohibited drugs;

5. Has a conviction of abuse, neglect, or exploitation;

6. Has a Cabinet for Health and Family Services finding of:

a. Child abuse or neglect pursuant to the central registry; or

b. Adult abuse, neglect, or exploitation pursuant to the vulnerable adult maltreatment registry; or

7. Is listed on the nurse aide abuse registry; or

8. Is listed on the List of Excluded Individuals and Entities maintained by the Office of Inspector General of the U.S. Department of Health and Human Services;

(y) Shall not permit an employee to transport a participant if the employee has a driving under the influence conviction, amended plea bargain, or diversion during the past year;

(z) Shall:

1. Maintain adequate staffing and supervision to implement services being billed; and

2. Ensure that any direct support professionals are managed by a direct support professional supervisor;

(aa) Shall establish written guidelines that address and ensure the health, safety, and welfare of a participant, which shall include:

1. A basic infection control plan that includes:

a. Universal precautions;

b. Hand washing;

c. Proper disposal of biohazards and sharp instruments; and

d. Management of common illness likely to be emergent in the particular service setting;

2. Effective cleaning procedures sufficient to maintain a sanitary and comfortable environment that prevents the development and transmission of infection;

3. Ensuring that each site operated by the provider is equipped with:

a. An operational smoke detector placed in all bedrooms and other strategic locations; and

b. At least two (2) correctly charged fire extinguishers placed in strategic locations, at least one (1) of which shall be capable of extinguishing a grease fire and have a rating of 1A10BC;

4. For a site operated by a provider, ensuring the availability of an ample supply of hot and cold running water with the water temperature complying with the safety limits established in the participant's PCSP;

5. Establishing written procedures concerning the presence of deadly weapons as defined in KRS 500.080, which shall ensure:

a. Safe storage and use; and

b. That firearms and ammunition are permitted:

(i) Only in non-provider owned or leased residences; and

(ii) Only if stored separately and under double lock;

6. Establishing written procedures concerning the safe storage of common household items;

7. Ensuring that the nutritional needs of a participant are met in accordance with the current recommended dietary allowance of the Food and Nutrition Board of the National Research Council or as specified by a physician;

8. Ensuring that an adequate and nutritious food supply is maintained as needed by the participant;

9. Ensuring a smoke-free environment in settings in which the participant is expected to spend any amount of time, including home, a meeting site, or any other location;

10. Ensuring that:

a. Every case manager and any employee who shall be administering medication, unless the employee is a currently licensed or registered nurse, has:

(i) Specific training provided by a registered nurse per a department approved medication administration curriculum; and

(ii) Documented competency on medication administration, medication cause and effect, and proper administration and storage of medication; and

b. An individual administering medication documents all medication administered, including self-administered and over-the-counter drugs, on a medication administration record, with the date, time, and initials of the person who administered the medication, and ensure that the medication shall:

(i) Be kept in a locked container;

(ii) If a controlled substance, be kept under double lock and stored separately from other medications, with a documented medication count performed every shift;

(iii) Be carried in a proper container labeled with medication and dosage pursuant to KRS 315.010(9) and 217.182(6);

(iv) Accompany and be administered to a participant at a program site other than the participant's residence if necessary; and

(v) Be documented on a medication administration record and properly disposed of, if discontinued; and

11. Adhering to policies and procedures for ongoing monitoring of medication administration;

(bb) Shall establish and follow written guidelines for handling an emergency or a disaster, which shall:

1. Be readily accessible on site;

2. Include instruction for notification procedures and the use of alarm and signal systems to alert a participant according to the participant's disability;

3. Include documentation of training and competency of staff and training of participants on emergency disaster drills;

4. Include an evacuation drill to be conducted in three (3) minutes or less, documented at least quarterly and, for a participant who receives residential support services, is scheduled to include a time when the participant is asleep; and

5. Mandate that the result of an evacuation drill be evaluated and if not successfully completed within three (3) minutes shall modify staffing support as necessary and repeat the evacuation drill within seven (7) days;

(cc) Shall provide orientation for each new employee, which shall include the mission, goals, organization, and practices, policies, and procedures of the agency;

(dd) Shall require documentation of all face-to-face training, which shall include:

1. The type of training provided;

2. The name and title of the trainer;

3. The training objectives;

4. The length of the training;

5. The date of completion;

6. The signature of the trainee verifying completion; and

7. Verification of competency of the trainee as demonstrated by post-training assessments, competency checklists, or post-training observations and evaluations;

(ee) Shall require documentation of web-based training, which shall include transcripts verifying successful completion of training objectives with scores of 85% or higher; and competency checklist listing date of completion, signature of evaluator, and signature of trainee for all modules required in department approved web-based training within the timeframe specified;

(ff) Shall ensure that each case manager or employee prior to independent functioning and no later than six (6) months from the date of employment successfully completes training that shall include:

1. First aid and cardiopulmonary resuscitation certification by a nationally accredited entity;

2. Successful completion of all required department-approved web-based training for CHILD waiver providers;

3. Individualized instruction about the person-centered service plan of the participant to whom the trainee provides supports including training on behavior support plans, if applicable; and

4. Verification of trainee competency as demonstrated by department-approved training, competency checklists, and post-training observations or evaluations; and

(gg) A provider that accepts placement of a child in DCBS custody with medical complexity who is in the custody of the cabinet shall:

1. Consult with the cabinet medically complex liaison about the child prior to accepting the placement;

2. Obtain written documentation from a licensed health care provider stating that the direct care staff has received training on meeting the specific needs of the child prior to placement;

3. Submit to the cabinet medically complex liaison written documentation containing the plan to meet the child's specific medical needs based on the licensed health care provider's plan of care and the training required by subparagraph 2. of this paragraph prior to placement;

4. Ensure that services are provided in locations within a one (1) hour drive of a medical hospital with an emergency room and within a thirty (30) minute drive of a local medical facility; and

5. Require designated staff to have attended the cabinet training on children with medical complexity.

(5) A 1915(c) CHILD waiver provider, employee, or volunteer shall:

(a) Not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell, or transfer any of the following in the workplace or while performing work duties:

1. An alcoholic beverage;

2. A controlled substance, except a 1915(c) CHILD waiver provider, employee, or volunteer may use or possess a medically necessary and legally prescribed controlled substance;

3. An illicit substance;

4. A prohibited drug or prohibited substance;

5. Drug paraphernalia; or

6. A substance that resembles a controlled substance, if there is evidence that the individual intended to pass off the item as a controlled substance; and

(b) Not possess a prescription drug for the purpose of selling or distributing it.

(6) If transportation is provided directly, contracted for, or arranged, a provider shall require:

(a) Compliance with state laws pertaining to vehicles, drivers, and insurance;

(b) A separate seat for each child and that the child remain seated while the vehicle is in motion;

(c) That a vehicle used to transport a child provides a seat for each passenger that is manufactured standard equipment for that vehicle is available;

(d) That a **participant**[~~**child**~~] is never left unattended in a vehicle;

(e) A child under the age of eight (8) who is less than fifty-seven (57) inches tall shall not be transported unless restrained in a safety seat that meets the requirements established in KRS 189.125(3);

(f) That a seat belt or child seat be used to secure each passenger;

(g) That a vehicle shall not pick up and deliver a child under the age of six (6) to a location that requires the child to cross a street or highway unless the child is accompanied by an adult;

(h) If transportation is provided by a means other than licensed public transportation:

1. The vehicle shall be maintained in a safe mechanical and operable condition;

2. A thorough inspection of the vehicle shall be made and documented by a qualified mechanic at least annually; and

3. If the driver is not in his seat, the motor shall be turned off, keys removed, and brake set.

Section 5. Case management services provided within the CHILD waiver.

(1) Case Management

(a) Case management activities shall include:

1. Assisting participants in gaining access to waiver services and other needed services through the Medicaid state plan and other non-Medicaid funded community-based programs to support the participant's home and community-based needs.

2. Working with the participant, the participant's legal guardian, or their authorized representative and others who the participant identifies, such as immediate family member(s), in developing a person-centered service plan (PCSP).

3. Using a person-centered planning process, case managers assist in identifying and implementing support strategies to enable the PCSP to advance the participant's identified goals while meeting assessed community-based needs using waiver and non-waiver funded services. Support strategies incorporate:

a. The principles of empowerment;

b. Community inclusion;

c. Health and safety assurances; and

d.

(i) The use of formal, informal, and community supports; and

(ii) Utilizing the resultant PCSP identifies applicable unpaid natural supports and provides for transition plans when a child or youth is expected to age out or otherwise transition from the CHILD waiver program.

(b) In accordance with federal requirements, case managers adhere to the following person-centered principles during all planning, coordination, and monitoring activities that:

1. Activities are documented, and

2. The person-centered service plan is updated at least annually and more often as needed using the person-centered planning processes described in this regulation and in 42 C.F.R. 441.725.

(c) Case management may be provided in-person or virtually via telehealth (as approved in a participant's PCSP) to provide coordination and oversight to assure the following:

1. Conflict-free options counseling to select appropriate services to meet identified needs and HCBS goals, along with education about available HCBS service providers;

2. The desires and needs of the participant are determined through a person-centered planning process;

3. The development or review of the PCSP, including monitoring of the effectiveness of the PCSP to advance person-centered goals and objectives and respond to changes in participant goals and objectives;

4. The coordination of multiple services or among multiple providers;

5. Linking waiver participants to services that support their home and community-based needs, regardless of funding source;

6. Monitoring the implementation of the PCSP and participant health and welfare;

7. Addressing problems in service provision;

8. Implementing participant crisis mitigation plans and making appropriate referrals to address active or potential crisis, when appropriate;

9. Detecting, reporting, and mitigating suspected abuse, neglect, and exploitation of participants, including adherence to mandatory reporter laws, and monitoring the quality of the supports and services;

10. Assisting participants in developing and coordinating access to social networks to promote community inclusion as requested by the participant;

11. Assess the quality of services, safety of services, and cost-effectiveness of services being provided to a participant to ensure that implementation of the participant's PCSP is successful and completed in a way that is efficient regarding the participant's financial assets and benefits;

12. Collaborate with involved [~~**MCO**~~]care teams on:

a. Identifying necessary non-waiver (Medicaid and non-Medicaid funded services) to include in PCSPs;

b. Coordinate state plan non-emergency medical transportation; and

c. Other activities as required to wholly support the child or youth in the community.

(d) This service:

1. Shall be provided in-person or face-to-face via telehealth.

a. This service may be provided via telehealth at the request or benefit of the participant.

b. Participation in services via telehealth shall be documented in the PCSP.

c. Participants who are offered telehealth by the provider have the right to request and receive in-person services instead.

d. Provision of services via telehealth shall be carried out in accordance with KAR 907 3:170.

2. Shall be provided in-person, at least every other month, and shall be provided in the participant's residence at least every three (3) months.

(e) Case managers shall document the use of the identified telehealth technology in the PCSP and when appropriate, shall connect participants with trainings.

(f) A 1915(c) CHILD waiver case manager provider shall comply with the following personnel requirements of having or attaining experience or licensure:

1. Bachelor's degree in social work, human services, or a similar relevant field;

2.

a. Bachelor's degree in any field not closely related; and

b. One (1) year of human services related experience;

3. A registered nurse;

4. A behavioral health practitioner; or

5. A behavioral health practitioner under clinical supervision.

(g) A case manager shall complete department approved case management training within six (6) months of beginning to provide case management services through the CHILD waiver.

(2) A case manager shall:

(a) Be able to identify and meet the needs of the participant through coordination of Medicaid and non-Medicaid services within the participant's home and community to align with the participant's goals as identified in the functional assessment and documented in the PCSP.

(b) Be competent in the participant's language whether through possessing linguistic proficiency, fluency of the language, or through interpretation, and able to communicate effectively with a participant in the participant's preferred manner of communication and with the participant's family.

(c) Demonstrate a heightened awareness of the unique way in which the participant interacts with the world around the participant.

(d) Read, understand, and implement written and oral instructions.

(e) Perform required documentation.

(f) Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's PCSP.

(g) Ensure that:

1. The participant is educated in a way that addresses the participant's:

a. Need for knowledge of the case management process;

b. Personal rights; and

c. Risks and responsibilities as well as awareness of available services;

2. All individuals involved in implementing the participant's PCSP are informed of changes in the scope of services related to the PCSP as applicable;

3. The participant is educated on how case management services support 1915(c) CHILD waiver; and

4. Case management services are available to a participant by phone or in person:

a. Twenty-four (24) hours per day, seven (7) days per week; and

b. To assist the participant in obtaining community resources as needed to:

(i) Comply with applicable federal and state laws and requirements;

(ii) Continually monitor a participant's health, safety, and welfare; and

(iii) Complete or revise a PCSP;

(h) Have a code of ethics to guide the case manager in providing case management, which shall address:

1. Advocating for standards that promote outcomes of quality;

2. Ensuring that no harm is done;

3. Respecting the rights of others to make their own decisions;

4. Treating others fairly; and

5. Being faithful and following through on promises and commitments;

(i) Assist the participant to lead the person-centered service planning team to:

1. Take charge of coordinating services through team meetings with representatives of all agencies involved in implementing a participant's PCSP;

2. Include the participant's participation and legal guardian participation, if applicable, in the case management process; and

3. Make the participant's preferences and participation in decision making a priority;

(j) Document:

1. Interactions and communications with other agencies involved in implementing the participant's PCSP; and

2. Personal observations;

(k) Advocate for a participant with service providers to ensure that services are delivered as established in the participant's PCSP;

(l) Assess the quality of services, safety of services, and cost effectiveness of services being provided to a participant to ensure that implementation of the participant's PCSP is successful and completed in a way that is efficient regarding the participant's financial assets and benefits;

(m) Utilize the MWMA to fulfill case management responsibilities, including:

1. Documenting that the participant's health, safety, and welfare are not at risk;

2. Gathering data regarding the participant's satisfaction with the services for use in guiding the person-centered planning process; and

3. Recording how the person-centered team shall address the following:

a. Expanding and deepening the participant's relationships;

b. Increasing the participant's presence in local community life; and

c. Helping the participant to have more choice and control; and

4. Document via an entry into the MWMA, when available, if a participant is:

a. Terminated from a waiver program;

b. Admitted to a hospital;

c. Unable to access services;

d. Admitted to an intermediate care facility;

e. Admitted to a nursing facility;

f. Modifying providers and services;

g. Changing the case management agency;

h. Transferred to another Medicaid 1915(c) home and community-based waiver service program; or

i. Relocated to a different address;

(n) [**~~Complete the required National Center on Advancing Person-Centered Practices and Systems (NCAPPS) Training;~~**]

[**~~(o)~~**] Present to or engage with a human rights committee on the participant's behalf as needed; and

(o)[**~~(p)~~**] Ensure that rights restrictions are reviewed at least every six (6) months or less, as determined necessary by the human rights committee.

(3) Case management for any participant who begins receiving 1915(c) CHILD waiver services after the effective date of this administrative regulation shall be conflict free except as allowed in paragraph (b) of this subsection.

(a) Conflict free case management shall be a scenario in which a provider, including any subsidiary, partnership, not-for-profit, or for-profit business entity that has a business interest in the provider who renders case management to a participant, shall not also provide another 1915(c) CHILD waiver service to that same participant.

(b) An exemption to the conflict free case management requirement shall be granted if:

1. The participant's case manager provides accurate documentation of evidence to the department or its designee that there is a lack of a qualified case manager within thirty (30) miles of the participant's residence; and

2. The participant or participant's representative and case manager shall submit the Conflict Free Case Management Exemption within the MWMA.

(c) If a case management service is approved to be provided despite not being conflict free, the case management provider shall:

1. Document conflict of interest protections;

2. Separate case management and service provision functions within the provider entity; and

3. Demonstrate that the participant is provided with a clear and accessible alternative dispute resolution process.

(d) An exemption to the conflict free case management requirement shall be requested upon re-evaluation or at least annually.

(4) A case management agency providing case management to a 1915(c) CHILD waiver participant shall not make a referral to any 1915(c) CHILD waiver services provider to provide services for the same participant if the provider agency has an individual with an ownership interest who is an immediate family member of an individual with an ownership interest in the referring case management agency.

(5) Case management shall:

(a) Assist a participant in the identification, coordination, arrangement, and facilitation of the person-centered team and person-centered team meetings;

(b) Assist a participant and the person-centered team to develop an individualized PCSP and update it as necessary based on changes in the participant's medical condition and supports;

(c) Assist a participant to gain access to and maintain employment, membership in community clubs and groups, activities, and opportunities at the times, frequencies, and with the people the participant chooses;

(d) Be provided by a case manager who:

1. Meets the requirements of subsection (1) of this section;

2. Shall provide a participant and legal representative with a listing of each available 1915(c) CHILD waiver provider in the service area;

3. Shall maintain documentation signed by a participant or legal representative of informed choice of a 1915(c) CHILD waiver provider and of any change to the selection of a CHILD waiver provider and the reason for the change;

4. Shall provide a distribution of the crisis prevention and response plan, transition plan, PCSP, and other documents within the first thirty (30) days of the service to the chosen 1915(c) CHILD waiver service provider and as information is updated;

5. Shall provide twenty-four (24) hour telephone access to a participant and chosen 1915(c) CHILD waiver provider;

6. Shall work in conjunction with a 1915(c) CHILD waiver provider selected by a participant to develop a crisis prevention and response plan, which shall be:

a. Individual-specific and person-centered;

b. Updated as a change occurs; and

c. Reviewed and updated as necessary at each recertification; and

(e) Case management under the CHILD 1915(c) waiver shall not duplicate or supplant targeted case management or care coordination offered under the Medicaid state plan[**~~ or a child's MCO, respectively~~**].

(6) A monthly summary for case management shall follow the calendar month, shall be inclusive of all service dates within the calendar month, and shall be written and available for review in the MWMA no later than fifteen (15) business days following the last day of the month. The monthly summary shall contain:

(a) A description of progress toward the participant's outcome(s) as noted by the pertinent waiver requirements;

(b) Reflect the monitoring of the services;

(c) Documentation of pertinent contacts and communications conducted with or on behalf of the participant;

(d) If the participant has a guardian, regular check-ins with the guardian;

(e) Month and year for the time period the note covers; and

(f) Name, date, title, and signature of the person completing the summary.

(7) The case manager shall have these additional PCSP monitoring requirements:

(a) All service documentation shall be reviewed by the case manager to assist with monitoring services for each participant;

(b) A case manager shall address concerns with the quality of services or documentation with a provider as part of managing the PCSP;

(c) A case manager shall ensure that documentation thoroughly addresses:

1. The current status of the client;

2. The services utilized to address specific goals established in the PCSP; and

3. Resolution of any concern expressed by the client or provider.

(8) A case management agency providing case management services pursuant to this section shall employee a case manager supervisor to oversee case managers and case management duties pursuant to this administrative regulation.

Section 6. Covered Services. Services shall be covered under this administrative regulation in accordance with the requirements established in this section.

(1) Respite.

(a) Respite services are provided to CHILD waiver participants who are unable to independently care for themselves.

(b) Respite services are provided on a short-term basis due to the absence of or need for relief of the primary caregiver.

(c) Respite may be provided in a variety of settings including:

1. The participant's own residence;

2. In the community; or

3. A CHILD certified residential setting.

(d) A provider may not use another person's bedroom or another person's belongings to provide respite for a different person.

(e) Respite care shall not be furnished for the purpose of compensating relief or to substitute staff for a supervised residential care agency staff member. The costs of any substitute residential care agency staff shall be met from payments for supervised residential care services.

(f) Respite provided under the CHILD waiver shall not supplant educational services available under the IDEA (20 U.S.C. 1401 et seq.).

(g) Respite services made available through the CHILD waiver shall not supplant or duplicate similar services available under the Kentucky Medicaid state plan.

(h) The following limitations shall apply to the respite service as provided under the CHILD waiver:

1. Unit of service: fifteen (15) minutes.

2. Limited to 830 hours per waiver eligibility span, unless otherwise approved through the established exceptional review process pursuant to 907 KAR 2:725.

3. Children and youth currently authorized and receiving supervised residential care shall not receive respite services.

4. Respite shall not be authorized during school hours except when the CHILD waiver participant is unable to attend school or receive educational services due to a disciplinary exclusion, if the CHILD waiver participant attends a partial school day, or when the CHILD waiver participant receives educational services while in a home-hospital setting.

(i) Service documentation requires the use of electronic visit verification and shall align with 21st Century Cures Act.

(j) A respite service shall be documented **via EVV, and**[~~in the MWMA by a note which~~] shall be entered at the time the service is rendered and shall include:

1. The participant's health, safety, and welfare;

2. Type of service provided;

3. Name of the individual receiving the service;

4. The date of the service;

5. Location of the service [~~(not specific address)~~];

6. The beginning and ending times of service provision; and

7. The signature and title of the individual providing the service.

(2) Community living supports.

(a) Community living supports assists enrolled children and youth with age-appropriate tasks that would otherwise be accomplished but for the participant's disability.

(b) Community living supports are intended to provide direct one-on-one assistance, including:

1. Assistance, as described in (3)(b);

2. Support, which shall include reminding, observing, and guiding; and

3. Training in activities such as:

a. ADLs such as bathing, eating, dressing, toileting, transferring;

b. IADLs such as shopping; money management, meal preparation or light housework;

c. Medication monitoring; or

d. Non-medical care not requiring nurse or physician intervention.

(c) Community living supports also includes:

1. Socialization;

2. Relationship building; or

3. Leisure choice and participation in generic community activities.

(d) Community living supports facilitates independence and promotes integration into the community.

(e) Community living supports are based upon therapeutic goals, are not diversional in nature, and are not intended to replace other work or day activities.

(f) This service may take place in an individual's home or the community, based on the child or youth's assessed needs and in accordance with the approved PCSP.

(g) Community living supports shall only be authorized for children or youth who are not currently authorized to receive and receiving supervised residential care, unless the conditions noted in paragraphs (p)-(s) of this subsection are otherwise met.

(h) Community living supports shall not be authorized during school hours except:

1. When the CHILD waiver participant is unable to attend school or receive educational services due to a disciplinary exclusion;

2. If the CHILD waiver participant attends a partial school day; or

3. When the CHILD waiver participant receives educational services while in a home-hospital setting.

(i) Providers of community living supports shall be limited to certified waiver providers.

(j) Legally responsible individuals, relatives (as consistent with 922 KAR 2:160), and guardians shall be prohibited from becoming providers of community living supports for their child, relative, or ward.

(k) Community living supports shall not be available when medically necessary personal care is covered by EPSDT.

(l) Community living supports are limited to additional services intended to avoid institutionalization that are not otherwise covered under the Kentucky Medicaid state plan, including EPSDT.

(m) Community living supports shall not supplant education services available under the IDEA.

(n) Community living supports shall be limited to 448 fifteen (15)-minute units (112 hours) per week, with no more than sixteen (16) hours per day delivered, unless otherwise approved through the established exceptional review process as enumerated in Kentucky 907 KAR 2:725.

(o) Community living supports shall not be authorized for children or youth who are currently authorized and receiving supervised residential care, unless the participant's person-centered service plan includes documented evidence that the individual and their support system are reintegrating the individual back to the individual's family (including foster parent's) residential home. When participants are working to reintegrate into their family (including foster parent's) home, these additional community living supports restrictions shall apply:

1. Authorizations shall be limited to no more than a total of eighty (80), fifteen (15) minute units per week; and

2. Authorization shall expire if the child or youth is no longer actively working towards reintegration.

(p) Documentation requirements for 1915(c) CHILD waiver community living supports providers:

1. Service documentation shall require the use of electronic visit verification as outlined in the 21st Century Cures Act.

2. A community living supports service shall be documented **via EVV, and**[**~~in the MWMA by a note, which~~**] shall be entered at the time the service is rendered and shall include:

a. The participant's health, safety, and welfare;

b. Type of service provided;

c. Name of the individual receiving the service;

d. The date of the service;

e. Location of the service (not specific address);

f. The beginning and ending times of service provision; and

g. The signature and title of the individual providing the service.

3. **Community living supports providers shall maintain** documentation **that** shall be person centered and reflect the support provided to the participant, including:

a. The goal from the PCSP addressed by the service;

b. The activity completed to meet the goal and the outcome;

c. How the participant responded to the service; and

d. Any progress or lack thereof toward the goals and objectives reflected on the PCSP.

(3) Environmental and Minor Home Modifications.

(a) Environmental and minor home modifications consist of any necessary adaptations to a private or family residence required to ensure the child or youth's health, welfare, and safety.

(b) Environmental and minor home modifications shall be delineated in the PCSP and may include adaptations to the home such as:

1. Installation of ramps and grab-bars;

2. Wheelchair accessibility modifications, including widening of doorways, lowering of counters/cabinets, and modification of bathroom facilities; or

3. Installation of specialized electric and plumbing systems that are necessary to accommodate those medical equipment and supplies which are necessary for the welfare of the individual.

(c) Environmental and minor home modifications shall not include certain adaptations or improvements to the home that are not of direct medical or remedial benefit to the waiver participant.

(d) Approval from the department shall be required for requested items not included pursuant to paragraph (b) of this subsection when a clinician overseeing the child or youth's care provides documentation of the medical need.

(e) Environmental and minor home modifications may be authorized up to 120 days prior to discharge of a child or youth transitioning from an ICF/IID or an inpatient psychiatric hospital to a family, guardian, or foster care home.

(f) Environmental and minor home modifications shall not be reimbursed by the department until the date a child or youth is enrolled in the waiver following discharge from the institution.

(g) Adaptations that add to the total square footage of the home shall be excluded from this benefit except when necessary to complete an adaptation.

(h)

1. Environmental and minor home modifications may be approved for children and youth living in a family, guardian, or foster care home.

2. Children and youth who are residing in a supervised residential care setting shall not be authorized for environmental and minor home modifications.

(i) Environmental and minor home modifications shall be limited to additional services intended to avoid institutionalization that are not otherwise covered under the Kentucky Medicaid state plan, including EPSDT.

(j) Environmental and minor home modifications, shall be provided:

1. In accordance with applicable state and local building codes; and

2. By a vendor who shall be in good standing with the Office of the Secretary of State.

(k) Environmental and minor home modifications shall have a CHILD waiver lifetime cost limit as established pursuant to 907 KAR 2:725, unless otherwise approved through the established exceptional review process.

(l) Documentation requirements for 1915(c) CHILD waiver environmental and minor home modifications providers shall include:

1. A description of each adaptation purchased;

2. A receipt for every adaptation made, which shall include the:

a. Date of purchase;

b. Description of the item;

c. Quantity and per unit price; and

d. Total amount of the purchase.

3. The signature and title of the case manager; and

4. The date the entry was made in the record.

(4) Clinical Therapeutic Services.

(a) Clinical therapeutic services shall be for the purpose of supporting children, youth, and their families, based on assessed needs, in understanding, mitigating, and providing long term solutions for behavior challenges.

(b) This service is designed to provide family crisis prevention and stabilization supports to the waiver enrolled child or youth, primary caregiver, or family (including foster care families).

(c) Clinical therapeutic services may be used to support other waiver providers[**~~, with the exception of those providing environmental and minor home modifications,~~**] working with a child or youth on the types of prevention and stabilization techniques best suited to the child's needs.

(d) Activities provided through clinical therapeutic services to achieve the service's intended outcomes include:

1. Identification of behavioral triggers through review of the CANS assessment and other clinical or therapeutic documentation to identify behavioral triggers that may lead to crisis situations or escalated negative behaviors;

2. Training for primary caregivers in trauma-informed methods for:

a. Preventing crisis; mitigation and support techniques for when crises occur; and

b. Implementation of positive coping strategies to directly address crisis or negative behavior escalation.

3. Development and incorporation of individualized wraparound support plans within a PCSP, as informed by the CANS and other clinical or therapeutic documentation to prevent crisis or escalated negative behaviors.

4. Parental and family support (e.g. family-to-family networking).

5. Assistance to the child or youth in the acquisition, retainment, or improvement of age-appropriate behavior and social skills necessary to help avoid institutionalization. Assistance may take the form of:

a. Training the youth, family, or provider in stabilization techniques;

b. Working with the individual, family, or provider to identify triggers and developing person-centered approaches for preventing behavioral crisis prior to occurrence; and

c. Assisting the waiver enrolled individual in acquiring, retaining, and improving areas of self-help and socialization.

6. Additional activities that may occur in situations in which a child or youth is stepping down from institutional care or is otherwise transitioning between residential settings may include:

a. Support for establishing or re-establishing the child or youth in a family home, foster home, or other community-based residential setting, such as:

(i) Development of schedules;

(ii) Practices; or

(iii) Expectations within the new setting;

b. Implementation of specialized behavior management techniques focused on mitigating disruptions resulting from the transition; or

c. Other activities as deemed appropriate by the child or youth's family, foster family, and broader care team to effectively mitigate the impacts of transitions out of and between institutional or residential settings.

(e) This service**:**

1. Shall be provided in-person or face-to-face via telehealth at the request or benefit of the participant.

2. If provided via telehealth:

a. Shall be documented in the PCSP;

b. Shall include the option for a participant to request and receive services in-person instead of via telehealth; and

c. Shall be conducted in accordance with 907 KAR 3:170[~~**may take place in an individual's home or the community, based on the child or youth's assessed needs and in accordance with the approved PCSP**~~].

(f) The appropriate staffing ratio shall be determined based on assessed needs and unique circumstances of the individual and family with input from the individual's case manager.

(g) Clinical therapeutic services shall be limited to additional services intended to avoid institutionalization that are not otherwise covered under the Kentucky Medicaid state plan, including EPSDT.

(h) Clinical therapeutic services shall be initially limited to 160 units per year, unless otherwise approved through the established exceptional review process pursuant to 907 KAR 2:725.

(i) Documentation requirements for 1915(c) CHILD waiver clinical therapeutic services providers.

1. A clinical therapeutic service shall be documented [~~**in the MWMA**~~] by a note which [~~**shall be entered within seventy-two (72) hours from the date of the service being rendered and**~~] shall include:

a. The participant's health, safety, and welfare;

b. Description of the service provided;

c. The date of the service;

d. Location of the service (not specific address);

e. The beginning and ending times of service provision; and

f. The signature and title of the individual providing the service.

2. Documentation shall be person centered and reflect the support provided to the participant, including:

a. The goal from the PCSP addressed by the service;

b. The activity completed to meet the goal and the outcome;

c. How the participant responded to the service;

d. Any progress or lack thereof toward the goals and objectives reflected on the PCSP; and

e. Family collateral, telephone and other significant contacts or collateral information shall also be recorded in the staff notes.

(5) Supervised Residential Care.

(a) Supervised residential care shall be focused on children and youth who require twenty-four (24) hour intense residential services.

(b) The supports provided in a supervised residential care setting shall be individually tailored to assist with the acquisition, retention, or improvement in skills related to living in the community.

(c) Supervised residential care shall be intended to support children or youth who are:

1. Discharged from a psychiatric hospital or ICF/IID but are not yet able to return back to their family, guardian, or foster care residence;

2. Unable to be cared for within their family, guardian, or foster care residence due to high-risk behaviors or complex medical conditions, but who do not wish to receive services in an appropriate institutional setting; or

3. Currently unhoused as a result of their disability and care needs and who are unable to access appropriate community-based supports through another funding source.

(d) Supervised residential care supports include:

1. Adaptive skill development;

2. Assistance with activities of daily living;

3. Community inclusion; or

4. Social and leisure skill development to assist the child or youth to reside in the most integrated setting appropriate to his/her needs.

(e) Supervised residential care shall be delivered in a home or community setting, which shall not include:

1. A nursing facility;

2. An institution for mental disease; or

3. An intermediate care facility for individuals with intellectual disability.

(f) The supports required for each participant shall be outlined in their PCSP.

(g) Supervised residential care services shall also include:

1. Protective oversight and supervision;

2. Transportation;

3. Personal assistance; or

4. The provision of medical and health care services that are integral to meeting the daily needs of residents.

(h) Supervised residential care settings shall have no more than three (3) residents at any given time.

(i) To the extent feasible, supervised residential care settings shall not serve children or youth for whom there is an age difference of more than five (5) years between the oldest and youngest resident, unless the children are siblings, and efforts shall be made to provide children and youth with alternative setting choices where there is not an age difference of more than five (5) years between residents.

(j) Case managers are required to aid in finding supervised residential care settings that meet the individual safety needs of the participant to prevent harm to themselves or others.

1. To meet the requirement in this paragraph, the case manager shall **collaborate with**[~~**conduct a**~~] supervised residential care **providers to determine appropriate fit per regulatory criteria**[~~**provider review of individual PCSPs and health risk screening results,**~~] prior to placement.

2. A child with a history of aggressive behavior or sexual acting out shall be assessed by their treatment team to ensure the safety of the child and other children in the home and community with the appropriate safety measures documented in the PCSP.

(k) The agency providing supervised residential care shall be responsible to arrange for or provide transportation to:

1. A family, guardian, or foster care home;

2. School, as applicable;

3. A place of employment, as applicable; or

4. Other community locations when the provision of transportation covered pursuant to 907 KAR 3:066 is unavailable.

(l) Supervised residential care may include the provision of up to five (5) unsupervised hours per day per child or youth who is at least eighteen (18) years of age as identified in the PCSP. Unsupervised hours shall be intended to promote increased independence and are based on the individual needs of a child or youth as reflected in the PCSP. These general restrictions shall apply to any unsupervised time:

1. Participants who cannot safely be unsupervised shall not be unsupervised. For each child or youth approved for any unsupervised time, a safety plan shall be created based upon their assessed needs.

2. Unsupervised hours shall not be authorized solely due to staffing shortages or lack of qualified staff coverage.

3. Unsupervised hours shall be intended to facilitate transition planning and community integration towards developing independence.

(m) The case manager, as well as other team members, shall ensure the child or youth is able to implement the safety plan.

(n) Ongoing monitoring of the safety plan, procedures, or assistive devices required shall be conducted by the case manager to ensure relevance, ability to implement, and functionality of devices if required.

(o)

1. If a child or youth experiences a change in support needs or status, adjustments in supervised residential care shall be made to meet the support needs.

2. If a change in support need or status is anticipated to be chronic (lasting more than three (3) months), the supervised residential care provider may request reassessment to determine if needs have changed.

(p) Any increase in funding based on assessed needs shall be used for provision of additional supports, as outlined in a revised PCSP and approved through the exceptional supports process.

(q)

1. Cameras shall be prohibited in bedrooms and bathrooms.

2. Provider-owned or leased residences where supervised residential care services are furnished shall be compliant with the Americans with Disabilities Act (PL No: 101-336) based on the needs of the persons supported.

(r) Payment shall not be made for the cost of room and board, including the cost of building maintenance, upkeep and improvement.

1. The method by which the costs of room and board are excluded from payment for supervised residential services is specified in 907 KAR 2:725.

2. Supervised residential services shall be furnished in a provider-owned or leased residence.

(s) Children and youth authorized and receiving supervised residential care may not be authorized to receive respite, community living supports, or environmental and minor home modifications, unless otherwise noted in the service definitions and limitations of these other CHILD waiver services.

(t) Supervised residential care shall be limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

(u) The participant's guardian shall be notified and approve any changes to the location in which residential services are being provided prior to any changes being made.

(v) The participant and their guardian have the right to have input on choice of roommates and preferences in staff.

(w) The supervised residential care provider shall notify the case manager in advance of any changes and document the discussion and decisions made by the team.

(x) Supervised residential care shall be limited to one (1) unit per participant per calendar day.

(y) These additional documentation requirements for 1915(c) CHILD waiver supervised residential care shall apply:

1. A daily note which shall be entered within seventy-two (72) hours from the date of the service being rendered and shall describe relevant services and activities in which the participant participated and shall include:

a. The participant's health, safety, and welfare;

b. Description of the service provided;

c. The date of the service;

d. Location of the service (not specific address);

e. The beginning and ending times of service provision; and

f. The signature and title of the individual providing the service;

2. Relevant services and activities included in the note shall include:

a. Skills training, including adaptive skill development;

b. Assistance with ADLs;

c. Community inclusion;

d. Social and leisure development;

e. Protective oversight or supervision;

f. Transportation;

g. Personal assistance provided; **and**

h. The provision of medical or health care services[~~; and~~]

[~~i.~~] [~~**A copy of the participants immunization records as defined in 902 KAR 2:060**~~].

3. Documentation shall be person centered and reflect the support provided to the participant, including:

a. The goal from the PCSP addressed by the service;

b. The activity completed to meet the goal and the outcome;

c. How the participant responded to the service; and

d. Any progress or lack thereof toward the goals and objectives reflected on the PCSP.

Section 7. Person-Centered Service Plan Requirements.

(1) The enrollment notice sent to the child or youth shall advise the CHILD participant and the participant's legal guardian or authorized representative, if applicable, that they shall select a case manager to initiate service planning prior to receiving CHILD waiver services.

(2)

(a) The enrollment notice shall contain instructions on how to access information on case management agencies so that the participant may initiate contact and selection of a case manager.

(b) When a case management agency is selected, that agency is able to be associated with the participant in the MWMA and a case manager can be assigned.

(3) The participant's PCSP shall be developed utilizing completed assessments and screenings, including the CANS and other medical and behavioral assessments as applicable.

(4) The person-centered planning process and development of the PCSP shall take place as follows:

(a) Identify individuals that comprise a participant's support system and their roles on the participant's person-centered team as defined in Section 1.

(b) A participant and their legal guardian may designate any family, friends, and other caregivers, both paid and unpaid, to participate in this process.

(c) The case manager shall document the individuals included in the person-centered team on the department approved form and upload it to MWMA.

(d) The case manager shall document when a support is removed from the person-centered planning team.

(e)

1. For the development of the initial PCSP, the full person-centered planning team shall participate.

2. For the annual redetermination of the PCSP, the child or youth and the participant's guardian or authorized representative, if applicable, has final authority to determine whether there is satisfactory team participation to conduct the PCSP annual review meeting.

(f) The case manager shall document how information about the meeting was provided to absent members.

(g) Members of the person-centered planning team who do not attend the annual review meeting or who attend by phone shall provide written attestation that they understand the contents of the PCSP and can support the participant's service needs at the requested amount, frequency, and duration.

(h) Once the person-centered planning team is confirmed, the case manager shall complete the primary activities:

1. The team shall collectively review the findings of the participant's assessment. This process includes documenting any non-Medicaid paid or unpaid support including information on the access and limitations of such supports and Medicaid state plan services. For annual review meetings, the team shall also review the participant's current PCSP.

2. The team shall work collectively under the leadership of the participant and the participant's legal guardian or authorized representative, if applicable, to complete an additional review of the participant's person-centered planning needs and wishes to establish goals and objectives that enhance health, safety, and welfare, community-based independence, community participation, and quality of life.

3. Not all goals and objectives shall be accomplished using 1915(c) CHILD waiver funded services.

(i) The process of setting goals shall include education and team support for the participant and the participant's legal guardian or the participant's authorized representative, if applicable.

(j) Goals and objectives for all services on the PCSP shall be:

1. Stated clearly;

2. Measurable;

3. Attainable;

4. Relevant;

5. Time-bound; and

6. Adhere to specifications detailed in the approved CMS CHILD waiver application.

(k) Goals and objectives shall be documented, including:

1. An inventory of a participant's personal preferences;

2. Individualized considerations for service delivery; and

3. Information about the participant's needs, wants, and future aspirations.

(l) The results of the conversation or meeting documenting the goals and objectives shall be:

1. Included in the PCSP, which is housed in MWMA; and

2. Signed by the participant and the participant's legal guardian or authorized representative, if applicable.

(m) The case manager, and all other individuals responsible for the implementation of services shall demonstrate this information:

1. Was collected;

2. Was shared with all person-centered team members; and

3. Is accessible to inform ongoing development and implementation of the PCSP.

(n) The case manager shall provide education on available service options to meet a participant's person-centered goals and objectives as established in Section 3(1), using the process for

educating the participant and other team members on service providers as described in Section 6(2)(e).

(o)

1. Once a child or youth and the participant's legal guardian or authorized representative, if applicable, selects providers to deliver services pursuant to the frequency and amount, the case manager shall facilitate the referral process.

2. After the person-centered planning process has taken place, the case manager shall acquire the signatures of all the team members, including:

a. The participant and the participant's legal guardian or authorized representative, if applicable;

b. The case manager; and

c. All 1915(c) waiver providers.

3.

a. Prior authorization of service shall not be valid without signatures; and

b. Prior authorization of service shall be necessary prior to delivery of service.

4. Services rendered prior to signed attestation of understanding of the contents of the PCSP by all parties required pursuant to subparagraph 2. shall not be reimbursed.

(p) The case manager shall:

1. Ensure that the scope, frequency, amount, and duration of services falls within the allowable utilization criteria and limitations set by the CMS approved 1915(c) CHILD waiver;

2. Clearly document any planned changes in utilization anticipated over the course of the year, including:

a. Any anticipated change in utilization while a participant under the age of 18 is out of school for the summer; or

b. Anticipated increases due to anticipated changes in caregiver availability; and

3. Maintain documentation showing that all:

a. Needs identified through the functional assessment are addressed via unpaid or paid supports; and

b. Paid services are appropriate in amount, duration, and frequency as identified by the functional assessment.

(5) Initial development of the PCSP for a new participant shall involve these steps and requirements:

(a) Once the assessment is complete and the participant chooses a case manager, the participant and the participant's legal guardian or authorized representative, if applicable, shall begin the process of developing the PCSP with the case manager's assistance.

(b) Upon acceptance of a new participant, the case manager shall conduct an initial in-person visit to begin the person-centered planning process.

(c) Person-centered service planning and development of the PCSP shall follow the steps described pursuant to subsection (4) of this section.

(d) A participant's PCSP shall be updated on at least an annual basis.

(e) If a case manager chooses to attend the functional assessment, the case manager shall support the participant in answering questions and not answer questions on the behalf of the participant or influence the participant's response or lack of response.

(f) Person-centered service planning may begin forty-five (45) calendar days prior to the end of the current level of care period, pending the completed level of care evaluation.

(g) The PCSP shall be completed and uploaded to MWMA at least seven (7) calendar days prior to the end of the current level of care period.

Section 8. Ongoing Management and Use of the PCSP.

(1) A participant and a participant's legal guardian, if applicable, may request a modification to their PCSP due to changes in their condition or service needs at any time.

(2) Throughout the course of plan monitoring, the case manager shall address instances when a modification to the PCSP may be appropriate.

(3)

(a) The case manager shall not initiate any modification to the PCSP without the consent of the participant and the participant's legal guardian, if applicable.

(b) The service providers affected by an event-based modification to the PCSP shall be involved in the modification process as well.

(4) Certain modifications or event-based circumstances may require the completion of an updated CANS assessment of the participant's needs and necessary adjustments to the participant's PCSP. These events or modifications that may merit completion of a functional assessment outside of the annual assessment cycle include:

(a) Inpatient admission to an institutional care setting with changes at discharge in functional ability from previous assessment;

(b) Change in care setting that increases the participant's level of care needs, including transitions between community-based settings such as moving from a participant's own home to a residential setting;

(c) Long-term change in access to or ability of an unpaid caregiver to provide care; and

(d) Observed or reported changes that result in the inability of the participant to meet goals and objectives based on the current PCSP.

(5) If circumstances necessitate initiation of an event-based assessment pursuant to subsection (4) of this section, the case manager shall:

(a) Request an updated CANS assessment in MWMA;

(b) After completion of the updated CANS assessment, review the updated assessment;

(c) Share information about the assessment outcomes with the participant and the participant's legal guardian, if applicable; and

(d) Work with the participant, and any members of the participant's person-centered team as requested by the participant, to modify the PCSP to address any requested or necessary modifications.

(6)

(a) An updated PCSP shall be signed by:

1. The participant and the participant's legal guardian, if applicable;

2. The case manager; and

3.

a. Any new service providers;

b. Providers for whom the scope, amount, or duration of service has been adjusted from what was previously agreed; or

c. Providers for whom services have been impacted.

(b) Any signatures required by paragraph (a) of this subsection shall not be obtained until the person-centered planning process and the PCSP are complete.

(7) The updated PCSP shall remain in effect until the end of the participant's **eligibility**[~~**original enrollment**~~] year.

(8) An event-based functional assessment shall not eliminate the need for a participant's annual PCSP redetermination.

(9) All providers delivering services shall be responsible for reviewing changes and working with the participant's case manager and person-centered team to make any adjustments or deploy mitigation strategies to ensure continuity of care.

(10) A case manager shall not maintain a case load of more than thirty (30) participants during any monthly period.

Section 9. Human Rights Committee.

(1) A human rights committee shall meet on a routine, scheduled basis, no less than quarterly, to ensure that the rights of participants utilizing 1915(c) CHILD waiver services are respected and protected through due process review of any modifications of home and community-based settings as listed under 42 C.F.R. 441.301(c)(4)(vi)(A) through (D).

(2) A human rights committee shall include at least:

(a) One (1) self-advocate;

(b) One (1) member from the community at large with experience in developmental disabilities or SED;

(c) One (1) appointed guardian or family member of a 1915(c) waiver participant;

(d) One (1) professional in the medical field; and

(e) One (1) professional with:

1. A bachelor's degree from an accredited college or university; and

2. Three (3) years of experience in the field of child behavioral health or developmental disabilities.

(3) Each 1915(c) CHILD waiver provider shall:

(a) Actively participate in the human rights committee process of the local human rights committee; and

(b) Provide the necessary documentation to the local human rights committee for review and approval prior to:

1. Implementation of any rights restrictions; or

2. Positive behavior support plans involving rights restrictions.

(4) A human rights committee meeting shall have a quorum of at least three (3) members, including at least one (1) self-advocate and one (1) community at large member.

(5) A human rights committee shall:

(a) Maintain a record of each meeting; and

(b) Send a summary of each PCSP reviewed to the:

1. Relevant participant; or

2. Participant's guardian and case manager.

(6) Each member of a human rights committee shall:

(a) Complete an orientation approved by department or its designee;

(b) Sign a confidentiality agreement; and

(c) Function in accordance with the Health Insurance Portability and Accountability Act codified as 45 C.F.R. Parts 160, 162, and 164.

(7)

(a) A human rights committee shall ensure that any restriction imposed on a participant is:

1. Temporary in nature;

2. Defined with specific criteria outlining how the restriction is to be imposed;

3. Paired with learning or training components to assist the participant in eventual reduction or elimination of the restriction;

4. Removed upon reaching clearly defined objectives; and

5. Reviewed by the human rights committee at least once every six (6) months if the restriction remains in place for at least six (6) months.

(b) In an emergency where there is imminent danger or potential harm to a participant or other individuals, the participant's 1915(c) CHILD waiver service provider, in consultation with the case manager and participant's guardian, as appropriate, may limit or restrict the participant's rights for a maximum of one (1) week.

(c) If a participant is under the care of a psychologist, counselor, psychiatrist, or behavior support specialist, a restriction plan:

1. Shall be developed with the input of the psychologist, counselor, psychiatrist, or behavior support specialist; and

2. May be implemented for up to two (2) weeks.

(d) A proposed continuation of a restriction shall be immediately reviewed and approved by three (3) members of the local human rights committee while alternative strategies are being developed.

(e) If a rights restriction needs to be continued and addressed in the participant's PCSP, the restriction shall be submitted to the local human rights committee at the next regularly scheduled meeting.

Section 10. Behavior Intervention Committee.

(1) A behavior intervention committee shall include at least:

(a) One (1) self-advocate, representative, or family member;

(b) At least one (1) member from the community at large with experience in human rights issues or in the field of intellectual or developmental disabilities;

(c) One (1) professional in the medical field; and

(d) At least one (1) of the following:

1. A positive behavior support specialist;

2. A licensed psychologist;

3. A certified psychologist; or

4. A licensed clinical social worker.

(2)

(a) A behavior intervention committee shall meet at least quarterly to review, approve, and as necessary, make written technical recommendations for each new or revised positive behavior support plan as submitted.

(b) A behavior intervention committee meeting shall have a quorum of at least three (3) members including at least one (1):

1. Self-advocate, representative, or family member; and

2. Member from the community at large with experience in:

a. Human rights issues; or

b. The field of intellectual or developmental disabilities.

(3) A behavior intervention committee shall ensure that:

(a) Positive behavior supports are clinically sound and based on person-centered values considering what is important for the participant;

(b) Assessments and interventions utilize evidenced based and best practices for treatment of a behavioral health condition as the primary support services when supplemental behavioral interventions are needed;

(c) The use of both behavioral health treatment and positive behavioral supports shall be utilized in a collaborative manner; and

(d) A new or revised positive behavior support plan is not implemented until it is approved by:

1. The behavior intervention committee; and

2. If rights restrictions are recommended, the human rights committee.

(4) A behavior intervention committee shall:

(a) Maintain a record of each meeting; and

(b) Send a summary of each person-centered service plan reviewed to the:

1. Relevant participant; or

2. Participant's guardian and case manager.

(5) Each behavior intervention committee member shall:

(a) Complete an orientation approved by department or its designee;

(b) Sign a confidentiality agreement; and

(c) Function in accordance with the Health Insurance Portability and Accountability Act codified as 45 C.F.R. Parts 160, 162, and 164.

Section 11. Other Assurances Required by Provider.

(1) For each participant to whom it provides services, a 1915(c) CHILD waiver provider shall ensure:

(a) The participant's:

1. Right to privacy, dignity, and respect; and

2. Freedom from coercion or restraint;

(b) The participant's freedom of choice as defined by the experience of independence, individual initiative, or autonomy in making life choices in all matters;

(c) That the participant or participant's representative chooses services, providers, and any service settings;

(d) That the participant is provided with a choice of where to live with as much independence as possible and in the most community-integrated environment;

(e) That the service setting options are:

1. Identified and documented in the participant's PCSP; and

2. Based on the participant's needs and preferences; and

(f) That a provider may not move a participant from one approved location to another without approval from the participant or their legal guardian.

(2) A 1915(c) CHILD waiver provider shall not use an aversive technique with a participant.

(3) Any right restriction imposed by a 1915(c) CHILD waiver provider shall:

(a) Be reviewed at least every six (6) months by a human rights committee;

(b) Be subject to approval by a human rights committee; and

(c) Include a plan to restore the participant's rights.

(4) A participant with a history of aggressive behavior or sexual acting out shall have the following actions taken by the care team to address the needs of the participant:

(a) The care team shall assess the participant's history to ensure the safety of the child and other children in supervised residential services, including any sleeping arrangements;

(b) Information about the appropriate safety measures and the safety measures taken shall be included in the child's PCSP; and

(c) A plan of action shall be developed and implemented.

Section 12. Incident Reporting Process.

(1) The incident reporting process shall follow the processes outlined in the "Incident Reporting Instructional Guide for 1915(c) HCBS Waiver Services" available at: https://www.chfs.ky.gov/agencies/dms/dca/Documents/irinstructionalguide.pdf.

(2) The department or its designee shall continually monitor incident trends and patterns and may require additional incident types beyond those listed above as needed.

(3) A provider shall identify individuals and entities, as consistent with KRS 209.030(2) and KRS 620.030, that are required to report critical events and incidents and have a policy that any individual who witnesses or discovers a critical or non-critical incident is responsible to report it.

(4) If an incident occurs that requires reporting, a provider shall:

(a) Notify all pertinent entities including:

1. The case manager or service advisor;

2. Law enforcement; or

3. Protective services;

(b) Ensure that any employee or agent who witnesses or discovers a critical incident shall immediately take steps to:

1. Secure the participant's health, safety, and welfare; and

2. Notify the necessary authorities, including calling law enforcement and reporting any suspected abuse, neglect, or exploitation; and

(c) Comply with existing requirements for reporting of critical and non-critical incidents; and

(d) Complete an investigation report or Risk Mitigation and Investigation Report (RMIR) for all critical incident reports.

(5) The department or its designee shall regularly review critical and non-critical incident summary data generated by MWMA to identify systemic issues and conduct follow-up activities as warranted. Actions taken may include corrective action plans or quality improvements plans as needed to enhance performance and ensure safety.

(6) Following the death of a participant receiving services from a CHILD waiver provider:

(a) The CHILD waiver provider shall immediately notify the:

1. County coroner;

2. Child's parent, guardian, or custodian; and

3. Cabinet staff, including any department [**~~and BHDID~~**] staff contacted during the provider's regular course of business in providing services under the CHILD waiver;

(b) A verbal report of the death shall be made immediately to the:

1. Commissioner of the Department for Medicaid Services or designee; **and**

2. Commissioner of the Department for Community Based Services or designee[**~~; and 3. Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities or designee~~**];

(c) A written comprehensive report from the director outlining the incident shall be forwarded on the next working day following the verbal report to the Office of the Commissioner of the:

1. Department for Medicaid Services; **and**

2. Department for Community Based Services;

[**~~3.~~**] [**~~Department for Behavioral Health, Developmental and Intellectual Disabilities;~~**] and

(d)[**~~4.~~**] If a child's death occurred as a result of alleged abuse or neglect, the director of the CHILD waiver provider shall make verbal and written reports as required by KRS 620.030(1) and (2).

(7) A child fatality or near fatality shall also participate in the processes established pursuant to KRS 620.055 relating to external child fatality or near fatalities and the process established pursuant to subsection (8) of this section.

(8)

(a) In addition to the process described in subsection (7) of section, following the death of a participant receiving CHILD waiver services, the CHILD waiver provider shall enter mortality data documentation into the MWMA within fourteen (14) days of the death.

(b) Mortality data documentation shall include:

1. The participant's person-centered service plan at the time of death;

2. Any current assessment forms regarding the participant;

3. The participant's medication administration records from all service sites for the past three (3) months along with a copy of each prescription, if applicable;

4. Service documentation regarding the participant from all service elements for the past thirty (30) days, including case management notes;

5. The results of the participant's most recent physical exam;

6. All incident reports, if any exist, regarding the participant for the previous six (6) months;

7. Any medication error log related to the participant for the previous six (6) months;

8. Names and contact information for all staff members who provided direct care to the participant during the last thirty (30) days of the participant's life;

9. Emergency medical services notes regarding the participant, if available;

10. The police report, if available;

11. A copy of:

a. The participant's advance directive, medical order for scope of treatment, living will, or health care directive, if applicable;

b. Any functional assessment of behavior or positive behavior support plan regarding the participant that is been in place over any part of the previous twelve (12) months; and

c. The cardiopulmonary resuscitation (CPR) and first aid card for any CHILD waiver provider's staff member who was present at the time of the incident that resulted in the participant's death;

12. A record of all medical appointments or emergency room visits by the participant within the previous twelve (12) months; and

13. A record of any crisis training for any staff member present at the time of the incident that resulted in the participant's death.

Section 13. CHILD Waiver Waiting List.

(1) If an individual is determined to meet criteria for allocation to the CHILD waiver as identified in Section 3 but no capacity is available at the time of the review, an individual shall be placed on the CHILD waiver waiting list.

(2) An individual's order of placement on the CHILD waiver waiting list shall be determined by the chronological date of receipt of complete application into the MWMA.

(3) A written notification of placement on the CHILD waiver waiting list shall be mailed to an individual or the individual's guardian and case management provider if identified.

(4)

(a) In determining chronological status, the original date of an individual's complete application information being entered into the MWMA shall be maintained.

(b) The department shall, at a minimum, annually review and update the waiting list information about an individual during the birth month of that individual.

(c) The individual or individual's guardian and case management provider, if identified, shall be contacted annually in writing to verify the accuracy of the information on the CHILD waiver waiting list and the individual's or individual's guardian's continued desire to pursue enrollment in the CHILD waiver.

(d) If a discrepancy in diagnosis or other criteria to qualify for CHILD waiver is noted at the time of the review, the department may request updated supporting documentation to validate that the individual meets CHILD waiver criteria.

(e) The information referenced in paragraph (c) of this subsection shall be received by the department within thirty (30) days from the date of the written request in order to be considered timely.

(f) The criteria for removal from the CHILD waiver waiting list shall be if:

1. After a documented attempt, the department is unable to locate the individual or the individual's guardian;

2. The individual is deceased;

3. A review of documentation reveals that the individual no longer meets criteria for the CHILD waiver as defined in Section 3;

4. Information requested during the waiting list maintenance review is not received by the department or its designee within **thirty (30)**[**~~20~~**] days of the written request;

5. A notification of potential CHILD waiver funding is made and the individual or the individual's guardian does not request to be maintained on the CHILD waiver waiting list; or

6. Notification of potential CHILD waiver funding is made and the individual or the individual's guardian does not complete the enrollment process with the department or its designee within 120 days.

(5) The removal of an individual from the CHILD waiting list shall not prevent the submission of a new application at a later date.

Section 14. Use of Electronic Signatures. The creation, transmission, storage, or other use of electronic signatures and documents shall comply with:

(1) The requirements established in KRS 369.101 to 369.120; and

(2) All applicable state and federal statutes and regulations.

Section 15. Employee Policies and Requirements Apply to Subcontractors. Any policy or requirement established in this administrative regulation regarding an employee shall apply to a subcontractor.

Section 16. 1915(c) CHILD Waiver Participant Appeal Rights.

(1) An appeal of a department decision regarding a Medicaid beneficiary made pursuant to this administrative regulation shall be in accordance with 907 KAR 1:563.

(2) An appeal of a department decision regarding Medicaid eligibility of an individual made pursuant to this administrative regulation shall be in accordance with 907 KAR 1:560.

Section 17. Federal Approval and Federal Financial Participation. The department's reimbursement for services pursuant to this administrative regulation shall be contingent upon:

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

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

LISA D. LEE, Commissioner
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: May 14, 2026
FILED WITH LRC: May 15, 2026 at 11:45 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles/ Jonathan Scott Phone Number: (502) 564-7476/(502) 564-4321, ext. 2015 Email: CHFSregs@ky.gov/ jonathant.scott@ky.gov
Subject Headings: Children and Minors, Behavioral Health, Medicaid, Health and Medical Services
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the provider and participant provisions for the 1915(c) Community Health for Improved Lives and Development (CHILD) Waiver services.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish provider and participant provisions for the 1915(c) CHILD waiver.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the provider and participant provisions for the 1915(c) CHILD waiver.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing the 1915(c) CHILD waiver 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 Amended After Comments version of this administrative regulation amends to update the definition section of the regulation by modifying the definitions of "crisis prevention and response plan", "critical incident", "developmental disability", and "participant". In addition, Section 3 of the regulation has been amended to clarify and prevent inappropriate exclusion of children from qualifying for the waiver. Section 3 has also been amended regarding the establishment of an intellectual or developmental disability. Additionally, the regulation has been amended to replace the word "child" with "participant" in various places. Finally, the Department for Behavioral and Development Disability was removed from the regulation as a department that receives a report regarding the death of a CHILD waiver participant.
(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.
(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, a budget instruction and funding from 2024 HB 6.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Medicaid providers participating in the 1915(c) CHILD waiver. DMS estimates up to 100 participants may access 1915(c) CHILD waiver services at one time.
(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: Providers will be required to bill under the 1915(c) specific fee schedule.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): DMS does not anticipate additional costs in participating as a CHILD waiver provider.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Medicaid recipients who receive a slot for this waiver and providers who will provide services.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.
(b) On a continuing basis: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.
(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: Neither an increase in fees nor funding will be necessary to implement the amendments.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment does not establish or increase any fees.
(10) TIERING: Is tiering applied? 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 205.520, 194A.030(2), 194A.050(1), 205.520(3).
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Health and Family Services, Department for Medicaid Services is the promulgating agency, the Department for Behavioral Health, Developmental and Intellectual Disabilities is administering the 1915(c) CHILD waiver.
(a) Estimate the following for the first year:
Expenditures: No additional expenditures beyond those allocated to the department pursuant to 2024 House Bill 6.

Revenues: The department does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The department does not anticipate cost savings as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect a change to expenditures, revenues, or cost savings in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): DMS does not expect that local entities will be impacted by this regulation.
(a) Estimate the following for the first year:
Expenditures: HB 6 from 2024 funds this program with $14.5 million in total expenditures estimated for the first year.
Revenues: The department does not anticipate additional revenues.
Cost Savings: The department does not anticipate cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The department does not anticipate differences in expenses, revenues, or cost savings in subsequent years.
(4) Identify additional regulated entities not listed in questions (2) or (3): N/A
(a) Estimate the following for the first year:
Expenditures: n/a The department does not anticipate additional expenditures for regulated entities.
Revenues: n/a The department does not anticipate additional revenues for regulated entities.
Cost Savings: The department does not anticipate cost savings for the providers who are billing.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect expenditures, revenues, or cost savings for other entities as a result of this regulation.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: $7.2 million total funding for state fiscal year 2026. The program is anticipated to have a fiscal impact of $15 million total funding for state fiscal year 2027.
(b) Methodology and resources used to determine the fiscal impact: Estimated utilization of the services based on Medicaid Management Information System (MMIS) claims data and programmatic experience were multiplied by anticipated fee schedule rates.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate): The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.
(b) The methodology and resources used to reach this conclusion: The amount of funding involved in this program is not enough to create a major economic impact to an entity identified in questions (2) – (4).

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. Ch. 7 Sec. 1396n
(2) State compliance standards. KRS 194A.030(2) requires the Department for Medicaid Services to "serve as the single state agency in the commonwealth to administer Title XIX of the Federal Social Security Act."
(3) Minimum or uniform standards contained in the federal mandate. A 1915(c) waiver is required to be negotiated and finalized with the federal government.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The waiver does not impose stricter than federal requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The waiver does not impose stricter than federal 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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Long Term Services and Supports
(Amended After Comments)

907 KAR 2:725. 1915(c) Kentucky's Community Health for Improved Lives and Development (CHILD) Waiver Reimbursement.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)
NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has the responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the reimbursement provisions to provide expanded services to individuals who have a primary diagnosis of Autism, Developmental Disability, Intellectual Disability, or Serious Emotional Disturbance.

Section 1. Definitions.
(1) "Assessed or Assessment" means the process that authorizes department or its designee to determine applicant service needs that can be met safely in a community-based setting and determine if the participant is eligible for 1915(c) CHILD Waiver services.
(2) "Autism Spectrum Disorder" (ASD) which is characterized by:
(a) Persistent deficits in social communication and social interaction across multiple contexts;
(b) Restricted, repetitive patterns of behavior, interests, or activities, currently or by history;
(c) Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life);
(d) Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning; and
(e) These disturbances are not better explained by intellectual disability (intellectual developmental disorder) or global developmental delay. Intellectual disability and autism spectrum disorder frequently co-occur; to make comorbid diagnoses of autism spectrum disorder and intellectual disability, social communication should be below that expected for general developmental level.
(3) "Case Manager" means an individual who meets the personnel and training requirements established in Section 5 of 907 KAR 2:720 and is responsible for facilitating person-centered planning, coordination, and oversight of **all waiver and other state plan services as well as medical, social, educational, and other services, regardless of the funding source for the services to which access is gained**[~~waiver services~~].
(4) "Department" means the Kentucky Department for Medicaid Services or its designee.
(5) "Incident" means any occurrence that impacts health, safety, welfare, or lifestyle choice of a participant which can include a:
(a) Minor injury;
(b) Medication error without a serious outcome; or
(c) Behavior or situation that is not a critical incident.
(6) "Person-centered service plan" or "PCSP" means a written individualized plan of 1915(c) CHILD Waiver services developed in accordance with the participant and family's wants, assessed needs, and preferences that may include a transition plan to more intense or less intense level of services.

(7) "Serious Emotional Disability" or "SED" is consistent with KRS 200.503.

Section 2. Coverage.

(1) The department shall reimburse a participating 1915(c) CHILD waiver provider for a covered service provided to a participant.

(2) In order to be reimbursable by the department, a service shall be:

(a) Provided in accordance with the terms and conditions established in 907 KAR 2:720; and

(b) Prior authorized by the department.

Section 3. General Reimbursement Requirements.

(1) For the department to reimburse for a service or item, the requirements of 907 KAR 2:720 shall be met.

(2) The department shall reimburse a participating provider for a covered service as established pursuant to the 1915(c) Fee Schedule as available at: https://www.chfs.ky.gov/agencies/dms/Pages/feesrates.aspx.

Section 4. Exceptional Supports Process.

(1) A service listed in 907 KAR 2:720 that includes benefit limitations, regardless of delivery method, shall qualify for review as an exception to the benefit limitations:

(a) Based on the needs of the participant for whom the exception is requested;

(b) For a limited period of time;

(c) If the service meets the requirements for an exception in accordance with the Kentucky 1915(c) CHILD Exceptional Supports Protocol found on the 1915(c) CHILD waiver website located at: https://www.chfs.ky.gov/agencies/dms/dca/Pages/default.aspx; and

(d) If approved by the department or designee to be an exception.

(2) An exception granted pursuant to this section shall be for the sole purpose of ensuring the health, safety, and welfare of the 1915(c) CHILD Waiver participant.

(3) Each exceptional supports request shall be agreed upon by a consensus vote of the person-centered team by a person-centered team meeting.

(4) Within one (1) day of the person-centered team meeting in which an exceptional supports request is approved, the case manager shall submit the exception request through the Medicaid Waiver Management Application (MWMA), including:

(a) The name and identifying information of the participant;

(b) A description of the exceptional support being requested;

(c) Specific challenges presented by the participant and interventions provided that have resulted in the request, including dates, times, and locations of occurrences;

(d) Summary notes of the person-centered team meeting held to determine if the request for the requested exception was appropriate, including signatures of the team members and date, time, and location of the meeting;

(e) Documentation of any intervention attempted to stabilize the challenges and the resulting outcomes for any repeat exception requests; and

(f) Submission of a modified plan with the exceptional support request.

(5) The department or designee shall:

(a) Review the exception request submission within three (3) business days; and

(b) Approve, deny the request, or request additional information.

(6) An approved exception request shall be **for a limited period of time, not to exceed a full person-centered plan year**[~~**prior authorized for a period of up to six (6) months or until the end of the participant's eligibility year, whichever is shorter**~~].

(7) The prior authorization shall follow the participant if a transition to another provider occurs through an amendment to the prior authorization.

(8) A new exception request that will continue an existing exception shall be submitted no later than fifteen (15) days prior to the end of a prior authorization period.

Section 5. Auditing and Reporting. A CHILD provider shall maintain fiscal records and incident reports in accordance with the requirements established in 907 KAR 2:720.

Section 6. Appeal Rights. A CHILD provider may appeal a department decision regarding the application of this administrative regulation. An appeal shall be in accordance with 907 KAR 1:563.

Section 7. Federal Approval and Federal Financial Participation. The department's reimbursement of services pursuant to this administrative regulation shall be contingent upon:

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

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

LISA D. LEE, Commissioner
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: May 6, 2026
FILED WITH LRC: May 14, 2026 at 11:45 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles/ Jonathan Scott Phone Number: (502) 564-7476/(502) 564-4321, ext. 2015 Email: CHFSregs@ky.gov/ jonathant.scott@ky.gov
Subject Headings: Children and Minors, Behavioral Health, Medicaid, Health and Medical Services
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the provider and participant provisions for the 1915(c) Community Health for Improved Lives and Development (CHILD) Waiver services.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the CHILD waiver reimbursement.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the provider and participant provisions for the 1915(c) CHILD waiver.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing the 1915(c) CHILD Waiver 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 Amended After Comments version of this administrative regulation amends the regulation to clarify the definition of "case manager" to require case managers to coordinate non-Medicaid services for which a participant may be entitled. The regulation is also amended to extend exception requests for up to the full person-centered plan year.
(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.
(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, funding and a budget instruction from 2024 HB 6.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Medicaid providers participating in the 1915(c) CHILD waiver. DMS estimates up to 100 participants may access 1915(c) CHILD waiver services at one time.
(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: Providers will be required to bill under the 1915(c) specific fee schedule.
(b) In complying with this administrative regulation or amendment,

how much will it cost each of the entities identified in question (4): DMS does not anticipate additional costs with participating as a CHILD waiver provider.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Medicaid recipients who receive a slot for this waiver and providers who will provide services.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.
(b) On a continuing basis: The department anticipates no additional costs, in implementing this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.
(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: Neither an increase in fees nor funding will be necessary to implement the amendments.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment does not establish or increase any fees.
(10) TIERING: Is tiering applied? 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 205.520, 194A.030(2), 194A.050(1), 205.520(3).
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Department for Medicaid Services is the promulgating and administering agency.
(a) Estimate the following for the first year:
Expenditures: No additional expenditures beyond those allocated to the department pursuant to 2024 House Bill 6.
Revenues: The department does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The department does not anticipate cost savings as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect a change to expenditures, revenues, or cost savings in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): DMS does not expect that local entities will be impacted by this regulation.
(a) Estimate the following for the first year:
Expenditures: HB 6 from 2024 funds this program with $14.5 million in total expenditures estimated for the first year.
Revenues: The department does not anticipate additional revenues.
Cost Savings: The department does not anticipate cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The department does not anticipate differences in expenses, revenues, or cost savings in subsequent years.
(4) Identify additional regulated entities not listed in questions (2) or (3): N/A
(a) Estimate the following for the first year:
Expenditures: n/a The department does not anticipate additional expenditures for regulated entities.
Revenues: n/a The department does not anticipate additional revenues for regulated entities.
Cost Savings: The department does not anticipate cost savings for the providers who are billing.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect expenditures, revenues, or cost savings for other entities as a result of this regulation.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: $7.2 million total funding for state fiscal year 2026. The program is anticipated to have a fiscal impact of $15 million total funding for state fiscal year 2027.
(b) Methodology and resources used to determine the fiscal impact: Estimated utilization of the services based on MMIS claims data and programmatic experience were multiplied by anticipated fee schedule rates.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate): The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.
(b) The methodology and resources used to reach this conclusion: the amount of funding involved in this program is not enough to create a major economic impact to an entity identified in questions (2) – (4).

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. Ch. 7 Sec. 1396n
(2) State compliance standards. KRS 194A.030(2) requires the Department for Medicaid Services to "serve as the single state agency in the commonwealth to administer Title XIX of the Federal Social Security Act."
(3) Minimum or uniform standards contained in the federal mandate. A 1915(c) waiver must be negotiated and finalized with the federal government.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The waiver will not impose stricter than federal requirements.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The waiver will not impose stricter than federal 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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Office for Children with Special Health Care Needs
(Amended After Comments)

911 KAR 1:085. Early Hearing Detection and Intervention Program.

RELATES TO: KRS 13B.050, 15.111(2)(g), 194A.030(5), 200.460 200.499, 211.645, 211.647, 213.046(16), 216.2970, 334A.020(5)
STATUTORY AUTHORITY: KRS 194A.030(5), 194A.050(1), 211.647(3), 216.2970(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet, to implement programs mandated by federal law, or to qualify for federal funds. KRS 194A.030 authorizes the Office for Children with Special Health Care Needs (OCSHCN) to promulgate administrative regulations as may be necessary to implement and administer its responsibilities under KRS 200.460 to 200.490. KRS 211.647(3) authorizes OCSHCN to promulgate administrative regulations establishing standards for infant audiological assessment and diagnostic centers. KRS 216.2970(1) requires the OCSHCN to promulgate administrative regulations establishing approved methods for auditory screening for all infants born in hospitals offering obstetric services and alternative birthing centers with at least forty (40) births per year. This administrative regulation

establishes standards, eligibility criteria, application processes, reporting requirements, and appeal rights for entities seeking designation as approved infant audiological assessment and diagnostic centers, and identifies approved methods for auditory screening for newborn infants in hospitals and alternative birthing centers.

Section 1. Definitions.

(1) "AAA Guidelines" means the "Clinical Guidance Document Assessment of Hearing in Infants and Young Children" published by the American Academy of Audiology.

(2) "ASHA Guidelines" means the "Guidelines for the Audiologic Assessment of Children from Birth to 5 Years of Age" published by the American Speech-Language-Hearing Association.

(3) "Audiologist" is defined by KRS 334A.020(5).

(4) "Audiology extern" means a student engaged in the clinical experience component of an audiology doctoral degree program.

(5) "Auditory brainstem response" or "ABR" means an objective electrophysiologic measurement of the brainstem's response to the ear when stimulated with a click sound or tone burst.

(6) "Automated auditory brainstem response" or "AABR" means an automatic ABR resulting in a pass/refer outcome.

(7) "JCIH Guidelines" means "Year 2019 Position Statement: Principles and Guidelines for Early Hearing Detection and Intervention Programs" published by the Joint Committee on Infant Hearing.

(8) "Office" or "OCSHCN" is defined by KRS 211.645(2).

(9) "Otoacoustic emissions" means an objective physiological test method for measuring responses elicited directly from the cochlea.

Section 2. Eligibility Criteria for Centers.

(1) In order to be eligible for designation as a Level 1 infant audiological assessment and diagnostic center, an entity located in Kentucky shall:

(a) Employ at least one (1) audiologist who:

1. Is currently licensed pursuant to KRS Chapter 334A;

2. Has experience testing children in the age range newborn to three (3) years; and

3.

a. Performs all evaluations; or

b. Directly supervises audiology externs performing evaluations;

(b) Possesses[~~Possessess~~] the capacity to complete the following tests:

1. Otoscopic examination;

2. Tympanometry;

3. Ipsilateral acoustic reflex measurement;

4. Contralateral acoustic reflex measurement;

5. Ear-specific behavioral observation audiometry;

6. Speech awareness threshold;

7. Speech recognition or reception threshold;

8. Play audiometry; and

9. Either:

a. Otoacoustic emissions with diagnostic or screening capabilities; or

b. ABR screening;

(c) Annually calibrate all measuring and testing equipment; and

(d) Submit a complete application and assurance packet in accordance with Section 3 of this administrative regulation.

(2) In order to be eligible for designation as a Level 2 infant audiological Assessment and diagnostic center, an entity located in Kentucky shall:

(a) Meet the requirements specified in subsection (1) of this section; and

(b) Possess the capacity to complete:

1. Otoacoustic emissions with diagnostic or screening capabilities;

2. Frequency-specific ABR;

3. Bone conduction ABR; and

4. Real ear measures.

Section 3. Application Process.

(1) An entity seeking designation as an infant audiological assessment and diagnostic center shall submit to OCSHCN a completed application packet containing:

(a) Completed and signed form OCSHCN-E106, Potential Infant Audiological Assessment and Diagnostic Center Questionnaire;

(b) Copies of current professional licenses for audiologists performing evaluations;

(c) Copies of current calibration certificates for audiological testing equipment; and

(d) Copies of policies and procedures for tests and measures requested on the OCSHCN-E106, Potential Infant Audiological Assessment and Diagnostic Center Questionnaire.

(2) OCSHCN shall review an entity's application within thirty (30) calendar days Of receiving a complete packet submitted in accordance with subsection (1) of this Section.

(3) Upon review of an entity's application packet, OCSHCN's executive director or designee shall approve the entity as a Level 1 Infant Audiological Assessment and Diagnostic Center if:

(a) The entity meets the requirements specified in Section 2(1) of this administrative regulation; and

(b) OCSHCN determines that the entity's policies and procedures conform to best practice standards as described in JCIH Guidelines and:

1. AAA Guidelines; or

2. ASHA Guidelines.

(4) Upon review of an entity's application packet, OCSHCN's executive director or designee shall approve the entity as a Level 2 Infant Audiological Assessment and Diagnostic Center if:

(a) The entity meets the requirements specified in Section 2(2) of this Administrative regulation; and

(b) OCSHCN determines that the entity's policies and procedures conform to best practice standards as described in JCIH Guidelines and:

1. AAA Guidelines; or

2. ASHA Guidelines.

(5) If OCSHCN's executive director or designee determines that the entity does not meet the requirements specified in Section 2 of this administrative regulation, OCSHCN shall:

(a) Advise the entity and request clarifying information; or

(b) Deny the designation as an Infant Audiological Assessment and Diagnostic Center and notify the entity of appeal rights pursuant to Section 8 of this administrative Regulation.

(6) Approvals shall expire on December 31 of odd-numbered years. All entities seeking continued approval shall re-apply by December 1 of that year in accordance with this section.

Section 4. Publication of Approved List.

(1) In accordance with KRS 211.647, OCSHCN shall maintain a current listing of all approved Infant Audiological Assessment and Diagnostic Centers, with contact information.

(2) OCSHCN shall make the listing public through the following methods:

(a) Posting on its agency Web site, https://chfs.ky.gov/agencies/ocshcn[~~http://chfs.ky.gov/agencies/ccshcn~~];

(b) Providing to the Cabinet for Health and Family Services, Office of Administrative and Technology Services, for inclusion on the KY-CHILD electronic information system used by birthing hospitals and centers;

(c) Enclosing as an attachment to correspondence with parents; and

(d) Mailing a listing to birthing hospitals and centers upon request.

Section 5. Removal from Approved List and Updates Required.

(1) OCSHCN shall remove an entity from the approved list and notify the entity of the removal if the entity requests removal.

(2) If OCSHCN receives a complaint that an entity no longer meets the requirements of Section 2 of this administrative regulation, OCSHCN shall:

(a) Advise the entity of the complaint;

(b) Request clarifying information from the entity;

(c) Review any information received; and

(d) Determine whether the entity meets the eligibility requirements of Section 2 of this administrative regulation.

(3) If OCSHCN determines that the entity no longer meets the eligibility requirements, the office shall:

(a) Notify the entity of appeal rights pursuant to Section 8 of this administrative regulation; and

(b) Remove the entity from the approved list.

(4) Following approval, an Infant Audiological Assessment and Diagnostic Center shall provide documentation via form OCSHCN-E107, Infant Audiological Assessment and Diagnostic Center Program Modification, if the changes in circumstances occur:

(a) Employment or termination of employment of an audiologist;

(b) Change in licensure status of an audiologist;

(c) Relocation of agency, name change, or addition of a location; or

(d) Modification to policy or procedure with regard to evaluations described in Section 2 of this administrative regulation.

Section 6. Reporting Requirements.

(1) Upon completion of diagnostic testing of an infant or child aged birth to three (3) years described in KRS 211.647(5), an approved Infant Audiological Assessment and Diagnostic Center shall report to OCSHCN via form OCSHCN-E3:

(a) Identifying and demographic information;

(b) Results of the follow-up audiological evaluation; and

(c) Documentation of the referral required by KRS 211.647(5).

(2) An approved Infant Audiological Assessment and Diagnostic Center shall submit information specified in subsection (1) of this section electronically via the KY-CHILD electronic information system for permanent hearing loss, within forty-eight (48) hours of evaluation, in accordance with KRS 211.647, via form OCSHCN-E3.

(3) Scheduled appointments which are not kept by families shall be marked in the KY-CHILD electronic information system as no-show within four (4) calendar days if not rescheduled.

Section 7. Resource and Informational Materials. OCSHCN shall make available to families of all newborns and children ages birth to three (3) years identified as having permanent hearing loss information provided by the Kentucky Commission on the Deaf and Hard of Hearing.

Section 8. Appeal Rights. An entity denied designation as an Infant Audiological Assessment and Diagnostic Center or which has been removed from the approved list may request an administrative hearing from the Office of Administrative Hearings within the Department of Law in accordance with KRS 15.111(2)(g) and KRS 13B.[in accordance with 911 KAR 1:090.]

Section 9. Approved Methods of Auditory Screening for Newborn Infants and Children Ages Birth to Three (3) Years.

(1) Auditory screenings pursuant to KRS 216.2970(1) shall include at least one (1) of the following physiological tests:

(a) AABR; or

(b) Otoacoustic emissions.

(2) Auditory screening reports shall:

(a) Document the results of physiological tests conducted;

(b) Document the presence of any risk factors pursuant to KRS 211.645(5); and

(c) Be submitted via the KY-CHILD electronic information system

Section 10. [.]Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Clinical Guidance Document Assessment of Hearing in Infants and Young Children", 1/2020;

(b) "OCSHCN-E106, Potential Infant Audiological Assessment and Diagnostic Center Questionnaire", 03/2025[6/2022];

(c) "OCSHCN-E107, Infant Audiological Assessment and Diagnostic Center Program Modification",03/2025[6/2022];

(d) "Guidelines for the Audiologic Assessment of Children From Birth to 5 Years of Age" 2004 American Speech-Language-Hearing Association;

(e) "Year 2019 Position Statement: Principles and Guidelines for Early Hearing Detection and Intervention Programs" Joint Committee on Infant Hearing; and

(f) "OCSHCN-E3 Audiology Update Form (AUF) Worksheet",***04/2026***[***03/2025***][6/2022].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for Children with Special Health Care Needs, 310 Whittington Parkway, Suite 200, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. or online at the agency's Web site at https://chfs.ky.gov/agencies/ocshcn[https://chfs.ky.gov/agencies/ccshcn].

(3)

(a) The material in paragraph (a) is available online athttps://www.audiology.org/practice-guideline/clinical-guidance-document-assessment-ofhearing-in-infants-and-young-children.

(b) The materials in paragraph (b), (c), (d), (e), and (f) is available online at the agency's website at https://www.chfs.ky.gov/agencies/ocshcn/Pages/Incorporated.aspx

JOHN R. LANGEFELD, MD, Commissioner
STEVEN J. STACK, MD, MBA., Secretary
APPROVED BY AGENCY: May 8, 2026
FILED WITH LRC: May 14, 2026 at 11:45 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Emily Allen/ Krista Quarles Phone Number: (502) 564-3568/(502) 564-7476 Email: Emily.Allen@ky.gov/CHFSregs@ky.gov
Subject Headings: Administrative Hearings, Audiology, Deaf and Hard of Hearing
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation assists in providing guidance that follow the Early Hearing Detection and Invention Act and state authority.
(b) The necessity of this administrative regulation: This amended regulation is necessary to ensure that agencies receiving Early Hearing Detection and Intervention Act funding are adhering to the same guidance and identification process for infant hearing loss.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment uses the authorized statutes as a base to build the guidance provided in this regulation. This amended regulation allows Kentucky to provide more up-to-date forms for clarity, the removal of reference to a repealed administrative regulation 911 KAR 1:090. In addition, this regulation updates the referenced OCSHCN website.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amended regulation removes reference to 911 KAR 1:090 as this regulation is being repealed and the reference in this administrative regulation is no longer necessary. In addition, there will be updates to necessary forms in order to provide clarity in application when applying to become an audiological diagnostic center.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation updates the process in which to file an appeal to the Early Hearing Detection and Intervention program as well as, updating necessary forms changing First Steps to Kentucky Early Intervention System (KEIS). The Amended After Comments version of this regulation revises the OCSHCN E-3 form to include ASSR testing and to update the clinical diagnosis to Auditory Neuropathy Spectrum Disorder. These changes reflect both the availability of this testing in the OCSHCN clinic and the accurate clinical diagnosis.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify the process of appeal for the Early Hearing Detection and Intervention Services. The Amended After Comments version of this regulation updates the OCSHCN E-3 form to allow documentation of testing for patients who undergo ASSR testing. It also replaces the term "Auditory Dys-Synchrony" with "Auditory Neuropathy Spectrum Disorder" to reflect current clinical diagnostic terminology.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statue to ensure there is a policy in place in the instance that an

appeal is deemed necessary.
(d) How the amendment will assist in the effective administration of the statutes: The amendment of the administrative regulation will assist with effective administration of the statute outlining the appeal process.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2023, Senate Bill 48
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Office for Children with Special Health Care Needs; Children with special health care needs and their families; and 12 Kentucky assessment and diagnostic audiological centers.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The agencies above will need to ensure they meet the specified expectations in the updated reference materials. These amendments are to update practice reference materials that take into account newer procedural standards.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The proposed amended regulation will cost the agencies a minimal amount if not an actual reduction in costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This amended regulation should result in more updated practice references for providers.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to the cabinet to implement this administrative regulation.
(b) On a continuing basis: There will be no cost to the cabinet to implement this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Early Hearing Detection and Intervention Act funding, and state funds.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Not applicable.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.
(10) TIERING: Is tiering applied? There is no tiering for this program as there are no fees related to this program or regulation.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.: 42 U.S.C. 280g-1, KRS 194A.030(5), 194A.050(1), 211.647(3), 216.2970(1), 7.136(2)
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office for Children with Special Health Care Needs and the Early Detection and Intervention Services within the Cabinet for Health and Family Services.
(a) Estimate the following for the first year:
Expenditures: This administrative regulation will not impact expenditures for the Office for Children with Special Health Care Needs. The Amended After Comments version will not impact expenditures for the Office for Children with Special Health Care Needs.
Revenues: This administrative regulation will not impact revenues for the Office for Children with Special Health Care Needs. The Amended After Comments version will not impact revenues for the Office for Children with Special Health Care Needs.
Cost Savings: This administrative regulation will not impact on cost saving for the Office for Children with Special Health Care Needs. The Amended After Comments version will not impact cost savings for the Office for Children with Special Health Care Needs.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no change in expenditures, revenues, or cost savings in subsequent years. The Amended After Comments version will not impact expenditures, revenues, or costs savings in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities. The Amended After Comments version will not impact local entities for the Office for Children with Special Health Care Needs.
(a) Estimate the following for the first year:
Expenditures: Not applicable
Revenues: Not applicable
Cost Savings: Not applicable
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable.
(4) Identify additional regulated entities not listed in questions (2) or (3): Kentucky assessment and diagnostic audiological centers.
(a) Estimate the following for the first year:
Expenditures: Not applicable
Revenues: Not applicable
Cost Savings: Not applicable
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no change in subsequent years. The Amended After Comments version will not impact expenditures, revenues, or cost savings in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation will not have a fiscal impact. The Amended After Comments version will not have a fiscal impact on this administrative regulation.
(b) Methodology and resources used to determine the fiscal impact: The programs outlined in the administrative regulation are already in existence and there will be no additional fiscal impact on the proposed amendments. The Amended After Comments version will not change the programs outlined in the administrative regulation, there will be no additional fiscal impact.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This administrative regulation does not have a major economic impact. The Amended After Comments version will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: The programs outlined in the administrative regulation are already in existence and there will be no additional fiscal impact on the proposed amendments. The Amended After Comments version does not adapt the programs outlined in the administrative regulation that are already in existence therefore, there will be no additional fiscal impact.

PROPOSED AMENDMENTS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

DEPARTMENT OF TREASURY
Kentucky State Treasurer's Office
Unclaimed Property Division
(Amendment)

20 KAR 1:020. Unclaimed property; definitions; location of owners.

RELATES TO: KRS 393A.560[~~393.280(2)~~]
STATUTORY AUTHORITY: KRS 393A.030[~~393.280~~]
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: This administrative regulation sets out definitions for this and all administrative regulations relating to KRS Chapter 393 and 393A, and establishes a policy to locate owners of unclaimed property.

Section 1. The department shall make reasonable efforts to locate the owners of unclaimed property reported to the department such as:
(1) Contracted services with established firms, credit bureaus, telephone networking companies;
(2) Intergovernmental agency agreements;
(3) Use of computerized information on telephone lists, directories, voter information, privately and public compiled datasets or other available data;
(4) Civic or professional meetings or gatherings; or
(5) Public media and printed material.

MARK H. METCALF, Kentucky State Treasurer
APPROVED BY AGENCY: May 15, 2026
FILED WITH LRC: May 15, 2026 at 11:00 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 24, 2026, at 2:00 p.m., at 1050 US Highway 127 South, Suite 100, 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: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Russell Webber, Phone: (502) 564-8824, Email: Russell.Webber@ky.gov
Subject Headings: Financial Responsibility, Treasurer, State, Uniform Laws and Standards
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes a policy to locate owners of unclaimed property owners and the tools at the agencies disposal.
(b) The necessity of this administrative regulation: This administrative regulation is needed to establish the agencies intentions and the available resources for it to conduct its mission.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is restricted to that which is allowed by the provisions of KRS 393A.030.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the necessary guidance and framework for the agency to conduct its lawful activities and obligations.
(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 update the regulation to be consistent with the current law and practices of the Kentucky State Treasury.
(b) The necessity of the amendment to this administrative regulation: It is essential that the regulation be updated to conform to the current state of the law and the practices of the Kentucky State Treasury.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment accurately reflects the current state of the law and the practices of the Kentucky State Treasury.
(d) How the amendment will assist in the effective administration of the statutes: Without the amendment, the regulation would be inaccurate and potentially misleading to the citizens of the Commonwealth of Kentucky, leading to confusion and error.
(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: Kentucky State Treasury
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The Kentucky State Treasury will be required to make reasonable efforts to locate the owners of unclaimed property.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This amendment of this existing administrative regulation will not increase the costs associated with the Kentucky State Treasury in any way.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): None.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No change.
(b) On a continuing basis: No change.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The legislatively approved budget of the Kentucky State Treasury.
(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 fees or funding will be required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? No. All entities are treated the same no matter their situation.

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 61.876; KRS 393A.030
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 393A.030 specifically authorizes the promulgation of administrative regulations.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky State Treasury, Unclaimed Property Division
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
2. Revenues:
For the first year: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
3. Cost Savings:
For the first year: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
For subsequent years: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: No impact.
(b) Methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.
(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 will NOT have a "major economic impact", as defined by KRS 13A.010.
(b) The methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.

DEPARTMENT OF TREASURY
Kentucky State Treasurer's Office
Unclaimed Property Division
(Amendment)

20 KAR 1:030. Unclaimed property; escheating.

RELATES TO: KRS 393A.030, 393A.040, 393A.050, 393A.060, 393A.070, 393A.080, 393A.090, 393A.100, 393A.110, 393A.220, 393A.230, 393A.240, 393A.250, 393A.260[~~393.090, 393.110~~]
STATUTORY AUTHORITY: KRS 393A.030[~~393.280~~]
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: This administrative regulation sets out the time when unclaimed property may be claimed by the rightful owner prior to escheating to the department. It also requires the holder to furnish the department a list setting out specific items that have been returned to the rightful owner.

Section 1. If the rightful owner of unclaimed property claims his property between July 1 and August 1, the holder shall not report such property because the presumption of abandonment as of July 1 no longer exists.

Section 2. If the rightful owner or legal claimant of property reported as presumed abandoned establishes his claim between August 1 and January 1, the holder shall certify by sworn statement to the department the specific items which have been returned to the rightful owner or legal claimant and, therefore, are not subject to escheat.

MARK H. METCALF, Kentucky State Treasurer
APPROVED BY AGENCY: May 15, 2026
FILED WITH LRC: May 15, 2026 at 11:00 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 24, 2026, at 2:00 p.m., at 1050 US Highway 127 South, Suite 100, 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: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Russell Webber, Phone: (502) 564-8824, Email: Russell.Webber@ky.gov
Subject Headings: Financial Responsibility, Treasurer, State, Uniform Laws and Standards Subject Headings: Consumer Affairs, Corporations, Finance and Administration, Financial Responsibility, Organizations, Business, Securities, Treasurer, State, Uniform Laws and Standards, Wills, Trusts, Estates
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation sets out the time when unclaimed property may be claimed by the rightful owner prior to escheating to the Kentucky State Treasury. It also requires the holder to furnish the Treasury a list setting out specific items that have been returned to the rightful owner.
(b) The necessity of this administrative regulation: This

administrative regulation is needed to clarify Holder responsibilities during and after the end of the statutorily set reporting period.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is restricted to that which is allowed by the provisions of KRS 393A.030.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the necessary guidance and framework for the agency to conduct its lawful activities and obligations.
(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 update the regulation to be consistent with the current law and practices of the Kentucky State Treasury.
(b) The necessity of the amendment to this administrative regulation: It is essential that the regulation be updated to conform to the current state of the law and the practices of the Kentucky State Treasury.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment accurately reflects the current state of the law and the practices of the Kentucky State Treasury.
(d) How the amendment will assist in the effective administration of the statutes: Without the amendment, the regulation would be inaccurate and potentially misleading to the citizens of the Commonwealth of Kentucky, leading to confusion and error.
(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 Holders of unclaimed property and the Kentucky State Treasury. (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:
(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: Holders will be required to certify by sworn statement to the Kentucky State Treasury the specific items which have been returned to the rightful owner or legal claimants.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This amendment of this existing administrative regulation will not increase the costs associated with the Holders of unclaimed property.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): None.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No change.
(b) On a continuing basis: No change.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The legislatively approved budget of the Kentucky State Treasury.
(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 fees or funding will be required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? No. All entities are treated the same no matter their situation.

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 61.876; KRS 393A.030
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 393A.030 specifically authorizes the promulgation of administrative regulations.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky State Treasury
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
2. Revenues:
For the first year: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
3. Cost Savings:
For the first year: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
For subsequent years: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: No impact.
(b) Methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.
(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 will NOT have a “major economic impact”, as defined by KRS 13A.010.
(b) The methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.

DEPARTMENT OF TREASURY
Kentucky State Treasurer's Office
Unclaimed Property Division
(Amendment)

20 KAR 1:040. Unclaimed properties; claims.

RELATES TO: KRS 393A.010, 393A.030, 393A.040, 393A.050, 393A.060, 393A.070, 393A.080, 393A.090, 393A.100, 393A.110[~~393.010, 393.040, 393.110, 393.130, 393.140, 393.150~~]
STATUTORY AUTHORITY: KRS 393A.030[~~393.280(4)~~]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 393A.030[~~393.280(4)~~] allows the State Treasurer to promulgate administrative regulations and any reasonable and necessary rules for the enforcement of KRS Chapter 393 and 393A. KRS 393A.040(5)(c)[~~393.130~~] allows the holder of unclaimed property or the Division of Unclaimed Property, Kentucky Department of Treasury, to turn that property over to a claimant upon proper proof. This administrative regulation establishes requirements for claims for unclaimed property.

Section 1. Entities to Whom Claims Shall Be Filed.
(1) A claim for unclaimed property held in an interest-bearing demand, savings or time deposit held in an account assignable to the Department of the Treasury under KRS 393A.040(5)(a)[~~393.130(5)~~] shall be filed in writing with the holder of the unclaimed property.
(2) A monetary claim for unclaimed property not held in an interest-bearing demand, savings or time deposit account shall be filed in writing by electronic submission through the designated online portal with[~~either~~] the Department of the Treasury or in writing with the holder who remitted the unclaimed property to the Department of the Treasury.
(3) All other claims for unclaimed property shall be made by electronic submission through the designated online portal in writing and filed with the department.

Section 2. Proof.
(1) Upon receipt of a claim for unclaimed property which has been transferred to the department by the apparent owner or a holder seeking to recover money paid to an apparent owner, the Department of the Treasury shall determine whether or not there is sufficient proof that the claimant is entitled to the claimed property.
(2) Documentation to prove ownership may consist of one (1) of the following:
(a) Driver's license or other government-provided picture identification;
(b) A document proving Social Security number;
(c) Copy of birth certificate;
(d) If the owner of the property is deceased, a copy of death certificate and one (1) of the following:
1. Copy of probate distribution;
2. Copy of an order of the court appointing an administrator to an estate;
3. A copy of an order from the court dispensing with administration; or
4. A small estate affidavit;
(e) Copy of marriage certificate;
(f) Copy of divorce decree;
(g) A signature verification card of a financial institution; or
(h) Copy of guardianship or trust agreement.
(3) If the claimant documents that the items required by subsection (2) of this section are not available or not applicable, the claimant may submit for consideration use other documentation in support of the claim including the following:
(a) An income tax return;
(b) Adoption records;
(c) Court records;
(d) A certificate of deposit;
(e) Stale dated checks;
(f) Public or business records;
(g) Copy of documentation providing a connection with the reported address or business for the year cited as the "Date of Last Transaction" in the holder's report;
(h) Newspaper articles including a marriage announcement, birth or obituary notice;
(i) Family or church records;
(j) Personal correspondence; or
(k) A notarized affidavit executed by an individual other than the claimant having knowledge of a claim.
(4) In addition to the items required by subsection (2) of this section, additional evidence which may be considered by the Department of the Treasury to establish ownership for property valuing over $400 shall include:
(a) For a checking account:
1. A check showing the account number for that bank; or
2. A statement on that account which contains the account number;
(b) For a savings account:
1. A copy of the passbook showing the account number; or
2. Correspondence referencing the account number;
(c) For a safe deposit box:
1. A copy of the safe deposit box rental receipt; or
2. Correspondence referencing that rental;
(d) For wages, a copy of:
1. A W-2 form;
2. Tax records;
3. Pay stub; or
4. Correspondence relating to that employment;
(e) For stocks or dividends:
1. A copy of a stock certificate of the business entity reported;
2. Correspondence relating to the stock certificate; or
3. A statement from the broker showing ownership of that stock;
(f) For a bearer bond:
1. If the Department of the Treasury holds the original bond, a copy of the bond or information that establishes the claimant's relationship to the bonds; or
2. If the Department of the Treasury held the original bond but sold the bond pursuant to statute, the claimant shall use evidence which establishes ownership of the bond, including:
a. A copy of the bond; or
b. A list of serial numbers and a relationship to the holder;
(g) For a certificate of deposit:
1. A copy of the certificate of deposit; or
2. A record of purchase;
(h) For insurance:
1. A copy of the policy; or
2. Correspondence relating to that policy;
(i) For court funds, a copy of the court decree or court order for the case that was the source of the funds, including but not limited to:
1. Probate;
2. Condemnation;
3. Quiet title;
4. Divorce;
5. Child support; or
6. Appearance bond;
(j) For vendor checks:
1. A copy of accounts receivable billing, or invoices;
2. Bills of lading;
3. Correspondence with the holder reporting and remitting the funds that show a business relationship for each payment; or
4. A statement that the funds are still considered to be due and owing on the account;
(k) For a claim by an heir of a listed owner:
1. Final decree of probate; or
2. If the estate is intestate:
a. An order of the court dispensing with administration; or
b. A court order appointing an administrator to the estate and a letter from the administrator of the estate allowing the release of the property from the estate;
(l) For cashier's checks, the payee shall tender proof of identity as the owner, unless the purchaser submits sufficient documentation to prove a superior claim; or

(m) For a claim where ownership cannot be established by proof as required by paragraphs (a) through (l) of this subsection, the Department of the Treasury may accept alternative proof to establish ownership.

(5)

(a) A claim by a finder or agent of a listed owner shall be based on a notarized contract with the owner or heir of the owner. The Department of the Treasury may contact the owner or claimant to verify that the owner or the claimant is aware of the full amount of unclaimed property involved.

(b) The finder or agent shall provide to the Department of the Treasury:

1. A notarized copy of the contract showing names, current addresses, and Social Security numbers or Federal Employer Identification numbers of all parties to the contract;

2. A notarized affidavit from the claimant stipulating that the finder or agent has explained to the claimant the law on unclaimed properties and that unclaimed property due the claimant may be claimed without a fee, free and simple; and

3. The same documentation that the claimant of the unclaimed property would otherwise have to exhibit in order to show proper proof of entitlement to the unclaimed property.

(6)

(a) Payment of claims valued at $4,999.99 and below shall be authorized upon review of documentation submitted by the claimant and approval by two (2) Treasurer-designated Department of the Treasury employees.

(b) Payment of claims valued above $4,999.99 shall be authorized upon review of documentation submitted by claimant and approval by three (3) Treasurer-designated Department of the Treasury employees.

(c) Payment shall be made:

1. In the name of, and mailed to, the established owner; or

2. To the executor, executrix, administrator, administratrix of the estate or personal representative; the court appointed guardian; or to an heir for distribution to other heirs, if any.

Section 3. Stock Certificates. A stock certificate received through a safe deposit box or directly from a holder shall be released to the rightful owner by one (1) of the following methods:

(1) Stock certificate in the owner's name;

(2) Stock certificate in the name of the Department of the Treasury with an affidavit ready for transfer to the owner;

(3) Payment of money received for the certificate if the stock has been redeemed by the issuer or has been sold in accordance with state law; or

(4) If the stock certificate is obsolete and in the original owner's name, the stock certificate shall be transferred directly to the owner. If the original owner is deceased, the lawful heirs shall determine disposition.

(5) Nothing in this section shall be construed to prevent the Department from effectuating the intended transfer by electronic means.

Section 4. Duty of Holder Who Receives Claim.

(1) If a claim for unclaimed property is made to a holder, the holder may direct the claimant to the Department of the Treasury for review and payment of the claim.

(2) If the holder chooses to consider the claim for payment, the holder shall, prior to paying the claim, inquire in writing to the Department of the Treasury to determine whether there have been any other competing claims for that property.

(3) The Department of the Treasury shall respond to the holder in writing within ten (10) business days of receipt of the inquiry indicating whether another claim has been paid out for the property at issue or whether there is a competing claim pending. If there is a competing claim or if another claim has been paid out for the property at issue, the Department of the Treasury shall notify:

(a) The holder and the holder shall not pay the claimant; and

(b) The claimant in writing of his right to request a hearing on his claim.

Section 5. Payment of Claim.

(1) If a claimant submits a claim for unclaimed property to a holder, and the holder determines that the claimant is entitled to the property and that there have been no other competing claims paid out of the same property, the holder may pay the claimant.

(2) If the property was not held in an interest-bearing demand, savings or time deposit account, and if the property has already been turned over to the Department of the Treasury, the holder shall be reimbursed by the Department of the Treasury for a claim paid if the holder submits:

(a) Written confirmation from the Department of the Treasury that the Department of the Treasury was contacted prior to the payment of the claim to determine if there were any conflicting claims or if there were any prior paid claims on the property;

(b) An affidavit which identifies the proof used to determine that the claimant was entitled to the property. The proof shall meet the requirements established in Section 2 of this administrative regulation. A copy of the proof relied on shall be attached to the affidavit; and

(c) Proof that payment was made to the claimant.

MARK H. METCALF, Kentucky State Treasurer

APPROVED BY AGENCY: May 15, 2026

FILED WITH LRC: May 15, 2026 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 24, 2026, at 2:00 p.m., at 1050 US Highway 127 South, Suite 100, 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: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Russell Webber Phone: (502) 564-8824 Email: Russell.Webber@ky.gov

Subject Headings: Consumer Affairs, Corporations, Finance and Administration, Financial Responsibility, Securities, Treasurer, State, Uniform Laws and Standards, Wills, Trusts, Estates

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for claims for unclaimed property.

(b) The necessity of this administrative regulation: This administrative regulation is needed to establish clarity and insight into the process of claiming unclaimed property.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is restricted to that which is allowed by the provisions of KRS 393A.030.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the necessary guidance and framework for the agency to conduct its lawful activities and obligations.

(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 update the regulation to be consistent with the current law and practices of the Kentucky State Treasury.

(b) The necessity of the amendment to this administrative regulation: It is essential that the regulation be updated to conform to the current state of the law and the practices of the Kentucky State Treasury.

(c) How the amendment conforms to the content of the authorizing

statutes: The amendment accurately reflects the current state of the law and the practices of the Kentucky State Treasury.
(d) How the amendment will assist in the effective administration of the statutes: Without the amendment, the regulation would be inaccurate and potentially misleading to the citizens of the Commonwealth of Kentucky, leading to confusion and error.
(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 claimants of unclaimed property and the Kentucky State Treasury.
(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: Claimants of unclaimed property will be required to conform their claims to the law of the Commonwealth of Kentucky and 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 amendment of this existing administrative regulation will not increase the costs associated with the Kentucky State Treasury in any way.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): None.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No change.
(b) On a continuing basis: No change.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The legislatively approved budget of the Kentucky State Treasury.
(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 fees or funding will be required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? No. All entities are treated the same no matter their situation.

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 61.876; KRS 393A.030
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 393A.030 specifically authorizes the promulgation of administrative regulations.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky State Treasury
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
2. Revenues:
For the first year: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
3. Cost Savings:
For the first year: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
For subsequent years: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: No impact.
(b) Methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.
(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 will NOT have a "major economic impact", as defined by KRS 13A.010.
(b) The methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.

DEPARTMENT OF TREASURY
Kentucky State Treasurer's Office
Unclaimed Property Division
(Amendment)

20 KAR 1:050. Unclaimed property; examination of holder records.

RELATES TO: KRS 393A.030, 393A.520, 393A.560, 393A.570[~~393.010, 393.110, 393.160, 393.280~~]
STATUTORY AUTHORITY: KRS 393A.030[~~393.280~~]
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: This administrative regulation relates to the examination of holder records by the department if any holder fails to make a full and complete report of property as required by KRS Chapter 393A[~~393~~].

Section 1. If any holder fails to make a full and complete report of property as required by KRS Chapter 393A[~~393~~], the department, after giving notice as provided in subsection (1) of this section, may examine the records and other accounts of the holder.

(1) The department shall notify the holder in writing ten (10) days prior to an examination. However, if the department determines that the existence of the records may be placed in jeopardy unless action is taken forthwith, the department may examine all records immediately without any prior notice.

(2) The examination may include:

(a) Records of current accounts, dormant accounts, and accounts that may have been closed and archived;

(b) Verification of contractual agreements between depositors and the final organization regarding the deduction of service charges, account increases or decreases, and the cessation of interest payments; and

(c) In addition to the examination of unclaimed accounts and contractual agreements, the examiner may review the holder's annual procedures for reviewing dormant accounts.

(3) The department shall have reason to believe that a holder has failed to comply with the reporting requirements of KRS Chapter 393A[~~393~~] and may examine the records of the holder if one (1) of the following conditions exist:

(a) A holder has not submitted a report to the department;

(b) A holder has submitted reports to the department in which the holder's report states it has no unclaimed property;

(c) A holder fails to report types of unclaimed property normally reported by like businesses or associations;

(d) When amounts on the holder's report or amounts remitted from the holder are not comparable to reports received from like holders; and

(e) When information is provided by other governmental agencies or reliable sources that a holder may be holding unclaimed property that has not been reported.

(4) When a holder's records do not exist or are insufficient for examination, the department may apply sampling and estimation procedures to determine a holder's liability. These procedures will be applied in accordance with standards of the American Institute of Certified Public Accountants (AICPA) and the United States General Accounting Office (USGAO).

(5)[~~(4)~~] At the completion of an examination a statement of examination findings and proposed adjustments shall be delivered to the holder. The statement shall be delivered by the department by hand, electronic mail or by certified mail. The statement shall contain sufficient information to make the holder aware of his reporting obligations and legal options.

(6)[~~(5)~~] The holder shall have thirty (30) days in which to review the examination findings and proposed adjustments to the findings. No later than thirty (30) days of the date of the statement, the holder shall cause to be generated an amended annual report. If the holder disagrees on the facts, he shall file an official written protest within the thirty (30) day period or the amount as set out by the statement will become absolute and final and be immediately due and payable. The protest shall be filed with the department and shall set out a clear and concise assignment of any error alleged to have been committed by the department in its examination or its statement. The holder may request an administrative hearing in its protest.

MARK H. METCALF, Kentucky State Treasurer

APPROVED BY AGENCY: May 15, 2026

FILED WITH LRC: May 15, 2026 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 24, 2026, at 2:00 p.m., at 1050 US Highway 127 South, Suite 100, 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: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Russell Webber, Phone: (502) 564-8824, Email: Russell.Webber@ky.gov

Subject Headings: Appeals and Hearings, Archives and Records, Consumer Affairs, Corporations, Finance and Administration, Financial Responsibility, Penalties, Organizations, Business, Securities, Treasurer, State, Uniform Laws and Standards.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation relates to the examination of holder records by the Kentucky State Treasury if any holder fails to make a full and complete report of property as required.

(b) The necessity of this administrative regulation: This administrative regulation is needed to establish clarity and insight into the process of examining the records of Holders.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is restricted to that which is allowed by the provisions of KRS 393A.030.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the necessary guidance and framework for the agency to conduct its lawful activities and obligations.

(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 update the regulation to be consistent with the current law and practices of the Kentucky State Treasury.

(b) The necessity of the amendment to this administrative regulation: It is essential that the regulation be updated to conform to the current state of the law and the practices of the Kentucky State Treasury.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment accurately reflects the current state of the law and the practices of the Kentucky State Treasury.

(d) How the amendment will assist in the effective administration of the statutes: Without the amendment, the regulation would be inaccurate and potentially misleading to the citizens of the Commonwealth of Kentucky, leading to confusion and error.

(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 Holders of unclaimed property and the Kentucky State Treasury.

(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: Holders of unclaimed property will be required to produce records for the Kentucky State Treasury to examine.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This amendment of this existing administrative regulation will not increase the costs associated with the Kentucky State Treasury or the Holders of unclaimed property in any way.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): None.

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

(a) Initially: No change.

(b) On a continuing basis: No change.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The legislatively approved budget of the Kentucky

State Treasury.
(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 fees or funding will be required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? No. All entities are treated the same no matter their situation.

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 61.876; KRS 393A.030
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 393A.030 specifically authorizes the promulgation of administrative regulations.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky State Treasury
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
2. Revenues:
For the first year: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
3. Cost Savings:
For the first year: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
For subsequent years: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: No impact.
(b) Methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.
(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 will NOT have a "major economic impact", as defined by KRS 13A.010.
(b) The methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.

DEPARTMENT OF TREASURY
Kentucky State Treasurer's Office
Unclaimed Property Division
(Amendment)

20 KAR 1:060. Unclaimed property; safe deposit boxes or other safekeeping repositories.

RELATES TO: KRS 393A.010, 393A.040, 393A.050, 393A.060, 393A.070, 393A.080, 393A.090, 393A.100, 393A.110, 393A.220, 393A.400, 393A.410[~~393.010, 393.020, 393.050, 393.060, 393.062, 393.064, 393.090, 393.110, 393.120~~]
STATUTORY AUTHORITY: KRS 393A.030[~~393.280~~]
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: This administrative regulation relates to the reporting, inventory, safekeeping and liquidation of unclaimed property from holders who maintain safe deposit or other safekeeping repositories.

Section 1. Pursuant to KRS Chapter 393A[~~393~~], every holder maintaining safe deposit boxes or other safekeeping repositories located in the Commonwealth shall report to the department with an inventory of property in its possession which constitute unclaimed funds.
(1) An inventory report shall be submitted for each safe deposit box or safekeeping repository. Each report shall be signed by two (2) officials of the holding company who opened the safe deposit box or safekeeping repository and conducted the inventory. Each report shall include a statement containing the following information:
(a) The name, last known address, and Social Security number of owner;
(b) The expiration date of the lease or rental agreement for such safe deposit box or other safekeeping depository;
(c) The date of opening of such safe deposit box or other safekeeping repository;
(d) The number or identifying description of the safe deposit box or other safekeeping repository;
(e) A detailed list describing each item therein, including the corresponding safe keeping codes;
(f) The name and address of the holder reporting the property; and
(g) The names, signatures, and official positions of the two (2) holding company employees who opened the box and conducted the inventory.
(2) The property of each safe deposit box or safekeeping repository shall be placed in an individual self-sealing, clear envelope, bag or similar container[~~envelope~~]. A copy of the holder inventory report shall be placed in the clear envelope. The clear envelope shall be sealed and initialed on the reverse side by the two (2) holding company employees who conducted the inventory. The name of the owner of the box, date, and holder name shall be printed

on the reverse side of the clear envelope. Transparent sealing tape (of the strong bonding type) shall be placed over the flap of the envelope. A second copy of the holder inventory report shall be attached to the front of the clear envelope.

(3) A holder shall submit its unclaimed property report to the department by electronic submission through the department's designated online portal, in the format prescribed by the department.[The holder shall mail a copy of the report(s) and notify the department of pending delivery of property.]

(4) At least five (5) business days prior to the physical delivery of property, a holder shall notify the department of its intent to deliver the property. The notification shall include the anticipated date of delivery and the method of delivery.

(5) Property delivered to the department shall be packaged in a secure and appropriate manner based on the nature of the property to prevent damage, loss, or deterioration during handling and transit. Holders shall exercise reasonable care in the preparation and shipment of property, including items that may have monetary or sentimental value.

(6) Failure to comply with the requirements of this subsection may result in the department rejecting the report or delivery, requiring resubmission, or taking other action as authorized by KRS 393 and KRS 393A.

(7)[(4)] The holder shall be responsible for the secured delivery of the contents of each safe deposit box or other safekeeping repository to the department. The department may take direct delivery from the holder at the holder's place of business or residence.

Section 2. Upon receipt of the contents of the safe deposit box(es) or other safekeeping repository(ies)[, along with the inventory report(s)], the department shall review the inventory reports of property delivered and secure the properties in the vault. For those properties that are reported to contain coins and paper money, the Department shall[immediately] conduct an inventory of property delivered, verify holder report(s), and determine if the coins and paper money have numismatic value.[secure property in the department vault.]

(1) The inventory shall be conducted by two (2) department employees each of whom shall have the security of the property within the vault as one of their primary responsibilities[with appropriate supervision]. The Department shall not be required to inventory properties whose inventory does not indicate the presence of coins or paper money.

(2) The contents of each envelope inventoried will be separated into the following groups:

(a) BBOND Bearer Bonds;[TNG - jewelry with gemstones, watches and other valuables;]

(b) COIN Coins;[MNY - coins and paper money (foreign & domestic) which have numismatic value;]

(c) CRCY Currency;[STK - stock certificates;]

(d) DISK Electronic Media;[BND - U.S. Savings Bonds;]

(e) EMPY Empty;[INS - insurance policies;]

(f) FIRE Firearms;[CSH - Coins and paper money which do not have numismatic value;]

(g) JEWL Jewelry;[DST - items of no value; and]

(h) MILI Military Items;[OTH - military discharge, birth certificate; photos, etc.]

(i) MISC Miscellaneous Items;

(j) PAPR Papers;

(k) SAVB Savings Bonds;

(l) SILV Pure Silver;

(m) STCK Stock;

(n) STMP Stamps;

(o) TRVL Travelers Checks & Money Orders;

(p) WACH Watches, and;

(q) WILL Last Will and Testament.

(3) Each item shall be assigned an identification or serial number. A property tag shall be prepared for each group with an assigned owner identification or serial number, name of owner, and Social Security number if available.[The groups of tangible property will be placed in individually secured plastic bags. The groups of intangible property shall placed into folders.] The items will be placed together in a sealed container.

(4) A detailed department inventory statement shall be completed for each safety deposit box or safekeeping repository envelope received. The Department may use the inventory report provided by the Holder to satisfy this requirement when the presence of coins or paper money is not indicated. Each statement shall include the following information:

(a) The name and last known address of the owner(s);

(b) The name and address of holder reporting the property;

(c) Date of delivery and holder inventory;

(d) Date of holder inventory;

(e) Number or identifying description of the safe deposit box or safekeeping repository;

(f) Date of department inventory;

(g) A detailed list describing each item therein, separated into groups as stated in subsection (2) of this section;

(h) The assigned holder identification or serial number;

(i) The assigned owner identification or serial number; and

(j) The department shall audit the property against the inventory. Two (2) department employees who conducted the inventory shall verify the accuracy of the property and shall evidence such verification by initialing the activity within the department's system.[An official note signed by department employees, who conducted the inventory, verifying accuracy of holder report. The note shall be signed for approval by a supervisor.]

(k) Nothing in this section shall be construed to prevent the Department from effectuating these procedures through an electronic means or format.

(5) Property shall be secured in the department vault for safekeeping purposes. Tangible property shall be retained for a period of three (3) years and then may be put to public auction, pursuant to KRS Chapter 393A[393], and proceeds, less costs, paid to the state. Intangible property shall be retained for a period of one (1) year, then liquidated and the proceeds, less costs, paid to the state. Owners of property shall be credited for the amount received through liquidation or auction.

(a) Coins and paper money not of numismatic value shall be deposited for the state immediately and a copy of all documentation reasonably necessary to verify the deposit amount and date shall be linked to the owner in the Department's electronic tracking software and maintained in any other way they deem appropriate and necessary[the pay-in voucher placed in owner's file];

(b) Miscellaneous papers or property of no value shall be retained for a period of three (3) years and, then, destroyed.

(c) The Kentucky Historical Society may[shall] be contacted for determination of items of historical value. Papers or property determined to have historical value shall be retained and may be loaned to the society.

(6) The department shall maintain an accurate inventory and essential information through entry into the computer.

(7) The department shall direct that two (2) employees be present at all times when handling property. Security of property in the vault shall be maintained by the following procedure:

(a) Two (2) employees shall receive written or verbal authorization from a supervisor prior to entry to the vault; and

(b) The employees shall maintain a log of:

1. Their entry time and date; exit time and date; and

2. Their purpose in accessing the vault for every instance.[state in writing the purpose, property to be handled, the time and date.]

MARK H. METCALF, Kentucky State Treasurer

APPROVED BY AGENCY: May 15, 2026

FILED WITH LRC: May 15, 2026 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 24, 2026, at 2:00 p.m., at 1050 US Highway 127 South, Suite 100, 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: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Russell Webber, Phone: (502) 564-8824, Email: Russell.Webber@ky.gov
Subject Headings: Consumer Affairs, Corporations, Finance and Administration, Financial Responsibility, Penalties, Organizations, Business, Securities, Treasurer, State, Uniform Laws and Standards.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation relates to the reporting, inventory, safekeeping and liquidation of unclaimed property from holders who maintain safe deposit or other safekeeping repositories.
(b) The necessity of this administrative regulation: This administrative regulation is needed to establish clarity and insight into the process of reporting safe deposit boxes to the Kentucky State Treasury as unclaimed property.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is restricted to that which is allowed by the provisions of KRS 393A.030.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the necessary guidance and framework for the agency to conduct its lawful activities and obligations.
(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 update the regulation to be consistent with the current law and practices of the Kentucky State Treasury.
(b) The necessity of the amendment to this administrative regulation: It is essential that the regulation be updated to conform to the current state of the law and the practices of the Kentucky State Treasury.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment accurately reflects the current state of the law and the practices of the Kentucky State Treasury.
(d) How the amendment will assist in the effective administration of the statutes: Without the amendment, the regulation would be inaccurate and potentially misleading to the citizens of the Commonwealth of Kentucky, leading to confusion and error.
(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 Holders of unclaimed property that is contained in safe deposit boxes and the Kentucky State Treasury.
(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: Holders of unclaimed property in safe deposit boxes will be required to report those items consistent with this amended 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 amendment of this existing administrative regulation will not increase the costs associated with the Kentucky State Treasury or the Holders of unclaimed property found in safe deposit boxes in any way.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): None.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No change.
(b) On a continuing basis: No change.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The legislatively approved budget of the Kentucky State Treasury.
(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 fees or funding will be required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? No. All entities are treated the same no matter their situation.

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 61.876; KRS 393A.030
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 393A.030 specifically authorizes the promulgation of administrative regulations.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky State Treasury
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
2. Revenues:
For the first year: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
3. Cost Savings:
For the first year: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
For subsequent years: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: No impact.

(b) Methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.
(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 will NOT have a "major economic impact", as defined by KRS 13A.010.
(b) The methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.

DEPARTMENT OF TREASURY
Kentucky State Treasurer's Office
Unclaimed Property Division
(Amendment)

20 KAR 1:070. Unclaimed property; administrative hearing, appeals process.

RELATES TO: KRS Chapter 13B, 393A.010, 393A.520, 393A.690[393.010, 393.160]
STATUTORY AUTHORITY: KRS 393A.030[393.280(4)]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 393A.030[393.280(4)] authorizes the State Treasurer to promulgate administrative regulations necessary to implement KRS Chapter 393A[393]. This administrative regulation establishes the appeals and administrative hearings process when a decision regarding unclaimed property adversely affects a person.

Section 1. A person adversely affected by a decision of a holder of unclaimed property regarding that property may request the department to review the holder's decision and make a determination regarding the claim.

Section 2. A claimant of unclaimed property whose claim is denied by the department may appeal the denial and request in writing an administrative hearing within thirty (30) days of the denial.
(1) Upon receipt of a written request for an administrative hearing, the department shall set the date, time, and place of the hearing and shall forthwith notify the person by regular U.S. mail.
(2) An administrative hearing conducted pursuant to this section shall be held in accordance with KRS Chapter 13B.
(3) Pursuant to KRS 393A.690[393.160] any final order issued by the Treasurer may be appealed to the Franklin Circuit Court within ninety (90)[sixty (60)] days after issuance.

MARK H. METCALF, Kentucky State Treasurer
APPROVED BY AGENCY: May 15, 2026
FILED WITH LRC: May 15, 2026 at 11:00 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 24, 2026, at 2:00 p.m., at 1050 US Highway 127 South, Suite 100, 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: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Russell Webber Phone: (502) 564-8824 Email: Russell.Webber@ky.gov
Subject Headings: Appeals and Hearings, Treasurer, State, Uniform Laws and Standards.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the appeals and administrative hearings process when a decision regarding unclaimed property adversely affects a person.
(b) The necessity of this administrative regulation: This administrative regulation is needed to establish clarity and insight into the process of appealing an unfavorable decision of the Kentucky State Treasury.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is restricted to that which is allowed by the provisions of KRS 393A.030.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the necessary guidance and framework for the agency to conduct its lawful activities and obligations.
(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 update the regulation to be consistent with the current law and practices of the Kentucky State Treasury.
(b) The necessity of the amendment to this administrative regulation: It is essential that the regulation be updated to conform to the current state of the law and the practices of the Kentucky State Treasury.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment accurately reflects the current state of the law and the practices of the Kentucky State Treasury.
(d) How the amendment will assist in the effective administration of the statutes: Without the amendment, the regulation would be inaccurate and potentially misleading to the citizens of the Commonwealth of Kentucky, leading to confusion and error.
(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 claimants of unclaimed property and the Kentucky State Treasury.
(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: Claimants of unclaimed property will be required to appeal a denial of their claim consistent with the obligations of the enacted 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 amendment of this existing administrative regulation will not increase the costs associated with the Kentucky State Treasury or the claimants of unclaimed property in any way.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): None.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No change.
(b) On a continuing basis: No change.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or

this amendment: The legislatively approved budget of the Kentucky State Treasury.
(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 fees or funding will be required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? No. All entities are treated the same no matter their situation.

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 61.876; KRS 393A.030
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 393A.030 specifically authorizes the promulgation of administrative regulations.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky State Treasury
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
2. Revenues:
For the first year: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
3. Cost Savings:
For the first year: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
For subsequent years: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: No impact.
(b) Methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.
(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 will NOT have a "major economic impact", as defined by KRS 13A.010.
(b) The methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.

DEPARTMENT OF TREASURY
Kentucky State Treasurer's Office
Unclaimed Property Division
(Amendment)

20 KAR 1:080. Reports to be filed by holders of unclaimed property.

RELATES TO: KRS 393A.220, 393A.230, 393A.340, 393A.480[~~393.110(1), 393.130~~]
STATUTORY AUTHORITY: KRS 393A.030[~~393.280(4)~~]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 393A.030[~~393.280(4)~~] allows the State Treasurer to promulgate administrative regulations and any reasonable and necessary rules for the enforcement of KRS Chapter 393A[~~393~~]. KRS 393A.220[~~393.110(1)~~] requires the holder of unclaimed property to submit annual reports to the Department of the Treasury concerning the property. This administrative regulation establishes the reporting requirements for a holder of unclaimed property.

Section 1. Reports Filed by a Holder of Unclaimed Property. A holder of unclaimed property shall annually file, in accordance with KRS 393A.220[~~393.110~~], a completed, Unclaimed Property Report/Remit Form with the Department of the Treasury no later than the close of business on November 1 of each year.
(1) A holder of property presumed abandoned shall make an annual report to the Department of the Treasury concerning the property. The annual report shall cover the twelve (12) months ending on June 30 of that year. Holders are required to submit their report by electronic submission through the designated online portal[~~diskette or compact disc~~] in the format required by the department[~~for ten (10) or more properties~~]. All property so reported shall be turned over simultaneously with the report by November 1 to the Department of the Treasury. This reporting requirement applies to all properties, with the exception of travelers' checks and money orders, and shall be verified and shall include:
(a) The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of value of fifty (50) dollars[~~$100~~] or more presumed abandoned under this chapter and in the case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his or her last known address according to the records of the life insurance corporation;
(b) Identifying data of the property owner, including, Social Security number, date of birth, policy number, check number, name, and address of listed beneficiaries, etc.;
(c) Description of the property, including, physical description, property type codes, and the amount appearing from the records to be due, except items of value of fifty (50) dollars[~~$100~~] or less. The

items of value of fifty (50) dollars[$100] or less may be reported in aggregate.

(d) The date when the property became payable, demandable, or returnable, and the date of the last known transaction with the owner with respect to the property if readily available.

(2) If the fair cash value of the property is more than $50 [100], the holder of property presumed abandoned shall send written notice to the apparent owner, not more than 120 days or less than sixty (60) days before filing the report, stating that the holder is in possession of the property subject to this section. The holder shall not be required to mail a notice to any apparent owner where the fair cash value of the property is fifty (50) dollars[$100] or less. The notice shall contain:

(a) The statement to the owner that properties are being held to which the addressee appears entitled;

(b) The name and address of the person holding the property and any necessary information regarding a change of name and address of the holder; and

(c) A statement, that if satisfactory proof of claim is not presented by the owner to the holder by the date specified, the property shall be placed in the custody of the department to whom all further claims shall be directed.

(3)

(a) A person shall turn over to the department all property reportable as required by KRS Chapter 393A[393] and this administrative regulation to the department by November 1, unless:

1. The person making the report or the owner of the property shall certify to the department that any or all of the statutory conditions necessary to create a presumption of abandonment no longer exists or never did exist; or

2. The person is able to provide documentation of facts or circumstances that will rebut the presumption of abandonment;

(b) If either of these conditions are met, then the person reporting or holding the property shall not be required to turn the property over to the department except on order of court.

(4) The holder of abandoned property shall maintain its records for a period of ten (10)[five (5)] years from the date of its report for items reported in the aggregate.

(5) If the owner of the property reported in the aggregate makes a valid claim within ten (10)[five (5)] years, the holder shall provide the owner with account data necessary for the department to identify the account from the aggregate amount.

(6) The annual reports shall be retained by the department for a period of five (5) years.

(7)

(a) The department shall notify all apparent owners of the unclaimed property in accordance with this section by means of posting on the department's Web site.

(b) The department may use any of the following to provide additional notice to the apparent owners:

1. Publication in a newspaper of general circulation:

a. In the area of the state in which the last known address of a person to be named in the notice is located; or

b. If the address is unknown, in the area in which the holder has its principal place of business in the state; or

2. Individual contact by regular or electronic mail, or by telephone, if the department has current contact information on file;

(c) May[shall], notwithstanding KRS 424.180 and 424.190, provide, on an annual basis, notice or published advertisement of property transferred to it. Any procedures prescribed by the department in accordance with this section shall employ the most cost-effective methods available for the submission of reports to the department and the notice or advertisement of property transferred to the department. The cost of the publication shall be paid by the state.

(d) The advertisement shall be published as required on or before October 1 following the year when the report was received, and the publishing shall be paid constructive notice to all parties.

(8) If a person files an action in court claiming any property which has been reported, or is to be reported, under the provisions of this chapter, the person reporting or holding the property shall be under no duty, while the action is pending, to turn the property over to the department, but shall have a duty of notifying the department of the pendency of the action.

(9) The person reporting or holding the property or any claimant of it shall always have the right to a judicial determination of his or her rights under this chapter, and nothing in this chapter shall be construed otherwise. The Commonwealth may institute an action to recover the property presumed abandoned, whether it has been reported or not, and may include in one (1) petition all property within the jurisdiction of the court in which the action is brought, if the property of different persons is set out in separate paragraphs.

Section 2. Reports on Property Held in an Interest Bearing Account. If the holder of unclaimed property is required to place that property in an interest bearing account, pursuant to KRS 393A.040(5)(a)[393.130], the holder shall submit to the Department of the Treasury the following reports: A statement on the interest-bearing account holding unclaimed property. The statement shall:

(1) Be the kind normally issued on an interest-bearing account;

(2) Be filed with the Department of the Treasury on an annual basis according to the holder's normal course of business; and

(3) Include the value of the unclaimed property and the amount of the interest paid on the account.

Section 3. Reports on an Amount Paid Out of an Account Holding Unclaimed Property.

(1) A holder of an account holding unclaimed property shall file a report within ten (10) business days of paying an amount out of the account.

(2) The report shall include:

(a) The name, Social Security number, and the address of the property owner;

(b) The amount paid;

(c) The portion of the amount that represents interest paid and the portion that represents the original amount of unclaimed property;

(d) The date the property was presumed abandoned;

(e) Proof of payment;

(f) An itemization of each fee or expense charged against the account; and

(g) An affidavit indicating:

1. What specific proof was used in determining that the person that received the amount or payment was the rightful claimant; and

2. That the procedures for paying a claim for unclaimed property as established in 20 KAR 1:040 were followed.

(3) The report shall be filed at the Department of the Treasury.

[Section 4.] [Incorporation by Reference.]

[(1)] ["Unclaimed Property Report/Remit Form", 2006 edition, is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of the Treasury, 1050 U.S. Hwy. 127 South, Suite 100, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:00 p.m.]

MARK H. METCALF, Kentucky State Treasurer

APPROVED BY AGENCY: May 15, 2026

FILED WITH LRC: May 15, 2026 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 24, 2026, at 2:00 p.m., at 1050 US Highway 127 South, Suite 100, 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: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Russell Webber Phone: (502) 564-8824 Email: Russell.Webber@ky.gov
Subject Headings: Appeals and Hearings, Treasurer, State, Uniform Laws and Standards.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the reporting requirements for a Holder of unclaimed property.
(b) The necessity of this administrative regulation: This administrative regulation is needed to establish clarity and insight into the process of Holder reporting for unclaimed property.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is restricted to that which is allowed by the provisions of KRS 393A.030.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the necessary guidance and framework for the agency to conduct its lawful activities and obligations.
(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 update the regulation to be consistent with the current law and practices of the Kentucky State Treasury.
(b) The necessity of the amendment to this administrative regulation: It is essential that the regulation be updated to conform to the current state of the law and the practices of the Kentucky State Treasury.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment accurately reflects the current state of the law and the practices of the Kentucky State Treasury.
(d) How the amendment will assist in the effective administration of the statutes: Without the amendment, the regulation would be inaccurate and potentially misleading to the citizens of the Commonwealth of Kentucky, leading to confusion and error.
(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 Holders of unclaimed property and the Kentucky State Treasury. (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:
(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: Holders of unclaimed property will be required to make their reports of unclaimed property consistent with this existing administrative regulation and as amended.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This amendment of this existing administrative regulation will not increase the costs associated with the Kentucky State Treasury or the Holders of unclaimed property in any way.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): None.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No change.
(b) On a continuing basis: No change.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The legislatively approved budget of the Kentucky State Treasury.
(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 fees or funding will be required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? No. All entities are treated the same no matter their situation.

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 61.876; KRS 393A.030
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 393A.030 specifically authorizes the promulgation of administrative regulations.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky State Treasury (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: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
2. Revenues:
For the first year: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
3. Cost Savings:
For the first year: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
For subsequent years: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: No impact.
(b) Methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.

(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 will NOT have a "major economic impact", as defined by KRS 13A.010.
(b) The methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.

DEPARTMENT OF TREASURY
Kentucky State Treasurer's Office
Unclaimed Property Division
(Amendment)

20 KAR 1:090. Accounts for unclaimed property that was held in an interest-bearing demand, savings or time deposit.

RELATES TO: KRS 393A.030, 393A.040(5)(a)[~~393.110, 393.130(5)~~]
STATUTORY AUTHORITY: KRS 393A.030[~~393.280(4)~~]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 393A.030[~~393.280(4)~~] allows the State Treasurer to promulgate administrative regulations and any reasonable and necessary rules for the enforcement of KRS Chapter 393A[~~393~~]. KRS 393A.040(5)(a)[~~393.130~~] mandates that the holder of unclaimed property that is held in an interest-bearing demand, savings, or time deposit account, shall place that property in an interest-bearing account assignable to the Department of the Treasury. This administrative regulation governs those accounts.

Section 1. When an interest-bearing account made assignable to the Department of Treasury is established in accordance with KRS 393A.040(5)(a)[~~393.130(5)~~], a record of the year the property was presumed abandoned shall be included.

Section 2. The account created under KRS 393A.040(5)(a)[~~393.130(5)~~] shall yield a rate of interest equal to contract rate for the predecessor account. Interest accruing to the account shall be calculated by the financial institution and reported to the Department of the Treasury on or before November 1 of the next year.

Section 3. Accounts created under KRS 393A.040(5)(a)[~~393.130~~] shall remit to the Department of the Treasury in accordance with KRS 393A.040(5)(d)[~~393.130(5)~~]. All accumulated interest shall remit with the account, and the account shall not be reduced by fees or charges assessed by the holder from and after the date the property was presumed abandoned.

MARK H. METCALF, Kentucky State Treasurer
APPROVED BY AGENCY: May 15, 2026
FILED WITH LRC: May 15, 2026 at 11:00 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 24, 2026, at 2:00 p.m., at 1050 US Highway 127 South, Suite 100, 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: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Russell Webber, Phone: (502) 564-8824, Email: Russell.Webber@ky.gov
Subject Headings: Consumer Affairs, Corporations, Finance and Administration, Financial Responsibility, Organizations, Business, Securities, Treasurer, State, Uniform Laws and Standards.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the rules and practices associated with a Holder of unclaimed property maintaining an interest-bearing demand, savings, or time deposit account assignable to the Department of the Treasury.
(b) The necessity of this administrative regulation: This administrative regulation is needed to establish clarity and insight into the process of reporting and maintaining interest bearing accounts to the Kentucky State Treasury as unclaimed property.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is restricted to that which is allowed by the provisions of KRS 393A.030.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides the necessary guidance and framework for the agency to conduct its lawful activities and obligations.
(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 update the regulation to be consistent with the current law and practices of the Kentucky State Treasury.
(b) The necessity of the amendment to this administrative regulation: It is essential that the regulation be updated to conform to the current state of the law and the practices of the Kentucky State Treasury.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment accurately reflects the current state of the law and the practices of the Kentucky State Treasury.
(d) How the amendment will assist in the effective administration of the statutes: Without the amendment, the regulation would be inaccurate and potentially misleading to the citizens of the Commonwealth of Kentucky, leading to confusion and error.
(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 Holders of unclaimed property that is maintained in an interest bearing account and the Kentucky State Treasury.
(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: Holders of unclaimed property in interest bearing accounts will be required to report those items consistent with this amended 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 amendment of this existing administrative regulation will not increase the costs associated with the Kentucky State Treasury or the Holders of unclaimed property found in safe deposit boxes in any way.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): None.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No change.
(b) On a continuing basis: No change.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The legislatively approved budget of the Kentucky State Treasury.
(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 fees or funding will be required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? No. All entities are treated the same no matter their situation.

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 61.876; KRS 393A.030
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 393A.030 specifically authorizes the promulgation of administrative regulations.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky State Treasury
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional cost will be incurred in association with the requested amendment to the existing administrative regulations.
2. Revenues:
For the first year: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
For subsequent years: No additional revenues will be received in association with the requested amendment to the existing administrative regulations.
3. Cost Savings:
For the first year: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
For subsequent years: No cost savings will be gained in association with the requested amendment to the existing administrative regulations.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: No impact.
(b) Methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.
(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 will NOT have a "major economic impact", as defined by KRS 13A.010.
(b) The methodology and resources used to reach this conclusion: The agency conducted an examination of existing administrative regulations and the requested modifications of same. Following that examination, those most affected by the administrative regulations determined that the modifications requested would not significantly change the existing practices of the agency or the costs associated with complying with the administrative regulations as amended.

GENERAL GOVERNMENT CABINET
Kentucky Registry of Election Finance
(Amendment)

32 KAR 1:050. Political organization registration.

RELATES TO: KRS 121.015(3), (4), 121.170, 121.180
STATUTORY AUTHORITY: KRS 121.015(3), (4), 121.120(1)(g), (4), 121.170(1)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.120(1)(g) authorizes the Registry to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 121. KRS 121.120(4) requires the registry to promulgate administrative regulations and prescribe forms for the making of reports under KRS Chapter 121. KRS 121.015(3)(c)5.[~~121.015(3)(b)5.~~] requires the Registry to determine by administrative regulation what constitutes a minor political party for purposes of committee registration. As defined by KRS 121.015(4), a "contributing organization" is subject to contribution limits and required to file periodic campaign finance reports under KRS 121.180(6). KRS 121.015(18) defines "form" to mean an online Web page or an electronic document designed to capture, validate, and submit data for processing to the registry. This administrative regulation defines "minor political party" [~~and "executive committee"~~] and establishes the Web page that committees and contributing organizations shall use for registration.

Section 1. Definitions.
(1) [~~"Executive committee" means an organizational unit or affiliate recognized within the document governing a political party, that raises and spends funds to promote political party nominees, and performs other activities commensurate with the day-to-day operation of a political party, including voter registration drives, assisting candidate fundraising efforts, holding state conventions or local meetings, and nominating candidates for local, state, and federal office.~~]
[~~(2)~~] "Minor political party" means an association, committee, organization, or group having constituted authority for its governance and regulation, which nominates or selects a candidate for election to any federal or statewide-elected state office in Kentucky, whose name appears on an election ballot as the candidate of the association, committee, organization, or group, and does not have a recognized caucus campaign committee within the Kentucky House or Senate, as defined by KRS 121.015(3)(c)1.-4.[~~121.015(3)(b)1.-4.~~]

(2)[~~(3)~~] "Political organization" means any committee or contributing organization, as those terms are defined by KRS 121.015(3) and (4).

Section 2. Political Organization Registration. Campaign committees, independent expenditure-only committees, caucus campaign committees, political issues committees, permanent committees, inaugural committees, executive committees, and contributing organizations shall register using the Kentucky Election Finance Management System found on the Registry's Web site at https://kref.ky.gov.

JOHN R. STEFFEN, Executive Director
APPROVED BY AGENCY: May 4, 2026
FILED WITH LRC: May 6, 2026 a 2:06 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 23, 2026, at 10:00AM, Eastern time, at the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2026, at 11:59PM. 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: Leslie Saunders, General Counsel, Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, phone (502) 573-2226, fax (502) 573-5622, email LeslieM.Saunders@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leslie Saunders, General Counsel, Kentucky Registry of Election Finance Phone: (502) 573-2226 Email: LeslieM.Saunders@ky.gov
Subject Headings: Election Finance, Elections and Voting, Open Records
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation currently defines "executive committee," "minor political party," and "political organization," and further describes the mechanism for these entities to register with the Registry of Election Finance ("Registry") in order to report as required by KRS 121.180.
(b) The necessity of this administrative regulation: The administrative regulation is necessary as it provides definitions for entities, registration obligations, and the mechanism by which such registration is accomplished.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The Registry is authorized by statute to promulgate regulations to carry out the provisions of KRS Chapter 121. The administrative regulation defines entities with registration obligations and conforms to the statutes by providing a mechanism for these entities to electronically register and file with the Registry.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation defines the entities who must register with the Registry and provides the mechanism to register 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: This amended administrative regulation deletes the definition for "executive committee" from 32 KAR 1:050, §1(1). The regulation retains definitions for "minor political party" and "political organization" and the requirement for registration of any entity that constitutes a "political organization," as that term is defined in the regulation. Further, the amendment adds the term "independent expenditure-only committees" to the list of committees that are required to file as provided. This change is not an addition to the filers included, but reflects a change in nomenclature caused by 2024 HB 595 from "unauthorized campaign committee" to "independent expenditure-only committees." That bill also caused a slight change in the numbering of committee definitions, which is reflected by the updates to the cites in the amendment.
(b) The necessity of the amendment to this administrative regulation: This amended administrative regulation is necessary because the 2026 Kentucky General Assembly passed HB 139 which includes a new definition in KRS 121.015(3)(f) for "executive committee of a political party" that is different from the definition for "executive committee" currently found in 32 KAR 1:050, §1(1). KRS 13A.120(2)(i) prohibits an administrative body from promulgating a regulation that modifies or vitiates a statute or its intent, and KRS 13A.120 (4) provides that any regulation in violation of KRS 13A.120 or the spirit thereof, is null, void, and unenforceable. Since HB 139 defines the term "executive committee of a political party" in KRS 121.015(3)(f), it is necessary to delete the definition of "executive committee" from 32 KAR 1:050 Section §1(1), as said definition is no longer valid. Also, as noted above, a 2024 amendment to KRS 121.015 requires slight changes to the statutory cites in the current administrative regulation and to the list of political organizations affected.
(c) How the amendment conforms to the content of the authorizing statutes: The Registry is given the authority by statute to promulgate regulations to carry out the provisions of KRS Chapter 121. The amended regulation conforms to its authorizing statutes by deleting the definition of "executive committee," which is now defined by KRS 121.015(3)(f), and thereby satisfying the requirements of KRS 13A. It also brings the regulation into conformity with the previous statutory change described above in 2024.
(d) How the amendment will assist in the effective administration of the statutes: By deleting the current definition of "executive committee," the amended administrative regulation conforms to the new definition for "executive committee of a political party" in KRS 121.015(3)(f) set out in HB 139. Further, the amendment makes clear that independent expenditure-only committees, as defined by the General Assembly in 2024 HB 595, are required to register electronically via the same system as committees and contributing organizations and are not left out of that list intentionally.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, both 2026 HB 139 and 2024 HB 595.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amended administrative regulation continues to affect a "minor political party" and a "political organization" as those terms are defined in the regulation. The regulation's requirement that a "political organization" must register through the Registry's electronic Kentucky Election Finance Management System found on the Registry's Web site have not changed.
(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: "Executive committees" will now be defined under the new statutory definition "executive committee of a political party" as set forth in HB 139, instead of under the deleted definition. The addition of the independent expenditure-only committees reflects a change in nomenclature only. The requirement that the affected entities register using the electronic Kentucky Election Finance Management System found on the Registry's Web site has not changed.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The affected entities will incur no cost in complying as the action involves electronic registration only, which is already occurring.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will continue to provide the affected entities with continued timely and efficient access to the Registry's statutorily mandated electronic registration and reporting system. (6) Provide an estimate of how much it will cost the administrative body to implement this amended administrative 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 initial cost to the administrative body to implement this amended administrative regulation as the Registry's electronic registration and reporting system is fully operational.
(b) On a continuing basis: There will be no additional cost on a continuous basis to the administrative body to implement this amended 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: While no additional funding will be required for the implementation and enforcement of this amended administrative regulation, the administrative body operates solely on 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: It will not be necessary to increase fees or funding to implement this amended administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees will be established or increased.
(10) TIERING: Is tiering applied? This amended administrative regulation does not apply tiering because the registration requirements under statute are the same for all "political organization(s)" and the general provisions apply equally to anyone who must register. The statutes do not allow for a separate process for "small" political organizations, because the process afforded to all filers is the same.

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 121.015, 121.120, 121.170, and KRS 121.180
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2026 HB 139 (2026 Ky. Acts Ch. 175) and 2024 HB 595 (Acts. Ch. 107)
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Registry of Election Finance is the promulgating agency. No other state units, parts or divisions are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: This administrative regulation will not result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year.
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation will not affect 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 result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year.
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The administrative regulation affects the political organizations listed (campaign committees, caucus campaign committees, independent expenditure-only committees, political issues committees, permanent committees, inaugural committees, executive committees, and contributing organizations).
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation will not result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation has no fiscal impact, as the filing system has no associated costs to the users. Further it does nothing to change the electronic filing requirements set out by statute, but only provides the applicable Web site for filers to use.
(b) Methodology and resources used to reach this conclusion: A review of the terms of the administrative regulation: It does nothing but identify a set of political organizations already required to file electronically by statute and direct them to the Web site they may use to do so at no cost.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation has no fiscal impact thus no methodology was applied nor resource analysis undertaken to determine that there is not a "major economic impact."

GENERAL GOVERNMENT CABINET
Kentucky Registry of Election Finance
(Amendment)

32 KAR 1:080. Report of an independent expenditure.

RELATES TO: KRS 121.150(1), KRS 121.180(15)
STATUTORY AUTHORITY: KRS 121.120(1)(g),(4)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.120(1)(g) authorizes[~~grants~~] the Registry[~~registry~~]of Election Finance[~~the power~~] to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 121. KRS 121.015(18) defines "form" to mean an "an online web page of an electronic document designed to capture, validate, and submit data for processing to the registry." KRS 121.180(15) requires independent expenditures to be reported electronically to the Registry. This administrative regulation specifies the Kentucky Election Finance Management System found on the Registry's web

page shall[~~form to~~] be used for electronically reporting independent expenditures[~~and incorporates this form by reference~~].[~~KRS 121.120(4) requires the registry to promulgate administrative regulations and prescribe forms for the making of reports under KRS Chapter 121.~~]

Section 1. Any person or committee making an independent expenditure shall file the reports required by KRS 121.150(1) and KRS 121.180(15) using the Kentucky Election Finance Management System found on the Registry's web page at https://kref.ky.gov.[~~The "Report of an Independent Expenditure" form, KREF 013, revised 05/2005, shall be the official form to report independent expenditures~~].

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

[~~(1)~~)] [~~"Report of Independent Expenditure", KREF 013, revised 05/2005, is incorporated by reference.~~]

[~~(2)~~)] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

JOHN R. STEFFEN, Executive Director

APPROVED BY AGENCY: May 5, 2026

FILED WITH LRC: May 6, 2026 at 2:06 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 23, 2026, at 10:00AM, EDT, at the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2026, at 11:59PM. 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: Leslie Saunders, General Counsel, Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, phone (502) 573-2226, fax (502) 573-5622, email LeslieM.Saunders@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leslie Saunders, General Counsel, Kentucky Registry of Election Finance Phone: (502) 573-2226 Email: LeslieM.Saunders@ky.gov

Subject Headings: Election Finance, Elections and Voting, Open Records

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation requires the reporting of independent expenditures through use of the Registry's electronic Kentucky Election Finance Management System found on the Registry's web page.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 121.150(1) requires independent expenditures to be reported to the Registry. KRS 121.180(15) requires the reports to be submitted electronically, but the statute does not describe the mechanism for such reporting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Registry is given the authority by statute to provide forms for the various filings that KRS Chapter 121 requires for independent expenditures.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets the method by which the regular electronic reporting of independent expenditures will be accomplished and provides the web page for such reporting.

(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 facilitates the submittal of reports to the Registry for independent expenditures by specifying the submittal shall be through electronic filing on the Registry's web page. It also deletes the provision that allows material to be inspected, copied, or obtained in person at the Registry's office as reporting will be performed electronically with public access to view reports.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to clarify that independent expenditure reports required by statute shall be filed electronically through the Registry's web page instead of through submittal of paper reports to the Registry.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 121.120(1)(g) authorizes the Registry to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 121. The amendment reflects a change from paper filing of independent expenditure reports to the filing of reports electronically as required by KRS 121.180(15).

(d) How the amendment will assist in the effective administration of the statutes: This amendment addresses the filing of independent expenditure reports and identifies the Registry web page as the appropriate mechanism to electronically file reports per the statutory mandate.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, but it implements legislation from 2019 SB 4.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Only those entities that make independent expenditures and are required to file reports with the Registry will be affected by the electronic filing mechanism, which is currently in use.

(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 use the regulation to identify the mechanism for filing independent expenditure reports electronically with the Registry. These entities have already been complying with this mechanism and the amendment merely clarifies the requirement.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The regulated entities will incur no costs in complying as the action involves electronic reporting, only, which is already occurring.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will allow the timely reporting of electronic independent expenditure reports and will no longer require completion of paper forms to satisfy reporting obligations.

(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 the administrative body to implement this administrative regulation as the Registry's electronic reporting system is fully operational.

(b) On a continuing basis: There will be no additional cost on a continuous basis to the administrative body to implement this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: While no additional funding will be required for the implementation and enforcement of this amended administrative regulation, the administrative body operates solely on 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: It will not be necessary to increase fees or funding to implement this amended administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees will be established or increased.

(10) TIERING: Is tiering applied? This amended administrative regulation does not apply tiering because these general provisions apply equally to anyone who files independent expenditure reports with the Registry. The statutes do not allow for a separate process

for “small” filers, because the process afforded to all filers is the same.

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 121.120, 121.150, and KRS 121.180
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2019 SB 4 (2019 Ky. Acts ch. 002)
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Registry of Election Finance is the promulgating agency. No other state units, parts or divisions are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: This administrative regulation will not result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year.
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation will not affect 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 result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The administrative regulation will affect any person or committee making independent expenditures pursuant to KRS 121.150(1) to the extent it provides for the electronic filing of independent expenditure reports as required by KRS 121.180(15). Previously these reports were filed on paper.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation will not result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation has no fiscal impact, as the filing system has no associated costs to the users. Further it does nothing to change the electronic filing requirements set out by statute, but only provides the applicable web page for filers to use.
(b) Methodology and resources used to reach this conclusion: A review of the terms of the administrative regulation: It does nothing but specify that the Kentucky Election Finance Management System found on the Registry’s web page shall be used for electronically reporting independent expenditures. The web page may be used at no cost.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation has no fiscal impact thus no methodology was applied nor resource analysis undertaken to determine that there is not a “major economic impact.”

GENERAL GOVERNMENT CABINET
Kentucky Registry of Election Finance
(Amendment)

32 KAR 2:020. General provisions.

RELATES TO: KRS 121.120, 121.140, 446.030
STATUTORY AUTHORITY: KRS 121.120(1)(g)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.120(1)(g) authorizes the Registry of Election Finance to promulgate administrative regulations necessary to carry out and enforce the campaign finance laws contained in KRS Chapter 121. This administrative regulation establishes procedures for processing possible violations of campaign finance law and establishes general provisions that shall apply throughout 32 KAR Chapter 2 governing practice and procedure.

Section 1. Definitions.
(1) "Campaign finance law" means statutes in KRS Chapter 121 and administrative regulations in KAR Title 32.
(2) "Complainant" means any person who files a complaint with the Registry of Election Finance alleging a violation of campaign finance law.
(3) "Complaint" means an allegation filed with the Registry of Election Finance charging that a violation of campaign finance law has occurred or is about to occur.
(4) "Conciliation agreement" means an agreement offered by the Registry of Election Finance to an alleged violator of campaign finance law as provided in KRS 121.140.
(5) "Hearing officer" is defined by KRS 13B.010(5)[~~means the retired or former justice or judge selected by the process described in KRS 121.140(4)~~].
(6) "Registry" means the Registry of Election Finance.
(7) "Respondent" means any person against whom a complaint has been filed with the Registry of Election Finance or against whom action is taken by the registry based upon information ascertained through its normal enforcement activity.

Section 2. Computation of Time.
(1) General provision. In computing any period of time prescribed or allowed by this administrative regulation, the provisions of KRS 446.030 shall govern, except as provided in subsection (2) of this section.
(2) Special provision for service by mail. If the registry or a person serves a document by mail, the prescribed period for the

registry or any person to take the next subsequent action that is permitted or required shall include three (3) additional days.

Section 3. Enforcement Matters.

(1) Enforcement matters may be initiated by a written complaint or on the basis of information ascertained by the registry in the normal course of the performance of its duties.

(2) In order to avoid the possibility of prejudice, real or apparent, in derogation of the public interest in enforcement actions pending before the registry, interested persons outside the agency shall not make or cause to be made to any registry board member any communication relative to the factual or legal merits of an enforcement action, nor shall a registry board member make or entertain any communications relating to registry enforcement actions until the registry has concluded all action with respect to the enforcement matter in question.

(3) This section shall not be construed to prohibit contact between a respondent or respondent's attorney and a registry employee in the performance of the registry's duties. Statements made by a registry employee during these communications shall not bind or estop the registry in any way.

Section 4. Representation by Counsel; Notification. If a respondent wishes to be represented by counsel with regard to any matter pending before the registry, the respondent's counsel shall file an Entry of Appearance identifying the name, address, email address, and telephone number of the counsel and a statement signed by the respondent, identifying the subject of the representation, and authorizing the counsel to receive all notifications and other communications from the registry on the respondent's behalf.

JOHN R. STEFFEN, Executive Director

APPROVED BY AGENCY: May 5, 2026

FILED WITH LRC: May 6, 2026 at 2:06 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 23, 2026, at 10:00AM, Eastern Time, at the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2026, at 11:59 PM. 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: Leslie Saunders, General Counsel, Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, phone (502) 573-2226, fax (502) 573-5622, email LeslieM.Saunders@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leslie Saunders, General Counsel, Kentucky Registry of Election Finance Phone: (502) 573-2226 Email: LeslieM.Saunders@ky.gov

Subject Headings: Election Finance, Elections and Voting, Administrative Hearings

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation currently defines general terms relevant to alleged violations of campaign finance law and sets forth procedures for processing alleged violations, including time computation, initiation of enforcement matters, and representation by counsel.

(b) The necessity of this administrative regulation: This administrative regulation is necessary as it provides definitions used throughout 32 KAR Chapter 2 and certain generalized procedures as described above but that are not set out by statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Registry of Election Finance (the "Registry") is authorized by statute to promulgate regulations to carry out the provisions of KRS Chapter 121. KRS 121.140(4) provides that the Registry has authority to conduct administrative hearings pursuant to the provisions of KRS Chapter 13B. The administrative regulation provides definitions and initial procedures for such enforcement per the statute and for terms used in 32 KAR Chapter 2 generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Per the mandates of the statute, this administrative regulation provides definitions for parties to an enforcement action and other associated terms and provides the mechanism for the timing and the filing of such actions. It also sets forth procedures for representation by counsel.

(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 amended administrative regulation deletes the current definition for "hearing officer," which differs from the definition for the term found in KRS Chapter 13B. The current definition only authorizes retired and former justices or judges to serve as hearing officers. The amended regulation defines "hearing officer" to encompass an individual, duly qualified and employed pursuant to KRS Chapter 13B, and assigned by the Registry to preside over administrative hearings.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to assure that the definition of the term "hearing officer" complies with amendments to KRS 121.140 and KRS 13B.010.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 121.120(1)(g) authorizes the Registry to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 121. The amended regulation conforms to its authorizing statutes by deleting the current definition of "hearing officer," which now conflicts with the relevant statutes, and replaces it with the appropriate definition in KRS 13B.010(5).

(d) How the amendment will assist in the effective administration of the statutes: The amended regulation provides a definition for "hearing officer" which is consistent with the hearing process set forth in KRS 121.140 and KRS Chapter 13B and eliminates confusion as to the requirements of the statute.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2024 HB 595 (2024 Ky. Acts. Ch. 107)

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Only those who are parties to Registry actions or seek to preside over Registry administrative hearings will be affected by this amended 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: Those who seek to preside as hearing officers over Registry administrative hearings will need to be certified under KRS Chapter 13B. No action is required by any other entities nor does the amendment change the statutory requirements for Registry hearing officers. It only replaces an outdated definition.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no costs associated with the amended administrative regulation. It only removes an outdated definition and replaces it with the required definition under 2024 amendments to KRS 121.140.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will allow individuals to serve as KRS Chapter 13B hearing officers over Registry hearings if qualified and selected to do so.

(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 the administrative body to implement this amendment.

(b) On a continuing basis: There will be no additional cost on a continuous basis to the administrative body to implement this amendment.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: While no additional funding will be required for the implementation and enforcement of this amendment, the administrative body operates solely on 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: It will not be necessary to increase fees or funding to implement this amended administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees will be established or increased.
(10) TIERING: Is tiering applied? This amendment does not apply tiering because these general provisions apply equally to anyone who seeks to preside over Registry administrative hearings as a KRS Chapter 13B hearing officer and to those who appear as parties before the Registry.

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 121.120(g), 121.140(4) and 446.030
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2024 HB 595 (2024 Ky. Acts. Ch. 107)
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Registry of Election Finance is the promulgating agency. No other state units, parts, or divisions are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: This administrative regulation will not result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year.
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This amendment will not affect 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 result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year.
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The amendment will affect only those who are qualified to be and employed as Registry hearing officers.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation will not result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year.
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: There are no fiscal impacts as the amendment only changes the definition for "hearing officer" to be consistent with that definition contemplated by KRS 121.140(4) and as currently found in KRS Chapter 13B.
(b) Methodology and resources used to reach this conclusion: A review of the terms and definitions of the administrative regulation: The only change is to the definition for "hearing officer," which does not have any fiscal impacts to any entity including the Registry.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation has no fiscal impact thus no methodology was applied nor resource analysis undertaken to determine that there is not a "major economic impact."

GENERAL GOVERNMENT CABINET
Kentucky Registry of Election Finance
(Amendment)

32 KAR 2:040. Investigatory procedures.

RELATES TO: KRS 121.140, 121.180
STATUTORY AUTHORITY: KRS 121.120(1)(g)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.120(1)(g) authorizes the Registry of Election Finance to promulgate administrative regulations necessary to carry out KRS Chapter 121. This administrative regulation establishes a procedure for investigations into complaints or internally generated matters and is necessary to ensure a consistent procedure.

Section 1. Investigations.
(1) An investigation shall be conducted if the general counsel finds reason to believe that a violation of a campaign finance law may have occurred or is about to occur, or at the direction of the registry if the general counsel's recommendation of dismissal is rejected.
(2) In its investigation, the registry may utilize the provisions of Sections 2 to 5 of this administrative regulation. The investigation may include field investigations, audits, and other methods of information gathering.

Section 2. Written Question Under Oath. The registry may authorize its chairman or general counsel to issue an order requiring any person to submit sworn written answers to written questions and may specify a date by which the answers shall be submitted.

Section 3. Subpoenas; Depositions.
(1) The registry may authorize its chairman or general counsel to issue subpoenas requiring the attendance and testimony of any person by deposition or at a hearing. The registry may issue

subpoenas duces tecum for the production of documentary or other tangible evidence in connection with an investigation, deposition, or a hearing.

(2) If oral testimony is ordered to be taken by deposition or documents are ordered to be produced, the subpoena shall so state and shall advise the deponent or person subpoenaed that all testimony shall be given under oath. A deposition may be taken before any person having the power to administer oaths.

(3) The Kentucky Rules of Civil Procedure, Rule 30.05, shall govern the opportunity to review and sign depositions taken pursuant to this section.

Section 4. Service of Subpoenas, Orders, and Notifications.

(1) Service of a subpoena, order, or notification upon a person named therein shall be made by delivering a copy to that person in the manner prescribed by this section.

(2) If service is to be made upon a person who has advised the registry of representation by an attorney, the service shall be made upon the attorney by any of the methods specified in subsection (3) of this section and a copy shall be sent to the individual.

(3)

(a) Delivery of subpoenas, orders, and notifications to a natural person may be made by:

1. Handing a copy to the person;

2. Leaving a copy at the person's dwelling place or usual place of abode with a person of suitable age and discretion residing therein;

3. Mailing a copy by registered or certified mail to the person's last known address; or

4. Another method if actual notice is given.

(b) If the person to be served is not a natural person, delivery of subpoenas, orders, and notifications may be made by:

1. Mailing a copy by registered or certified mail to the person at its place of business;

2. Handing a copy to a registered agent for service, or to any officer, director, or agent in charge of any office of the person;

3. Mailing a copy by registered or certified mail to the representative at the representative's last known address; or

4. Another method by which actual notice is given.

Section 5. Motions to Quash or Modify a Subpoena.

(1) A person to whom a subpoena is directed may, prior to the time specified therein for compliance, but no later than five (5) days after the date of receipt of the subpoena, move the registry to quash or modify the subpoena, accompanying the motion with a brief statement of the reasons therefore. Motions to quash shall be filed with the general counsel, Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601.

(2) The registry may deny the motion, quash the subpoena, or modify the subpoena.

(3) The person subpoenaed and the general counsel may agree to change the date, time, or place of a deposition or the conditions for the production of documents without affecting the force and effect of the subpoena, but any modifications shall be confirmed in writing.

Section 6. Briefing Procedures.

(1)

(a) Upon completion of the investigation, the general counsel shall make a report of the findings of the registry.

(b) If the registry determines that the information obtained in the course of the investigation is insufficient to support a finding of probable cause or to provide a basis for dismissal of the action, it may direct the general counsel to prepare a brief setting forth his or her position on the alleged factual and legal issues of the case.

(c) The registry may request the respondent to appear to present additional information, or the respondent may request he or she be allowed to present additional evidence.

(d) The decision as to whether the respondent may present additional evidence shall be within the determination of the registry.

(2) The general counsel shall provide a copy of the brief to the respondent who may, within fifteen (15) days of receipt of the general counsel's brief, file a brief with the registry setting forth the respondent's position on the factual and legal issues of the case.

Section 7. Probable Cause Finding; Notification.

(1) If the registry determines that there is probable cause to believe that a respondent may have or is about to violate campaign finance law, the general counsel shall notify the respondent and complainant by letter.

(2) If the registry finds no probable cause or otherwise orders a termination of its proceedings, the general counsel shall notify respondent and complainant by letter.

Section 8. Noncompliance with Reporting Requirements; Probable Cause Determination.

(1) Prima facie evidence that probable cause to believe that a violation has occurred exists and the general counsel and executive director may immediately enter into conciliation negotiations with a respondent if:

(a) Any person subject to the provisions of KRS 121.180 fails to comply with any reporting requirement contained in that section; or

(b) Any candidate or slate of candidates does not revoke a request for exemption in a timely manner as described in KRS 121.180(1)(b), making the candidate or slate of candidates subject to the $500 penalty imposed in KRS 121.180(1)(k)[.]; or

(c) Any person acting as a candidate or slate of candidates by receiving contributions or making expenditures with a view to bringing about his or her nomination or election to public office, or filing papers to run for public office, or group of persons acting as a political issues committee does not submit their form indicating whether they intend to raise or spend in excess of $5,000 in the election in a timely manner as described in KRS 121.180(1)(a), making them subject to the penalty imposed in KRS 121.180(1)(a)4.

(2) A candidate or slate of candidates shall be deemed to have not revoked a request for exemption in a timely manner for purposes of subsection (1)(b) of this section if:

(a) The candidate or slate of candidates electronically files an amended Statement of Spending Intent beyond the deadlines established in KRS 121.180; or

(b) The candidate or slate of candidates reports[Reports] the receipt of contributions or the expenditures of funds in excess of $5,000[$3,000] once the time to amend the Statement of Spending Intent has passed.

(3) The notice required by KRS 121.140(2) shall be issued when the registry's staff concludes any applicable deadlines related to the filing of required reports,[or]revocation of a request for exemption made under KRS 121.180(1)(b), or submitting a form indicating spending intent as described in KRS 121.180(1)(a) have passed.

(4) A conciliation agreement pertaining to a violation of KRS 121.180 shall not be binding upon either party until it is signed by the respondent, the general counsel, and the executive director, and approved by the registry.

JOHN R. STEFFEN, Executive Director

APPROVED BY AGENCY: May 13, 2026

FILED WITH LRC: May 13, 2026 at 4:23 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 23, 2026, at 10:00AM, Eastern Time, at the Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2026, at 11:59 PM. 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: Leslie Saunders, General Counsel, Kentucky Registry of Election Finance, 140 Walnut Street, Frankfort, Kentucky 40601, phone (502) 573-2226, fax (502) 573-5622, email LeslieM.Saunders@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leslie Saunders, General Counsel, Kentucky Registry of Election Finance, Phone: (502) 573-2226, Email: LeslieM.Saunders@ky.gov
Subject Headings: Election Finance, Elections and Voting
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation sets the process for the Registry of Election Finance's ("Registry") investigatory process once an enforcement matter begins by complaint or through an internal referral, and further provides criteria for the conciliation process.
(b) The necessity of this administrative regulation: This administrative regulation is necessary because, while KRS 121.140 contemplates a complaints process and addresses some of the investigatory powers the Registry possesses in processing complaints, the statute describes no procedures for doing so with any detail nor does it fully address criteria for conciliation.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The Registry is authorized by statute to promulgate regulations to carry out the provisions of KRS Chapter 121. KRS 121.140 provides authority to the Registry to investigate filed complaints, Registry generated matters, and authorizes the Registry to engage in conciliation. This administrative regulation establishes procedures and criteria for the same.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets procedures and criteria for the regular investigation of complaints and the conciliation process thereby assuring that the statute's mandates will be carried out effectively.
(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 amended administrative regulation allows the Registry, upon notice, to engage in conciliation negotiations and to assess monetary penalties upon respondents who have not timely submitted Registry forms indicating an intent to raise or spend in excess of $5,000. It also provides that a request for exemption will not be deemed to have been timely revoked if receipt of contributions or expenditures of funds over $5,000 (previously $3,000) are reported once the time to amend the Statement of Spending Intent has passed.
(b) The necessity of the amendment to this administrative regulation: This amended administrative regulation is necessary as it specifically identifies a third category of respondents with whom the Registry may engage in conciliation negotiations and clarifies associated penalties for violations, putting candidates, slates of candidates, and political issues committees who file a Statement of Spending Intent through a similar process as those who amend a Statement of Intent late. The amendment also assures consistency between KRS 121.180 and the regulation by raising the reporting level for Statements of Intent from $3,000 to $5, 000, reflecting a statutory change.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 121.120(1)(g) authorizes the Registry to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 121. KRS 121.140 provides a broad overview of the complaint process, including a process of the Registry's investigatory powers, however it does not provide specific guidance in all regulated areas. This amended regulation provides additional specificity and assures consistency between the statute and regulation. Further, the amendment reflects a statutory change in applicable exemption amount.
(d) How the amendment will assist in the effective administration of the statutes: This amended administrative regulation will provide further guidance on how the Registry may resolve violations regarding filers who fail to submit required forms or fail to timely file. Further, allowing the parties to engage in conciliation negotiations streamlines the Registry's process and will assist in more efficiently resolving violations.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2024 HB 595 (2024 Ky. Acts Ch. 107)
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Registry and candidates, slates of candidates, and political issues committees who file a Statement of Spending Intent late will be affected by this amended 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 enter into conciliation negotiations with the Registry immediately if mandated forms, including Statements of Spending Intent, are not timely filed.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Regulated entities will incur no costs in complying as the necessary electronic forms are already available through the Registry's web page for entity completion and submittal.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will streamline the conciliation process for the regulated entities.
(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 the administrative body to implement this administrative regulation.
(b) On a continuing basis: There will be no cost on a continuous basis to the administrative body to implement this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: While no additional funding will be required for the implementation and enforcement of this administrative regulation, the administrative body operates solely on 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: 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: No fees will be established or increased.
(10) TIERING: Is tiering applied? This administrative regulation does not apply tiering because these general provisions apply equally to any regulated entity who fails to file a timely Statement of Spending Intent or other mandated forms with the Registry.

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 121.120(1)(g), 121.140 and 121.180
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2024 HB 595 (2024 Ky. Acts Ch. 107)
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Registry of Election Finance is the promulgating agency. No other state units, parts, or divisions are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: This administrative regulation will not result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.

3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year.
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This amendment will not affect 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 result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year.
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The amendment will affect only those entities who do not timely submit mandated forms to the Registry.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation will not result in any additional expenditures for the first year.
For subsequent years: This administrative regulation will not result in any additional expenditures for subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue for the first year.
For subsequent years: This administrative regulation will not generate revenue for subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate any cost savings for the first year.
For subsequent years: This administrative regulation will not generate any cost savings for subsequent years. (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: There are no fiscal impacts as the amendment only adds a category of potential respondents with whom it may enter into conciliation agreements after appropriate Registry notice is provided. It further increases the amount related to Statements of Spending Intent from $3,000 to $5,000 to assure compliance with the statute.
(b) Methodology and resources used to reach this conclusion: A review of the criteria of the administrative regulation: the only changes do not have any fiscal impacts to any entity including the Registry.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation has no fiscal impact thus no methodology was applied nor resource analysis undertaken to determine that there is not a "major economic impact."

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

BOARDS AND COMMISSIONS
BOARD OF OPTOMETRIC EXAMINERS
(Amendment)

201 KAR 5:010. Application for licensure; endorsement.

RELATES TO: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280
STATUTORY AUTHORITY: KRS 218A.205(3)(g), 320.240(7), 320.270(4)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.220(1) requires all persons who practice optometry in this state to be licensed by the Kentucky Board of Optometric Examiners. KRS 320.250 establishes criteria for an applicant to apply for a license. KRS 320.270 grants the board the discretion to admit to practice in Kentucky persons licensed to practice optometry in other states. KRS 218A.205(3)(g) requires fingerprint-supported criminal record checks and queries to the National Practitioner Data Bank on applicants. This administrative regulation prescribes the procedures to be followed in making application to the board for a license.

Section 1.
(1) A person applying for a license to practice optometry shall submit to the board, within fifteen (15) days of board review:
(a) A completed Application for License to Practice Optometry;
(b) A birth certificate;
(c) A certified copy of college transcripts received directly from the registrar's office;
(d) A certified copy of optometry school transcripts received directly from the registrar's office;
(e) National Board of Examiners in Optometry, "NBEO", results for Part 1, Part 2, and Part 3;[~~The Optometry Examining Board of Canada, "OEBC", written examination results may be submitted in lieu of Part 1 of the NBEO results.~~]
(f) NBEO Therapeutic Management of Ocular Disease, "TMOD" results;
(g) NBEO Injections Skill Exam, "ISE" results;
(h)[~~(g)~~] Two (2) letters of recommendation, one (1) of which shall be from a licensed optometrist;
(i)[~~(h)~~] Proof of successful completion of State Law Exam results;
(j)[~~(i)~~] A recent photograph of head and shoulders, front view;
(k)[~~(j)~~] Payment in the amount of $500 representing the non-refundable application fee; and
(l)[~~(k)~~] Payment in the amount of twenty-five (25) dollars for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services.
(2)
(a) Prior to approval for examination, the board shall review and consider:
1. A national and state, fingerprint-supported criminal record check conducted by the:
a. Federal Bureau of Investigation; or
b. Kentucky State Police; and
2. A query for any relevant data from the National Practitioner Data Bank of the U.S. Department of Health and Human Services.
(b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days old when reviewed by the board.

Section 2.
(1) A person applying for a license to practice optometry by endorsement shall submit to the board, within fifteen (15) days of board review:
(a) A completed Application for License by Endorsement to Practice Optometry;

(b) Verification that the applicant has been licensed in optometry and in active practice the past five (5) years;

(c) Information regarding any resolved, pending, or unresolved board action or malpractice suit in any state or territory;

(d) A certified copy of college transcripts received directly from the registrar's office;

(e) A certified copy of optometry school transcripts received directly from the registrar's office;

(f) A certificate of good standing from the board where the applicant is currently licensed and from all state boards where the applicant has held a license in the past;

(g) A copy of the credential that proves the applicant is therapeutically licensed;

(h) Two (2) letters of recommendation, one (1) of which shall be from a licensed optometrist;

(i) Proof of successful completion of Kentucky State Law Exam;

(j) A recent photograph of head and shoulders, front view;

(k) Payment in the amount of $700 representing the non-refundable application fee;

(l) A notarized statement explaining why the applicant wishes to be admitted to practice in Kentucky; and

(m) Payment in the amount of twenty-five (25) dollars for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services to retrieve any relevant data on the applicant.

(2)

(a) Prior to approval for licensure, the board shall receive and consider:

1. A national and state, fingerprint-supported criminal record check conducted by the:

a. Federal Bureau of Investigation; or

b. Kentucky State Police; and

2. A query for any relevant data from the National Practitioner Data Bank of the U.S. Department of Health and Human Services.

(b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days old when reviewed by the board.

Section 3.

(1) A person whose license has been revoked pursuant to KRS 320.280(3) may apply for reinstatement of his or her license.

(2) Except as provided in subsection (3) of this section, a person applying for reinstatement shall submit to the board:

(a) Evidence of completion of the continuing education requirements established in 201 KAR 5:030; and

(b) Payment of the reinstatement fee established in 201 KAR 5:005, Section 7.

(3) To apply for reinstatement, an optometrist whose license has been revoked pursuant to KRS 320.280(3) shall submit to the board:

(a) Evidence of completion of the annual continuing education requirement for each year, or any portion of a year, that the license was not renewed up to a maximum of sixty (60) hours; and

(b) Payment of the reinstatement fee established in 201 KAR 5:005, Section 7 for each year, or any portion of a year, that the license was not renewed.

Section 4. The board shall notify licensees of any proposed changes to the licensing process and provide licensees with information on the public comment period for any proposed change.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for License to Practice Optometry", April 2026[~~June 2024~~]; and

(b) "Application for License by Endorsement to Practice Optometry", April 2026 [~~June 2024~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Optometric Examiners, 100 Consumer Lane, Frankfort, Kentucky 40601, phone (502) 234-2114, Monday through Friday, 9:00 a.m. to 4:30 p.m.[.] This material may also be viewed on the board's Web site at: https://optometry.ky.gov/applicants/Pages/default.aspx.

MARY BETH EMMICK MORRIS, O.D., President

APPROVED BY AGENCY: April 14, 2026

FILED WITH LRC: April 15, 2026 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held July 24, 2026 at 1:00 pm EST at 100 Consumer Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christi LeMay, Executive Director, Kentucky Board of Optometric Examiners, 100 Consumer Lane, Frankfort, Kentucky 40601, (502) 234-2114, fax (859) 246-2746, christi.lemay@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christi LeMay

Subject Headings: Occupations and Professions, Optometry, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation prescribes the procedures to be followed in making application to the Board for a license to practice optometry.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for licensure, licensure by endorsement, and reinstatement of a license.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific authority provided in KRS 218A.205(3)(g), 320.240(7), 320.270(4).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation set forth the requirements for licensure so applicants, licensees, and the public are aware of the requirements.

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

(a) How the amendment will change this existing administrative regulation: This amendment removes the OEBC Part I test as an alternative to the NBEO Part I test. Other amendments clarify that the NBEO Injections Skills Exam (ISE) will be required effective January 1, 2027.

(b) The necessity of the amendment to this administrative regulation: These amendments are necessary to remove the OEBC Part I test and update the licensure requirements effective January 1, 2027.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes provide the board with authority to establish the licensing requirements, and require that the board establish these requirements in regulation.

(d) How the amendment will assist in the effective administration of the statutes: These amendments provide 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: These amendments affect all individuals seeking licensure effective January 1, 2027.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: All applicants are required to provide passing scores of the licensing examinations established in this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

Applicants must continue to pay the licensing examinations for each required examination.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this amendment is necessary to be licensed to practice optometry. (6) Provide an estimate of how much it will cost the administrative body to implement this amendment:
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: $0
(b) On a continuing basis: $0
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding to implement this amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes fees for licensure. This amendment does not change any of these fees.
(10) TIERING: Is tiering applied? No, each group of applicants has the same requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Optometric Examiners
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0 expenditure increase with this amendment.
For subsequent years: $0 expenditure increase with this amendment.
2. Revenues:
For the first year: $0 revenue increase with this amendment.
For subsequent years: $0 revenue increase with this amendment.
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): All applicants for licensure to practice optometry in Kentucky are affected by this regulation and 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: There is no additional fiscal impact on licensees with these amendments. The amendments clarify which licensing examination tests will be required, and this clarification does not result in any increased licensing examination costs that do not already exist.
(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 and does not change any current licensing examination costs for licensees.

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

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

201 KAR 28:235. Telehealth occupational therapy services.

RELATES TO: KRS 319A.080, 319A.300, 211.332, 211.334, 211.335, 211.336, 211.338
STATUTORY AUTHORITY: KRS 319A.070, 319A.300
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.300(2) requires the board to promulgate an administrative regulation to implement telehealth in occupational therapy, including to establish procedures to prevent abuse and fraud through the use of telehealth, prevent fee-splitting through the use of telehealth, and utilize telehealth in the provision of occupational therapy services and in the provision of continuing education. Additionally, KRS 319A.300(1) requires an occupational therapist utilizing telehealth to ensure a client's[~~patient's~~] informed consent and to maintain confidentiality. This administrative regulation establishes the requirements for telehealth for occupational therapy services.

Section 1. Definitions.
(1) "Client" means the person receiving the services of the occupational therapist.
(2) "Credential holder" means an individual licensed by the Kentucky Board of Licensure for Occupational Therapy pursuant to KRS Chapter 319A.
(3) "Telehealth" is defined by KRS 211.332(5).[~~Telehealth is defined by KRS 319A.300(3).~~]
(4)[~~(3)~~] "Telehealth occupational therapy" means the practice of occupational therapy as defined by KRS 319A.010(2) and KRS 211.332(5).[~~, between the occupational therapist or occupational therapist assistant and the patient that is provided using:~~]
[~~(a)~~] [~~An electronic communication technology; or~~]
[~~(b)~~] [~~Two (2) way, interactive, simultaneous audio and video.~~]

Section 2. Client Requirements. A credential holder using telehealth to deliver occupational therapy services shall, upon initial contact with the client:
(1) Make attempts to verify the identity of the client;
(2) Obtain alternative means of contacting the client other than through telehealth means[~~electronically~~] such as by the use of a telephone number or email[~~mailing~~] address;
(3) Provide to the client alternative means of contacting the credential holder other than through telehealth means[~~electronically~~

]such as by the use of a telephone number or email[~~mailing~~]address;

(4) Provide contact methods of alternative communication the credential holder shall use for emergency purposes such as an emergency on call telephone number;

(5) Document if the client has the necessary knowledge and skills to benefit from the type of telehealth provided by the credential holder;

(6) Use secure communications with clients, including encrypted text messages via e-mail or secure websites[~~Web sites~~], and not use personal identifying information in non-secure communications[~~and~~];

(7) In accordance with KRS 319A.300(1)(a) and 900 KAR 12:005, Section 2(3), obtain the informed consent of the client; and

(8) Inform the client in writing about:

(a) The limitations of using technology in the provision of telehealth occupational therapy services;

(b) Potential risks to confidentiality of information, or inadvertent access of protected health information, due to technology in the provision of telehealth occupational therapy services;

(c) Potential risks of disruption in the use of telehealth occupational therapy services;

(d) When and how the credential holder will respond to routine electronic messages;

(e) In what circumstances the credential holder will use alternative communications for emergency purposes;

(f) Who else may have access to client communications with the credential holder;

(g) How communications can be directed to a specific credential holder;

(h) How the credential holder stores electronic communications from the client; and

(i) How the credential holder may elect to discontinue the provision of services through telehealth.

(9) The credential holder shall timely document within the client's record that a service was provided by telehealth and follow all documentation requirements of the practice.

Section 3. Competence, Limits on Practice, Maintenance, and Retention of Records.

(1) A credential holder using telehealth to deliver occupational therapy services or who practices telehealth occupational therapy shall:

(a)[~~(1)~~] Limit the practice of telehealth occupational therapy to the area of competence in which proficiency has been gained through education, training, and experience;

(b)[~~(2)~~] Maintain current competency in the practice of telehealth occupational therapy through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge;

(c)[~~(3)~~] Document the client's presenting problem, purpose, or diagnosis;

(d)[~~(4)~~] Follow the record-keeping requirements of 201 KAR 28:140; [~~and~~]

(e)[~~(5)~~] Ensure that confidential communications obtained and stored electronically shall not be recovered and accessed by unauthorized persons when the credential holder disposes of electronic equipment and data; and[~~.~~]

(f) Document the client's written informed consent to the services being provided and the provision of those services via telehealth, including the following:

1. That the patient has the right to refuse telehealth consultation or services, has been informed of alternatives to telehealth services;

2. That the client shall be entitled to receive information from the provider regarding the services rendered;

3. That the client's information shall be protected by applicable federal and state law regarding client confidentiality;

4. That the client shall have the right to know the identity of all persons present at any site involved in the telehealth services, and to exclude any such person; and

5. That the client shall have the right to be advised, and to object to, any recording of the telehealth consultation or services.

(2) When written informed consent cannot be obtained due to an emergency situation, informed consent shall be obtained verbally and documented in the client's record.

Section 4. Compliance with Federal, State, and Local Law. A credential holder using telehealth to deliver occupational therapy services or who practices telehealth occupational therapy shall [~~comply with~~]:

(1) Maintain patient privacy and security in accordance with 900 KAR 12:005, Section 2(2). [~~State law where the credential holder is credentialed and be licensed to practice occupational therapy where the client is domiciled or adhere to standards set forth in 201 KAR 28:030; and~~]

(2) Comply with Section 508 of the Rehabilitation Act, 29 U.S.C. 794(d), to make technology accessible to a client with disabilities.

(3) Be licensed or otherwise authorized by law to practice occupational therapy where the client is physically located.

(4) Be licensed or otherwise authorized by law to practice occupational therapy where the credential holder is physically located.

Section 5. Representation of Services and Code of Conduct.

[~~(1)~~] A credential holder using telehealth to deliver occupational therapy services or who practices telehealth occupational therapy shall:

(1)[~~(a)~~] Not by or on behalf of the credential holder engage in false, misleading, or deceptive advertising of telehealth occupational therapy;

(2)[~~(b)~~] Comply with the code of ethics and unprofessional conduct established in 201 KAR 28:140; and

(3)[~~(c)~~] Not allow fee-splitting through the use of telehealth occupational therapy services.

[~~(2)~~] [~~Occupational therapy continuing competence educational processes established in 201 KAR 28:200, Section 3(1), (2), (3), (5), (8), and (11), may occur through telehealth services.~~]

SCOTT DEBURGER, Vice Chair

APPROVED BY AGENCY: February 12, 2026

FILED WITH LRC: May 12. 2026 at 10:32 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 27, 2026, at 10:00 AM, at the Mayo-Underwood Building, Room 206NW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 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 by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Name: Lilly Jean Coiner, Title: Executive Advisor, Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, 2 NC WK#4, Phone Number: (502) 262-5065 (office), Fax: (502) 564-4818, Email: lilly.coiner@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lilly Jean Coiner, Phone: 502-262-5065, Email: lilly.coiner@ky.gov

Subject Headings: Occupational Therapy, Licensing, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the requirements for credential holders who use telehealth in delivering occupational therapy to clients.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the

requirements under KRS 211.332.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 319A.070(3)(a) and 211.332 to 211.338.
(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 enforcement of KRS 319A.010 to 319A.990 in ensuring credential holders comply with the telehealth statutes.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment revises the existing administrative regulation by adding a definition for "credential holder," clarifying the definition of telehealth, standardizing the use of the terms "credential holder" and "client," clarifying statutory and regulatory requirements for telehealth, specifying documentation and informed consent requirements, clarifying the authority of credential holders to provide telehealth services based on the client's location and the credential holder's licensure, and removing unnecessary language.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to ensure regulatory clarity and consistency, align the regulation with current statutory requirements and telehealth practices, and provide clear guidance to credential holders regarding compliance, documentation, informed consent, and scope of authority across jurisdictions.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 319A.070(3)(a) and 211.332 to 211.338.
(d) How the amendment will assist in the effective administration of the statutes: The amendments will assist in the effective administration of the statutes by ensuring regulatory clarity and consistency, aligning the regulation with current statutory requirements and telehealth practices, and providing clear guidance to credential holders regarding compliance, documentation, informed consent, and scope of authority across jurisdictions.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are currently 4,176 active credential holders and 89 inactive credential holders.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each licensee will have to adhere to the requirements of the telehealth laws.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The costs will vary, and licensee is not required to offer telehealth services.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, credential holders will have the ability to properly offer telehealth services.
(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 the administrative body to implement this administrative regulation.
(b) On a continuing basis: There will be no continuing cost to the administrative body to implement this regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Licensure for Occupational Therapy is funded by the fees paid by credential holders.
(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 will be necessary to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering was not applied because these requirements apply 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: 319A.080, 319A.300, KRS 211.332, 211.334, 211.335, 211.336, 211.338.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. KRS 211.336. Ky. Acts ch. 68, sec. 1, effective July 14, 2022. -- Created 2021 Ky. Acts ch. 67, sec. 3, effective June 29, 2021.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Occupational Therapy is housed for administrative purposes within the Office of Occupations and Professions in the Public Protection Cabinet.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation will not have a fiscal impact.
(b) Methodology and resources used to reach this conclusion: No methodology nor resources were used to reach this conclusion because there is no fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): 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: No methodology nor resources were used to reach this conclusion because there is no "major economic impact", as defined by KRS 13A.010(14).

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
APPLIED BEHAVIOR ANALYSIS LICENSING BOARD
(Amendment)

201 KAR 43:010. Application procedures for licensure.

RELATES TO: KRS 319C.070, 319C.080(1), (2)
STATUTORY AUTHORITY: KRS 319C.060(2)(a)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for licensure.

Section 1. Application Procedures.
(1) An Application for Licensure as a behavior analyst shall be submitted after the requirements established in KRS 319C.080(1) are met.
(2) An Application for Licensure as an assistant behavior analyst shall be submitted after the requirements established in KRS 319C.080(2) are met.
(3) The application required by subsections (1) and (2) of this section shall be made by submitting a completed Form ABA-001, Application for Licensure, to the board. The application shall include:
(a) A certification by the applicant that the:
1. Information in the application is true, correct, and complete to the best of his or her knowledge and belief; and
2. Applicant is aware that a misrepresentation or falsification in the application is grounds for denial or revocation of the license at any time.[;]
(b) A copy of the degree obtained;
(c) A check or money order payable to the Kentucky State Treasurer for the application review and licensure fee as required by 201 KAR 43:030;
(d) Proof of compliance with the educational, examination, and credentialing requirements established in KRS 319C.080(1) for applicants seeking licensure as a behavior analyst and KRS 319C.080(2) for applicants seeking licensure as an assistant behavior analyst; and
(e) Proof of completion, within the past seven (7) years, of at least five (5) hours of training in:
1. Adult abuse,[and]neglect, and dependency;
2. Child abuse, neglect, and dependency; or
3. A combination of subparagraphs 1. and 2. of this paragraph.
The completed proof shall indicate that the training:[abuse, neglect, or dependency was explicitly covered in the training.]
a. Explicitly covers abuse, neglect, adult dependency, or child dependency;
b. Adheres to the ethics requirements of 201 KAR 43:040;
c. References evidence-based practices, research, and policy updated within the last seven (7) years; and
d. Includes a completion certificate issued by the training provider or providers, which states the total hours earned.
(4) Applicants for licensure as an assistant behavior analyst shall also submit a completed Supervisory Plan, Form ABA-002, as incorporated by reference in 201 KAR 43:050, for board approval.
(5) A licensed assistant behavior analyst may apply for licensure as a licensed behavior analyst at any time within the two (2) year licensure period after meeting the requirements established in this administrative regulation. A final Report of Supervision, Form ABA-003, as incorporated by reference in 201 KAR 43:050, shall also be submitted for board approval.
(6) An applicant for licensure as any type of behavior analyst shall have completed all requirements of any other license that the applicant holds with the board prior to submitting an application for licensure as a behavior analyst.

Section 2. Applications Committee. The applications committee shall consist of at least two (2) board members appointed by the chair of the board. The applications committee may be assisted by the board staff and counsel to the board. The applications committee shall:
(1) Review applications for licensure including renewals and reinstatements;
(2) Review Supervisory Plans and Reports of Supervision;
(3) Make recommendations to the board to approve, defer, or deny applications; and
(4) Make recommendations to the board to approve or require revisions to Supervisory Plans and Reports of Supervision.

Section 3. Incorporation by Reference.
(1) Form ABA-001, "Application for Licensure", May 2022, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Applied Behavior Analysis Licensing Board, 500 Mero Street, [2SC32,]Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at aba.ky.gov.

KIRSTI SINGER, Chair
APPROVED BY AGENCY: May 1, 2026
FILED WITH LRC: May 5, 2026 at 1:30 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2026 at 10:00 a.m., eastern time, in the Applied Behavior Analysis Board, 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 July 31, 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: Jennifer Wolsing, Attorney, Applied Behavior Analysis Board 500 Mero Street, 2nd Floor, Frankfort, Kentucky 40601. Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov
Subject Headings: Behavioral Health, Mental Health, Education
(1) Provide a brief summary of:
(a) What this administrative regulation does: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for licensure applicants.
(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2)(a).
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for licensure.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by

carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.
(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 proposed regulatory amendment clarifies application requirements regarding necessary training. The amendment also adds a requirement that any applicant must have completed all requirements for any other board license held by that applicant.
(b) The necessity of the amendment to this administrative regulation: This proposed regulatory amendment is necessary because the board observed licensees attempting to obtain credit for outdated trainings or trainings that were not relevant to applied behavior analysis in Kentucky. The requirement of completing all necessary requirements for any other board license held by a license applicant incentivizes applicants to finish all outstanding tasks and thereby deliver better client services.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a behavior analyst or assistant behavior analyst. This proposed amendment clarifies the training requirements for licensure applicants.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes the training requirements for licensure 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 regulation will affect an unknown number of applicants for licensure as behavior analysts and assistant behavior analysts. The regulation will affect the Board via the creation of the Applications Committee.
(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: Licensure applicants must take the appropriate trainings to qualify for licensure.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Licensure applicants already had certain training requirements. This proposed regulatory amendment merely clarifies the pre-existing requirements. Therefore, applicants will not have to pay any more for training than they already did.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Trainings will be more appropriate and tailored to properly provide useful education necessary to practice applied behavior analysis in Kentucky.
(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 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 necessitate an increase in fees or require funding from the agency 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.

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 319C.060(2)(a).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: {Response}
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Applied Behavior Analysis Licensing Board.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
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): Prospective licensees will be impacted by this proposed regulatory amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulation changes and clarifies license application requirements, none of which require a financial expenditure.
(b) Methodology and resources used to reach this conclusion: Please see the answer 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): No.
(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

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

BOARDS AND COMMISSIONS
APPLIED BEHAVIOR ANALYSIS LICENSING BOARD
(Amendment)

201 KAR 43:020. Application procedures for temporary licensure.

RELATES TO: KRS 319C.070, 319C.080(3)
STATUTORY AUTHORITY: KRS 319C.060(2)(a)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for temporary licensure.

Section 1. Application procedures.

(1) An application for a temporary license as a behavior analyst or assistant behavior analyst may[~~shall~~] be submitted after the requirements established in KRS 319C.080(3) are met.

(2) The application required by subsection (1) of this section shall be made by submitting to the board a completed Form ABA-001, Application for Licensure, as incorporated by reference in 201 KAR 43:010.

(a) The application shall include a certification by the applicant that the:

1. Information in the application is true, correct, and complete to the best of his or her knowledge and belief;

2. Applicant is aware that a misrepresentation or falsification in the application is grounds for denial or revocation of the license; and

3. Applicant is aware that any temporary license issued expires two (2) years from the issuance date and may be renewed only once, if the temporary licensee produces a record signed by the supervisor with his or her renewal application indicating that fieldwork hours toward a BACB credential were being accumulated every month while credentialed as a temporary licensee or produces documentation showing extenuating circumstances that prevented the accumulation of fieldwork hours, such as illness of the temporary licensee, maternity leave of the temporary licensee, or the temporary licensee's displacement from employment.

(b) If the applicant has completed the coursework through a Behavior Analyst Certification Board (BACB) or Association for Behavior Analysis International (ABAI) Verified Course Sequence (VCS), the application shall include an official post-secondary transcript and VCS course sequence number.

(c) If the applicant has completed coursework from a non-BACB or non-ABAI VCS program, the application shall include an official post-secondary transcript and course syllabi for all behavior-analytic coursework showing that the applicant has met the most current BACB coursework requirements for eligibility to sit for the Board Certified Behavior Analyst (BCBA) examination for applicants applying for a temporary license as a behavior analyst or the Board Certified Assistant Behavior Analyst examination for applicants applying for a temporary license as an assistant behavior analyst.

(3) The applicant shall submit check or money order payable to the Kentucky State Treasurer for the application review and licensure fee as required by 201 KAR 43:030.

(4) The applicant shall submit proof of compliance with the requirements established in KRS 319C.080(3).

(5) The applicant shall submit proof that the applicant has completed at least five (5) hours of training in the following areas within the past seven (7) years[~~of completion of at least five (5) hours of training in~~]:

(a) Adult abuse,[~~and~~]neglect, and dependency;

(b) Child abuse, neglect, and dependency; or

(c) A combination of paragraphs (a) and (b) of this subsection. The completed proof shall indicate that the training:[~~abuse, neglect, or dependency was explicitly covered in the training.~~]

1. explicitly covers abuse, neglect, adult dependency, or child dependency;

2. adheres to the ethics requirements of 201 KAR 43:040;

3. references evidence-based practices, research, and policy updated within the last seven (7) years; and

4. include a completion certificate issued by the training provider(s), which includes the number of hours earned.

(6) Applicants for temporary licensure as a behavior analyst or assistant behavior analyst shall also submit a completed Supervisory Plan for board approval, Form ABA-002, as incorporated by reference in 201 KAR 43:050.

(7) An application for full licensure may be submitted at any time within the two (2) year temporary licensure period after meeting the requirements established in KRS 319C.080(1) and (2). A final Report of Supervision, Form ABA-003, as incorporated by reference in 201 KAR 43:050, shall also be submitted for board approval.

KIRSTI SINGER, Chair
APPROVED BY AGENCY: May 1, 2026
FILED WITH LRC: May 5, 2026 at 1:30 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2026 at 10:00 a.m., eastern time, in the Applied Behavior Analysis Board, 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 July 31, 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: Jennifer Wolsing, Attorney, Applied Behavior Analysis Board 500 Mero Street, 2nd Floor, Frankfort, Kentucky 40601. Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov
Subject Headings: Behavioral Health, Mental Health, Education
(1) Provide a brief summary of:
(a) What this administrative regulation does: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for applicants for temporary licensure.
(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2)(a).
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This administrative regulation establishes the requirements for temporary licensure applicants.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.
(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 proposed regulatory amendment clarifies that temporary licensure is optional and not mandatory. This amendment also clarifies the training requirements necessary to obtain a temporary license.
(b) The necessity of the amendment to this administrative regulation: This proposed regulatory amendment is necessary because the original regulation made it appears that obtaining a temporary license could be mandatory in some cases. Also, the board observed licensees attempting to obtain credit for outdated trainings or trainings that were not relevant to applied behavior analysis in Kentucky.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board to promulgate administrative regulations establishing the requirements for an applicant for temporary licensure as a behavior analyst or assistant behavior analyst. This proposed amendment clarifies the requirements for temporary licensure applicants.
(d) How the amendment will assist in the effective administration of the statutes: This proposed regulation clarifies the requirements for temporary licensure 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 regulation will affect an unknown number of applicants for temporary licensure as behavior analysts and assistant behavior analysts.
(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: Temporary licensure applicants must take the appropriate trainings to qualify for temporary licensure.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Temporary licensure applicants already had certain training requirements. This proposed regulatory amendment merely clarifies the pre-existing requirements. Therefore, applicants will not have to pay any more for training than they already did.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Trainings will be more appropriate and tailored to properly provide useful education necessary to practice applied behavior analysis in Kentucky.
(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 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 necessitate an increase in fees or require funding from the agency 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.

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 319C.060(2)(a).
(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: This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
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): Prospective licensees will be impacted by this proposed regulatory amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulation changes and clarifies temporary license application requirements, none of which require a financial expenditure.
(b) Methodology and resources used to reach this conclusion: Please see the answer 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): No.
(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

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

BOARDS AND COMMISSIONS
APPLIED BEHAVIOR ANALYSIS LICENSING BOARD
(Amendment)

201 KAR 43:030. Fees.

RELATES TO: KRS 319C.060(2)(f), 319C.080(1), (2), (3)
STATUTORY AUTHORITY: KRS 319C.060(2)(f), 319C.120
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes those fees.

Section 1. Application and Licensure Fees for Licensed Behavior Analysts.

(1) An applicant for licensure as a licensed behavior analyst shall pay the following:

(a) A $400 application review and licensure fee for the first two (2) year licensure period;

(b) A licensed assistant behavior analyst applying for licensure as a licensed behavior analyst for the remainder of their two (2) year licensure period shall pay a $100 non-refundable application review fee;

(c) A temporary licensed behavior analyst applying for licensure as a licensed behavior analyst for the remainder of their two (2) year licensure period shall pay a non-refundable $100 application review fee; and

(d) A temporary licensed assistant behavior analyst applying for licensure as a licensed behavior analyst for the remainder of their two (2) year licensure period shall pay a non-refundable $100 application review fee.

(2) The licensure renewal fee for a licensed behavior analyst for each subsequent, two (2) year licensure period shall be $300.

Section 2. Application and Licensure Fees for Licensed Assistant Behavior Analysts.

(1) An applicant for licensure as a licensed assistant behavior analyst shall pay the following:

(a) A $300 application review and licensure fee for the first two (2) year licensure period.

(b) A temporary licensed assistant behavior analyst applying for licensure as a licensed assistant behavior analyst for the remainder of the two (2) year licensure period shall pay a $100 non-refundable application review fee.

(2) The licensure renewal fee for a licensed assistant behavior analyst for each subsequent, two (2) year licensure period shall be $200.

Section 3. Application and Temporary Licensure Fees.

(1) An applicant for a temporary license as a behavior analyst shall pay a $300 application review and[[] licensure fee for the two (2) year temporary licensure period.

(2) The licensure renewal fee for a temporary licensed behavior analyst for a one (1) time subsequent two (2) year licensure period shall be $200.

(3) An applicant for a temporary license as an assistant behavior analyst shall pay a $200 application review and[[] licensure fee for the two (2) year temporary licensure period.

(4) The licensure renewal fee for a temporary licensed assistant behavior analyst for a one (1) time subsequent two (2) year licensure period shall be $100.

Section 4. Fees for Inactive Status.

(1) A licensed behavior analyst or a licensed assistant behavior analyst who applies for inactive status shall pay a fee of $100.

(2) A licensed behavior analyst or a licensed assistant behavior analyst who applies to renew their inactive status shall pay a fee of $100.

(3) The board may waive fees in this Section upon written application by a licensee demonstrating financial hardship. The board shall determine hardship based on a review of any of the licensee's personal or financial circumstances that may impact the licensee's ability to pay fees.

Section 5. Fee for Retired Status. A licensed behavior analyst or a licensed assistant behavior analyst who applies for retired status shall pay a fee of $100 [~~dollars~~]. The board may waive fees in this Section upon written application by a licensee demonstrating hardship. The board shall determine hardship based on a review of any of the licensee's personal or financial circumstances that may impact the licensee's ability to pay fees.

Section 6. Fees for Late Renewal or Reinstatement.

(1) A licensee who files to renew his or her license after its renewal date but within thirty (30) days of that renewal date shall pay a late fee of fifty (50) dollars in addition to the fee set forth in Section 1 or 2 of this administrative regulation.

(2) A licensed behavior analyst or a licensed assistant behavior analyst who files to reinstate his or her expired license more than thirty (30) days after its renewal date shall pay a reinstatement fee of $250 in addition to the renewal fee set forth in Section 1, 2, or 3 of this administrative regulation.

(3) A licensed behavior analyst or a licensed assistant behavior analyst who applies to reinstate following a period of board-approved inactive status or retirement shall pay a reinstatement fee of $100 in addition to the renewal fee set forth in Section 1 or 2 of this administrative regulation.

Section 7. For applications that are denied, the applicant may request a fifty (50) percent refund of the application and licensure review fee in writing to the board administrator within ninety (90) days.

KIRSTI SINGER, Chair

APPROVED BY AGENCY: May 1, 2026

FILED WITH LRC: May 5, 2026 at 1:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2026 at 10:00 a.m., eastern time, in the Applied Behavior Analysis Board, 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 July 31, 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: Jennifer Wolsing, Attorney, Applied Behavior Analysis Board 500 Mero Street, 2nd Floor, Frankfort, Kentucky 40601Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

Subject Headings: Behavioral Health, Mental Health, Education

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319C.060(2)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes those fees.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2)(f).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes those fees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by establishing fees for licensure and renewal.

(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 proposed regulatory amendment will allow the board to waive fees for inactive and retired status licensees upon a showing of financial hardship.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow the board the ability to waive fees for certain licensees in unusual, case-by-case scenarios. This

amendment may allow licensees to keep working in applied behavioral analysis when they may otherwise have been forced to terminate their licensure.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.060(2)(f) requires the board to promulgate administrative regulations establishing reasonable fees for the licensure and license renewal of behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes situations in which license fees may be waived.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes situations in which license fees may be waived.
(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 an unknown number of applicants for licensure as behavior analysts and assistant behavior analysts, and an unknown number of applicants for temporary licensure. The regulation will affect approximately 21 licensed assistant behavior analysts, approximately 837 licensed behavior analysts, and approximately 31 temporary behavior analysts.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: There are no mandatory actions that any regulated entity must take to comply. Seeking a fee waiver is optional.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Licensees will not incur costs in order to comply with this proposed amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Certain licensees may have their licensure fees waived if they demonstrate financial hardship to the board.
(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 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 necessitate an increase in fees or require funding from the agency 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.

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 319C.060(2)(f).
(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: This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
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): Prospective licensees will be impacted by this proposed regulatory amendment.
(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 proposed amendment will allow the board to waive licensure fees for certain licensees demonstrating financial hardship. It is anticipated that only a small number of licensees may apply for this waiver, which is not automatic. This amendment may allow licensees to keep working in applied behavior analysis when they may otherwise have been forced to terminate their licensure. This will allow them to pay licensure fees in the future when their finances improve. The impact to the board's finances will be de minimus.
(b) Methodology and resources used to reach this conclusion: Please see the answer 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): No.
(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

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

BOARDS AND COMMISSIONS
APPLIED BEHAVIOR ANALYSIS LICENSING BOARD
(Amendment)

201 KAR 43:040. Code of ethical standards and standards of practice.

RELATES TO: KRS 202A.400, 319C.060(1), (2)(c), 620.030, 645.270
STATUTORY AUTHORITY: KRS 319C.060(2)(c)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This

administrative regulation establishes the code of ethical standards and standards of practice for licensees.

Section 1. Definitions.

(1) "BACB Code" means the Behavior Analyst Certification Board (BACB) January 1, 2022 Ethics Code for Behavior Analysts.

(2) "Behavior analyst" means a person licensed under KRS Chapter 319C as a licensed behavior analyst, a licensed assistant behavior analyst, or a temporary licensee.

(3) "Client" means:

(a) A client as defined in the BACB Code;

(b) A person who receives behavior analytic assessment, intervention, consultation, treatment, or other professional services for the purpose of practicing applied behavior analysis;

(c) A corporate entity or other organization if the professional contract is to provide a professional service of benefit to the corporate entity or organization; and

(d) The legal guardian of a minor or a legally incompetent adult for a decision-making purpose.

(4) "Confidential information" means information revealed by a client or clients or otherwise obtained by a behavior analyst in a professional relationship and includes all protected health information (PHI) and educational records.

(5) "Kentucky Code" means the Code of Ethics set forth in this administrative regulation.

(6) "Professional relationship" means a mutually agreed upon relationship between a behavior analyst and a client for the purpose of the client obtaining the behavior analyst's professional expertise.

(7) "Professional service" means all actions of the behavior analyst in the context of a professional relationship with a client.

Section 2. Administration and Enforcement of the Code of Ethics.

(1) Notwithstanding the requirements of the BACB Code, the changes established in the Kentucky Code shall be mandatory and shall supersede any conflicting provisions of the BACB Code.

(2) Except as superseded by the provisions of this administrative regulation and the Kentucky Code, the BACB Code shall be the mandatory ethics code for Kentucky Applied Behavior Analysts.

Section 3. Additional Requirements for Kentucky Licensees.

(1) Reporting of abuse of children and vulnerable adults. The behavior analyst shall be familiar with the relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with those laws, including KRS 620.030.

(2) Disclosure without informed written consent. The behavior analyst shall disclose confidential information without the informed consent of the client if the behavior analyst has a duty to warn an intended victim of the client's threat of violence pursuant to KRS 202A.400 or 645.270.

Section 4. Incorporation by Reference.

(1) "Ethics Code for Behavior Analysts", Behavior Analyst Certification Board, January 1, 2022, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Applied Behavior Analysis Licensing Board, 500 Mero Street, [~~2SC32, ~~]Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the Behavior Analyst Certification Board's Web site at https://www.bacb.com/wp-content/ethics-code-for-behavior-analysts/.

KIRSTI SINGER, Chair

APPROVED BY AGENCY: May 1, 2026

FILED WITH LRC: May 5, 2026 at 1:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2026 at 10:00 a.m., eastern time, in the Applied Behavior Analysis Board, 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 July 31, 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: Jennifer Wolsing, Attorney, Applied Behavior Analysis Board 500 Mero Street, 2nd Floor, Frankfort, Kentucky 40601 Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

Subject Headings: Behavioral Health, Mental Health, Education

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes the code of ethical standards and standards of practice for licensees.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2)(c).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes the code of ethical standards and standards of practice for licensees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.

(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 changes the address of the board.

(b) The necessity of the amendment to this administrative regulation: The address change is necessary to clarify the location at which people may request incorporated documents.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This proposed amendment clarifies the location of incorporated documents related to the code of ethical standards and standards of practice for licensees.

(d) How the amendment will assist in the effective administration of the statutes: This proposed amendment clarifies the location of incorporated documents related to the code of ethical standards and standards of practice for licensees.

(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 an unknown number of applicants for licensure as behavior analysts and assistant behavior analysts, and an unknown number of applicants for temporary licensure. The regulation will affect approximately 21 licensed assistant behavior analysts, approximately 837 licensed behavior analysts, and approximately 31 temporary behavior analysts.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: There are no mandatory actions that any

regulated entity must take to comply. Obtaining a copy of an incorporated document is optional.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Licensees will not incur costs in order to comply with this proposed amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Certain licensees may have their licensure fees waived if they demonstrate financial hardship to the board.
(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 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 necessitate an increase in fees or require funding from the agency 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.

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 319C.060(2)(c).
(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: This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.
(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 will be impacted by this proposed regulatory amendment.
(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): Prospective licensees will be impacted by this proposed regulatory amendment.
(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: his proposed amendment will not create a fiscal impact, because changing the board's address does not impact the expenditures, revenues, and/or cost savings of the board or any other entity.
(b) Methodology and resources used to reach this conclusion: Please see the answer 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): No.
(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

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

BOARDS AND COMMISSIONS
APPLIED BEHAVIOR ANALYSIS LICENSING BOARD
(Amendment)

201 KAR 43:050. Requirements for supervision.

RELATES TO: KRS 319C.050(1), 319C.060(2)(a)-(d)
STATUTORY AUTHORITY: KRS 319C.060(2)(a)-(d)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

Section 1. Definitions.
(1) "Direct supervision" means in-person interactions between the supervisor and the licensee under his or her supervision which includes direct observation of actual service provision to individuals.
(2) "General supervision" means interactions between the supervisor and the licensee under his or her supervision involving real time visual and auditory contact, conducted in-person or via electronic means.
(3) "Licensed supervisee" means an individual permitted to practice applied behavior analysis under the direction of a Licensed Behavior Analyst qualified to supervise while holding licensure in Kentucky as a:
(a) Licensed assistant behavior analyst;
(b) Temporarily licensed behavior analyst; or
(c) Temporarily licensed assistant behavior analyst .
(4) "Paraprofessional" means a person who assists in delivering behavior analysis services and practices under the direction and close supervision of a Licensed Behavior Analyst or Licensed Assistant Behavior Analyst qualified to supervise.
(5) "Supervisee" means a person as defined by KRS 319C.010(10) who is a paraprofessional.
(6) "Supervisor" means a Licensed Behavior Analyst in good standing that meets the qualifications to supervise under his or her Behavior Analyst Certification Board (BACB) Board Certified Behavior Analyst (BCBA).
(7) "Trainee" means a person who is enrolled in an Association for Behavior Analysis International (ABAI) accredited program[~~or~~], an Association of Professional Behavior Analysts (APBA) accredited program, or, prior to January 1, 2032, a Verified Course Sequence

(VCS) while acquiring experience in applied behavior analysis toward an eligibility requirement for either a Behavior Analyst Certification Board (BACB) Certified Behavior Analyst (BCBA) or BACB Board Certified Assistant Behavior Analyst (BCaBA) credentialing examination.

Section 2. Qualifications to Supervise. In order to provide supervision to a licensed supervisee, a Licensed Behavior Analyst shall:

(1) Be licensed in good standing in Kentucky; and

(2) Have completed supervision training as identified in the Behavior Analyst Certification Board's (BACB) Certificant Registry.[.]

Section 3. Supervisory Plan and Report of Supervision.

(1) The supervisor and the licensed supervisee shall jointly complete and the licensed supervisee shall submit to the board a completed Supervisory Plan upon application for licensure and again annually or biennially as required by subsection (3) of this section.

(2) The supervisor and the licensed supervisee shall jointly complete and the licensed supervisee shall submit to the board a Report of Supervision, which shall include a graphical representation of the supervisee's performance of his or her supervision objectives,[either annually or biennially][as required by subsection (3) of this section].

(3) In calculating the amount of time spent in full-time practice while under supervision, one thousand (1,000)[1,500] hours of satisfactory supervised practice shall be equivalent to one (1) year of experience.

(a) A licensed assistant behavior analyst with five (5) or more years of full-time practice, or its equivalent, shall submit a Report of Supervision and an updated Supervisory Plan every two (2) years prior to renewal.

(b) A licensed assistant behavior analyst with fewer than five (5) years of full-time practice, or its equivalent, shall submit a Report of Supervision and an updated Supervisory Plan annually on or before the anniversary of the date of licensure as a licensed assistant behavior analyst and prior to renewal.

(c) A temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst shall submit a Report of Supervision and an updated Supervisory Plan annually on or before the anniversary of the date of licensure as a temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst. A final Report of Supervision shall be submitted by the licensed supervisee upon application for full licensure.

(4) The Supervisory Plan shall include a minimum of three (3) measurable goals for supervision and shall focus on extending the supervisee's skills beyond the scope of practice as a paraprofessional as it relates to applied behavior analysis, within the following areas, and a minimum of two (2) goals shall encompass competencies included in paragraphs (a) through (e) of this subsection:

(a) Behavior-change procedures;

(b) Concepts and principles;

(c) Ethical and professional issues;

(d) Measurement, data display, and interpretation;

(e) Selecting and implementing interventions;

(f) Personnel supervision and management;

(g) Experimental design; and

(h) Behaviorism and philosophical foundations.

(5) The Report of Supervision shall include:

(a) A description of the frequency, format, and duration of supervision;

(b) An assessment of the functioning of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst, including the strengths and weaknesses;

(c) The methods that the supervisor and licensed assistant behavior analyst practicing under the direction of the supervisor shall employ to plan, report, and evaluate the supervisory process; and

(d) Any other information, which the supervisor deems relevant to an adequate assessment of the practice of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst.

(6) The licensed supervisee shall submit to the board the description of the supervisory arrangement or a change in the supervisory arrangement by submitting an updated Supervisory Plan no later than thirty (30) days after a change in the effective date of the arrangement or change. A final Report of Supervision shall also be submitted by the licensed supervisee at the termination of any supervisory relationship.

Section 4. Supervisory Responsibilities.

(1) The supervisor shall assure that the practice of each licensed supervisee is in compliance with this administrative regulation.

(2) The supervisor shall report to the board an apparent violation of KRS Chapter 319C or 201 KAR 43:040 on the part of the licensed supervisee.

(3) The supervisor shall inform the board administrator in writing or electronically of a change in the ability to supervise, or in the ability of a licensed supervisee to function in the practice as a licensed supervisee in a competent manner.

(4) The supervisor shall control, direct, or limit the behavior analytic duties performed by the licensed supervisee practicing under the direction of the supervisor to ensure that these duties are competently performed.

(5)

(a) The supervisor of record shall be responsible for the behavior analytic duties of the licensed supervisee practicing under the direction of the supervisor.

(b) If the board initiates an investigation concerning a licensed supervisee practicing under the direction of the supervisor, the investigation shall include the supervisor of record.

(6)

(a) For each supervisee and licensed supervisee, the supervisor shall maintain a record of each supervisory session that shall include the type, place, and general content of the session.

(b) This record shall be maintained for a period of not fewer than seven (7) years after the last date of supervision.

Section 5. Multiple Supervisors.

(1) If a licensed supervisee has more than one (1) board-approved supervisor, the supervisors shall be in direct contact with each other at least once every six (6) months, and their licensed supervisee shall[[] provide individual Supervisory Plans and Reports of Supervision to the board for each supervisor.

(2) A request to have more than two (2) supervisors at one (1) time shall be subject to board approval and shall be submitted by new applicants on the licensure application and the Supervisory Plan and by existing licensees on the Supervisory Plan, which shall include detailed information as to how the supervisors shall communicate and coordinate with each other in providing the required supervision.

Section 6. Supervisor Experience. If a licensed supervisee practicing under the direction of the supervisor is a behavior analyst with less than five (5) years of fulltime, post-certification practice, or its equivalent, or a licensure candidate with temporary permission to practice, the supervisor of record shall:

(1) Read and countersign all assessments and treatment plans to assess the competency of the licensed supervisee to render applied behavior analytic services;

(2) Review notes and correspondence on an as-needed basis;

(3) Conduct general supervision of the work performed by the licensed supervisee practicing under the direction of the supervisor at least twice per month;

(4) Have direct supervision of the work performed by the licensed supervisee practicing under the direction of the supervisor at least once every three (3) months;

(5) Have direct knowledge of the size and complexity of the caseload for each licensed supervisee practicing under the direction of the supervisor;

(6) Limit and control the caseload as appropriate to the level of competence of each licensed supervisee practicing under the direction of the supervisor;

(7) Have knowledge of the techniques being used by the licensed supervisee; and

(8) Have knowledge of the physical and emotional well-being of each licensed supervisee practicing under the direction of the supervisor when it has a direct bearing on his or her competence to practice.

Section 7. Licensed Supervisee Experience. If the licensed assistant behavior analyst is a behavior analyst with more than five (5) years of fulltime, post-certification practice, or its equivalent, the supervisor of record shall:

(1) Review and countersign assessments as needed or appropriate;

(2) Review treatment plans, notes, and correspondence as needed or appropriate;

(3) Have general supervision of the work performed by each licensed assistant behavior analyst practicing under the direction of the supervisor at least once per month;

(4) Have direct supervision of the work performed by each licensed assistant behavior analyst practicing under the direction of the supervisor at least twice a year;

(5) Have direct knowledge of the size and complexity of the caseloads for each licensed assistant behavior analyst practicing under the direction of the supervisor;

(6) Limit and control the caseload as appropriate to the level of competence of each licensed assistant behavior analyst;

(7) Have knowledge of the techniques being used by each licensed assistant behavior analyst; and

(8) Have knowledge of the physical and emotional well-being of each licensed assistant behavior analyst practicing under the direction of the supervisor when it has a direct bearing on his or her competence to practice.

Section 8. Supervision Requirements.

(1) A licensed assistant behavior analyst shall meet these supervision requirements, even if he or she is not currently providing behavior analytic services, unless having obtained Inactive status by the board.

(2) If the licensed assistant behavior analyst is not currently providing behavior analytic services, supervision may focus on guiding the development and maintenance of the licensed assistant behavior analyst's professional knowledge and skills and remaining current with the professional literature in the field.[[]

Section 9. Supervision for Part-Time Practice. Supervision requirements for part-time practice may be modified by the board upon approval of the submitted plan. Additional modifications of the format, frequency, or duration of supervision may be submitted for approval by the board.

Section 10. Licensed Supervisee Responsibilities. The licensed supervisee shall:

(1) Keep the supervisor adequately informed at all times of his or her activities and ability to function;

(2) Seek supervision as needed in addition to a regularly scheduled supervisory session;

(3) Participate with the supervisor in establishing supervisory goals and in completing the regular supervisory reports;

(4) Be jointly responsible with the supervisor for ensuring that a supervisory report or plan has been sent to the board in accordance with the reporting schedule established in Section 3 of this administrative regulation; and

(5) Report to the board any apparent violation of KRS Chapter 319C on the part of the supervisor.

Section 11. Identification of Provider in Billing. The actual deliverer of a service shall be identified to the client. A billing for a rendered service shall identify which service was performed by the supervisee, licensed supervisee, or supervisor.

Section 12. Disciplinary Procedures and Supervision of a Disciplined License Holder.

(1) The board shall appoint an approved supervisor to supervise a disciplined license holder for the period of time defined by the final order or settlement agreement conferring the discipline.

(2) When specified by the final order or settlement agreement, the disciplined license holder shall be responsible for paying the costs of supervision.

(3) The supervisor shall:

(a) Review the originating complaint, agreed order, or findings of the disciplinary hearing;

(b) Meet with the disciplined license holder and the board liaison to:

1. Summarize the actions and concerns of the board;

2. Review the goals and expected outcomes of supervision submitted by the board liaison;

3. Develop a specific plan of supervision; and

4. Review the reporting requirements that shall be met during the period of supervision;

(c) Meet with the disciplined license holder at least weekly, on an individual face-to-face basis for a minimum of one (1) hour unless modified by the board;

(d) Submit a quarterly report to the board which reflects progress, problems, and other information relevant to the need for board-mandated supervision;

(e) Ensure that the disciplined license holder's practice is in compliance with KRS Chapter 319C and 201 KAR Chapter 43;

(f) Report to the board any apparent violation of KRS Chapter 319C on the part of the disciplined license holder;

(g) Immediately report to the board, in writing, a change in the ability to supervise, or in the ability of the disciplined license holder to function in the practice of a licensed behavior analyst in a competent manner;

(h) Review and countersign assessments as needed or appropriate;

(i) Review treatment plans, notes, and correspondence as needed or appropriate;

(j) Have direct observation of the disciplined license holder's work on an as-needed basis;

(k) Have direct knowledge of the size and complexity of the disciplined license holder's caseload;

(l) Have knowledge of the therapeutic modalities and techniques being used by the disciplined license holder; and

(m) Have knowledge of the disciplined license holder's physical and emotional wellbeing when it has direct bearing on the disciplined license holder's competence to practice.

(4) The supervisor shall control, direct, or limit the disciplined license holder's practice to ensure that the disciplined license holder's practice is competent.

(5) The supervisor shall contact the board liaison with any concern or problem with the disciplined license holder, his or her practice, or the supervision process.

(6)

(a) A final meeting shall be scheduled within thirty (30) days of the end of the established supervision period to summarize the supervision.

(b) The meeting shall include the supervisor, disciplined license holder, and board liaison.

(c) A written summary of the supervision shall be submitted by the supervisor to the board two (2) weeks following this meeting with a copy to the board liaison.

Section 13. Board Liaison for Disciplined License Holder. The board shall appoint a board member to serve as a liaison between the board and the approved supervisor. The board liaison shall:

(1) Recruit the supervising licensed behavior analyst from a list provided by the board;

(2) Provide the supervising licensed behavior analyst with the originating complaint, agreed order or findings of the hearing and supply other material relating to the disciplinary action;

(3) Ensure that the supervising licensed behavior analyst is provided with the necessary documentation for liability purposes to clarify that he or she is acting as an agent of the board and has immunity commensurate with that of a board member;

(4) Provide the supervising licensed behavior analyst with a written description of the responsibilities of the supervisor and a copy of the responsibilities of the liaison;

(5) Ensure that the board has sent a written notification letter to the disciplined license holder. The notification letter shall:

(a) State the name of the supervising licensed behavior analyst; and

(b) Specify that the disciplined license holder shall meet with the supervising licensed behavior analyst and the liaison within thirty (30) days of the date of the notification letter;

(6) Meet with the supervising licensed behavior analyst and disciplined license holder within thirty (30) days of the date of the notification letter to summarize the actions of the board, review the applicable statutes and administrative regulations regarding supervision requirements for a disciplined license holder, and assist with the development of a plan of supervision. The plan of supervision shall be written at the first meeting;

(7) Submit the Report of Supervision to the board for approval.

(a) The liaison shall place the Report of Supervision on the agenda for review and approval at the next regularly scheduled board meeting.

(b) In the interim, the supervising licensed behavior analyst and disciplined license holder shall continue to meet;

(8) Remain available to the supervising licensed behavior analyst to provide assistance and information as needed;

(9) Report any problem or concern to the board regarding the supervision and communicate a directive of the board to the supervising licensed behavior analyst;

(10) Review the quarterly Report of Supervision and forward to the supervision committee of the board for approval; and

(11) Meet with the supervising licensed behavior analyst and the disciplined license holder at the end of the term of supervision to summarize the supervision.

Section 14. Training. Trainees shall:

(1) Be supervised by a Licensed Behavior Analyst qualified to supervise;

(2) Be permitted, without a license as defined in KRS 319C.010, to practice applied behavior analysis under the close supervision and direction of a qualified supervisor;

(3) Not identify his or her status as a licensed behavior analyst, licensed assistant behavior analyst, temporary licensed behavior analyst, or temporary licensed assistant behavior analyst; and

(4) Give to all clients and payors the name of the supervisor or supervisors responsible for his or her work.[.]

Section 15. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form ABA-002, "Supervisory Plan", 2026[~~May 2022~~]; and

(b) Form ABA-003, "Report of Supervision", 2026[~~May 2022~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 500 Mero Street, [~~2 SC 32, ~~]Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at aba.ky.gov.

KIRSTI SINGER, Chair

APPROVED BY AGENCY: May 1, 2026

FILED WITH LRC: May 5, 2026 at 1:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2026 at 10:00 a.m., eastern time, in the Applied Behavior Analysis Board, 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 July 31, 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: Jennifer Wolsing, Attorney, Applied Behavior Analysis Board 500 Mero Street, 2nd Floor, Frankfort, Kentucky 40601 Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

Subject Headings: Behavioral Health, Mental Health, Education

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2)(a)-(d).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.

(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 proposed regulatory amendment seeks to make the following changes: (1) clarifies the definition of "trainee," (2) requires supervisors to include a graphical representation of their supervisees' performance on supervision objectives, (3) changes the required practice hours while under supervision from 1,500 hours to 1,000 hours, (4) requires licensees to report apparent ethics code violations, and (5) amends two incorporated documents to align with the regulation's text.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify a definition, better represent supervisees' progress, align supervision hours to the national BACB, ensure appropriate ethics reporting, and align the incorporated documents with the regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This proposed amendment establishes the requirements for supervision.

(d) How the amendment will assist in the effective administration of the statutes: This proposed amendment establishes the requirements for supervision.

(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 an unknown number of applicants for licensure as behavior analysts and assistant behavior analysts, and an unknown number of applicants for temporary licensure. The regulation will affect approximately 21 licensed assistant behavior analysts, approximately 837 licensed behavior analysts, and approximately 31 temporary behavior analysts.

(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: Supervisors will need to use the new forms and will only be required to supervise for 1,000 hours, rather than 1,500 hours. Licensees observing apparent ethics violations will be mandated to report those violations.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Licensees will not incur costs in order to comply with this proposed amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Supervisees will have better documentation of their progress. Supervision will align to national standards. Licensees will have greater incentive to follow ethical rules.
(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 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 necessitate an increase in fees or require funding from the agency 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.

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 319C.060(2)(a)-(d).
(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: This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
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): Prospective licensees will be impacted by this proposed regulatory amendment.
(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 proposed amendment will not create a fiscal impact, because clarifying a definition, requiring different supervisory documentation, decreasing supervisory hours, mandating ethical reporting, and aligning incorporated documents to the regulation's text do not impact the expenditures, revenues, and/or cost savings of the board or any other entity.
(b) Methodology and resources used to reach this conclusion: Please see the answer 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): No.
(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

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

BOARDS AND COMMISSIONS
APPLIED BEHAVIOR ANALYSIS LICENSING BOARD
(Amendment)

201 KAR 43:060. Complaint and disciplinary process.

RELATES TO: KRS 319C.050(4), 319C.060(2), 319C.070, 319C.110
STATUTORY AUTHORITY: KRS 319C.060(2)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2) requires the board to promulgate an administrative regulation governing the regulation of licensees. KRS 319C.070, 319C.050(4), and 319C.110 require the board to investigate and take disciplinary action against licensees who violate KRS Chapter 319C and the associated administrative regulations. This administrative regulation details the process by which the board completes those investigations and takes that action.

Section 1. Definitions.
(1) "Act" means KRS Chapter 319C.
(2) "Board" is defined by KRS 319C.010(3).
(3) "Charge" means a specific allegation contained in a document issued by the board or hearing panel alleging a violation of a specified provision of KRS Chapter 319C or 201 KAR Chapter 43.
(4) "Complaint Committee" means the committee appointed pursuant to Section 2 of this administrative regulation.
(5) "Formal complaint" means a formal administrative pleading or notice of administrative hearing authorized by the board that sets forth charges against a licensee or applicant and commences a formal disciplinary proceeding in accordance with KRS Chapter 13B.
(6) "Initiating complaint" means an allegation alleging misconduct by a licensee or applicant or alleging that an unlicensed person is engaging in unlicensed practice or using a title without holding a license.
(7) "Order" means the whole or a part of a final disposition of a hearing.

(8) "Presiding officer" means the person appointed by the board to preside at a hearing held pursuant to KRS Chapter 13B, and shall include a hearing officer, a member or members of the hearing panel, or both.

(9) "Respondent" means the person against whom an initiating or a formal complaint has been made.

Section 2. Initiating Complaint.

(1) Source of initiating complaint. An initiating complaint may be initiated by the board, by the public, or by a governmental agency. A certified copy of a court record for a misdemeanor or felony conviction shall be considered a valid initiating complaint.

(2) Form of initiating complaint. Initiating complaints shall:

(a) Be in writing;

(b) Clearly identify the person against whom the initiating complaint is being made;

(c) Contain the date;

(d) Identify by signature the person making the initiating complaint; and

(e) Contain a clear and concise statement of the facts giving rise to the initiating complaint.

(3) Receipt of initiating complaint. An initiating complaint shall be submitted to the Board Office at the Department of Professional Licensing.

(4) Response. A copy of the initiating complaint shall be transmitted by electronic mail,[~~mailed~~] to the respondent at the electronic mail address on file for the respondent. The respondent shall file with the board a written response to the initiating complaint:

(a) Within fifteen (15) days of the date on which the initiating complaint was mailed; or

(b)

1. Within a specified period of time if an extension is requested in writing by the respondent and granted by the board. In order to be granted an extension, the respondent shall provide proof of good cause justifying the extension.

2. Good cause includes instances such as family emergencies, medical needs, and undue hardship.

(5) Complaint Committee.

(a) The complaint committee shall consist of three (3) board members appointed by the chair of the board to:

1. Review initiating complaints, responses, and investigative reports;

2. Participate in informal proceedings to resolve formal complaints; and

3. Make recommendations for disposition of initiating complaints and formal complaints to the full board.

(b) The complaint committee may be assisted by the board staff and counsel to the board.

(6) Consideration of initiating complaint. At the next regularly-scheduled meeting of the board or as soon thereafter as practicable, the board or the complaint committee shall review the initiating complaint and response. The board, upon recommendation of the complaint committee, shall determine if an investigation is warranted, and if so, the board shall appoint an agent or representative of the board to conduct an investigation of the initiating complaint.

(7) Investigation.

(a) If the board directs that an investigation be completed, the respondent shall be interviewed as a part of that investigation. With the consent of the respondent, a meeting may be scheduled at which time the respondent may respond further to the allegations of the initiating complaint. The board and the respondent shall have the right to be represented at the meeting by legal counsel. The respondent's failure to submit to an interview or cooperate with an investigation shall not deprive the board of the authority to take action pursuant to paragraph (c) of this subsection.

(b) Report of investigation. Upon the completion of the investigation, the person or persons making that investigation shall submit a written report to the board containing a succinct statement of the facts disclosed by the investigation.

(c) Consideration of complaint and investigative report. Based on consideration of the complaint; the investigative report, if any; and the psychological or physical examination, if any, the board shall determine if there has been a prima facie violation of the Act.

1. If it is determined that the facts alleged in the initiating complaint or investigative report do not constitute a prima facie violation of KRS Chapter 319C or 201 KAR Chapter 43, the board shall provide written notice to the person or entity making the initiating complaint and the respondent that no further action shall be taken at the present time.

2.

a. If it is determined that there is a prima facie violation of KRS Chapter 319C or 201 KAR Chapter 43, the board shall issue a formal complaint against the licensee or applicant.

b. In the case of a prima facie violation of KRS 319C.020(1) and the respondent is not a licensee or an applicant, the board shall take one (1) or all of the following actions:

(i) Issue a cease-and-desist[~~cease and desist~~] order;

(ii) File suit to enjoin the violator pursuant to KRS 319C.050(2); or

(iii) Seek criminal prosecution pursuant to KRS 319C.050(2).[[]

Section 3. Formal Complaint. If the board votes to file a formal complaint, a notice of administrative hearing shall be filed as required by KRS 13B.050.

Section 4. Formal Response.

(1) Within twenty (20) days of service of the notice of administrative hearing, the respondent shall file with the board a written response to the specific allegations set forth in the notice of administrative hearing.

(2) Allegations not properly responded to shall be deemed admitted.

(3)

(a) The board may, if there is good cause, permit the late filing of a response.

(b) Good cause includes instances such as family emergencies, medical needs, and undue hardship.

Section 5. Composition of the Hearing Panel. Disciplinary actions shall be heard by a hearing officer and:

(1) The full board or a quorum of the board;

(2) A hearing panel consisting of at least one (1) board member appointed by the board; or

(3) The hearing officer alone in accordance with KRS 13B.030(1).

Section 6. Notification of Complainant. Upon final resolution of a complaint submitted pursuant to this process, the board shall notify the person or entity making the initiating complaint of the outcome of the action in writing.

KIRSTI SINGER, Chair

APPROVED BY AGENCY: May 1, 2026

FILED WITH LRC: May 5, 2026 at 1:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2026 at 10:00 a.m., eastern time, in the Applied Behavior Analysis Board, 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 July 31, 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: Jennifer Wolsing Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov
Subject Headings: Behavioral Health, Mental Health, Education
(1) Provide a brief summary of:
(a) What this administrative regulation does: KRS 319C.060(2) requires the board to promulgate an administrative regulation governing the regulation of licensees. KRS 319C.070, 319C.050(4), and 319C.110 require the board to investigate and take disciplinary action against licensees who violate KRS Chapter 319C and the associated administrative regulations. This administrative regulation details the process by which the board completes those investigations and takes that action.
(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2).
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2) requires the board to promulgate an administrative regulation governing the regulation of licensees. KRS 319C.070, 319C.050(4), and 319C.110 require the board to investigate and take disciplinary action against licensees who violate KRS Chapter 319C and the associated administrative regulations. This administrative regulation details the process by which the board completes those investigations and takes that action.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.
(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 requires the Board to transmit complaints to a licensee's last-known email address, which was provided to the Board, rather than transmitting complaints via mail.
(b) The necessity of the amendment to this administrative regulation: This amendment allows for more efficient transmission of complaints and shows with specificity when the complaint was transmitted.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.070, 319C.050(4), and 319C.110 require the board to investigate and take disciplinary action against licensees who violate KRS Chapter 319C and the associated administrative regulations. This administrative regulation details the process by which the board completes those investigations and takes that action.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will make the Board's complaint process more efficient and streamlined. It will also allow the Board to save on mailing costs.
(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 approximately 11 licensed assistant behavior analysts, approximately 482 licensed behavior analysts, approximately 6 temporary behavior analysts, and approximately 6 temporary registered telehealth providers.
(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 regulated entity will need to keep its email address updated 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): Licensees will not incur costs in order to comply with this proposed amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees will be updated more quickly when there is a complaint against their license, which will allow them to provide more efficient responses.
(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 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 will not be required to comply with this regulatory amendment. Keeping an updated email address on file with the board is free.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment will not necessitate an increase in fees or require funding from the agency for implementation.
(10) TIERING: Is tiering applied? Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 319C.060(2).
(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: This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This proposed regulatory amendment will not affect 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): ABA licensees may be impacted by this regulation.
(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 proposed amendment will not create a fiscal impact, because transmitting complaints via email rather than US Mail will not result in anything

more than a nominal cost savings to the board; nor will this proposed amendment generate expenditures or revenues.
(b) Methodology and resources used to reach this conclusion: Please see the answer 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): No.
(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

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

BOARDS AND COMMISSIONS
APPLIED BEHAVIOR ANALYSIS LICENSING BOARD
(Amendment)

201 KAR 43:080. Renewals.

RELATES TO: KRS 319C.050, 319C.060
STATUTORY AUTHORITY: KRS 319C.050, 319C.060(2), 319C.120
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.

Section 1. Renewal.
(1) A licensed behavior analyst shall biennially, on or before the last day of the calendar month during which the license was issued:
(a) File a completed Renewal and Reinstatement Application, Form ABA-004; and
(b) Pay to the board the renewal fee established by 201 KAR 43:030.
(2) A licensed[~~An~~] assistant behavior analyst shall biennially, on or before the last day of the calendar month during which the license was issued:
(a) File a completed Renewal and Reinstatement Application Form ABA-004;
(b) Have a current, approved Report of Supervision and Supervisory Plan; and
(c) Pay the renewal fee established by 201 KAR 43:030.

Section 2. Late Renewal. A behavior analyst or assistant behavior analyst who fails to renew his or her license on or before the last day of the calendar month during which the license was issued may submit his or her application on or before the last day of the calendar month following the month in which the license was issued if accompanied by the appropriate late fee as required by 201 KAR 43:030.

Section 3. Expiration of License.
(1) A license that is not renewed before the last day of the calendar month following the calendar month during which the license was issued shall be expired and lapsed for failure to renew.
(2) Upon expiration of the license for failure to renew, a behavior analyst or assistant behavior analyst shall not practice in the Commonwealth of Kentucky.

Section 4. Reinstatement. After the last day of the calendar month following the month in which the license was issued, a person whose license has expired for failure to renew shall submit, in order to have his or her license reinstatement request considered by the Board:
(1) Payment of the reinstatement fee established by 201 KAR 43:030;
(2) Completion of the Renewal and Reinstatement Application, Form ABA-004; and
(3) Documentation of employment from the time of expiration of licensure[~~employment~~] until the present.

Section 5. Incorporation by Reference.
(1) Form ABA-004, " Renewal and Reinstatement Application", May 2022, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Applied Behavior Analysis Licensing Board, 500 Mero Street, [~~2SC 32, ~~]Frankfort, Kentucky 40601, (502) 892-4249, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at aba.ky.gov.

KIRSTI SINGER, Chair
APPROVED BY AGENCY: May 1, 2026
FILED WITH LRC: May 5, 2026 at 1:30 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2026 at 10:00 a.m., eastern time, in the Applied Behavior Analysis Board, 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 July 31, 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: Jennifer Wolsing, Attorney, Applied Behavior Analysis Board 500 Mero Street, 2nd Floor, Frankfort, Kentucky 40601 Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov
Subject Headings: Behavioral Health, Mental Health, Education
(1) Provide a brief summary of:
(a) What this administrative regulation does: KRS 319C.060 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.
(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.050, 319C.060(2), and 319C.120.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.
(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 modernize the regulation by allowing licensees to renew their licenses online, rather than using a form.
(b) The necessity of the amendment to this administrative regulation: This proposed amendment will provide efficiency to the license

renewal process.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 319C.060 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.
(d) How the amendment will assist in the effective administration of the statutes: This proposed amendment will provide efficiency to the license renewal process.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect approximately 11 licensed assistant behavior analysts, approximately 482 licensed behavior analysts, approximately 6 temporary behavior analysts, and approximately 6 temporary registered telehealth providers.
(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 renew their licenses online, rather than using a hard copy form.
(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 change to the fees associated with renewal.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees will benefit from a simpler and quicker online renewal process.
(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 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 to implement this regulatory amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment will not necessitate an increase in fees or require funding from the agency for implementation.
(10) TIERING: Is tiering applied? No, tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 319C.050, 319C.060(2), and 319C.120.
(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: This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.
(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 will be impacted by this proposed regulatory amendment.
(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): ABA licensees will be impacted by this proposed amendment if they wish to renew their licenses.
(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 proposed amendment will not create a fiscal impact, because allowing licensees to renew their licenses online will not generate expenditures, revenues, or costs savings.
(b) Methodology and resources used to reach this conclusion: Please see the answer 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): No.
(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

BOARDS AND COMMISSIONS
Board of Medical Imaging and Radiation Therapy
(Amendment)

201 KAR 46:035. Practice standards, scopes of practice, and ethical standards.

RELATES TO: 311B.080
STATUTORY AUTHORITY: KRS 311B.050(2), 311B.080
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050(2) requires the Kentucky Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to administer and enforce KRS Chapter 311B. KRS 311B.080 requires the board to recognize and enforce national practice standards, scopes of practice, and ethical standards. This administrative regulation establishes uniform standards for the licensure of individuals who perform medical imaging and radiation therapy for diagnostic and therapeutic purposes while under the supervision of a licensed practitioner of the healing arts.

Section 1. Applicability. A licensee shall only perform medical imaging or radiation therapy for diagnostic medical imaging or therapeutic purposes while under the direct or indirect supervision as specified by a licensee's practice standards, by a licensee's scope of practice, or in the ACR-AAPM Technical Standard for the Management of the Use of Radiation in Fluoroscopic Procedures as listed in Section 3 of this administrative regulation.

Section 2. If a licensee's practice standards, a licensee's scope of practice, or the ACR-AAPM Technical Standard for the Management of the Use of Radiation in Fluoroscopic Procedures fails to specify who may provide direct or indirect supervision, a licensee shall only perform medical imaging or radiation therapy for diagnostic medical imaging or therapeutic purposes while under the direct or indirect supervision of a licensed practitioner of the healing arts.

Section 3. To ensure proper diagnosis and treatment of adverse events, a licensee shall only administer intravascular contrast media during medical imaging studies when a licensed practitioner of the healing arts is immediately available:

(1) In person; or

(2) Virtually through real-time audio and video communications technology and his or her designee is immediately available in person. The designee, in addition to the medical imaging technologist or radiation therapist, shall be a licensed health care practitioner or provider whose scope of practice includes treatment of adverse events.

Section 4. Practice Standards. A licensee shall perform according to practice standards of the discipline for which the licensee holds a credential, as established by the American Society of Radiologic Technologists (ASRT), the American College of Radiology (ACR), the American Association of Physicists in Medicine (AAPM), and the Society of Nuclear Medicine and Molecular Imaging (SNMMI) and incorporated by reference. These standards include the:

(1) The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiography;

(2) Nuclear Medicine Technologist Scope of Practice and Performance Standards;

(3) Scope of Practice for the Nuclear Medicine Advanced Associate;

(4) The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiation Therapy;

(5) The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Bone Densitometry;

(6) The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Cardiac-Interventional and Vascular-Interventional Technology;

(7) The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Computed Tomography;

(8) The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Limited X-ray Machine Operator;

(9) The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Mammography;

(10) The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiologist Assistant;

(11) ACR ASRT Joint-Policy Statement-Radiologist Assistant: Roles and Responsibilities;

(12) ACR-AAPM Technical Standard for Management of the Use of Radiation in Fluoroscopic Procedures;

(13) The American Registry of Radiologic Technologists' Standards[~~Code~~] of Ethics; and

(14) The Nuclear Medicine Technology Certification Board's Code of Ethics.

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

(1) The following material is incorporated by reference:

(a) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiography", revised June 22, 2025[~~30, 2024~~];

(b) "Nuclear Medicine Technologist Scope of Practice and Performance Standards", October 5, 2024[~~June 9, 2022~~];

(c) "Scope of Practice for the Nuclear Medicine Advanced Associate", February 2025[~~created 2009~~];

(d) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiation Therapy", revised June 22, 2025[~~30, 2024~~];

(e) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Bone Densitometry", revised June 22, 2025[~~30, 2024~~];

(f) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Cardiac- Interventional and Vascular-Interventional Technology", revised June 22, 2025[~~30, 2024~~];

(g) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Computed Tomography", revised June 22, 2025[~~30, 2024~~];

(h) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Limited X-ray Machine Operator", revised June 22, 2025[~~30, 2024~~];

(i) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Mammography", revised June 22, 2025[~~30, 2024~~];

(j) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiologist Assistant", revised June 22, 2025[~~30, 2024~~];

(k) "ACR ASRT Joint Policy Statement-Radiologist Assistant: Roles and Responsibilities", May 2003;

(l) "ACR-AAPM Technical Standard for Management of the Use of Radiation in Fluoroscopic Procedures", revised 2023;

(m) "The American Registry of Radiologic Technologists' Standards[~~Code~~] of Ethics", (September 1, 2025[~~2023~~]); and

(n) "The Nuclear Medicine Technology Certification Board's Code of Ethics", (November 15, 2017).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at:

(a) American Society of Radiologic Technologists, 15000 Central Ave. SE Albuquerque, NM 87123-3909, https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards;

(b) Society for Nuclear Medicine and Molecular Imaging, 1850 Samuel Morse Drive Reston, Virginia 20190, http://www.snmmi.org;

(c) The American Registry of Radiologic Technologists' Code of Ethics, 125 Northland Drive, Saint Paul, Minnesota 55120, https://assets-us-01.kc-usercontent.com/406ac8c6-58e8-00b3-e3c1-0c312965deb2/c5152767-a1a7-4db8-b57b-fcf6cd2e65cb/ARRT_Standards_of_Ethics.pdf[~~https://www.arrt.org/docs/default-source/Governing-Documents/code-of-ethics.pdf?sfvrsn=10~~];

(d) The Nuclear Medicine Technology Certification Board, 3558 Habersham at Northlake, Building I, Tucker, Georgia 30084, https://www.nmtcb.org/policies/ethics.php; or

(e) The Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky 40504, Monday through Friday, 8:00 a.m. to 4:30 p.m.

KERI LEAMY, Chair

APPROVED BY AGENCY: April 14, 2026

FILED WITH LRC: April 30, 2026 at 10:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 28, 2026, at 10:00 am at 2365 Harrodsburg Rd, Suite A220, Lexington Kentucky 40504. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 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: Elizabeth Morgan, Executive Director, 2365 Harrodsburg Rd, Suite A220, Lexington Kentucky 40504, 502-782-5687, fax 502-782-6495, elizabeth.morgan@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Elizabeth Morgan

Subject Headings: Medical Imaging and Radiology, Licensing, Health and Medical Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the practice standards, scopes of practice,

and ethical standards for individuals licensed by the board.
(b) The necessity of this administrative regulation: The necessity of this regulation is to establish the practice standards, scopes of practice, and ethical standards of licensees who perform medical imaging or radiation therapy for diagnostic medical imaging or therapeutic purposes. KRS 311B.080 requires the board to recognize and enforce national practice standards, scopes of practice, and ethical standards.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute, specifically 311B.050(2), gives the board the ability to promulgate regulations to carry out and enforce the provisions and KRS 311B.080 which requires the board to recognize and enforce national practice standards, scopes of practice, and ethical standards.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the practice standards, scopes of practice, and ethical standards of licensees who perform medical imaging or radiation therapy for diagnostic medical imaging or therapeutic purposes. It assists licensees in knowing the expectations of their scope of practice.
(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 includes updates to the supervision requirements for the administration of intravascular contrast media during medical imaging studies, the Standards of Ethics for the American Registry of Radiologic Technologists, and updates various standards of practices to the most recent versions.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to ensure the licensees are held to the most up-to-date standards of practice and code of ethics in the industry.
(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability and requires it to promulgate regulations regarding the establishment of the standards of practice.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist with the board employing the same standards of practice and code of ethics that is required of every licensee in Kentucky that is required of the national credentialing agency.
(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 300 state health care organizations and approximately 8,000 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: Healthcare Organizations: These organizations will not have to take any action to comply with this amendment. Licensees: Licensees will be required to comply with the standards of practice and code of ethics that he or she is already required to comply with in accordance with their national certification. Required continuing education and notices from the Board related to their adoption will place licensees on notice of new standards.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no additional costs for complying with the amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees will have most up-to-date standards of practice and code of ethics for compliance, with the intent of such to provide increased protection of the public in the form of quality healthcare.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No new costs will be incurred by the changes.
(b) On a continuing basis: No continuing costs will be incurred by the changes.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by licensees and applicants.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendment does not require an increase in funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment does not require any increases in fees, directly or indirectly.
(10) TIERING: Is tiering applied? Tiering was not applied as the regulation is applicable to all radiography students interested in obtaining employment outside of the academic clinical setting. This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311B.050(2), 311B.080
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Although amendment of this administrative regulation is not expressly authorized by an act by the General Assembly, the Board confirms it is necessary to address the disparities within the healthcare workforce, particularly with medical imaging as well as access to healthcare within the Commonwealth. The General Assembly declared that the practice of medical imaging, radiation therapy, and related occupations should be regulated and controlled as provided by KRS 311B and by the administrative regulations of the board in order to protect and safeguard the health and safety of the citizens of the Commonwealth of Kentucky (2012 Ky. Acts ch. 50, sec. 1, effective July 12, 2012).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Board of Medical Imaging and Radiation 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): 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: There is no additional cost associated with administering this regulation.
(b) Methodology and resources used to reach this conclusion: This administrative regulation establishes the practice standards, scopes of practice, and ethical standards for individuals licensed by the board. There is no additional cost associated with administering this regulation.
(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 no additional cost associated with administering this regulation and therefore no economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation establishes the practice standards, scopes of practice, and ethical standards for individuals licensed by the board. There is no additional cost associated with administering this regulation.

INDEPENDENT ADMINISTRATIVE BODIES
BOARD OF EMERGENCY MEDICAL SERVICES
(Amendment)

202 KAR 7:550. Required equipment and ground vehicle standards.

RELATES TO: KRS 13B, 311A.030, 311A.180, 311A.190, 29 C.F.R. 1910.135
STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.190
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the emergency medical services system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes the required equipment to operate an ambulance service.

Section 1. General Requirements for All Agencies.
(1) The provisions of this section shall apply to all classes of agencies established in 202 KAR 7:545, except Class VII.
(2) All agencies shall maintain, in fully operational order, the supplies, equipment, and medications as specified for each Class of agency in the current board-approved Ground Agency Equipment List.
(3) All agencies shall maintain, in fully operational order, the supplies and equipment required by the agency's protocols.
(4) All agencies shall maintain evidence in the form of a letter that adult and pediatric medical protocols have been reviewed and approved by the board pursuant to KRS 311A.180. A hard copy or non-web based electronic equivalent of approved protocols shall be accessible to each provider throughout each call or patient interaction.
(5) All agencies shall stock and maintain drugs and medications as required by the master drug list contained in the agency's board-approved protocols.
(6) All agencies shall store controlled substances in a locked storage box. Controlled substances on a vehicle shall be stored in a locked storage box and in a locked compartment on the vehicle that is immediately accessible to personnel.
(7) All drugs and other items with an expiration date shall not be expired.
(8) Each agency shall carry up to date reference material or a guide that shall be assigned to the ambulance or first response equipment and may be in a non-web based electronic or physical format that provides appropriate guidance for pediatric drug dosing and equipment sizing based on age, length, or weight.
(9) This administrative regulation shall not prevent any agency from maintaining other supplies or equipment that are required to carry out its board-approved medical protocols.

Section 2.[~~Section 1.~~] Ground Ambulance Specifications.
(1) Ground ambulances utilized by Class I, II, III, and IV agencies shall:
(a) Have the name of the provider permanently affixed by paint, decal, or wrap on both sides of the exterior surface of the vehicle.
1. The name shall be the incorporated name or the name under which the provider does business and as it appears on the provider's license.
2. This requirement shall not preclude a provider from adding additional names from another entity on the vehicle due to a joint venture, if the name as licensed by the board is larger, and visible and legible by the public.
3. A vehicle operated by an agency shall not be marked with the words "advanced life support", "paramedic," or similar words that convey essentially the same meaning on the vehicle's exterior surface visible to the public unless the:
a. Vehicle is always staffed at an Advanced Life Support level; or
b. Agency was licensed by the board prior to January 1, 2018.
(b) Be maintained in good operating condition and in full repair without obvious apparent problems relating to tires, exhaust, body integrity, warning devices, or mechanical reliability, which would be recognized by the average lay person who is not an automotive mechanic.
(c) Be designed to provide for the medical care or transportation of patients.
(d) Stow all equipment weighing three (3) pounds or more in an enclosure, equipment mount, equipment retention device,[~~bracket, mount,~~] or other appropriate securing device that restrains and secures loose equipment from movement utilizing vehicle manufactured anchor points or other permanently installed safety belts.
(e) Have tires that meet the manufacturer's standards for the gross vehicle weight of the vehicle.
1. A tire shall not display exposed tire cord or have tread depth less than[~~2/32 on back tires and~~] 4/32[~~on front tires~~] if measured in any two (2) adjacent grooves at three (3) locations spaced equally around the tire.
2. Retread tires shall not be used on ground vehicles.
3. Internal patches may be utilized for tire repairs if necessary.
4. More than two (2) patches shall not be used on any one (1) defective tire.
5. Plugs shall not be used for the repair of defective ambulance tires.
(f) Not have windshields with any cracks.
(2) All Class I, II, III, and IV ground ambulances shall fully comply with the current version of at least one of the following standards in effect at the time an ambulance is ordered:
(a) The Commission on Accreditation of Ambulance Services (CAAS) Ground Vehicle Standard (GVS);
(b) The U.S. General Services Administration Federal Specification for Star-of-Life Ambulance (GSA KKK-A-1822); or
(c) The NFPA 1917 Standard for Automotive Ambulances.
(3) Exceptions to the standard may only be taken for the following:
(a) Equipment installed after delivery and certification of the work is completed by a qualified installer authorized by the equipment manufacturer, accompanied by the appropriate documentation, which does not negatively affect the crash testing standards;
(b) Perishable or disposable items that are designed to be routinely replaced by attendants;

(c) Equipment required to be mounted under the chosen standard that weighs less than three (3) pounds; or

(d) Required drip rails around the top of the modular body.

(4) The executive director may permit an exemption to the utilized standard when the equipment for a specific make or model chassis is not yet available, if it is determined the exception does not directly affect the safety of the occupants. The ambulance must be equipped with the exempted equipment once available.

(5) A decal or letter of verification from the ambulance manufacturer certifying that the vehicle meets a vehicle standard established in this section shall be made available upon inspection.

(6) For any vehicle in which the chassis of an ambulance is later replaced, the agency shall require the conversion company to supply a letter to verify that no modification exists that was contained in the GSA KKK-A-1822, GVS, or NFPA ambulance standards at the time of original manufacture or compliance with the current GVS or NFPA ambulance remount standards, except, if not already equipped with a cot holder that is attached to metal tapping plates or framing welded to the body structure, the conversion company shall upgrade the cot holder and verify compliance in the conversion letter.[~~meet or exceed the minimum physical characteristics established in paragraphs (a) through (d) of this subsection.~~]

[~~(a)~~] [~~An ambulance manufactured prior to January 1, 2019 shall meet or exceed the standards established in the U.S. General Services Administration Federal Specification for the Star-of-Life Ambulance (GSA KKK-A-1822) in effect on the original date of manufacture.~~]

[~~(b)~~] [~~For a unit in which the chassis of an ambulance is later replaced, the agency shall require the conversion company to supply a letter to verify that no modification exists that was contained in GSA KKK-A-1822 on the original date of module manufacture.~~]

[~~(c)~~] [~~A new production ground ambulance that is ordered after January 1, 2019 shall comply fully with the ambulance design criteria contained in the Commission on Accreditation of Ambulance Services Ground Vehicle Standard for Ambulances (GVS), 7/2022. A decal or letter of verification from the manufacturer certifying that the vehicle meets the GVS standard, if ordered after January 1, 2019, shall be made available upon inspection.~~]

[~~(d)~~] [~~For any GVS certified vehicle in which the chassis of an ambulance is later replaced, the agency shall require the conversion company to supply a letter to verify that no modification exists that was contained in the GVS standard on the original date of module manufacture.~~]

(7)[~~(3)~~] In addition to the GVS, GSA KKK-A-1822, or NFPA[~~GSA KKK-A-1822 or the GVS~~] standards, additional requirements shall be met as established in paragraphs (a) through (d) of this subsection.

(a) The air-conditioning system shall minimally deliver a temperature of sixty-five (65) degrees Fahrenheit or less from the vent or vents in the driver and patient compartments in warm weather conditions as determined by a standard automotive testing thermometer.

(b) The heating system shall minimally deliver a temperature of eighty-five (85) degrees Fahrenheit or more from the vent or vents in the driver and patient compartments in cool weather conditions as determined by a standard automotive testing thermometer.

(c) There shall not be more patients, personnel, and other persons than can be safely secured by means of permanently installed safety belts in the vehicle while the vehicle is in motion.

(d) The patient care area lighting shall be fully functional.

(8)[~~(4)~~] A preventive maintenance program shall be maintained for each vehicle and its equipment to keep them in optimum working order to protect the health and safety of the patient and ambulance personnel.

(9)[~~(5)~~] Documentation shall be maintained by the agency to support evidence of periodic inspections as recommended by the manufacturer, including calibrations required for maintenance and operation of the vehicle and its equipment.

(10)[~~(6)~~] Unless precluded by emergency conditions, each vehicle and its equipment shall be checked after each use to ensure that it is in a clean and sanitary condition.

(11)[~~(7)~~]

(a) Except as established in paragraph (b) of this subsection, all linen used for patient care including sheets, blankets, pillowcases, pillows, towels, and washcloths shall be stowed in a separate cabinet and secured from body fluids.

(b) One (1) pillow, one (1) pillow-case, one (1) fitted sheet, two (2) flat sheets, one (1) towel, and two (2) blankets may be utilized on the stretcher that is in-service and shall not require stowing.

(12) Each ambulance shall have two (2) currently certified five (5) pound size or larger ABC multipurpose fire extinguishers secured in the ambulance, which shall be approved by Underwriters Laboratory, Factory Mutual, or the United States Coast Guard.

(13) Each ambulance shall have three (3) reflective triangles or strobes, or equivalent roadside warning devices.

Section 3.[~~Section 2.~~] Additional[~~Class I, II, and IV Basic Life Support~~] Ambulance Equipment and Supplies for Class I, II, III, and IV Agencies. In addition to the equipment and supplies required by section 1 of this administrative regulation, each Class I, II, III, and IV agency shall carry on each vehicle and maintain, in fully operational order, the following equipment and supplies:

(1) A hard copy or non-web based electronic equivalent of the most recent version of the U.S. Department of Transportation Emergency Response Guidebook;

(2) A multi-position stretcher with:

(a) Wheels;

(b) A minimum of three (3) cross-straps;

(c) One (1) set of shoulder straps; and

(d) A fixed mechanism to secure the stretcher while in transit;

(3) A pediatric transport device, or a combination of devices, with a minimum weight range of five (5) to ninety-nine (99) pounds;

(4) A stair chair for the movement of patients in a seated position, which shall not be required for Class IIIb or IIIc agencies; and

(5) Reflective safety wear for each crew member that meet current American National Standards Institute (ANSI) standard ANSI 107-2010 or ANSI 207-2011.

[~~(1)~~] [~~Each BLS agency shall maintain evidence in the form of a letter that adult and pediatric medical protocols have been reviewed and approved by the board pursuant to KRS 311A.180. A hard copy or electronic equivalent of approved protocols shall be accessible to each provider throughout each call.~~]

[~~(2)~~] [~~Each Class I, II, and IV BLS agency shall carry and maintain, in full operational order, the following minimum basic life support equipment and supplies:~~]

[~~(a)~~] [~~Suction, ventilation, and blood pressure equipment, which shall include:~~]

[~~1.~~] [~~Two (2) sources of suction apparatus, one (1) of which shall be mechanically operated;~~]

[~~2.~~] [~~Rigid catheters;~~]

[~~3.~~] [~~Flexible catheters in adult, pediatric, and infant sizes;~~]

[~~4.~~] [~~Bulb syringe for infant and neonate suction;~~]

[~~5.~~] [~~Disposable adult and pediatric bag-valve-mask with a pediatric pop-off valve with oxygen reservoir, oxygen tubing, and adult, pediatric, infant, and neonate masks;~~]

[~~6.~~] [~~Nasopharyngeal airways (16F-34F; adult and child sizes) with water-soluble lubricant;~~]

[~~7.~~] [~~Oropharyngeal airways (sizes 0-5; adult, child, and infant sizes);~~]

[~~8.~~] [~~Blind-Insertion Airway Device (BIAD) (adult and pediatric); and~~]

[~~9.~~] [~~Manual pediatric and adult regular and large sphygmomanometer cuffs with stethoscope;~~]

[~~(b)~~] [~~Oxygen equipment, including:~~]

[~~1.~~] [~~A fixed oxygen system for each ambulance;~~]

[~~2.~~] [~~Two (2) portable, adequately filled, secured oxygen tanks that are minimally size D;~~]

[~~3.~~] [~~Pressure gauge and flow rate regulator for fixed and portable units with a range of zero to fifteen (15) liters per minute; and~~]

[~~4.~~] [~~Transparent non-rebreather oxygen masks and nasal cannulas for adults and pediatrics;~~]

[~~(c)~~] [~~Bandages, bandaging supplies, and tape, including:~~]

[~~1.~~] [~~Triangular bandages;~~]

[~~2.~~] [~~Dressings of the following types:~~]

[~~a.~~] [~~Sterile dressings, including gauze sponges of suitable size; and~~]

[b.] [Abdominal dressings;]
[3.] [Gauze rolls, various sizes;]
[4.] [Occlusive dressing, or equivalent;]
[5.] [Adhesive tape of various sizes (including one (1) inch and two (2) inch);]
[6.] [A minimum of four (4) arterial tourniquets; and]
[7.] [Shears for bandages;]
[(d)] [Miscellaneous supplies, including:]
[1.] [Handheld flashlight capable of providing adequate lighting to assess a scene or a patient away from the vehicle;]
[2.] [Penlight;]
[3.] [A copy or electronic equivalent of the most recent version of the U.S. Department of Transportation, Emergency Response Guidebook;]
[4.] [A minimum of ten (10) triage tags consistent with a commercial system of triage;]
[5.] [Obstetrical supplies that shall include at a minimum:]
[a.] [Sterile scalpels or scissors;]
[b.] [Sterile gloves;]
[c.] [Bulb suction;]
[d.] [Two (2) umbilical clamps; and]
[e.] [Thermal absorbent blanket and head cover, aluminum foil roll, or appropriate heat-reflective material sufficient to cover a newborn infant;]
[6.] [Sterile irrigation fluids;]
[7.] [Glucometer or blood glucose measuring device with reagent strips and lancets for obtaining a blood glucose sample;]
[8.] [Oral glucose;]
[9.] [Cold packs;]
[10.] [Heat packs;]
[11.] [An AED with a minimum of two (2) complete sets of pads suitable for adult and pediatric populations for all non-ALS vehicles;]
[12.] [Pulse oximeter with pediatric and adult probes;]
[13.] [Reference material or a guide that shall be assigned to the ambulance and may be in an electronic or physical format that provides appropriate guidance for pediatric drug dosing and equipment sizing based on age, length, or weight;]
[(e)] [Splints, including:]
[1.] [Lower extremity mechanical traction splint in adult and pediatric sizes; and]
[2.] [Upper and lower extremity rigid splint devices for adult and pediatric patients;]
[(f)] [Immobilization devices, including:]
[1.] [One (1) adult and one (1) pediatric impervious long spine board, scoop stretcher, or other full body device that provides spinal protection with a minimum of three (3) appropriate restraint cross-straps;]
[2.] [Cervical collars in the following sizes:]
[a.]
[(i)] [Cervical collars for pediatric patients ages two (2) years or older; and]
[(ii)] [Cervical collars for adults in small, medium, large, and other available sizes; or]
[b.] [Pediatric and adult adjustable cervical collars; and]
[3.] [Towel rolls or other commercially available cervical immobilization devices for adults and pediatrics;]
[(g)] [Two (2) currently certified five (5) pound size or larger, secured, ABC multipurpose fire extinguishers, approved by Underwriters Laboratory, Coast Guard, or Factory Mutual. One (1) shall be accessible to the driver and the other to the attendant or attendants in the patient compartment in the ambulance;]
[(h)] [Multi-position stretcher with wheels and a minimum of three (3) cross-straps in addition to one (1) set of shoulder straps for securing the patient to the stretcher and a fixed mechanism to secure the stretcher while in transit;]
[(i)] [Until January 1, 2025, a pediatric transport device with a minimum weight range of ten (10) to forty (40) pounds;]
[(j)] [On and after January 1, 2025, a pediatric transport device with a minimum weight range of five (5) to ninety-nine (99) pounds; and]
[(k)] [A stair chair for the movement of patients in a seated position.]
[(3)] [Personal protective equipment shall be available to each staff member responding on the vehicle, including:]
[(a)] [One (1) clean scrub gown (or substitute, such as disposable coveralls);]
[(b)] [Simple disposable face mask;]
[(c)] [Clear protective goggles or safety glasses;]
[(d)] [Disposable gloves;]
[(e)] [One (1) particulate filter mask rated at N95 or better without an exhaust port for patient use;]
[(f)] [One (1) particulate filter mask rated at N95 or better with or without an exhaust port for protection of crew members; and]
[(g)] [A means of cleansing the hands, such disposable towelettes or other solutions.]
[(4)] [Cleaning materials shall be available including:]
[(a)] [Hospital grade disinfectants;]
[(b)] [Trash bags for disposal of nonbiohazard waste materials;]
[(c)] [Biohazard bags for the disposal of biohazard waste; and]
[(d)] [Puncture resistant containers for disposal of sharp objects that are secured to the vehicle.]
[(5)] [Patient comfort items shall be available including:]
[(a)] [Two (2) clean blankets, sheets, pillows, and pillowcases;]
[(b)] [A disposable urinal;]
[(c)] [A disposable bed pan; and]
[(d)] [An emesis container or similar substitute.]
[(6)] [All items with an expiration date shall not be expired.]

[Section 3.] [Class I ALS, Class III ACC, Class III PSC, and Class IV Advanced Life Support Ambulance Equipment and Supplies.]
[(1)] [Each ALS agency shall maintain evidence in the form of a letter that adult and pediatric medical protocols have been reviewed and approved by the board pursuant to KRS 311A.180. A hard copy or electronic equivalent of approved protocols shall be accessible to each provider throughout each call.]
[(2)] [In addition to the BLS equipment required in Section 2 of this administrative regulation, each Class I ALS, Class III ACC, Class III PSC, and Class IV ALS vehicle shall maintain, in fully operational order, supplies and equipment required by the agency's protocols, including a minimum of:]
[(a)] [Endotracheal intubation equipment consisting of:]
[1.] [Laryngoscope handle with extra batteries, bulbs, or blades if applicable;]
[2.] [At least four (4) laryngoscope blades to allow intubation of patients in accordance with agency protocols, including a minimum of:]
[a.] [0-4, straight Miller; or]
[b.] [2-4, curved Macintosh;]
[3.] [Endotracheal tubes in the following sizes:]
[a.] [2.5, 3.0, 3.5, 4.0, 4.5, 5.0, and 5.5 cuffed or uncuffed; or]
[b.] [If intubation is not included in the agency's protocols for pediatric patients, supraglottic airways in all available sizes per the manufacturer of the specific device chosen; and]
[c.] [6.0, 6.5, 7.0, 7.5 and 8.0 cuffed;]
[4.] [Stylettes in adult and pediatric sizes;]
[5.] [10-mL syringes;]
[6.] [Magill forceps in adult and pediatric sizes;]
[7.] [Water-soluble lubricant for lubrication of endotracheal and nasotracheal tubes;]
[8.] [End-Tidal CO_2 detection capability (adult and pediatric);]
[9.] [One-half (1/2) inch wide twill tape or equivalent for securing endotracheal tubes;]
[10.] [Equipment necessary to perform emergency percutaneous cricothyrotomy;]
[11.] [Disposable nebulizer; and]
[12.] [Continuous waveform capnography;]
[(b)] [A portable, battery-operated monitor defibrillator that:]
[1.] [Has a tape write-out or recorder, hands-free defibrillator pads, electrocardiogram monitoring leads, and electrodes for adults and pediatrics;]
[2.] [Is capable of delivering direct current energy over a variable range, which is suitable for pediatric and adult usage;]
[3.] [Has synchronized counter-shock capability for cardioversion;]
[4.] [Has a transcutaneous cardiac pacemaker, including adult and pediatric pads and cables; and]

[5.] [Has 12-Lead ECG capability if the vehicle is staffed to provide ALS services;]

[(c)] [Vascular Access supplies consisting of:]

[1.] [Isotonic crystalloid solutions;]

[2.] [Antiseptic solution (alcohol wipes and providone-iodine wipes);]

[3.] [Intravenous catheters, 14G-24G;]

[4.] [Long-large bore needles or angiocatheters (at least 3.25 inches in length for needle chest decompression in large patients);]

[5.] [Intraosseous needles or intraosseous devices appropriate for children and adults; and]

[6.] [Latex-free tourniquet;]

[(d)] [Needles of various sizes, including suitable sizes for intramuscular injections;]

[(e)] [Intravenous macrodrip and microdrip administrations sets; and]

[(f)] [Intravenous arm boards, adult and pediatric, or appropriate substitute.]

[(3)] [An ALS agency shall stock and maintain drugs and medications as required by the master drug list contained in protocols established in accordance with this section.]

[(4)] [Controlled drugs shall be stored in a locked storage box in a locked compartment on the vehicle that is immediately accessible to personnel.]

[(5)] [This administrative regulation shall not prevent an agency from maintaining other supplies or equipment that are required to carry out its protocols as approved by the board in accordance with KRS 311A.180.]

[(6)] [All items with expiration dates shall not be expired.]

[Section 4.] [Class III Adult Critical Care (ACC) Transport Equipment.]

[(1)] [Each Class III ACC agency shall maintain evidence in the form of a letter that medical protocols have been reviewed and approved by the board in accordance with KRS 311A.180. A hard copy or electronic equivalent of approved protocols shall be accessible to each provider throughout each call.]

[(2)] [In addition to the BLS equipment required in Section 2 of this administrative regulation and the ALS equipment required in Section 3 of this administrative regulation, Class III Adult Critical Care agencies shall carry on each vehicle and maintain in fully operational order all supplies and equipment required by the agency's protocols, including at a minimum:]

[(a)] [A portable transport ventilator, the capabilities of which shall include:]

[1.] [Controlling rate;]

[2.] [Volume;]

[3.] [FiO2 up to 100 percent;]

[4.] [I:E ratio;]

[5.] [PEEP;]

[6.] [Volume control;]

[7.] [Pressure control;]

[8.] [SIMV mode;]

[9.] [NPPV mode; and]

[10.] [Low- and high-pressure warning alarms;]

[(b)] [Two (2) portable transport ventilator circuits appropriately sized for the patient being transported;]

[(c)] [Continuous Positive Airway Pressure (CPAP) ventilation portable equipment;]

[(d)] [Electronic waveform capnography, intubated patient, capable of waveform display;]

[(e)] [Difficult airway equipment in the form of a bougie gum elastic ET introducer;]

[(f)] [Sterile cricothyrotomy set, surgical or needle;]

[(g)] [Invasive pressure monitoring capability electronic waveform available on two (2) channels;]

[(h)] [An infusion pump or pumps capable of infusing three (3) separate medications simultaneously;]

[(i)] [Six (6) IV infusion pump tubing sets;]

[(j)] [Two (2) blood infusion sets; and]

[(k)] [A device to monitor core body temperature through rectal or esophageal probe.]

[Section 5.] [Class III Pediatric Specialty Care (IIIPSC) Transport Equipment.]

[(1)] [Each Class III Pediatric Specialty Care agency shall maintain evidence in the form of a letter that all medical protocols have been reviewed and approved by the board in accordance with KRS 311A.180. A hard copy or electronic equivalent of approved protocols shall be accessible to each provider throughout each call.]

[(2)] [In addition to the BLS equipment required in Section 2 of this administrative regulation, the ALS equipment required in Section 3 of this administrative regulation, and the Critical Care equipment listed in Section 4 of this administrative regulation, each Class III Pediatric Specialty Care agency shall carry on each vehicle and maintain in fully operational order supplies and equipment required by the agency's protocols, including:]

[(a)] [Two (2) 250 ml bags of normal saline or lactated ringers;]

[(b)] [Twelve (12) syringes assorted from 1cc to 2cc;]

[(c)] [Four (4) three-way stopcocks;]

[(d)] [A needle cricothyrotomy kit for children from the ages of twenty-nine (29) days until twenty-one (21) years of age; and]

[(e)] [A blind-insertion airway device (BIAD) in appropriate sizes for children from the ages of twenty-nine (29) days until twenty-one (21) years of age.]

Section 4.[Section 6.] Additional Class III Neonatal Specialty Care (III NSC) Transport Equipment.

[(1)] [Each Class III Neonatal Specialty Care agency shall maintain evidence in the form of a letter that all medical protocols have been reviewed and approved by the board in accordance with KRS 311A.180. A hard copy or electronic equivalent of approved protocols shall be accessible to each provider throughout each call.]

[(2)] In addition to the equipment and supplies required by Section 1[compliance with Section 1] of this administrative regulation, each Class IIIc[III] Neonatal Specialty Care agency shall carry on each vehicle and maintain, in fully operational order [all supplies and equipment required by the agency's protocols including]:

(1)[(a)] Direct, verbal two-way communications with the designated neonatologist, attending physician, or receiving NICU;

(2)[(b)] A standby or backup power source other than the one (1) contained in the isolette;

(3)[(c)] A source of electrical power sufficient to operate the isolette and ancillary electrically powered equipment; and

(4) An isolette with:

(a) Restraints as specified in the GSA KKK-A-1822:

(b) A power source capable of providing all necessary elements for the duration of the transport;

(c) A heat source capable of maintaining a core temperature within the range of thirty-six and one-half (36.5) to thirty-seven (37) degrees Celsius via ambient air temperature reading; and

(d) A monitoring device capable of measuring a patient's temperature.

[(d)] [A transport incubator with portable power supply, portable oxygen tanks, or liquid oxygen, and a source of compressed air, including appropriate valves, meters, and fittings. The transport incubator shall be secured in the vehicle using a manufacturer-approved vehicle-mounting device;]

[(e)] [One (1) portable heart rate monitor with visual or audible display and alarm system per patient;]

[(f)] [One (1) portable blood pressure monitor with an assortment of cuff sizes suitable for infants;]

[(g)] [Three (3) battery powered mechanical IV pumps capable of delivering as low as 1cc increments for IV fluids;]

[(h)] [A battery or self-powered oxygen sensor and transcutaneous oxygen monitor or oxygen saturation monitor;]

[(i)] [Oxygen delivery devices and tubing capable of administering high concentrations of oxygen;]

[(j)] [A temperature-monitoring device;]

[(k)] [A portable ventilator appropriate for neonatal patients;]

[(l)] [An anesthesia or self-inflating bag with an oxygen reservoir of less than 750 ml, a manometer pressure gauge, and premature newborn and infant size clear masks;]

[(m)] [A laryngoscope handle;]

[(n)] [Laryngoscope Blades in Miller sizes 00, 0, 1, 2, 3;]

[(o)] [Two (2) bulbs;]

[(p)] [Two (2) batteries;]
[(q)] [Endotracheal tubes in various sizes;]
[(r)] [Two (2) stylets;]
[(s)] [Two (2) meconium aspirators;]
[(t)] [Oral airways in various sizes;]
[(u)] [Suction equipment with low suction capabilities of less than eighty (80) mmHg;]
[(v)] [Two (2) suction catheters in sizes 5.0, 6, 6.5, 8, and 10 each;]
[(w)] [Syringes sizes 1 cc through 60 cc in various sizes;]
[(x)] [Two (2) medication access devices;]
[(y)] [23-27 gauge vascular access devices in various sizes;]
[(z)] [Sterile gloves in various sizes and sufficient quantity for all crewmembers;]
[(aa)] [Medications as required by the master drug list contained in protocols established in accordance with this section;]
[(bb)] [IV extension tubing in sufficient length to administer IV fluids or medications;]
[(cc)] [IV securing devices in various sizes;]
[(dd)] [Two (2) IV filters;]
[(ee)] [Two (2) umbilical catheters, sizes 3.5 and 5;]
[(ff)] [Ten (10) antiseptic solution wipes;]
[(gg)] [One (1) blood glucose-monitoring device;]
[(hh)] [Five (5) lancets for obtaining a blood glucose sample;]
[(ii)] [One (1) neonatal stethoscope;]
[(jj)] [One (1) flashlight;]
[(kk)] [Gauze pads;]
[(ll)] [One (1) No. 5 and one (1) No. 8 French feeding tube;]
[(mm)] [One (1) high intensity light capable of transillumination;]
[(nn)] [A biomedical waste plastic bag or impervious container;]
[(oo)] [Puncture resistant containers for disposal of sharp objects that shall be secured to the vehicle;]
[(pp)] [Gloves made of nitrile or other suitable materials in sufficient quantity for all crewmembers;]
[(qq)] [Respiratory face masks in sufficient quantity for all crew members;]
[(rr)] [Special procedure trays or instruments capable of performing umbilical catheterization, venous cutdown, and thoracostomy in accordance with established protocol;]
[(ss)] [One (1) bulb syringe;]
[(tt)] [One (1) cord clamp;]
[(uu)] [One (1) age appropriate chest tube evacuation device; and]
[(vv)] [Needle aspiration device or chest tubes in appropriate sizes for a neonate patient.]

Section 5.[Section 7.] Additional Class VI,[and] Class VIII, and IX[BLS] Agency Equipment.

(1) [Each Class VI and VIII BLS agency shall maintain evidence in the form of a letter that all medical protocols have been reviewed and approved by the board in accordance with KRS 311A.180. A hard copy or electronic equivalent of approved protocols shall be accessible to each provider throughout each call.]

[(2)] [Each Class VI and VIII BLS agency shall be exempt from the ground ambulance requirements established in Sections 1 through 6 of this administrative regulation.]

[(3)] [Each Class VI and VIII BLS agency shall provide ready access to and maintain in fully operational order all supplies and equipment required by the agency's protocols.]

[(4)]

[(a)] Each Class VIII and IX[BLS] agency shall have ready access to and maintain, in fully operational order, at least two (2) complete sets of equipment required by the agency's protocols and the current board-approved Ground Agency Equipment List.

(2) In addition to the equipment and supplies required by section 1 of this administrative regulation, each Class VI agency shall be required to maintain reflective safety wear for each crew member that meet current ANSI standard ANSI 107-2010 or ANSI 207-2011.

[(b)] [Each Class VI BLS agencies shall be required to maintain one (1) complete set of equipment.]

(3)[(5)] Each[basic life support] non-transport vehicle shall wrap, properly store, and handle all single-service implements to be inserted into the patient's nose or mouth.

(4)[(6)] Each Class VI,[and] VIII, and IX[BLS] agency shall properly store and keep multiuse items clean and sterile if indicated.

[(7)] [Each Class VI and VIII BLS agency shall carry the following assembled and readily accessible equipment:]

[(a)] [Respiratory and resuscitation equipment, including:]

[1.] [Portable suction apparatus, capable of a minimum vacuum of 300 millimeters mercury, equipped with two (2) each of the following:]

[a.] [Wide-bore tubing;]
[b.] [Rigid catheters;]
[c.] [Soft pharyngeal suction tips in child size; and]
[d.] [Soft pharyngeal suction tips in adult size;]

[2.] [One (1) hand-operated bag-mask ventilation unit equipped with clear facemasks and oxygen reservoirs with oxygen tubing in each of the following sizes:]

[a.] [Adult;]
[b.] [Child;]
[c.] [Infant; and]
[d.] [Neonatal mask only;]

[3.] [Two (2) oropharyngeal airways in each of the following sizes:]

[a.] [Adult;]
[b.] [Child; and]
[c.] [Infant;]

[4.] [Blind-Insertion Airway Devices (BIAD) in adult and pediatric sizes; and]

[5.] [Portable oxygen equipment of at least 300 liters capacity and D size cylinder with a regulator capable of delivering 25LPM;]

[(b)] [Oxygen delivery devices, including:]

[1.] [Two (2) non-rebreathing oxygen masks in both adult and pediatric sizes;]

[2.] [Two (2) nasal cannula in both adult and pediatric sizes;]

[3.] [Two (2) nasopharyngeal airways with water-soluble lubricant in each of the following sizes:]

[a.] [Adult;]
[b.] [Child; and]
[c.] [Infant;]

[(c)] [Wound care supplies, including:]

[1.] [Two (2) airtight dressings for open chest wounds;]

[2.] [Assorted bandaging supplies for the care of soft tissue injuries; and]

[3.] [Sterile water for irrigation;]

[(d)] [An AED with a minimum of two (2) complete sets of pads for all non-ALS providers and vehicles;]

[(e)] [Patient stabilization equipment, including:]

[1.] [Two (2) upper and two (2) lower extremity-splinting devices; and]

[2.] [Two (2) cervical collars in each of the following sizes or adjustable equivalents:]

[a.] [Pediatric;]
[b.] [Small;]
[c.] [Medium;]
[d.] [Large; and]
[e.] [No-Neck;]

[(f)] [Personal protection and body substance isolation equipment, including at least one (1) of each of the following for each EMS provider:]

[1.] [Gown;]
[2.] [Face mask and shield;]
[3.] [Gloves;]
[4.] [Biohazard bag;]

[5.] [Puncture resistant container for the disposal of sharp objects; and]

[6.] [Antimicrobial hand cleaner; and]

[(g)] [Miscellaneous items, including:]

[1.] [Obstetrical supplies, including:]

[a.] [Sterile scalpels or scissors;]
[b.] [Sterile gloves;]
[c.] [Bulb suction; and]
[d.] [Two (2) umbilical clamps;]

[2.] [One (1) blood pressure sphygmomanometer in each of the following cuff sizes:]

[a.] [Large adult;]
[b.] [Adult; and]

[c.] [Pediatric;]
[3.] [One (1) stethoscope in each of the following sizes:]
[a.] [Adult; and]
[b.] [Pediatric; and]
[4.] [A glucometer or blood glucose-measuring device with reagent strips and lancets for obtaining a blood glucose sample.]

[Section 8.] [Class VI and VIII ALS Agency Equipment.]
[(1)] [Each Class VI and VIII ALS agency shall maintain evidence in the form of a letter that medical protocols have been reviewed and approved by the board in accordance with KRS 311A.180. A hard copy or electronic equivalent of approved protocols shall be accessible to each provider throughout each call.]
[(2)] [Each Class VI and VIII ALS agency shall be exempt from the ambulance requirements established in Sections 1 through 6 of this administrative regulation.]
[(3)]
[(a)] [Each Class VIII ALS agency shall have ready access to and maintain in operational order, two (2) complete sets of equipment required by the agency's protocols and this administrative regulation.]
[(b)] [Each Class VI ALS agency shall be required to maintain one (1) complete set of equipment.]
[(4)] [In addition to the BLS equipment required in Section 7 of this administrative regulation, each Class VI and VIII ALS agency shall provide ready access to and maintain in fully operational order, supplies and equipment required by the agency's protocols, including a minimum of:]
[(a)] [Endotracheal intubation equipment consisting of:]
[1.] [Laryngoscope handle;]
[2.] [Various laryngoscope blades in adult, pediatric, and infant sizes;]
[3.] [Extra batteries and bulbs for handles or blades;]
[4.] [A minimum of seven (7) different sizes of endotracheal tubes for oral and nasal placement in adult, pediatric, and infant sizes;]
[5.] [Equipment necessary to perform emergency cricothyrotomy;]
[6.] [An end tidal carbon dioxide detection device;]
[7.] [Stylettes in adult and pediatric sizes;]
[8.] [Magill forceps in adult and pediatric sizes;]
[9.] [One-half (1/2) inch wide twill tape or equivalent for securing endotracheal tubes; and]
[10.] [Water-soluble lubricant for lubrication of endotracheal and nasotracheal tubes;]
[(b)] [A portable monitor defibrillator that:]
[1.] [Is capable of displaying a visual display of cardiac electrical activity;]
[2.] [Is capable of providing a hard copy of cardiac electrical activity measure;]
[3.] [Is capable of delivering direct current energy over a variable range, which is suitable for pediatric and adult usage;]
[4.] [Is capable of providing external cardiac pacing;]
[5.] [Has adult and pediatric external pads, capable of utilization for immediate monitoring of heart activity and delivery of counter shock in both the adult and pediatric patient;]
[6.] [Is capable of being operated from internal rechargeable batteries;]
[7.] [Has synchronized counter shock capability for cardioversion; and]
[8.] [Has a patient monitoring cable with electrode pads or equivalent for use with the patient monitoring cable;]
[(c)] [Sterile, disposable needles, in types and sizes sufficient for personnel to administer medications and perform procedures allowed by the agency's patient treatment protocols;]
[(d)] [Disposable syringes in types and sizes sufficient for personnel to administer medications and perform procedures allowed by the agency's patient treatment protocols;]
[(e)] [Restriction band appropriate for use with venipuncture procedure;]
[(f)] [Disposable, individually packaged antiseptic wipes;]
[(g)] [Intravenous fluids as required by the agency's protocol, with macrodrip and microdrip fluid sets, and accessory items including over the needle catheter devices in sizes fourteen (14) to twenty-four (24) gauge;]
[(h)] [Intraosseous needles or intraosseous devices appropriate for children and adults; and]
[(i)] [Pediatric drug dosage tape or equivalent that provides easy reference for pediatric and infant treatment and drug dosages.]
[(5)] [All items with expiration dates shall not be expired.]
[(6)] [An ALS agency shall stock and maintain drugs and medications as required by the master drug list contained in protocols established in accordance with this section.]
[(7)] [Controlled drugs shall be stored in a locked storage box in a locked compartment that is immediately accessible to personnel.]
[(8)] [This administrative regulation shall not prevent an agency from maintaining other supplies or equipment that are required to carry out its protocols as approved by the board in accordance with KRS 311A.180.]

Section 6.[Section 9.] Safety Equipment.
(1) In addition to the equipment and supplies required by section 1 and other applicable provisions of this administrative regulation, each[Each]Class I and VI ground agency licensed to respond to emergency pre-hospital responses shall provide and maintain, in full operational order, the following minimum light access and extrication equipment on the ambulance for each staff member:
(a) Eye protection goggles or safety glasses;
(b) Heavy work gloves; and
(c) Hard hats that meet ANSI standards, as stated in 29 C.F.R. 1910.135.[;]
[(d)] [Reflective safety wear for each crew member that meet current ANSI standard ANSI 107-2010 or ANSI 207-2011; and]
[(e)] [Three (3) reflective triangles or strobes, or equivalent warning devices.]
(2) A ground ambulance agency subject to emergency pre-hospital response not equipped to provide extrication and rescue services shall execute an agreement with an agency capable of providing extrication and rescue services to the primary geographic service area.
(3) Each Class II, III,[III ACC, III PSC, III NSC, and] VIII, and IX agency shall be exempt from the requirements of this section unless emergency pre-hospital response is included in the agency's scope of care.

Section 7.[Section 10.] Equipment[or Medication] Waiver.
(1) The board, for good cause, may[shall] grant a waiver of any section of this administrative regulation upon request. An applicant for waiver shall submit:
(a) An "EMS Equipment[or Staff] Waiver Request"; and
(b) A nonrefundable application fee of $500 per waiver request.
(2) The application request shall include:
(a) Evidence of prior good faith efforts to comply with each section for which a waiver is requested;
(b) A written explanation of the agency's inability to comply with each section for which a waiver is requested, including any financial or other significant hardship resulting from the agency's efforts to comply;
(c) A written plan for providing adequate care to patients;
(d) The length of time for which the waiver is requested; and
(e) A plan for compliance with each section of this administrative regulation for which a waiver has been requested.
(3) Requests for waivers shall be submitted to the[executive director of the] board via the agency's KEMSIS account.
(4) The administrator and medical director of the agency requesting a waiver shall appear before the board's executive committee and the full board at a regularly scheduled meeting to present evidence of hardship that compliance with this administrative regulation may cause.
[(5)] [Waivers shall not be issued for minimum staffing requirements.]
(5)[(6)] Any waiver issued by the board shall expire on December 31 of the year of issue.
(6)[(7)] Within twenty (20) days of the board's decision, the executive director shall notify the applicant of the decision in writing.

[~~(8)~~] [~~A waiver approved by the board upon a finding of good cause shall be considered a fulfillment of the licensing requirements established in the waiver through December 31 of the year of issue.~~]

(7)[~~(9)~~] The board shall deny the waiver request if, after reviewing the application, it is determined that if the waiver is granted the:

(a) Agency is no longer able to meet the needs of the agency's patients or geographic service area; or

(b) Health or safety of the agency's patients or geographic service area may be jeopardized.

(8)[~~(10)~~] An applicant whose request for waiver is denied may file a written request for a hearing [~~before the board~~] within thirty (30) days of the written notice of denial.

(9)[~~(11)~~] If timely requested, a[A] hearing shall be conducted in accordance with KRS Chapter 13B.

Section 8.[~~Section 11.~~] Public Notice of Negative Action. The board office shall cause to be published, on the KBEMS Web site or similar publication of the board, or otherwise disseminate, the name of any licensed agency that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.

Section 9.[~~Section 12.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "EMS Equipment Waiver Request", (5/2026)[~~"EMS Equipment or Staff Waiver Request", (12/2017)~~], http://kemsis.ky.gov/;

[~~(b)~~] [~~"U.S. Department of Transportation, Emergency Response Guidebook", (2020), www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2021-01/ERG2020-WEB.pdf~~];

(b)[~~(c)~~] "Commission on Accreditation of Ambulance Services Ground Vehicle Standard for Ambulances (GVS)", (7/2025), www.groundvehiclestandard.org/caas-releases-gvs-4/;[~~"Commission on Accreditation of Ambulance Services Ground Vehicle Standard for Ambulances (GVS)", (7/2022), www.groundvehiclestandard.org/wp-content/uploads/2022/06/CAAS_GVS_V3_Final_07_01_2022_2.pdf; and~~]

(c) "Ground Agency Equipment List", (4/2026), https://kbems.ky.gov/About/Pages/Forms.aspx.

(d) "NFPA 1917 Standard for Automotive Ambulances", (1/2019), www.nfpa.org/codes-and-standards/nfpa-1917-standard-development/1917;

(e) "U.S. Department of Transportation, Emergency Response Guidebook", (2024), www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-04/ERG2024-Eng-Web-a.pdf; and

(f)[~~(d)~~] "U.S. General Services Administration Federal Specification for Star of Life Ambulance (GSA KKK-A-1822)", (8/2007), as amended (6/2025), https://catalog.gsafleet.gov/public/fvs/vehicle-standards/preview/2026/13/328.[~~"U.S. General Services Administration Federal Specification for the Star-of-Life Ambulance (GSA KKK-A-1822F)", (8/2007), www.ehsf.org/sites/default/files/2017-07/Federal%20Specification%20for%20the%20Star-of-Life%20Ambulance.pdf.~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor, 5SE32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: April 9, 2026

FILED WITH LRC: May 6, 2026 at 12:08 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2026, at 1:00 PM ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood Phone: (859) 225-4714 Email: administrativeregulations@wgmfirm.com

Subject Headings: Emergency Medical Services, Medical Transportation, Licensing, Inspections

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the vehicle and equipment requirements for all EMS agencies except Class VII air ambulance services.

(b) The necessity of this administrative regulation: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the emergency medical services system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes the required equipment to operate an ambulance service.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.020 and 311A.030 by establishing equipment and vehicle requirements.

(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 KRS 311A.020 and 311A.030 by establishing equipment and vehicle 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 simplifies this administrative regulation by incorporating the Ground Ambulance Equipment List document by reference, which more clearly sets forth the required equipment for each class of agency. This amendment also includes a new section establishing the general requirements applicable to all ground agencies. Finally, this amendment clarifies the applicable ambulance standards, establishes permissible deviations from those standards, and deletes redundant or unnecessary requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update and clarify the vehicle and equipment requirements for the different classes of ground agencies.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.020 and 311A.030 by establishing vehicle and equipment standards and requirements for ground agencies.

(d) How the amendment will assist in the effective administration of the statutes: KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This amendment will assist in the effective administration of the statue by establishing vehicle and equipment requirements for ground agencies.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All ambulance services, medical first response agencies, cities, counties, and healthcare facilities 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: Ambulance services and medical first response agencies will have to ensure that they maintain the equipment as required by this administrative regulation and ensure that their ambulances meet the 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): The Board does not anticipate any additional costs to affected entities as a result of this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): EMS agencies will benefit from the clarified requirements in this amendment and from the required equipment for each class of agency being clearly set forth in the Ground Agency Equipment List document.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.
(b) On a continuing basis: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to all ground agencies.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the emergency medical services system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation is necessary to establish the equipment and vehicle requirements for ground agencies.
(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 authorized by KRS 311A.030, which was last amended by 2025 Ky. Acts ch. 150, sec. 4.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by the Kentucky Board of Emergency Medical Services.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): All city and county owned ground EMS agencies.
(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): All ground EMS agencies.
(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 Board does not anticipate this amendment having any fiscal impact, as the equipment required remains largely unchanged by this amendment.
(b) Methodology and resources used to reach this conclusion: The Board does not anticipate this amendment having any fiscal impact, as the equipment required remains largely unchanged by this amendment.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: The Board does not anticipate this amendment having any fiscal impact, as the equipment required remains largely unchanged by this amendment.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:228. Sandhill crane hunting requirements.

RELATES TO: KRS 150.010, 150.305, 150.340, 150.990
STATUTORY AUTHORITY: KRS 150.025(1), 150.170(3), (4), 150.330, 150.603(2), 50 C.F.R. 20, 21
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative

regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.170(3), (4) authorizes license exemptions for people under twelve (12) and resident owners of farmlands, including their spouses and dependent children who hunt on those farmlands. KRS 150.330 authorizes take and possession of migratory birds when in compliance with the provisions of the Federal Migratory Bird Treaty Act and authorizes hunting of migratory birds with the appropriate permits. KRS 150.603(2) requires a person sixteen (16) years or older to possess a hunting license and a Kentucky migratory game bird and waterfowl permit in order to hunt migratory birds. This administrative regulation establishes the requirements for taking sandhill cranes within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

Section 1. Definitions.

(1) "Crane" means a sandhill crane.

(2) "Wildlife Management Area" or "WMA" means a tract of land that:

(a) Is controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) Has "Wildlife Management Area" or "WMA" as part of its official name.

Section 2. Applications and Permits.

(1) To apply for a crane hunting permit a person shall:

(a) Complete the online application process, not more than once per calendar year, on the department's Web site at fw.ky.gov between September 1 and September 30;

(b) Possess a valid hunting license by September 30, unless the applicant is license exempt as established in KRS 150.170; and

(c) Pay a fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~three (3) dollar application fee~~].

(2) The department shall:

(a) Rank each applicant with a random electronic draw from all qualified applicants;

(b) Issue a crane hunting permit and one (1) printable crane tag to all ranked applicants up to the maximum number of crane tags allowed by the United States Fish and Wildlife Service for that season, as established in 50 C.F.R. 20, except that if the number of applicants:

1. Exceeds the maximum number of tags, then those applicants ranking higher than the maximum shall not receive a permit; or

2. Is less than the maximum number of tags available, then the additional tags shall be assigned to applicants in the order of ranking until all tags are assigned;

(c) Disqualify an applicant who does not possess a hunting license prior to September 30, unless the applicant is license exempt as established in KRS 150.170.

(3) A person who does not have access to the internet may call the department's toll-free number at 1-800-858-1549 for assistance in applying.

(4) A crane hunting permit shall not be transferable.

(5) A person selected to receive a permit shall pass a bird identification test provided by the department prior to receiving a permit.

(6) A permit recipient shall complete and submit a post-season crane hunting survey on the department's Web site no later than fourteen (14) days after the close of the season.

(7) A person who fails to complete the post-season survey by the date specified in subsection (6) of this section shall be ineligible to be drawn the following year.

Section 3. Season, Bag Limits, and Hunting Requirements.

(1) Unless license exempt as established in KRS 150.170, a person shall not hunt a crane without a:

(a) Valid Kentucky hunting license;

(b) Valid Kentucky crane hunting permit; and

(c) Kentucky migratory game bird and waterfowl permit.

(2) A permit recipient shall possess a printed or electronic copy of a valid crane hunting permit, available via the customer's profile on the department's Web site at https://app.fw.ky.gov/Myprofile/default.aspx or mobile application:

(a) While crane hunting; and

(b) When in possession of a harvested crane.

(3) The season shall be from December 7 through January 31.

(4) The bag limit shall be:

(a) Two (2) cranes daily for permit holders with two (2) or more crane tags; or

(b) One (1) crane for permit holders with one (1) tag.

(5) A person shall only hunt cranes from sunrise to sunset.

(6) A person who has harvested a crane shall attach a department-issued printable tag to the leg of the crane prior to moving the carcass. The department-issued tags shall be available for print via the customer's profile on the department's Web site at https://app.fw.ky.gov/Myprofile/default.aspx or mobile application.

(7) A person shall check a harvested crane on the day the crane is harvested by:

(a) Calling 800-245-4263 and providing the information requested by the automated check-in system; or

(b) Completing the check-in process on the department's Web site at fw.ky.gov; and

(c) Recording and retaining the check-in confirmation number for the rest of the current season.

(8) A hunter who has harvested a crane shall possess the check-in confirmation number when in the field during the current season.

(9) A person shall not knowingly falsify the harvest of a crane on the automated check-in system.

(10) A person hunting cranes shall not use or possess a shotgun shell containing:

(a) Lead shot; or

(b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting.

(11) A person shall not use the following to take cranes:

(a) A shotgun larger than ten (10) gauge;

(b) A shotgun shell larger than three and one-half (3 1/2) inches; or

(c) A shotgun shell with shot larger than size "T".

(12) A person hunting a crane on a Wildlife Management Area shall comply with the applicable WMA waterfowl hunting requirements, as established in 301 KAR 2:222, except that on:

(a) Barren River WMA crane hunting shall be prohibited within 100 yards of the normal summer pool level of 552 feet in the embayments established in subparagraphs 1. through 3. of this paragraph:

1. Beaver Creek;

2. Peters Creek; and

3. Skaggs Creek; and

(b) Green River Lake, crane hunting shall be prohibited within 100 yards of the normal summer pool level of 675 feet, east of the Hwy 551 bridge in the embayments established in subparagraphs 1. and 2. of this paragraph:

1. Green River to the Snake Creek Boat Ramp; and

2. Casey Creek to the Hwy 76 bridge.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: MAY 14, 2026

FILED WITH LRC: May 15, 2026 at 10:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 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 July 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: 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, Phone: 502-564-3400, Email: fwpubliccomments@ky.gov
Subject Headings: Fish and Wildlife, Hunting, Conservation
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes sandhill crane hunting seasons, bag limits, permit requirements, and hunting requirements on public and private lands within federal migratory bird hunting frameworks established by the U.S. Fish and Wildlife Service in 50 C.F.R. Parts 20 and 21.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish annual sandhill crane hunting requirements in accordance with U.S. Fish and Wildlife Service frameworks and department management objectives.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing open seasons for wildlife and regulating bag limits. KRS 150.360 authorizes the department to restrict methods for the taking of wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl and migratory game birds on public and private land. This administrative regulation establishes procedures for the taking of migratory game birds within the federal frameworks established in 50 C.F.R. Parts 20 and 21.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By establishing sandhill crane hunting seasons, permit requirements, and area-specific hunting requirements, this administrative regulation assists the department in maintaining migratory game bird conservation programs consistent with state, national, and international management objectives.
(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 modification changes the fee structure for applying for a sandhill crane hunting permit. The new fee will prescribed in 301 KAR 5:022.
(b) The necessity of the amendment to this administrative regulation: All KDFWR fees are found in 301 KAR 5:022.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 150.025(1), KRS 150.360, and KRS 150.600 by establishing hunting seasons, harvest limits, permit procedures, and methods of take for migratory game birds.
(d) How the amendment will assist in the effective administration of the statutes: This amendment improves administrative efficiency, simplifies season administration and enforcement, and provides hunting opportunity consistent with federal migratory bird management frameworks.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 40,000 migratory bird hunters in Kentucky may be affected by this administrative regulation. The Department of Fish and Wildlife Resources Wildlife and Law Enforcement Divisions will also be affected in the administration and enforcement of 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: Hunters participating in sandhill crane hunting seasons will be required to comply with season dates, permit requirements, harvest limits, tagging requirements, reporting requirements, and area-specific hunting restrictions established by 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): No significant additional costs are anticipated as a result of this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Hunters will benefit from a simplified predictable system for fee structure change.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No significant additional administrative costs are anticipated.
(b) On a continuing basis: No significant additional administrative costs are 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 Kentucky State Fish and Game Fund.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or additional funding will be necessary to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This modification does establish a structure for changing fees in the future.
(10) TIERING: Is tiering applied? Tiering is not applied because the same requirements and restrictions apply equally to all persons participating in sandhill crane hunting activities regulated 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 150.025(1), KRS 150.360, KRS 150.600, and 50 C.F.R. Parts 20 and 21.
(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 authorized by KRS 150.025(1), KRS 150.360, and KRS 150.600.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Fish and Wildlife Resources, Wildlife Division and Law Enforcement Division.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No significant additional expenditures are anticipated.
For subsequent years: No significant additional expenditures are anticipated.
2. Revenues:
For the first year: No significant additional revenues are anticipated.
For subsequent years: No significant additional revenues are anticipated.
3. Cost Savings:
For the first year: No significant cost savings are anticipated.
For subsequent years: No significant cost savings are anticipated.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local governmental entities are expected to be directly affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None anticipated.
For subsequent years: None anticipated.
2. Revenues:
For the first year: None anticipated.
For subsequent years: None anticipated.
3. Cost Savings:
For the first year: None anticipated.
For subsequent years: None anticipated.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Migratory bird hunters participating in Kentucky sandhill crane hunting seasons.
(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
For the first year: No significant additional expenditures are anticipated.
For subsequent years: No significant additional expenditures are anticipated.
2. Revenues:
For the first year: None anticipated.
For subsequent years: None anticipated.
3. Cost Savings:
For the first year: None anticipated.
For subsequent years: None 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: This administrative regulation is not anticipated to create significant additional fiscal impact on state agencies, local governments, or regulated entities.
(b) Methodology and resources used to reach this conclusion: The department evaluated anticipated administrative and enforcement requirements associated with the amendment and determined that implementation can be accomplished using existing personnel and funding 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): This amendment will not have any significant fiscal impact.
(b) The methodology and resources used to reach this conclusion: The department evaluated anticipated compliance costs, administrative costs, and impacts on regulated entities and determined that the amendment will not result in significant economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 50 C.F.R. Parts 20 and 21 establish federal migratory bird hunting frameworks and requirements.
(2) State compliance standards. Kentucky establishes hunting seasons, permit requirements, harvest limits, and area-specific restrictions within the federal frameworks established by the U.S. Fish and Wildlife Service.
(3) Minimum or uniform standards contained in the federal mandate. Federal regulations establish maximum allowable season frameworks, harvest limits, methods of take, and migratory bird management requirements.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes. Kentucky establishes permit requirements, application procedures, area-specific hunting restrictions, tagging requirements, and season structures specific to management objectives within the Commonwealth.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Additional state-specific requirements are necessary to ensure proper harvest management, hunter administration, conservation objectives, enforcement capability, and compliance with annual federal harvest allocations.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 6:070. Motorboat dealer and manufacturer registration.

RELATES TO: KRS 150.010(1), 150.195, 235.040, 235.220
STATUTORY AUTHORITY: KRS 150.021(1), 150.025, 235.220(1)
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the commissioner with approval of the commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 235.220 authorizes the department to establish an annual registration fee for a manufacturer[~~manufacturers~~] or dealer of motorboats in the state of Kentucky. This administrative regulation establishes the requirements for registering as a boat manufacturer and boat dealer.

Section 1. Registration Application.
(1) A person shall apply annually for a boat manufacturer's or boat dealer's registration on the Motorboat Dealer and Manufacturer Registration application provided by the department or via the department's Internet site.
(2) A new application for annual registration shall be submitted each year to the department. Boat manufacturer and dealer certificates and plates shall expire April 30 of each year.
(3) Information to be provided on the application shall include:
(a) Name, address, and contact information;
(b) Address of business;
(c) Number of boats manufactured or sold in the year prior to application;
(d) Type of vessel manufactured or sold; and
(e) Copy of the Sales and Use Tax Permit issued by the Revenue Cabinet. If an applicant is using the Internet to process his or her application, he shall insert the six (6) digit account number issued by the Revenue Cabinet on the Sales and Use Tax Permit.
(4) A manufacturer shall include on an application for annual registration the assigned U.S. Coast Guard assigned manufacturers identification code.
(5) With the application, an applicant shall include the applicable fee for the Motorboat Dealer and Manufacturer Registration or for additional plate copies as established in 301 KAR 5:022 and available at https://fw.ky.gov/Licenses/Pages/Fees.aspx.
(6) The registration provisions of this section shall not apply to licensed out-of-state manufacturers and dealers who are attending boat shows and other temporary exhibitions in Kentucky, if their home state grants Kentucky manufacturers and dealers similar reciprocal privileges.

Section 2. Certification and Plate.
(1) Boat manufacturers and dealers shall place in a conspicuous location at his or her place of business, the certificate issued by the department.
(2) The plate shall be kept aboard a boat and readily available for inspection by a game warden. The boat shall also abide by the registration requirements of KRS 235.220.

Section 3. Revocation of Certificate and Registration. A boat dealer or manufacturer shall forfeit his or her registration certificate and plate if he or she has:
(1) Been convicted of a violation of KRS Chapter 235;
(2) Falsified his or her application for certification as a boat manufacturer or dealer; or
(3) Misused his or her boat dealer or manufacturer certification and plate.

Section 4. Incorporation by Reference.
(1) "Motorboat Dealer and Manufacturer Registration", 2026[~~2025~~] edition, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. or online at: https://fw.ky.gov/Licenses/Documents/Motorboat-Dealer-Manufacturer-Reg-App.pdf for the "Boat Dealer and Manufacturer Registration" application.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner
APPROVED BY AGENCY: MAY 14, 2026
FILED WITH LRC: May 15, 2026 at 10:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 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 July 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: 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 Phone: 502-564-3400 Email: fwpubliccomments@ky.gov
Subject Headings: Fish and Wildlife, Boats and Boating, Conservation
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirement for an annual registration for boat manufacturers and dealers and established the requirements for registering as a boat manufacture and boat dealer.
(b) The necessity of this administrative regulation:
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 235.220 authorizes the department to establish an annual registration for a manufacturer or dealer of motorboats.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets out the specific process for manufactures and dealers of motorboats.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Updates the material incorporated by reference to include reporting requirements that we already within the administrative regulation.
(b) The necessity of the amendment to this administrative regulation: This amendment is needed to comply with the reporting requirements within the regulation and to comply with federal law.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who which to obtain the associated license or permit.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with these amendments will allow individuals to obtain the associated license or permit.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Fish and Game Fund.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Any associated fees are addressed in 301 KAR 5:022.
(10) TIERING: Is tiering applied? Tiering is not applied as all boat manufactures or dealers have 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 235.220
(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 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidentals 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.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:230. Little Sandy Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Little Sandy Correctional Complex.

Section 1. Incorporation by Reference.
(1) "Little Sandy Correctional Complex Policies and Procedures", April 28, 2026[~~September 11, 2017~~], are incorporated by reference. Little Sandy Correctional Complex Policies and Procedures include:

LSCC 01-12-01	Public Information and Media Communication (Amended 4/28/26[~~9/11/17~~])
LSCC 02-01-03	Fiscal Management Agency Funds (Amended 4/28/26[~~9/11/17~~])
LSCC 06-01-01	Offender Records (Amended 4/28/26[~~6/28/17~~])
LSCC 08-01-01	Occupational Exposure to Serious and Infectious Diseases (Amended 4/28/26[~~6/28/17~~])
LSCC 10-01-01	Special Management Unit[~~Restrictive Housing Unit~~] (Amended 4/28/26[~~9/11/17~~])
LSCC 10-02-01	Restrictive Movement (Added 4/28/26)
LSCC 11-02-01	Food Service Security (Amended 4/28/26[~~6/28/17~~])
LSCC 11-03-01	Dining Room Rules (Amended 4/28/26[~~Added 6/28/17~~])
LSCC 11-06-01	Health Requirement of Food Handlers (Amended 4/28/26[~~6/28/17~~])
LSCC 11-07-01	Food Service: Inspections and Sanitation (Amended 4/28/26[~~6/28/17~~])
LSCC 12-01-01	Clothing, Bedding, Hygiene Supplies and Barber Shop (Amended 4/28/26[~~6/28/17~~])
LSCC 13-02-01	Sick Call, Clinic, and Pill Call (Amended 4/28/26[~~Added 9/11/17~~])
LSCC 13-02-02	Medical Services Co-payment (Amended 4/28/26[~~Added 6/28/17~~])
LSCC 13-02-03	Continuity of Care: Health Evaluations, Intra-System Transfer, Individual Treatment Plans (Amended 4/28/26[~~9/11/17~~])
LSCC 13-03-01	Use of Pharmaceutical Products (Amended 4/28/26[~~9/11/17~~])
LSCC 13-04-01	Health Records (Amended 4/28/26[~~Added 9/11/17~~])
LSCC 13-04-02	Psychological and Psychiatric Reports (Amended 4/28/26[~~Added 9/11/17~~])
LSCC 13-05-01	Management of Serious and Infectious Diseases (Amended 4/28/26[~~Added 9/11/17~~])
LSCC 13-06-01	Mental Health Services (Added 4/28/26)
LSCC 13-06-03	Inmate Observer Program (Added 4/28/26)
LSCC 13-08-01	Eye Care (Amended 4/28/26[~~Added 9/11/17~~])
LSCC 13-09-01	Dental Care (Amended 4/28/26[~~Added 6/28/17~~])
[~~LSCC 13-10-01~~]	[~~Transfers and Medical Profiles (Added 6/28/17)~~]
LSCC 13-11-01	Informed Consent (Amended 4/28/26[~~Added 6/28/17~~])
LSCC 13-12-01	Medical Annex (Amended 4/28/26[~~Added 9/11/17~~])
LSCC 13-13-01	Inmate Self-Administration of Medication (Amended 4/28/26[~~6/28/17~~])
LSCC 13-15-01	Health Education Program and Detoxification (Amended 4/28/26[~~Added 6/28/17~~])
LSCC 14-01-01	Inmate Rights and Responsibilities (Added 4/28/26)
LSCC 14-02-01	Legal Services Program (Amended 4/28/26[~~6/28/17~~])
LSCC 14-03-01	American with Disabilities Act (Added 4/28/26)

[~~LSCC 15-01-01~~]	[~~Drug Abuse Testing (Amended 6/28/17)~~]
LSCC 16-01-01	Inmate Visiting (Amended 4/28/26[~~(9/11/17~~])
LSCC 16-02-02	Inmate Correspondence and Privileged Mail (Amended 4/28/26[~~6/28/17~~])
LSCC 16-03-01	Inmate Telephone Communications (Amended 4/28/26[~~6/28/17~~])
LSCC 17-01-01	Inmate Property Control (Amended 4/28/26[~~6/28/17~~])
LSCC 18-01-01	Inmate Classification (Amended 4/28/26[~~6/28/17~~])
LSCC 18-02-01	Meritorious Housing (Amended 4/28/26[~~6/28/17~~])
LSCC 19-01-01	Inmate Work Program (Amended 4/28/26[~~6/28/17~~])
LSCC 20-01-01	Educational Courses[~~(Programs)~~] (Amended[]04/28/26[~~6/28/17~~])
LSCC 21-01-01	Library Services (Added 04/28/26)LSCC 22-01-01 Recreation Programs (Added 4/28/26)
LSCC 22-02-01	Inmate Clubs and Organizations (Amended 4/28/26[~~6/28/17~~])
LSCC 22-04-01	Arts and Crafts Programs (Added 4/28/26)
LSCC 23-01-01	Religious Programs (Added 4/28/26)
LSCC 24-01-01	Social Services and Counseling Program (Amended 4/28/26[~~Added 6/28/17~~])
LSCC 25-01-02	Inmate Release Process (Amended 4/28/26[~~6/28/17~~])
LSCC 26-01-01	Citizen Involvement and Volunteer Services Programs (Amended4/28/26[~~6/28/17~~])

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections website at https://corrections.ky.gov/About/Pages/lrcfilings.aspx.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: April 28, 2026

FILED WITH LRC: April 28, 2026 at 4:09 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation amendment shall be held Tuesday, July 21, 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 July 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens
Subject Headings: Corrections and Correctional Facilities, Prisons, Crimes and Punishments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation incorporates by reference the policies and procedures governing the Little Sandy Correctional Complex (LSCC).
(b) The necessity of this administrative regulation: This regulation meets statutory requirements in KRS 196.035 and 197.020 and meets American Correctional Association (ACA) policy requirements.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation governs the operations of the Little Sandy Correctional Complex, a correctional institution within the Kentucky Department of Corrections. The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement or amend practices or procedures to ensure the safe and efficient operation of the Department of Corrections and its institutions.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Little Sandy Correctional Complex. It provides direction and information to employees, inmates, visitors, and volunteers concerning the rules and operations of the institution.
(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 maintains the institution's compliance with ACA requirements and updates practices for the institution.
(b) The necessity of the amendment to this administrative regulation: The amendment meets the requirements of KRS 196.035 and 197.020 and revises policies for the institution to update procedures and maintain accreditation with the ACA.
(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement or amend practices or procedures to ensure the safe and efficient operation of the institution.
(d) How the amendment will assist in the effective administration of the statutes: The amendment provides staff, inmates, volunteers, and visitors information concerning the effective and orderly management of the institution.
(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 affects approximately 230 employees and 983 inmates at the Little Sandy Correctional Complex and all volunteers and visitors to the institution.
(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: Staff, inmates, volunteers, and visitors will have to follow the changes made in the policies and procedures. They will have to change their actions to comply with the operational changes made by this amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): An exact cost of compliance is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational changes will assist in the

effective and orderly management of the institution.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is not an anticipated cost to implement this regulation.
(b) On a continuing basis: There is not an anticipated continuing cost to implement this regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds budgeted to the institution for the biennium.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding is not anticipated.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment establishes a late fee ($0.10 per day for the late library items and a fee of $1 per day for late inter-library loan items) in LSCC 21-01-01, incorporated by reference.
(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 196.035, 197.020
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035,197.020
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Corrections, Little Sandy Correctional Complex
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The administrative regulation impacts how the institution operates but is not expected to increase expenditures.
For subsequent years: The administrative regulation impacts how the institution operates but is not expected to increase expenditures in subsequent years.
2. Revenues:
For the first year: This administrative regulation does not generate revenue.
For subsequent years: This administrative regulation will not generate revenue in subsequent years.
3. Cost Savings:
For the first year: Cost savings are not anticipated in the first year.
For subsequent years: Cost savings are not anticipated in subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
2. Revenues:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
3. Cost Savings:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Visitors, volunteers, and Inmates in the in the custody of the Department of Corrections will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: There will be no expenditures for inmates in the in the custody of the Department of Corrections.
For subsequent years: There will be no expenditures for visitors, volunteers, and inmates in the in the custody of the Department of Corrections in subsequent years.
2. Revenues:
For the first year: The administrative regulation amendment will not generate revenue.
For subsequent years: The administrative regulation amendment will not generate revenue in subsequent years.
3. Cost Savings:
For the first year: Cost savings are not anticipated.
For subsequent years: Cost savings are not anticipated.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The amendment to the administrative regulation impacts how the institution operates but is not expected to have a fiscal impact.
(b) Methodology and resources used to reach this conclusion: The administrative regulation and the policies and procedures incorporated by reference were reviewed for possible fiscal impacts, and a significant new fiscal impact was not identified.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): A major economic impact is not anticipated.
(b) The methodology and resources used to reach this conclusion: The administrative regulation amendment amends an existing administrative regulation and policies and procedures incorporated by reference. The administrative regulation and the policies and procedure incorporated by reference were reviewed for any potential economic impact, and an overall negative or adverse major economic impact was not identified as the Department of Corrections will use existing resources, staff and employees to implement the regulation and policies and procedures.

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
(Amendment)

601 KAR 1:018. Special overweight or overdimensional motor vehicle load permits.

RELATES TO: KRS 175.450, 177.390-177.570, 177.9771, 186.010(8), 186.050, 189.221, 189.222, 189.2225(3), 189.270, 189.271, [~~189.2715,~~]189.2716, 189.2717, 227.550, 281.838, 23 C.F.R. 658.17, 49 C.F.R. 367, 393.11

STATUTORY AUTHORITY: KRS 189.270(6), 189.271(9)(b), [~~189.2715(1),~~]189.2717(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.270(6), 189.271(9)(b), [~~189.2715(1),~~]189.2716, and 189.2717(1) authorize the Secretary of the Kentucky Transportation Cabinet to issue permits for the movement of motor vehicles with divisible or nondivisible loads exceeding legal weights or dimensions. This administrative regulation establishes the procedures and requirements for the issuance of an overweight or overdimensional single trip or annual permit including the height, width, and length necessary for vehicles and loads; escort safety requirements; the requirements to move a house or building; and the criteria necessary to obtain a permit for a sealed, containerized, ocean-going cargo unit.

Section 1. Definitions.

(1) "Axle spacing" means the measurable distance between the axle centers of the axle unit.

(2) "Boat" means a vehicle used for movement on the water and includes the trailer on which it is placed for transporting the vehicle on the highway.

(3) "Designated National Truck Network" means routes approved for use by increased dimension as established in KRS 189.222.

(4) "Height pole" means a vertical clearance measuring device.

(5) "International bill of lading" means a receipt or ticket for property tendered for transportation by a common motor carrier or private carrier in foreign commerce including:

(a) Consignor;

(b) Consignee;

(c) Origin and destination points;

(d) Number of packages;

(e) Description of freight or goods; and

(f) Date.

(6) "Manufactured home" is defined by KRS 227.550(7).

(7) "Nondivisible" means a load, cargo unit, or vehicle that if separated into smaller loads or vehicles would:

(a) Compromise the intended use of the vehicle, making it unable to perform the function for which it was intended;

(b) Destroy the value of the load or vehicle, making it unusable for its intended purpose; or

(c) Require more than four (4) or eight (8) work hours to dismantle and reassemble contingent on the route traveled.

(8) "Overdimensional" means the motor vehicle exceeds the dimension limits established in 603 KAR 5:070.

(9) "Overweight" means the motor vehicle exceeds:

(a) The gross weight limit established in 603 KAR 5:066;

(b) The axle weight limit established in 603 KAR 5:066;

(c) The gross weight limits established by KRS 177.9771 for a motor vehicle transporting coal or coal by-products;

(d) The bridge weight limit established by 603 KAR 5:066; or

(e) The gross weight limit posted at a bridge or other structure.

(10) "Permit fee" means the fee established [~~in KRS 189.270, 189.2715, or 189.2717~~] for the issuance of an overweight or overdimensional trip or annual permit, to cover the cost of processing the permit application, including:

(a) A qualification check of the applicant;

(b) A statutory compliance check; and

(c) An initial bridge and weight analysis.

(11) "Pole trailer" means a motor vehicle without motive power that is:

(a) Designed to be drawn by a motor vehicle and attached to the towing motor vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing motor vehicle; and

(b) Used for transporting long or irregularly shaped loads such as poles, pipes, or structural members that generally are capable of sustaining themselves as beams between the supporting connections.

(12) "Sealed, containerized, ocean-going cargo unit" means a nondivisible unit of cargo that is part of international trade due to importation from, or exportation to, another country.

(13) "Self-propelled specialized mobile equipment" means every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways.

(14) "Steering axle" means the axle or axles of a vehicle or combination of vehicles by which the vehicle or vehicles are guided or steered.

(15) "Tandem" means any two (2) axles with centers forty-two[~~forty two~~] (42) inches or more apart but less than ninety-six[~~ninety six~~] (96) inches apart.

(16) "Tridem" means any three (3) consecutive axles with centers forty-two[~~forty two~~] (42) inches or more apart and less than 120 inches apart.

(17) "Trunnion axle" means an axle configuration with two (2) individual axles mounted in the same transverse plane with four (4) tires on each axle connected at a pivot point that allows each individual axle to oscillate in a vertical plane to provide constant and equal weight distribution on each individual axle.

Section 2. Overweight or Overdimensional Permit Application.

(1) To apply[~~An application~~] for a Kentucky Overweight/Overdimensional Single Trip Permit [~~Worksheet, TC Form 95-10, and~~]or an [~~Application for~~]Annual Overweight or Overdimensional Permit,[~~ TC Form 95-25, shall be submitted to the Division of Motor Carriers by:~~]access the online motor carrier permitting system at http://drive.ky.gov/motor-carriers/Pages/Purchase-Overweight-Over-Dimensional-Permits.aspx.

[~~(a)~~] [~~Hand delivery;~~]

[~~(b)~~] [~~Mail;~~]

[~~(c)~~] [~~Fax; or~~]

[~~(d)~~] [~~The online motor carrier permitting system at http://drive.ky.gov/motor-carriers/Pages/Purchase-Overweight-Over-Dimensional-Permits.aspx.~~]

(2) An applicant for an overweight or overdimensional single trip permit shall submit a completed Kentucky Overweight/Overdimensional Permit Worksheet[~~, TC Form 95-10 to the Division of Motor Carriers~~].

(3) An overweight or overdimensional single trip permit shall be valid for one (1) move and a duration of ten (10) days.

(4) An overweight or overdimensional single trip permit application shall specify the following information regarding the towing vehicle:

(a) The year, make, and vehicle identification number;

(b) The license plate number and jurisdiction;

(c) The maximum weight for which the towing vehicle is registered;

(d) The jurisdiction or state of the apportioned registration;

(e) The name, address, and telephone number of the operator or owner;

(f) A general description of the cargo;

(g) The effective date of travel;

(h) The serial number for a manufactured home;

(i) The specific routes of travel requested;

(j) The Kentucky Highway Use License (KYU License) or the DOT number; and

(k) The axle spacing and axle group configuration.

(5) An applicant for an overweight or overdimensional annual permit shall submit a completed Application for Annual Overweight or Overdimensional Permit[~~, TC Form 95-25 to the Division of Motor Carriers~~].

(6) An overweight or overdimensional annual permit shall be valid for an unlimited number of moves for a duration of 365 days.

(7) An overweight or overdimensional annual permit application shall specify the following information regarding the towing vehicle:

(a) The year, make, and vehicle identification number;

(b) The license plate number, jurisdiction, and unit number;

(c) The maximum weight for which the towing vehicle is registered;

(d) The jurisdiction or state of the apportioned registration;

(e) The name, address, and telephone number of the operator or the owner;

(f) A general description of the cargo;

(g) The effective date of travel;

(h) The Kentucky Highway Use License (KYU License) or the DOT number; and

(i) The axle spacing and axle group configuration.

Section 3. Permit Fees.[~~Validity and Availability.~~] The following are the fees for all overweight or overdimensional single trip and annual permits and shall be paid using a credit card or an electronic funds transfer (EFT). In addition to the permit fee there shall also be a financial institution fee:

(1) Single trip shall cost $120.

[~~(1)~~]

[~~(a)~~] [~~A valid overweight or overdimensional annual or single trip permit issued by the Division of Motor Carriers shall be carried in the overweight or overdimensional vehicle during transit.~~]

[~~(b)~~] [~~The permit shall be presented upon request to law enforcement or authorized personnel of the Department of Vehicle Regulation.~~]

[(c)] [A modification by the permittee to the permit that is not authenticated by the Division of Motor Carriers shall render the permit invalid.]

(2) S05 Single Trip Metal Commodities shall cost $200.

(3) A01 Non-divisible Annual less than fourteen (14) feet wide shall cost $750.

(4) A02 Non-divisible Annual less than fourteen (14) feet wide shall cost $1500.

(5) A05 Metal Commodity shall cost $1250.

(6) A06 Non-divisible Steel statewide shall cost $1000.

(7) A09 Feed Annual shall cost $300.

(8) A10 Annual Manufactured Home permit shall cost $1500.

(9) Riverport Annual Permit shall cost $500.

(10) Superload bridge analysis cost an additional $500.

[(2)] [A separate overweight or overdimensional permit shall be required for each vehicle involved in a movement.]

[(3)] [An overweight or overdimensional permit shall not be issued for a divisible load that if reasonably divided, dismantled, disassembled, or rearranged would no longer be overweight or overdimensional except as provided by KRS 189.2715, 189.2716, or 189.2717.]

[(4)] [A special overweight or overdimensional annual or trip permit to allow the movement of a motor vehicle with a gross weight or gross dimension in excess of the weights and dimensions established in KRS 189.270, 189.271, 189.2715, and 189.2717 may be issued by the Division of Motor Carriers if the movement is necessary to provide transportation for specified cargo that is in the interest of the health, welfare, or economy of the Commonwealth.]

Section 4. Permit Validity and Availability[Changes to Overweight or Overdimensional Permits].

(1) [A duplicate overweight or overdimensional permit that is needed to replace a lost, stolen, or destroyed annual permit or to transfer or amend the permit to another towing vehicle shall be obtained from the Division of Motor Carriers by a payment of ten (10) dollars.]

(a) A valid overweight or overdimensional annual or single trip permit issued by the Division of Motor Carriers shall be carried in the overweight or overdimensional vehicle during transit.

(b) The permit shall be presented upon request to law enforcement or authorized personnel of the Department of Vehicle Regulation.

(c) A modification by the permittee to the permit that is not authenticated by the Division of Motor Carriers shall render the permit invalid.

(2) A separate overweight or overdimensional permit shall be required for each vehicle involved in a movement[One (1) transfer to another towing vehicle or one (1) amendment of vehicle information shall be allowed for each overweight or overdimensional annual permit during the permit's effective year].

(3) Except as provided by KRS 189.2716 or 189.2717, an overweight or overdimensional permit shall not be issued for a divisible load that if reasonably divided, dismantled, disassembled, or rearranged would no longer be overweight or overdimensional.[The original overweight or overdimensional permit shall be returned to the Division of Motor Carriers prior to the transfer of an annual permit].

Section 5. Changes to Overweight or Overdimensional Permits[Travel Restrictions].

(1) A duplicate overweight or overdimensional permit that is needed to replace a lost, stolen, or destroyed annual permit or to transfer or amend the permit to another towing vehicle shall be obtained from the Division of Motor Carriers by a payment of ten (10) dollars.[In accordance with 23 C.F.R. 658.17, the Division of Motor Carriers may deny an overweight or overdimensional permit application if:]

[(a)] [The route includes a portion of the interstate highway system; and]

[(b)] [The load is divisible.]

(2) One (1) transfer to another towing vehicle or one (1) amendment of vehicle information shall be allowed for each overweight or overdimensional annual permit during the permit's effective year.[The cabinet shall deny or restrict an overweight or overdimensional permit for the use of a route that may cause damage to property or is detrimental to public safety or convenience. The following shall be considered in making a determination on the application:]

[(a)] [The strength of bridges and structures on the route;]

[(b)] [Traffic congestion on the route;]

[(c)] [Horizontal and vertical clearance on the route;]

[(d)] [The availability of alternate routes that afford greater safety;]

[(e)] [Urban development in residential and commercial areas on the route; and]

[(f)] [The proximity of schools to the route.]

(3) The original overweight or overdimensional permit shall be returned to the Division of Motor Carriers prior to the transfer of an annual permit.[Overdimensional restrictions shall not prohibit a utility company from working in an emergency situation to restore utility service to an area otherwise experiencing an outage.]

[(4)]

[(a)] [As needed for public safety, the department shall prohibit movements in congested areas within the peak traffic hours.]

[(b)] [Additional restrictions shall be noted on the overweight or overdimensional permit upon issuance.]

[(5)]

[(a)] [Travel on an overweight and overdimensional permit shall not be permitted in Boone, Kenton, Campbell, Fayette, Jefferson County (Louisville) or at the Owensboro, Kentucky 2155 bridge from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday.]

[(b)] [An overweight or overdimensional load originating in Fayette County shall be exempt from traffic rush hour restrictions on Interstate 64 and Interstate 75 in Fayette County and on connecting routes to both interstates up to a distance of three (3) miles from the interstates.]

[(6)] [If proof of an emergency is submitted to the Division of Motor Carriers, a move shall be authorized during the hours restricted by KRS 189.270(11)(a).]

[(7)] [Each vehicle transporting a load under the provisions of an overweight or overdimensional annual or single trip permit shall obtain prior approval from the Division of Motor Carriers for a deviation from the routes approved by the Transportation Cabinet.]

Section 6. Travel Restrictions[Height].

(1) In accordance with 23 C.F.R. 658.17, the Division of Motor Carriers may deny an overweight or overdimensional permit application if:[A vehicle and load with a height in excess of thirteen (13) feet, six (6) inches shall obtain an overweight or overdimensional single-trip permit pursuant to KRS 189.270(2) prior to movement.]

(a) The route includes a portion of the interstate highway system; and

(b) The load is divisible.

(2) The cabinet shall deny or restrict an overweight or overdimensional permit for the use of a route that may cause damage to property or is detrimental to public safety or convenience. The following shall be considered in making a determination on the application:[An overweight or overdimensional annual permit shall not be issued or used for the movement if the height of the combination load and towing vehicle exceeds thirteen (13) feet, six (6) inches.]

(a) The strength of bridges and structures on the route;

(b) Traffic congestion on the route;

(c) Horizontal and vertical clearance on the route;

(d) The availability of alternate routes that afford greater safety;

(e) Urban development in residential and commercial areas on the route; and

(f) The proximity of schools to the route.

(3) Overdimensional restrictions shall not prohibit a utility company from working in an emergency situation to restore utility service to an area otherwise experiencing an outage.[The maximum height for each overweight or overdimensional single-trip permit shall be determined by the cabinet based upon underpass and bridge height along the designated route.]

(4) [A vehicle and load exceeding (15) feet, (6) inches in height shall submit a completed Overweight or Overdimensional Proposed

~~Route Survey, TC Form 95-625 in addition to TC Form 95-10 to the Division of Motor Carriers.~~]

(a) As needed for public safety, the department shall prohibit movements in congested areas within the peak traffic hours.

(b) Additional restrictions shall be noted on the overweight or overdimensional permit upon issuance.

(5)

(a) Travel on an overweight and overdimensional permit shall not be permitted in Boone, Kenton, Campbell, Fayette, or Jefferson Counties, or at the Owensboro Kentucky 2155 bridge from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday.

(b) An overweight or overdimensional load originating in Fayette County shall be exempt from traffic rush hour restrictions on Interstate 64 and Interstate 75 in Fayette County and on connecting routes to both interstates up to a distance of three (3) miles from the interstates.

(6) If proof of an emergency is submitted to the Division of Motor Carriers, a move shall be authorized during the hours restricted by KRS 189.270(12)(a).

(7) Each vehicle transporting a load under the provisions of an overweight or overdimensional annual or single trip permit shall obtain prior approval from the Division of Motor Carriers for a deviation from the routes approved by the Transportation Cabinet.

Section 7. Height[~~Weight~~].

(1) A vehicle and load with a height in excess of thirteen (13) feet, six (6) inches shall obtain an overweight or overdimensional single-trip permit pursuant to KRS 189.270(2) prior to movement.[~~Gross or axle overweight shall not be permitted on:~~]

[~~(a)~~] [~~A unit that does not have a registered weight of at least 80,000 lbs; or~~]

[~~(b)~~] [~~A towing vehicle whose horsepower or braking capacity is not adequate to safely transport the overdimensional or overweight load.~~]

(2) An overweight or overdimensional annual permit shall not be issued or used for the movement if the height of the combination load and towing vehicle exceeds thirteen (13) feet, six (6) inches.[~~The weight on a single axle in any combination shall not exceed the product of 700 pounds times the aggregate width in inches established by the manufacturer's stamped tire measurement of all the tires on the axle, or the following axle or axle group weights, whichever is less:~~]

[~~(a)~~] [~~Single axle - 24,000 pounds;~~]

[~~(b)~~] [~~Steering axle - 20,000 pounds;~~]

[~~(c)~~] [~~Tandem axle group if the combination vehicle has only five (5) axles total - 45,000 pounds;~~]

[~~(d)~~] [~~Tandem axle group if the combination vehicle has six (6) or more axles total - 48,000 pounds;~~]

[~~(e)~~] [~~Tridem axle group - 60,000 pounds;~~]

[~~(f)~~] [~~Five (5) axle combination units not exceeding 96,000 pounds gross weight;~~]

[~~(g)~~] [~~Six (6) axle combination units not exceeding 120,000 pounds gross weight; or~~]

[~~(h)~~] [~~Seven (7) axle combination units not exceeding 160,000 pounds gross weight.~~]

(3) The maximum height for each overweight or overdimensional single-trip permit shall be determined by the cabinet based upon underpass and bridge height along the designated route[~~Trunnion axle group maximum gross weights shall be determined by a route and bridge analysis performed by the cabinet's Bridge Preservation Branch~~].

(4) A vehicle and load exceeding (15) feet, (6) inches in height shall submit a completed Overweight or Overdimensional Proposed Route Survey, TC Form 95-625 to the Division of Motor Carriers[~~Maximum weights shall not be permitted unless each of the bridges and roads on the moving route have sufficient capacity to accommodate the load~~].

[~~(5)~~] [~~Self-propelled specialized mobile equipment shall not exceed the following axle, axle group, or gross weight:~~]

[~~(a)~~] [~~Single axle: 23,000 pounds;~~]

[~~(b)~~] [~~Tandem axle group: 46,000 pounds; and~~]

[~~(c)~~] [~~Tridem axle group: 69,000 pounds.~~]

[~~(6)~~] [~~The maximum gross weight for a four (4) axle self-propelled specialized mobile equipment shall be 92,000 pounds.~~]

[~~(7)~~] [~~The maximum gross weight for a five (5) axle self-propelled specialized mobile equipment shall be 115,000 pounds.~~]

Section 8. Weight[~~Manufacturers of Self-Propelled Specialized Mobile Equipment~~].

(1) Gross or axle overweight shall not be permitted on:

(a) A unit that does not have a registered weight of at least 80,000 lbs; or

(b) A towing vehicle whose horsepower or braking capacity is not adequate to safely transport the overdimensional or overweight load.

[~~(1)~~]

[~~(a)~~] [~~A manufacturer of self-propelled construction equipment that is not licensed as a motor vehicle may obtain an annual permit for the sole purpose of road-testing the equipment prior to its sale.~~]

[~~(b)~~] [~~Operation of the equipment during the road-testing shall be limited to employees of the manufacturer upon designated routes within the Commonwealth.~~]

(2) The weight on a single axle in any combination shall not exceed the product of 700 pounds times the aggregate width in inches established by the manufacturer's stamped tire measurement of all the tires on the axle, or the following axle or axle group weights, whichever is less:

(a) Single axle - 24,000 pounds;

(b) Steering axle - 20,000 pounds;

[~~(2)~~] [~~The annual permit issued to a manufacturer of self-propelled construction equipment shall be limited to equipment that is:~~]

[~~(a)~~] [~~A maximum width of ten (10) feet; and~~]

[~~(b)~~] [~~A gross vehicle weight not in excess of 160,000 pounds.~~]

(c) Tandem axle group if the combination vehicle has only five (5) axles total - 45,000 pounds;

(d) Tandem axle group if the combination vehicle has six (6) or more axles total - 48,000 pounds;

(e) Tridem axle group - 60,000 pounds;

(f) Five (5) axle combination units not exceeding 96,000 pounds gross weight;

(g) Six (6) axle combination units not exceeding 120,000 pounds gross weight; or

(h) Seven (7) axle combination units not exceeding 160,000 pounds gross weight.

(3) Trunnion axle group maximum gross weights shall be determined by a route and bridge analysis performed by the cabinet's Bridge Preservation Branch.

[~~(3)~~]

[~~(a)~~] [~~A manufacturer desiring to road test equipment shall submit a completed Application for Annual Overweight or Overdimensional Permit, TC Form 95-25 to the Division of Motor Carriers.~~]

[~~(b)~~] [~~The application for a permit shall designate the model of the equipment and the requested or intended route. A separate TC Form 95-25 shall be submitted or required for each model, and each requested or intended route.~~]

[~~(c)~~] [~~The cost of each annual permit shall be $250 dollars.~~]

[~~(d)~~] [~~A permit issued to the manufacturer of self-propelled construction equipment shall be valid for twenty-four (24) hours a day except that pursuant to the concerns cited in Section 5 of this administrative regulation, the department may restrict operation under the permit on Monday through Friday between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m.~~]

(4) Maximum weights shall not be permitted unless each of the bridges and roads on the moving route have sufficient capacity to accommodate the load.

(5) Self-propelled specialized mobile equipment shall not exceed the following axle, axle group, or gross weight:

(a) Single axle: 23,000 pounds;

(b) Tandem axle group: 46,000 pounds; and

(c) Tridem axle group: 69,000 pounds.

(6) The maximum gross weight for a four (4) axle self-propelled specialized mobile equipment shall be 92,000 pounds.

(7) The maximum gross weight for a five (5) axle self-propelled specialized mobile equipment shall be 115,000 pounds.

Section 9. Manufacturers of Self-Propelled Specialized Mobile Equipment[~~Length~~].

(1) [~~A front overhang on a combination vehicle shall be prohibited.~~]

(a) A manufacturer of self-propelled construction equipment that is not licensed as a motor vehicle may obtain an annual permit for the sole purpose of road-testing the equipment prior to its sale.

(b) Operation of the equipment during the road-testing shall be limited to employees of the manufacturer upon designated routes within the Commonwealth.

(2) The annual permit issued to a manufacturer of self-propelled construction equipment shall be limited to equipment that is:[~~A manufactured home that has a combined length of the manufactured home and towing vehicle greater than 120 feet shall not be towed upon a Kentucky highway.~~]

(a) A maximum width of ten (10) feet; and

(b) A gross vehicle weight not in excess of 160,000 pounds.

(3) [~~A manufactured home shall not exceed ninety (90) feet in length.~~]

(a) A manufacturer desiring to road test equipment shall submit a completed Application for Annual Overweight or Overdimensional Permit, using the process described in Section 2(1)(a) of this regulation.

(b) The application for a permit shall designate the model of the equipment and the requested or intended route. A separate Application shall be submitted or required for each model, and each requested or intended route.

(c) The cost of each annual permit shall be $750.

(d) A permit issued to the manufacturer of self-propelled construction equipment shall be valid for twenty-four (24) hours a day except that pursuant to the concerns cited in Section 5 of this administrative regulation, the department may restrict operation under the permit on Monday through Friday between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m.

Section 10. Length[~~Width~~].

(1) A front overhang on a combination vehicle shall be prohibited[~~Prior to movement, a vehicle and load with a width in excess of eight and a half (8 1/2) feet shall obtain an overweight or overdimensional permit pursuant to KRS 189.270(2)~~].

(2) A manufactured home that has a combined length of the manufactured home and towing vehicle greater than 120 feet shall not be towed upon a Kentucky highway[~~Prior to movement, a vehicle and load with a width in excess of eight (8) feet traveling on routes not included on the Designated National Truck Network shall obtain an overweight or overdimensional permit except as provided in KRS 189.2225(3)~~].

(3) A manufactured home shall not exceed ninety (90) feet in length.[~~An annual permit shall not be issued for the movement of an overweight or overdimensional load in excess of sixteen (16) feet in width.~~]

[~~(4)~~]

[~~(a)~~] [~~A move of an overweight or overdimensional load more than twelve (12) feet wide shall not be made on a highway if a wind advisory has been issued by the National Weather Service; or~~]

[~~(b)~~] [~~If adverse weather conditions or road conditions would cause the move to be dangerous.~~]

[~~(5)~~] [~~A move of an overweight or overdimensional load that is more than twelve (12) feet wide operating pursuant to an annual permit shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Division of Motor Carriers.~~]

Section 11. Width[~~Power Unit Flag and Sign Requirements~~].

(1) Prior to movement, a vehicle and load with a width in excess of eight and a half (8 1/2) feet shall obtain an overweight or overdimensional permit pursuant to KRS 189.270(2).[~~Red or orange fluorescent flags that are a minimum of eighteen (18) inches square (11,612.7 millimeters square) shall be displayed on each vehicle and load operating under the provisions an overweight or overdimensional permit.~~]

[~~(a)~~] [~~A vehicle operating overwidth shall display four (4) warning flags, one (1) at each of the four (4) corners. If a portion of the load extends beyond the four (4) corners, additional flags shall be displayed at the widest points of the load.~~]

[~~(b)~~] [~~A vehicle operating overlength, or with a rear overhang, shall display two (2) warning flags located to indicate the maximum width at the extreme rear of the vehicle or load.~~]

(2) Prior to movement, a vehicle and load with a width in excess of eight (8) feet traveling on routes not included on the Designated National Truck Network shall obtain an overweight or overdimensional permit except as provided in KRS 189.2225(3).[~~A vehicle exceeding twelve (12) feet (3.65 meters) in width, or having front overhang shall display two (2) warning signs.~~]

[~~(a)~~] [~~A warning sign shall be six (6) to eight (8) feet in width stating "OVERSIZE LOAD" in black letters on a yellow background.~~]

[~~(b)~~] [~~The black letters shall be at least eighteen (18) inches high (11,612.7 millimeters) with a brush stroke of at least one and four tenths (1.4) inches (35.56 millimeters).~~]

[~~(c)~~] [~~A warning sign shall be displayed at the:~~]

[~~1.~~] [~~Front of the power unit;~~]

[~~2.~~] [~~Rear of the towed unit; or~~]

[~~3.~~] [~~Rear of the load.~~]

(3) An annual permit shall not be issued for the movement of an overweight or overdimensional load in excess of sixteen (16) feet in width[~~If a front overhang exceeds ten (10) feet (3.05 meters), an amber strobe or flashing light shall be placed on the power unit of the towing vehicle and shall be in use while the power unit is in operation~~].

(4) [~~The lighting devices and reflectors established in 49 C.F.R. 393.11 for pole trailers and projecting loads shall be required.~~]

(a) A move of an overweight or overdimensional load more than twelve (12) feet wide shall not be made on a highway if a wind advisory has been issued by the National Weather Service; or

(b) If adverse weather conditions or road conditions would cause the move to be dangerous.

(5) A move of an overweight or overdimensional load that is more than twelve (12) feet wide operating pursuant to an annual permit shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Division of Motor Carriers[~~As a special provision of the permit, and due to safety considerations, the Division of Motor Carriers may require additional lighting or warning flags~~].

Section 12. Power Unit Flag and Sign Requirements.[~~Braking Requirements.~~]

(1) Red or orange fluorescent flags that are a minimum of eighteen (18) inches square (11,612.7 millimeters square) shall be displayed on each vehicle and load operating under the provisions of an overweight or overdimensional permit[~~The number, type, size, and design of brake assemblies required to assist the towing vehicle in controlling and stopping a manufactured home or boat shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour shall not exceed forty (40) feet~~].

(a) A vehicle operating overwidth shall display four (4) warning flags, one (1) at each of the four (4) corners. If a portion of the load extends beyond the four (4) corners, additional flags shall be displayed at the widest points of the load.

(b) A vehicle operating overlength, or with a rear overhang, shall display two (2) warning flags located to indicate the maximum width at the extreme rear of the vehicle or load.

(2) A vehicle exceeding twelve (12) feet (3.65 meters) in width, or having front overhang shall display two (2) warning signs.[~~If required, a manufactured home not equipped with brakes on all axles shall certify to law enforcement that the towing unit has sufficient brake assemblies to meet the braking distance specified in this section by producing:~~]

(a) A warning sign shall be six (6) to eight (8) feet in width stating "OVERSIZE LOAD" in black letters on a yellow background.[~~A manufacturer's statement;~~]

(b) The black letters shall be at least eighteen (18) inches high (11,612.7 millimeters) with a brush stroke of at least one and four tenths (1.4) inches (35.56 millimeters).[~~Documented technical data; or~~]

(c) A warning sign shall be displayed at the:[An engineering analysis or its equivalent stating that the braking distance has been met.]

1. Front of the power unit;
2. Rear of the towed unit; or
3. Rear of the load.

(3) If a front overhang exceeds ten (10) feet (3.05 meters), an amber strobe or flashing light shall be placed on the power unit of the towing vehicle and shall be in use while the power unit is in operation[The certification shall be carried in the towing unit and presented upon request to law enforcement].

(4) The lighting devices and reflectors established in 49 C.F.R. 393.11 for pole trailers and projecting loads shall be required.

(5) As a special provision of the permit, and due to safety considerations, the Division of Motor Carriers may require additional lighting or warning flags.

Section 13. Braking Requirements[Escort Vehicle Safety Requirements].

(1) The number, type, size, and design of brake assemblies required to assist the towing vehicle in controlling and stopping a manufactured home or boat shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour shall not exceed forty (40) feet.[A required escort vehicle shall accompany the overweight or overdimensional vehicle at a distance of 300 feet (91.44 meters) on open highways unless it is necessary to travel at a distance closer or farther away from the vehicle accompanied for safety or due to road conditions. An escort vehicle shall:]

[(a)] [Maintain radio contact with the load;]

[(b)] [Have amber strobe lights or flashing lights;]

[(c)] [Keep its headlamps lit during transit; and]

[(d)] [Use a height pole front escort if the escorted load is in excess of fourteen (14) feet eleven (11) inches.]

(2) If required, a manufactured home not equipped with brakes on all axles shall certify to law enforcement that the towing unit has sufficient brake assemblies to meet the braking distance specified in this section by producing:[A warning sign stating "OVERSIZE LOAD" shall be displayed on a lead escort vehicle so that it is visible to oncoming traffic for a vehicle and load with a width in excess of twelve (12) feet.]

(a) A manufacturer's statement;

(b) Documented technical data; or

(c) An engineering analysis or its equivalent stating that the braking distance has been met.

(3) The certification shall be carried in the towing unit and presented upon request to law enforcement.

Section 14. Escort Vehicle Safety Requirements[Escorts required].

(1) A required escort vehicle shall accompany the overweight or overdimensional vehicle at a distance of 300 feet (91.44 meters) on open highways unless it is necessary to travel at a distance closer or farther away from the vehicle accompanied for safety or due to road conditions. An escort vehicle shall[A lead escort shall be required on two (2) lane routes of travel if]:

(a) Maintain radio contact with the load;[The vehicle and load width is in excess of twelve (12) feet.]

(b) Have amber strobe lights or flashing lights;[The vehicle and load length is in excess of seventy five (75) feet; or]

(c) Keep its headlamps lit during transit; and[The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.]

(d) Use a height pole front escort if the escorted load is in excess of fourteen (14) feet eleven (11) inches.

(2) A warning sign stating "OVERSIZE LOAD" shall be displayed on a lead escort vehicle so that it is visible to oncoming traffic for a vehicle and load with a width in excess of twelve (12) feet.[A trail escort shall be required on two (2) lane routes of travel if:]

[(a)] [The vehicle and load width is in excess of twelve (12) feet;]

[(b)] [The vehicle and load length is in excess of eighty five (85) feet; or]

[(c)] [The vehicle and load do not maintain the posted speed limit.]

[(3)] [A lead escort shall be required on four (4) lane routes of travel if:]

[(a)] [The vehicle and load width is in excess of fourteen (14) feet; or]

[(b)] [The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.]

[(4)] [A trail escort shall be required on four (4) lane routes of travel if:]

[(a)] [The vehicle and load width is in excess of twelve (12) feet;]

[(b)] [The vehicle and load length is in excess of 110 feet; or]

[(c)] [The vehicle and load width is in excess of twelve (12) feet and does not maintain a speed of forty five (45) miles per hour.]

[(5)] [Due to safety considerations, the Division of Motor Carriers may require additional escort vehicles as a special provision of the permit.]

Section 15. Escorts required[House or Building Permits].

(1) A lead escort shall be required on two (2) lane routes of travel if:

(a) The vehicle and load width is in excess of twelve (12) feet;

(b) The vehicle and load length is in excess of seventy five (75) feet; or

[(1)]

[(a)] [An application for a permit to move a house or building shall be made on House Moving Application, TC Form 95-310, and submitted to the Division of Motor Carriers via mail, hand delivery, or the motor carrier online permitting system at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m., or via fax at (502) 564-0992.]

[(b)] [The mover shall provide all escorts and flagmen deemed necessary during the move to ensure the safety of the public.]

(c) The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.

(2) A trail escort shall be required on two (2) lane routes of travel if:

[(2)] [A house moving permit shall not be issued for the movement of a permanent building other than a portable storage unit on a parkway or an interstate highway.]

(a) The vehicle and load width is in excess of twelve (12) feet;

(b) The vehicle and load length is in excess of eighty five (85) feet; or

(c) The vehicle and load do not maintain the posted speed limit.

(3) A lead escort shall be required on four (4) lane routes of travel if:

(a) The vehicle and load width is in excess of fourteen (14) feet; or

(b) The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.

[(3)]

[(a)] [The Division of Motor Carriers shall contact the appropriate cabinet district office for specific routing restrictions or local highway conditions prior to the issuance of a house moving permit.]

[(b)] [Specific restrictions shall be identified on the house moving permit and a deviation from the restrictions shall void the house moving permit.]

(4) A trail escort shall be required on four (4) lane routes of travel if:

(a) The vehicle and load width is in excess of twelve (12) feet;

(b) The vehicle and load length is in excess of 110 feet; or

(c) The vehicle and load width is in excess of twelve (12) feet and does not maintain a speed of forty five (45) miles per hour.

(5) Due to safety considerations, the Division of Motor Carriers may require additional escort vehicles as a special provision of the permit.

Section 16. House or Building Permits[Building Materials. A vehicle hauling building materials to a home or home site may travel fifteen (15) miles off of a state highway for purpose of delivery if the highway is classified to carry the registered weight of the vehicle].

(1) [The vehicle shall meet the requirements and limits of its registration and also be within the axle weight limits. The vehicle shall not be required to have a permit for overweight or overlength dimensions.]

(a) An application for a permit to move a house or building shall be made on House Moving Application, TC Form 95-310, and submitted to the Division of Motor Carriers by mail, hand delivery, or the motor carrier online permitting system at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m., or by fax at (502) 564-0992.

(b) The mover shall provide all escorts and flagmen deemed necessary during the move to ensure the safety of the public.

(2) A house moving permit shall not be issued for the movement of a permanent building other than a portable storage unit on a parkway or an interstate highway[An operator shall be required to provide a bill of lading either to vehicle enforcement, or to a cabinet designee, while engaged in the transportation of home building materials].

(3)

(a) The Division of Motor Carriers shall contact the appropriate cabinet district office for specific routing restrictions or local highway conditions prior to the issuance of a house moving permit.

(b) Specific restrictions shall be identified on the house moving permit and a deviation from the restrictions shall void the house moving permit.

Section 17. Building Materials. A vehicle hauling building materials to a home or home site may travel fifteen (15) miles off of a state highway for purpose of delivery if the highway is classified to carry the registered weight of the vehicle[Permits for sealed, containerized, ocean-going cargo units].

(1) The vehicle shall meet the requirements and limits of its registration and also be within the axle weight limits. The vehicle shall not be required to have a permit for overweight or overlength dimensions[A vehicle moving a sealed, containerized, ocean-going cargo unit that meets the requirements and limitations established in KRS 189.222, 189.270, and Section 7 of this administrative regulation shall be eligible for an overweight single trip or annual permit].

(2) An operator shall be required to provide a bill of lading either to vehicle enforcement, or to a cabinet designee, while engaged in the transportation of home building materials.[An applicant for an overweight or overdimensional single trip permit shall submit the following to the Division of Motor Carriers:]

[(a)] [A completed Kentucky Overweight or Overdimensional Permit Worksheet, TC Form 95-10;]

[(b)] [A payment of sixty (60) dollars pursuant to KRS 189.270(2);]

[(c)]

[1.] [Either a copy of an international bill of lading signed by a custom's official; or]

[2.] [An international bill of lading with an equipment interchange and inspection report; and]

[(d)] [The seal number and container number for the load.]

[(3)] [An applicant for an overweight or overdimensional annual permit shall submit the following to the Division of Motor Carriers:]

[(a)] [A completed Kentucky Overweight/Overdimensional Permit Worksheet, TC Form 95-25;]

[(b)] [A payment of 250 dollars pursuant to KRS 189.270(3); and]

[(c)]

[1.] [Either an acknowledgement of possession of a copy of an international bill of lading signed by a custom's official; or]

[2.] [An international bill of lading with an equipment interchange and inspection report containing the seal number and container number for each load.]

[(4)] [During transit, an operator shall have in his or her possession either a copy of the international bill of lading signed by a custom's official, or an international bill of lading with an equipment interchange and inspection report containing the seal number and container number for the load.]

Section 18. Permits for sealed, containerized, ocean-going cargo units[Incorporation by Reference].

(1) A vehicle moving a sealed, containerized, ocean-going cargo unit that meets the requirements and limitations established in KRS 189.222, 189.270, and Section 7 of this administrative regulation shall be eligible for an overweight single trip or annual permit.[The following material is incorporated by reference:]

[(a)] ["Kentucky Overweight/Overdimensional Permit Worksheet", TC Form 95-10, February, 2017; and]

[(b)] ["Application for Annual Overweight or Overdimensional Permit", TC Form 95-25, September, 2014;]

[(c)] ["House Moving Application", TC Form 95-310, August, 2012;]

[(d)] ["Overweight or Overdimensional Proposed Route Survey", TC Form 95-625, February, 2017.]

(2) An applicant for an overweight or overdimensional single trip permit shall submit the following to the Division of Motor Carriers using the process described in:[This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m.]

(a) A completed Kentucky Overweight or Overdimensional Permit Application.

(b) A payment of $120 pursuant to section 3(1)(a) of this administrative regulation.

(c)

1. Either a copy of an international bill of lading signed by a custom's official; or

2. An international bill of lading with an equipment interchange and inspection report; and

(d) The seal number and container number for the load.

(3) An applicant for an overweight or overdimensional annual permit shall submit the following to the Division of Motor Carriers:

(a) A completed Kentucky Overweight/Overdimensional Permit Application;

(b) A payment of $750 pursuant to section 3(1)(b) of this administrative regulation; and

(c)

1. Either an acknowledgement of possession of a copy of an international bill of lading signed by a custom's official; or

2. An international bill of lading with an equipment interchange and inspection report containing the seal number and container number for each load.

(4) During transit, an operator shall have in his or her possession either a copy of the international bill of lading signed by a custom's official, or an international bill of lading with an equipment interchange and inspection report containing the seal number and container number for the load.

Section 19. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "House Moving Application", TC Form 95-310, August, 2012; and

(b) "Overweight or Overdimensional Proposed Route Survey", TC Form 95-625, May 2018[.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m.

REBECCA GOODMAN, Secretary
MATTHEW COLE, Commissioner
JON JOHNSON, Staff Attorney Manager/Assistant General Counsel

APPROVED BY AGENCY: May 5, 2026

FILED WITH LRC: May 5, 2026 at 3:10 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, July 21, 2026, at 10:30 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written

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

CONTACT PERSON: Jon Johnson, Staff Attorney Manager / Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, Telephone: (502) 782-8180, Fax: (502) 564-5238, Email: Jon.Johnson@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson Phone: 502-782-8180 Email: jon.johnson@ky.gov
Subject Headings: Transportation, Highways & Roadways, Motor Carriers
(1) Provide a brief summary of:
(a) What this administrative regulation does: It establishes overweight, overdimensional permit fees.
(b) The necessity of this administrative regulation: Road fund revenue and increased construction costs for infrastructure.
(c) How this administrative regulation conforms to the content of the authorizing statutes: It establishes the permit fees for the movement of overweight and overdimensional cargo.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It establishes the fees for the movement of overweight and overdimensional cargo and updates the application 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: It establishes permit fees and updates the application process.
(b) The necessity of the amendment to this administrative regulation: To establish permit fees and update the application process.
(c) How the amendment conforms to the content of the authorizing statutes: It establishes the fees for each of the permits and updates the application process.
(d) How the amendment will assist in the effective administration of the statutes: Collection of road fund revenues.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? 2024 RS, SB 107
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 2100 business 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: Permit fees are being increased to meet the rising construction costs of repairing the infrastructure of the Commonwealth.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): See section 3 of this administrative reg for the fee increase.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Improved infrastructure and safer transportation of overweight, overdimensional cargo.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: KYTC will be able to update the fee increase without involving the vender, so zero cost to the administrative body.
(b) On a continuing basis: Annual Maintenance costs estimated at $150,000.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation and enforcement costs will be zero. Once the online system is updated with the fees it will start charging them immediately.
(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: Fees are being increased to compensate for rising construction costs.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Permit fees are being increased to assist with rising infrastructure construction costs.
(10) TIERING: Is tiering applied? No. Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 189.270 Special permits to exceed limits -- Administrative regulations
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2024 RS, SB 107
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Carriers, Overweight Overdimensional Permit Section
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: Zero cost as the Division of Motor Carrier has administrative rights to the system to update permit costs.
For subsequent years: Zero cost
2. Revenues:
For the first year: $9,000,000
For subsequent years: Roughly the same
3. Cost Savings:
For the first year: No cost savings
For subsequent years: N/A
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None affected.
(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) $9,000,000.00 increase to the Road Fund, (4)(a) N/A, (5)(a) N/A
(b) Methodology and resources used to reach this conclusion: (3)(a) Using the proposed fee increase in this regulation and fiscal year 2024's number of permits processed by the Division of Motor Carriers was the method used to calculate 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): No.
(b) The methodology and resources used to reach this conclusion: No single company will have a major economic impact.

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

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(Amendment)

601 KAR 1:200. Administration of taxes imposed in KRS 138.655 through 138.7291.

RELATES TO: KRS 138.655-138.7291, 186.650, 49 C.F.R. 390.21, 49 U.S.C. 317

STATUTORY AUTHORITY: KRS 138.725(1), 281.600, 49 U.S.C. 317

NECESSITY, FUNCTION, AND CONFORMITY: 49 U.S.C. 31705 and KRS 138.227 authorize the department to enter into the provisions of the International Fuel Tax Agreement (IFTA). If a motor carrier operates in interstate commerce, the motor fuel taxes imposed by Kentucky statutes that are subject to the provisions of IFTA are KRS 138.660(1) and (2). If the motor carrier operates exclusively in intrastate commerce, the taxes imposed by KRS 138.660(1) and (2) are not subject to the requirements of IFTA. The tax imposed by KRS 138.660(3) is not subject to the IFTA federal mandate. All three (3) of these taxes are administered under the provisions of KRS 138.655 through 138.7291. This administrative regulation establishes the administrative procedures for the implementation of the International Fuel Tax Agreement in Kentucky, establishes the differences between the requirements of IFTA and Kentucky state law, establishes if the provisions of IFTA preempt state law, and provides for uniformity in the interstate and intrastate administration of KRS 138.660(1) and (2) so as not to violate the interstate commerce clause of the United States Constitution.

Section 1. Definitions.

(1) "Base jurisdiction" or "base state" means the member jurisdiction where qualified motor vehicles are based for vehicle registration purposes and where:[~~"Apportioned" means to divide and distribute fees to member International Registration Plan jurisdictions according to mileage operated.~~]

(a) The operational control and operational records of the fuel tax licensee's qualified motor vehicles are maintained or can be made available; and

(b) Some travel is accrued by qualified motor vehicles within the fleet.

(2) "Ceased operation" means that the licensee no longer operates in Kentucky.[~~"Amended return" means a corrected tax return.~~]

(3) "Division" means the Division of Motor Carriers.[~~"Base jurisdiction" or "base state" means the member jurisdiction where qualified motor vehicles are based for vehicle registration purposes and where:~~]

[~~(a)~~] [~~The operational control and operational records of the fuel tax licensee's qualified motor vehicles are maintained or can be made available; and~~]

[~~(b)~~] [~~Some travel is accrued by qualified motor vehicles within the fleet.~~]

(4) "Fuel tax license" means either an IFTA license or a Kentucky Intrastate Tax (KIT) license.[~~"Ceased operation" means that the licensee no longer operates in Kentucky.~~]

(5) "IFTA" means the International Fuel Tax Agreement.[~~"Combined licensed weight" means the greater of the registered weight of the vehicle or the maximum gross weight of the vehicle and load.~~]

(6) "IFTA license" means a motor fuel tax license issued in accordance with the IFTA Articles of Agreement and the IFTA Procedures Manual.[~~"Fuel tax license" means either an IFTA license or a KIT license.~~]

(7) "Jurisdiction" means a state of the United States, the District of Columbia, or a province or territory of Canada, or a state of the United Mexican States.[~~"IFTA" means the International Fuel Tax Agreement.~~]

(8) "KIT license" means the Kentucky intrastate tax license issued by the Kentucky Transportation Cabinet to an intrastate motor carrier subject to the taxes imposed by KRS 138.660(1) and (2).[~~"IFTA license" means a motor fuel tax license issued in accordance with the IFTA Articles of Agreement and the IFTA Procedures Manual.~~]

(9) "KYU license (KYU)" means the weight distance tax license issued by the Kentucky Transportation Cabinet to a motor carrier subject to the tax imposed by KRS 138.660(3).[~~"Jurisdiction" means a state of the United States, the District of Columbia, or a province or territory of Canada, or a state of the United Mexican States.~~]

(10) "Motor carrier" is defined by KRS 138.655(6).[~~"KIT license" means the Kentucky intrastate tax license issued by the Kentucky Transportation Cabinet to an intrastate motor carrier subject to the taxes imposed by KRS 138.660(1) and (2).~~]

(11) "Motor Carrier Portal" means the web-based platform where motor carriers shall apply, renew, file taxes, and update motor carrier credentials.[~~KYU license" means the Kentucky Highway Use License issued by the Kentucky Transportation Cabinet to a motor carrier subject to the tax imposed by KRS 138.660(3).~~]

(12) [~~"Motor carrier" is defined by KRS 138.655(5).~~]

(a) "Qualified motor vehicle" means a motor vehicle operated by a motor carrier that is used, designed, or maintained for the transportation of persons or property and that meets at least one (1) of the following criteria:

1. A single vehicle having two (2) axles and a gross vehicle weight or a registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms;

2. A single vehicle having three (3) or more axles, regardless of weight; or

3. A vehicle used in combination, if the weight of the combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle weight or registered gross vehicle weight.

(b) A qualified motor vehicle shall not mean:

1. A recreational vehicle;

2. A motor vehicle registered pursuant to KRS 186.050(4) or under another jurisdiction's law as a farm vehicle; or

3. A motor vehicle used to transport persons for hire.

(13) "Quarterly Tax Filing" means a period of time consistent with the calendar quarterly periods of January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

[~~(a)~~] [~~"Qualified motor vehicle" means a motor vehicle operated by a motor carrier that is used, designed, or maintained for the transportation of persons or property and that meets at least one (1) of the following criteria:~~]

[~~1.~~] [~~A single vehicle having two (2) axles and a gross vehicle weight or a registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms;~~]

[~~2.~~] [~~A single vehicle having three (3) or more axles, regardless of weight; or~~]

[~~3.~~] [~~A vehicle used in combination, if the weight of the combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle weight or registered gross vehicle weight.~~]

[~~(b)~~] [~~A qualified motor vehicle does not mean:~~]

[~~1.~~] [~~A recreational vehicle;~~]

[~~2.~~] [~~A motor vehicle registered pursuant to KRS 186.050(4) or under another jurisdiction's law as a farm vehicle; or~~]

[~~3.~~] [~~A motor vehicle used to transport persons for hire.~~]

(14) "Tax-paid fuel" means motor fuel purchased either in bulk or over-the-road by a motor carrier on which the motor fuel taxes imposed by a jurisdiction are paid at purchase.[~~"Quarterly reporting period" means a period of time consistent with the calendar quarterly periods of January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.~~]

[~~(15)~~] [~~"Tax-paid fuel" means motor fuel purchased either in bulk or over-the-road by a motor carrier on which the motor fuel taxes imposed by a jurisdiction are paid at purchase.~~]

Section 2. Governing IFTA Documents. Unless otherwise specified in this administrative regulation, the following IFTA documents prepared and adopted by the membership of the International Fuel Tax Association shall govern the administration of Kentucky's collection of the taxes imposed by KRS 138.660(1) and (2)[unless otherwise specified in this administrative regulation]:

(1) International Fuel Tax Agreement Articles of Agreement;

(2) International Fuel Tax Agreement Procedures Manual; and

(3) International Fuel Tax Agreement Audit Manual.

Section 3. IFTA Fuel Tax License Application, Renewal, and Tax Filing.

(1) A carrier that operates a qualified motor vehicle in interstate commerce and has Kentucky as the base jurisdiction for the operations of its qualified motor vehicles shall apply for an IFTA license.

[(a)] [A motor carrier that operates a qualified motor vehicle in interstate commerce and has Kentucky as the base jurisdiction for the operation of its qualified motor vehicles shall apply each year to the Division of Motor Carriers for an IFTA license or license renewal.]

[(b)] [A motor carrier that operates exclusively in intrastate commerce may apply for an IFTA license.]

[(c)] [An applicant for an IFTA license shall submit to the division Kentucky Training Application, TC Form 95-1.]

[(d)]

[1.] [An incomplete or deficient Kentucky Trucking Application, TC Form 95-1, shall be returned to the applicant within thirty (30) days of submission to the cabinet.]

[2.] [The applicant shall correct any filing deficiencies and resubmit the form to the cabinet within thirty (30) days of receipt.]

(2) An applicant for an IFTA License or an annual IFTA Renewal shall apply using the motor carrier portal.

[(a)] [A motor carrier that operates all of its qualified motor vehicles exclusively in intrastate commerce and that does not apply for an IFTA license pursuant to subsection (1) of this section shall apply each year for a KIT license or its renewal.]

[(b)] [An applicant for a KIT license shall submit Kentucky Trucking Application, TC Form 95-1.]

[(c)]

[1.] [An incomplete or deficient Kentucky Trucking Application, TC Form 95-1 shall be returned to the applicant within thirty (30) days of submission to the cabinet.]

[2.] [The applicant shall correct any filing deficiencies and resubmit the form to the cabinet within thirty (30) days of receipt.]

(3) An IFTA license issued by Kentucky authorizes a qualified motor vehicle for motor fuel tax purposes to be operated in any IFTA jurisdiction.[A fuel tax license shall expire on December 31 of the year in which the license was issued.]

(4) The division shall issue two (2) IFTA decals per qualified motor vehicle to a holder of an IFTA fuel tax license.

(a) One (1) decal shall be placed on the driver side door and the second decal on the passenger side door.[The original or a legibly reproduced copy of a fuel tax license issued by the Kentucky Transportation Cabinet or an IFTA license issued by another jurisdiction shall be carried in each qualified motor vehicle when operating on any public highway of Kentucky.]

(b) A licensee can access the motor carrier portal to request additional decals.[An IFTA license issued by Kentucky authorizes a qualified motor vehicle for motor fuel tax purposes to be operated in any IFTA jurisdiction.]

(5) A fuel tax license shall expire on December 31 of the year in which the license was issued.

[(a)] [The Transportation Cabinet shall issue two (2) decals per qualified motor vehicle to a holder of a fuel tax license.]

[(b)]

[1.] [Unless the qualified motor vehicle is being operated on a trip permit pursuant to KRS 138.665 and Section 10 of this administrative regulation, a fuel tax decal issued by the Transportation Cabinet or a decal issued by another IFTA jurisdiction denoting proof of issuance of an IFTA license shall be displayed on the lower rear exterior portion of both sides of the cab of each qualified motor vehicle.]

[2.] [The decal shall be located so as to be totally visible and the view of the decal shall not be obstructed by any part of the truck.]

[(c)] [A decal shall not be transferred between qualified motor vehicles.]

[(d)] [A new decal shall be issued each calendar year.]

(6) Quarterly tax filings shall be filed and paid using the motor carrier portal following the schedule in Section 1 (13) of this administrative regulation.[Each fuel tax licensee that does not have a U.S. Department of Transportation motor carrier identification number or an Interstate Commerce Commission motor carrier identification number shall submit a Kentucky Trucking Application, Form TC 95-1, to apply for an interstate or intrastate motor carrier identification number.]

(a) Failure to file or pay the IFTA quarterly tax shall result in a $500 failure to file or pay fee.

[1.] [An incomplete or deficient Kentucky Trucking Application, TC Form 95-1 shall be returned to the applicant within thirty (30) days of submission to the cabinet.]

[2.] [The applicant shall correct any filing deficiencies and resubmit the form to the cabinet within thirty (30) days of receipt.]

(b) A tax filing is required every quarter even if there were no operations during that quarter. In this instance, a licensee shall file zero miles for that quarter to avoid cancellation of the license.[The intrastate motor carrier identification number assigned to a KIT licensee shall be displayed on each qualified motor vehicle operated by the KIT licensee as required in 49 C.F.R. Part 390.21, except the KIT identification number shall be preceded by the letters "USDOT" and followed by the letters "KY".]

[(c)] [A fuel tax licensee shall display the name of the motor carrier on each of its qualified motor vehicle in accordance with the provisions of 49 C.F.R. part 390.21.]

(7)

(a) An IFTA licensee shall immediately report any change in the principal business address, legal status, or business name to the Federal Motor Carrier Safety Administration by visiting fmcsa.dot.gov. Once the Federal Motor Carrier Safety Administration reports the updates to the division the motor carrier portal shall be updated.[Each fuel tax licensee shall immediately report any change in the principal business address, legal status, or business name to the Transportation Cabinet.]

(b) All motor carrier operations subject to KRS 138.660(1)(2) shall be conducted in the name in which the IFTA[fuel tax] license is issued or the duly assumed business name of the licensee as it appears on the license.

[(c)] [A licensee shall use the name utilized in the application for the license in all documents relating to its operation. Both this name and the fuel tax license number shall be used in correspondence with the Transportation Cabinet.]

(8) A licensee may request to cancel their IFTA license after all tax liabilities have been paid by requesting the cease operations option.

Section 4. KIT Fuel License Application, Renewal, and Tax Filing.[KYU License].

(1) A carrier that operates a qualified motor vehicle in intrastate commerce and Kentucky as the base jurisdiction for the operations of its qualified motor vehicles shall apply for a KIT license.[A motor carrier subject to the tax imposed by KRS 138.660(3) shall apply for a KYU license prior to operating on the highways of Kentucky.]

(2) An applicant for a KIT[KYU] license or an annual KIT Renewal shall apply using the motor carrier portal.[shall submit a Kentucky Trucking Application, TC Form 95-1.]

(3) A KIT license issued by Kentucky authorizes a qualified motor vehicle for motor fuel tax purposes to be operated in Kentucky only.

[(a)] [An incomplete or deficient Kentucky Trucking Application, TC Form 95-1 shall be returned to the applicant within thirty (30) days of submission to the cabinet.]

[(b)] [The applicant shall correct any filing deficiencies and resubmit the form to the cabinet within thirty (30) days of receipt.]

(4) The division shall issue two (2) IFTA decals per qualified motor vehicle to a holder of a KIT fuel tax license.

(a) One (1) decal shall be placed on the driver side door and the second decal on the passenger side door.[A KYU licensee shall assign a unique number to each individual motor vehicle subject to the tax in KRS 138.660(3).]

(b) A licensee can access the motor carrier portal to request additional decals.[The unique vehicle identification number shall:]

[1.] [Be displayed on the front of the vehicle readily legible in daylight hours from a distance of 100 feet when the vehicle is not in motion;]

[2.] [Be in sharp contrast to the background of the vehicle; and]

[3.] [Not be placed higher than the bottom of the windshield or lower than the bottom of the front bumper.]

(5) A fuel tax license shall expire on December 31 of the year in which the license was issued.[A KYU licensee shall display the KYU number on each motor vehicle subject to the tax imposed by KRS 138.660(3) and operated in the same manner as required by to 49 C.F.R. Part 390.21.]

(6) Quarterly tax filings shall be filed and paid using the motor carrier portal following the schedule in Section 1(13) of this administrative regulation.

(a) Failure to file or pay the KIT quarterly tax shall result in a $500 failure to file or pay fee.[A KYU licensee shall immediately report any change in the principal business address, legal status, or business name to the Transportation Cabinet.]

(b) A tax filing is required every quarter even if there were no operations during that quarter. In this instance, a licensee shall file zero miles for that quarter to avoid cancellation of the license.[All motor carrier operations subject to KRS 138.660(3) shall be conducted in the name in which the KYU license is issued or the duly assumed business name of the licensee as it appears on the license.]

[(c)] [A KYU licensee shall use the name utilized in the application for the license in all documents relating to the licensee's operations. Both this name and the KYU license number shall be used in correspondence with the Transportation Cabinet.]

(7)

(a) A KIT licensee shall immediately report any change in the principal business address, legal status, or business name to the Federal Motor Carrier Safety Administration by visiting fmcsa.dot.gov. Once the Federal Motor Carrier Safety Administration reports the updates to the division the motor carrier portal shall be updated.

[1.] [A KYU licensee shall register each vehicles subject to the tax imposed by KRS 138.660(3) with the Transportation Cabinet.]

[2.] [The registration shall be reported on Vehicle Additions or Deletions Subject to Kentucky Weight Distance (KYU) Tax, TC Form 95-38 or electronically at http://transportation.ky.gov/dmc/.]

(b) All motor carrier operations subject to KRS 138.660(1)(2) shall be conducted in the name in which the KIT license is issued or the duly assumed business name of the licensee as it appears on the license.[If the licensee sells, leases, or buys a vehicle subject to the tax imposed by KRS 138.660(3), the KYU licensee shall immediately file Vehicle Additions or Deletions Subject to Kentucky Weight Distance (KYU) Tax, TC Form 95-38, with the Transportation Cabinet showing the addition to or deletion from its fleet.]

(8) A licensee may request to cancel their KIT license after all tax liabilities have been paid by requesting the cease operations option.

Section 5. KYU License Application and Tax Filing.[Leasing of Motor Vehicles. The following shall apply to a lessor, lessee, independent contractors, and household goods agents:]

(1) A motor carrier subject to the tax imposed by KRS 138.660(3) shall apply for a KYU license prior to operating on the highways of Kentucky.

[(a)] [A lessor that is regularly engaged in the business of leasing or renting a motor vehicle without a driver to a licensee or other lessee shall be deemed to be the licensee.]

[(b)] [The lessor shall be issued a license if an application has been:]

[1.] [Properly filed; and]

[2.] [Approved pursuant to the provisions of Sections 3 and 4 of this administrative regulation.]

(2) An applicant for a KYU license shall apply using the motor carrier portal.[If a motor carrier uses independent contractors under leases of thirty (30) days or more, the lessor and lessee shall have the option of designating which party is to report and pay the fuel use tax imposed by KRS 138.660(1) and (2) and the fuel taxes imposed by other jurisdictions.]

(3) Quarterly tax filings shall be filed and paid using the motor carrier portal following the schedule in Section 1(13) of this administrative regulation.[If the lessee assumes responsibility for reporting and paying motor fuel taxes pursuant to subsection (2) of this section, the base jurisdiction for IFTA purposes shall be the base jurisdiction of the lessee, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes by the lessor.]

(a) Failure to file or pay the KYU quarterly tax shall result in a $500 failure to file or pay fee.

(b) A tax filing is required every quarter even if there were no operations during that quarter. In this instance, a licensee shall file zero miles for that quarter to avoid cancellation of the license.

(4) For ease of enforcement it is recommended that a KYU licensee display the KYU number on each motor vehicle subject to the tax imposed by KRS 138.660(3) and operated in the same manner as required by 49 C.F.R. Part 390.21.[If a motor carrier rents a motor vehicle for a period of less than thirty (30) days from a lessor described in subsection (1) of this section, the lessor shall pay the fuel use taxes unless the lessor has a:]

[(a)] [Written rental contract that designates the lessee as the party responsible for reporting and paying the fuel use tax; and]

[(b)] [Copy of the lessee's IFTA fuel tax license that is valid for the term of the rental.]

(5) [If the motor carrier uses independent contractors under leases of thirty (30) days or less, the trip lessor shall report and pay all fuel taxes.]

(a) A KYU licensee shall immediately report any change in the principal business address, legal status, or business name to the Federal Motor Carrier Safety Administration by visiting fmcsa.dot.gov. Once the Federal Motor Carrier Safety Administration reports the updates to the division the motor carrier portal shall be updated.

(b) All motor carrier operations subject to KRS 138.660(3) shall be conducted in the name in which the KYU license is issued or the duly assumed business name of the licensee as it appears on the license.

(6) A KYU licensee shall register all vehicles subject to the tax imposed by KRS 138.660(3) with the division using the motor carrier portal.[If the motor carrier is a household goods carrier using independent contractors, agents, or service representatives, under intermittent leases, the party liable for all motor fuel taxes shall be:]

[(a)] [The lessee if the qualified motor vehicle is being operated under the lessee's jurisdictional operating authority. The base jurisdiction for purposes of IFTA shall be the base jurisdiction of the lessee, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes by the lessor or lessee; or]

[(b)] [The lessor who is the independent contractor, agent, or service representative if the qualified motor vehicle is being operated under the lessor's jurisdictional operating authority. The base jurisdiction for purpose of IFTA shall be the base jurisdiction of the lessor, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes.]

(7) A licensee may request to cancel their KYU license after all tax liabilities have been paid by requesting the cease operations option.[The lease shall be made available by either the lessee or the lessor upon request of the Transportation Cabinet.]

Section 6. Leasing of Motor Vehicles. The following shall apply to a lessor, lessee, and independent contractors.[Bonding Requirements.]

(1) [The Transportation Cabinet shall require the bond for a payment of the taxes imposed by KRS 138.660 if the licensee meets one (1) of the following criteria:]

(a) A lessor that is regularly engaged in the business of leasing or renting a motor vehicle without a driver to a licensee or other lessee shall be deemed to be the licensee. [The licensee has failed to timely file a report required by Section 7 of this administrative regulation for three (3) quarters of sixteen (16) consecutive quarters;]

(b) The lessor shall be issued a license if an application has been:[The licensee has failed to remit all of the tax due for a taxable quarter;]

1. Properly filed on the motor carrier portal; and

2. Approved pursuant to the provisions of Sections 3 and 5 of this administrative regulation.

[(c)] [An audit of the licensee indicates a recordkeeping or other administrative problem; or]

[(d)] [The licensee has had a KYU, KIT, or IFTA license revoked, suspended, or canceled.]

(2) If a motor carrier uses independent contractors under leases of thirty (30) days or more, the lessor and lessee shall have the option of designating which party is to report and pay the taxes imposed by KRS 138.660(1),(2) and (3). This shall include fuel taxes imposed by other jurisdictions.[A licensee required to post a bond pursuant to this section shall deposit with the Transportation Cabinet one (1) of the following:]

[(a)] [A surety bond;]

[(b)] [Bonds or other obligations of the United States, Canada, or the Commonwealth of Kentucky made payable to the Commonwealth of Kentucky;]

[(c)] [Automatically renewable time certificates of deposit issued by a bank doing business in the Commonwealth of Kentucky and insured by the Federal Deposit Insurance Corporation, made in the name of licensee, payable to the Commonwealth of Kentucky and containing the provision that interest earned shall be payable to the licensee, but that the certificates shall only be canceled by written authorization from the Transportation Cabinet; or]

[(d)] [A cash bond submitted in the form of a cashier's check, money order, or other certified funds payable to the Commonwealth of Kentucky.]

(3) If the lessee assumes responsibility for filing and paying motor fuel taxes pursuant to subsection (2) of this section, the base jurisdiction for IFTA purposes shall be the base jurisdiction of the lessee, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes by the lessor.[The licensee shall be the principal obligor, and the Commonwealth of Kentucky shall be the obligee.]

(4) If a motor carrier rents a motor vehicle for a period of less than thirty (30) days from a lessor described in subsection (1) of this section, the lessor shall pay the KYU taxes and the fuel use taxes unless the lessor has a:[A licensee shall file proof of the bond required pursuant to subsection (1) of this section, by submitting a notarized form TC 95-201.]

(a) Written rental contract that designates the lessee as the party responsible for filing and paying the fuel use tax and the KYU taxes; and

(b) Copy of the lessee's KYU issuance letter and the IFTA fuel tax license that is valid for the term of the rental.

(5) If the motor carrier uses independent contractors under leases of thirty (30) days or less, the trip lessor shall report and pay all fuel taxes and KYU taxes.

(6) The lease shall be made available by either the lessee or the lessor upon request of the division.

Section 7. Tax Recordkeeping[Payment and Reporting]. Each fuel tax licensee or KYU licensee shall maintain records as established in 601 KAR 1:201.

[(1)] [The Transportation Cabinet shall by the last day of each quarterly reporting period mail the appropriate tax report form to each fuel tax licensee.]

[(a)] [A Kentucky-based IFTA licensee shall be mailed IFTA Quarterly Fuel Use Tax Return IFTA 100-MN and IFTA Quarterly Fuel Use Tax Schedule, IFTA-101.]

[(b)] [A KIT licensee shall be mailed the Highway Quarterly Tax Return, TC Form 95-103.]

[(c)] [A fuel tax licensee or a KYU tax licensee with no operations during the reporting quarter shall file a tax reporting form.]

[(2)]

[(a)] [The Transportation Cabinet shall provide or make available to each KYU licensee the KRS 138.660(3) quarterly tax report forms, including Kentucky Weight Distance Tax Form, TC Form 95-101.]

[(b)] [A KYU licensee shall comply with the provisions of KRS 138.685.]

[(3)]

[(a)] [If filing a motor fuel tax report, an IFTA licensee shall apply the overpayment generated in one (1) jurisdiction to the motor fuel taxes owed to another jurisdiction, remitting the net amount owed to the Transportation Cabinet.]

[(b)] [IFTA licensees shall present one (1) check to the Transportation Cabinet to pay the motor fuel taxes due pursuant to KRS 138.660(1) and (2) as well as the motor fuel taxes due all other IFTA jurisdictions.]

[(c)] [If a fuel tax licensee has been required to file a bond pursuant to Section 6 of this administrative regulation, the check to pay the motor fuel taxes due shall be certified.]

[(d)] [The requirement for a certified check for KYU licensees shall be waived pursuant to KRS 138.665 unless the motor carrier is notified by the Transportation Cabinet to the contrary. The cabinet may require a certified check from a motor carrier if the motor carrier:]

[1.] [Is required to post a bond for its fuel taxes pursuant to Section 6 of this administrative regulation;]

[2.] [Has not established a record of consistent and continued compliance with KRS 138.655 through 138.7291; or]

[3.] [Is operating on the highways of Kentucky without a KYU license.]

[(4)] [A computer-generated tax return shall not be used in place of Transportation Cabinet forms unless the licensee receives advance written approval of the format from the Division of Motor Carriers, Tax Branch. The format submitted for approval shall provide the same information as the Kentucky Weight Distance Tax Form, TC Form 95-101 and be substantially the same format.]

Section 8. Assessment[Tax Recordkeeping. Each fuel tax licensee or KYU licensee shall maintain records as established in 601 KAR 1:201].

(1)

(a) If a fuel tax licensee fails, neglects, or refuses to file a tax report when due, the division shall, on the basis of the best information available, determine the fuel tax liability of the licensee for each jurisdiction and the tax liability of the license as established in KRS 138.660(3).

(b) If a motor carrier fails, neglects, or refuses to obtain either a fuel tax license or a KYU license, the division shall, on the basis of the best information available to the cabinet, determine the KRS 138.660(1) and (2) or (3) tax liability of the motor carrier for Kentucky.

(2)

(a) The motor carrier shall be notified of additional tax assessments by email and mail.

(b) In the absence of protest, payment including interest from the original due date shall be made within forty-five (45) days from the date of the notice of tax due.

(3)

(a) Pursuant to KRS 131.110(1), a written protest may be filed by the motor carrier or other persons representing the motor carrier and shall include a supporting statement and documents that identify the specific adjustments requested or the portions of the assessment being protested and setting forth the reasons the protest is being made.

(b) The protest shall be submitted to or presented at the Transportation Cabinet Building, Division of Road Fund Audits, 4th floor, 200 Mero Street, Frankfort, Kentucky 40622 within forty-five (45) days from the date of the notice of tax due.

(4) If an IFTA license motor carrier elects to exercise the right under Section 1450.200 of the IFTA Articles of Agreement for Further Requests for Appeal, the cabinet shall consider this a protest of the assessment by the taxpayer and place the taxpayer into protest status.

(5) If an IFTA member jurisdiction elects to exercise the right under Section 1360.100 of the IFTA Articles of Agreement to reaudit the motor carrier, the cabinet shall consider this a protest of the assessment by the taxpayer.

(6) If the supporting statements and documentation are not sufficient to change the assessment results, the motor carrier may request an information gathering or protest conference with the Division of Road Fund Audits.

(7)

(a) Within sixty (60) days of the taxpayer submitting complete additional information or within sixty (60) days of a protest conference being held, the Division of Road Fund Audits shall issue a final ruling to the taxpayer that includes the final assessment and the procedures to follow if the taxpayer chooses to appeal to the Kentucky Board of Tax Appeals as established in KRS 131.110.

(b) Upon agreement by both parties, the sixty (60) day time period shall be altered by an agreed waiver that specifies the new time period for completion.

(8) If the motor carrier does not request a conference, the cabinet shall issue a final ruling to the taxpayer stating the final assessment results and detailing the procedures for an appeal to the Kentucky Board of Tax Appeals.

(9) Within thirty (30) days from the date of the final ruling, a written protest may be filed with the Kentucky Board of Tax Appeals by the taxpayer or other persons representing the taxpayer as established in KRS 131.110.

Section 9. Trip Permits.[~~Assessment.~~]

(1) A motor carrier who does not have a required license may operate on Kentucky's highways using a temporary trip permit issued pursuant to KRS 138.665.

[~~(a)~~] [~~If a fuel tax licensee fails, neglects, or refuses to file a tax report when due, the Transportation Cabinet shall, on the basis of the best information available to the cabinet, determine the fuel tax liability of the licensee for each jurisdiction and the tax liability of the license as established in KRS 138.660(3).~~]

[~~(b)~~] [~~If a motor carrier fails, neglects, or refuses to obtain either a fuel tax license or a KYU license, the Transportation Cabinet shall, on the basis of the best information available to the cabinet, determine the KRS 138.660(1) and (2) or (3) tax liability of the motor carrier for Kentucky.~~]

(2) Temporary trip permits shall be purchased using the Motor Carrier Portal.

(a) Pursuant to KRS 138.710(2), the charge for a temporary IFTA permit is forty (40) dollars plus the administrative charge of the financial institution.[~~The motor carrier shall be notified of additional tax assessments by mail.~~]

(b) Pursuant to KRS 138.710(2), the charge for temporary KIT permit is forty (40) dollars plus the administrative charge of the financial institution.[~~In the absence of protest, payment including interest from the original due date shall be made within forty-five (45) days from the date of the notice of tax due.~~]

(c) Pursuant to KRS 138.710(2), the charge for a temporary KYU permit is forty (40) dollars plus the administrative charge of the financial institution.[~~[(3)~~]

[~~(a)~~] [~~A written protest may be filed by the motor carrier or other persons representing the motor carrier and shall include a supporting statement and documents that identify the specific adjustments requested or the portions of the assessment being protested and setting forth the reasons the protest is being made (KRS 131.110(1)).~~]

[~~(b)~~] [~~The protest shall be submitted to or presented at the Transportation Cabinet Building, Division of Road Fund Audits, 4th floor, 200 Mero Street, Frankfort, Kentucky 40622 within forty-five (45) days from the date of the notice of tax due.~~]

[~~(4)~~] [~~If an IFTA license motor carrier elects to exercise the right under Section 1450.200 of the IFTA Articles of Agreement for Further Requests for Appeal, the cabinet shall consider this a protest of the assessment by the taxpayer and place the taxpayer into protest status.~~]

[~~(5)~~] [~~If an IFTA member jurisdiction elects to exercise the right under Section 1360.100 of the IFTA Articles of Agreement to reaudit the motor carrier, the cabinet shall consider this a protest of the assessment by the taxpayer.~~]

[~~(6)~~] [~~If the supporting statements and documentation are not sufficient to change the assessment results, the motor carrier may request an information gathering or protest conference with the Division of Road Fund Audits.~~]

[~~(7)~~]

[~~(a)~~] [~~Within sixty (60) days of the taxpayer submitting complete additional information or within sixty (60) days of a protest conference being held, the Division of Road Fund Audits shall issue a final ruling to the taxpayer that includes the final assessment and the procedures to follow if the taxpayer chooses to appeal to the Kentucky Board of Tax Appeals, KRS 131.110.~~]

[~~(b)~~] [~~Upon agreement by both parties, the sixty (60) day time period shall be altered by an agreed waiver that specifies the new time period for completion.~~]

[~~(8)~~] [~~If the motor carrier does not request a conference, the cabinet shall issue a final ruling to the taxpayer stating the final assessment results and detailing the procedures for an appeal to the Kentucky Board of Tax Appeals.~~]

[~~(9)~~] [~~Within thirty (30) days from the date of the final ruling, a written protest may be filed with the Kentucky Board of Tax Appeals by the taxpayer or other persons representing the taxpayer as established in KRS 131.110.~~]

Section 10. Fuel Tax Refunds or Credits.[~~Trip Permits.~~]

(1) A fuel tax licensee shall be allowed to carry forward a motor fuel tax credit for eight (8) quarters.[~~A motor carrier who does not have a required license may operate on Kentucky's highways using a temporary trip permit issued pursuant to KRS 138.665.~~]

(2) A refund request, using the TC95-640 Refund Request form, from a fuel tax licensee shall be emailed to refund.dmc@ky.gov.[~~Application for a temporary trip permit shall be made by applying to the Division of Motor Carriers. The application may be made in person, in writing, or by telephone or facsimile communication.~~]

[~~(a)~~] [~~The address for written requests is P.O. Box 2007, Frankfort, Kentucky 40602.~~]

[~~(b)~~] [~~The location for in person requests is Transportation Cabinet Building, Division of Motor Carriers, 2nd floor, 200 Mero Street, Frankfort, Kentucky 40622.~~]

[~~(c)~~] [~~The telephone number of the Division of Motor Carriers is (502) 564-4540.~~]

[~~(d)~~] [~~The telephone number for the facsimile machine in the Division of Motor Carriers is (502) 564-4138.~~]

(3) [~~The application for a temporary trip permit shall contain the following information:~~]

(a) A full credit shall be allowed to IFTA and KIT licensees for tax-paid fuel purchases placed in a qualified motor vehicle.[~~The name and address of the applicant;~~]

(b) Any excess of fuel tax paid over liability in any member jurisdiction shall be credited in full to tax liability in other member jurisdictions or to the IFTA licensee's account ledger.[~~The year, make, and serial number or vehicle identification number of the motor vehicle for which the application is being made; and~~]

[~~(c)~~] [~~The combined gross weight of the motor vehicle.~~]

(4)

(a) A motor fuel tax refund to an IFTA licensee shall not be made unless the motor fuel tax liability, including an audit assessment, has been satisfied for all member jurisdictions.

(b) If a fuel tax licensee's refund request is determined to be properly due, the refund shall be paid within ninety (90) days after receipt of a request for payment from a fuel tax licensee.

(5)

(a) A fuel tax licensee may apply within two (2) quarters to the division for refund of the fuel tax imposed by KRS 138.660(1) or (2) if the fuel:

1. Is consumed on the public highways;

2. Is from the same tank that is permanently attached to the power unit of the qualified motor vehicle;

3. Serves to power the operation of the qualified motor vehicle on the highways; or

4. Is issued for power take-off equipment.

(b). The application for the Power take-off equipment refund of fuel established in subsection 5(a)4 of this section shall be made by contacting The Kentucky Transportation Cabinets Division of Road Fund Audits at KYTC.PTORefunds@ky.gov to obtain the application for Fuel Tax Refund for Use of Power Take-off Equipment form, to substantiate the non-highway use of the fuel.

Section 11. Incorporation by Reference.[Fuel Tax Refunds or Credits.]

(1) "TC 95-640, Refund Request", May 2018, is incorporated by reference.[A fuel tax licensee shall be allowed to carry forward a motor fuel tax credit for eight (8) quarters.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:00 p.m. or at drive.ky.gov.[A refund request from a fuel tax licensee shall be presented in writing and detail the reason for the requested refund.]

[(3)]

[(a)] [A full credit shall be allowed to IFTA and KIT licensees for tax-paid fuel purchases placed in a qualified motor vehicle.]

[(b)] [Any excess of fuel tax paid over tax liability in any member jurisdiction shall be credited in full to tax liability in other member jurisdictions or to the IFTA licensee's account ledger.]

[(4)]

[(a)] [A motor fuel tax refund to an IFTA licensee shall not be made unless the motor fuel tax liability, including an audit assessment, has been satisfied for all member jurisdictions.]

[(b)] [If a fuel tax licensee's refund request is determined to be properly due, the refund shall be paid within ninety (90) days after receipt of a request for payment from a fuel tax licensee.]

[(5)]

[(a)] [A fuel tax licensee may apply within two (2) quarters to the Transportation Cabinet for refund of the fuel tax imposed by KRS 138.660(1) or (2) if the fuel:]

[1.] [Is consumed on the public highways;]

[2.] [Is from the same tank that is permanently attached to the power unit of the qualified motor vehicle;]

[3.] [Serves to power the operation of the qualified motor vehicle on the highways; and]

[4.] [Is used for:]

[a.] [A mixer;]

[b.] [Pumps;]

[c.] [A load lift;]

[d.] [A refrigeration unit; or]

[e.] [Similar power take-off equipment.]

[(b)] [The application for the refund of fuel established in paragraph (a) of this subsection shall be made on Application for Fuel Tax Refund for Use of Power Take-off Equipment, Form TC 95-214 to substantiate the nonhighway use of the fuel.]

[Section 12.] [Tax Penalties and Interest.]

[(1)] [The penalty for the late payment of the motor fuel tax imposed by KRS 138.660(3) shall be as established in KRS 138.715.]

[(2)] [The interest on the late payment of any of the taxes administered pursuant to this administrative regulation shall be as established in KRS 138.715.]

[(3)] [The taxes, penalties, and interest identified in KRS 138.675 shall also include the motor fuel taxes, penalties, and interest owed to other IFTA jurisdictions.]

[(4)] [The penalties and interest due for the overpayment of a refund shall begin to accrue fifteen (15) days after the motor carrier is notified of the overpayment.]

[Section 13.] [License Cancellation, Refusal, and Reinstatement.]

[(1)] [If a motor carrier fails to comply with the provisions of KRS 138.655 through 138.7291 or this administrative regulation, the fuel tax license or KYU license shall be canceled in accordance with the provisions of KRS 138.675.]

[(2)] [A license shall not be issued and shall be cancelled for the following reasons:]

[(a)] [Improper use of license or decal;]

[(b)] [Failure to file a tax return when due;]

[(c)] [Failure to pay all of the taxes owed;]

[(d)] [Failure to produce records after written request for the records;]

[(e)] [Failure to maintain records in the required manner;]

[(f)] [Notification from another IFTA jurisdiction of motor fuel tax violations in that jurisdiction; or]

[(g)] [A similar action or inaction by the licensee; or]

[(h)] [If a motor carrier has applied for new authority for the purpose of avoiding its former authority's tax liability.]

[(3)] [A motor carrier shall be notified of the pending license cancellation or license refusal and offered the opportunity for an administrative hearing pursuant to Section 14 of this administrative regulation.]

[(4)] [If a license is canceled by the Transportation Cabinet, the motor carrier shall immediately return the license.]

[(5)] [If a motor carrier desires to have a canceled license reinstated, the carrier shall:]

[(a)] [Prove to the Transportation Cabinet that sufficient records are being and shall be maintained to file accurate tax reports;]

[(b)] [Submit quarterly tax reports for all missed reporting periods;]

[(c)] [Pay all taxes, penalties, and interest owed;]

[(d)] [Provide a bond pursuant to Section 6 of this administrative regulation; and]

[(e)] [Provide evidence of liability insurance, operating authority, and other items of KRS Chapter 281 applicable to the motor carrier.]

[Section 14.] [Appeal Procedure.]

[(1)] [An appeal of a nontax action by the Transportation Cabinet related to KRS 138.655 through 138.7295 shall be in writing and directed to the Transportation Cabinet Building, Office of Legal Services, 6th floor, 200 Mero Street, Frankfort, Kentucky 40622.]

[(2)] [An administrative hearing shall be conducted in accordance with the provisions of KRS Chapter 13B.]

[Section 15.] [Incorporation by Reference.]

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

[(a)] ["International Fuel Tax Agreement Audit Manual", January 2007 edition, International Fuel Tax Association;]

[(b)] ["Vehicle Additions or Deletions Subject to Kentucky Weight Distance (KYU) Tax", TC Form 95-38, December 2]009[;]

[(c)] ["Kentucky Highway Use Bond", TC Form 95-201, April 2010;]

[(d)] ["Kentucky Trucking Application", TC Form 95-1, April 2010;]

[(e)] ["IFTA Quarterly Fuel Use Tax Return" IFTA-100-MN, April 2006;]

[(f)] ["Kentucky Weight Distance Tax Form", TC Form 95-101, March 2010;]

[(g)] ["Application for Fuel Tax Refund for Use of Power Take-off", TC Form 95-214, April 2010;]

[(h)] ["Highway Quarterly Tax Return", TC Form 95-103, December 2007;]

[(i)] ["International Fuel Tax Agreement Procedures Manual", January 2008 edition, International Fuel Tax Agreement;]

[(j)] ["International Fuel Tax Agreement Articles of Agreement", revised January 2010, International Fuel Tax Agreement; and]

[(k)] ["IFTA Quarterly Fuel Use Tax Schedule", IFTA-101, August 1998.]

[(2)] [This material may be inspected, copied, or obtained at the Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m].]

REBECCA GOODMAN, Secretary
MATTHEW COLE, Commissioner
JON JOHNSON, Staff Attorney Manager/Assistant General Counsel

APPROVED BY AGENCY: May 12, 2026

FILED WITH LRC: May 14, 2026 at 1:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, July 21, 2026, at 10:00 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written

comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager / Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, Telephone: (502) 782-8180, Fax: (502) 564-5238, Email: Jon.Johnson@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson, Phone: 502-782-8180, Email: jon.johnson@ky.gov
Subject Headings: Transportation, Motor Carriers, Taxation
(1) Provide a brief summary of:
(a) What this administrative regulation does: It updates the previous regulation to comply with statutory updates.
(b) The necessity of this administrative regulation: It updates the regulation to comply with statutory updates.
(c) How this administrative regulation conforms to the content of the authorizing statutes: It follows the updated statutes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: All taxes are now required to be filed and paid using the Motor Carrier Portal (MCP). This process eliminates paper tax returns that contain many calculation errors. Using the MCP does all the calculations, which removes the errors. Also, the returns are received immediately once they are filed. No more waiting an extra month to process a check and paper return.
(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: No paper returns will be allowed as the KRS now states that KYU/IFTA/KIT taxes must be filed online using the Motor Carrier Portal.
(b) The necessity of the amendment to this administrative regulation: Due to staffing shortage and our experiences with COVID, this amendment will allow taxpayers to file and pay their taxes 24/7 (outside of system maintenance).
(c) How the amendment conforms to the content of the authorizing statutes: The amendment follows the statute by stating that all KYU/IFTA/KIT taxes must be paid online using the MCP.
(d) How the amendment will assist in the effective administration of the statutes: The Division of Motor Carriers will no longer have to open 40,000 paper tax returns and process a paper check. We are able to move the road fund revenues electronically using eMARS.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, Amended 2024 Ky. Acts ch. 123, sec. 32, effective July 15, 2024.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 300,000 taxpayers and the Division of Motor Carriers (DMC).
(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: DMC worked with OIT to implement the KRS directive to only allow for electronic filings. The taxpayers will pay a third-party processing fee for the usage of an EFT or credit card to file and pay their KYU/IFTA/KIT taxes.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No cost for DMC as the programming was part of the tax systems. The taxpayers will pay an additional $3 for an EFT transaction or a 4% fee if a credit card is used.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Road fund revenues will be collected and post faster into the eMARS accounting system. More accurate tax filing calculation for using the MCP to file the tax. Less opportunities of lost paper checks.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The MCP already permits electronic filing and payment of KYU/IFTA/KIT taxes.
(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: Federal Grants will be used should we ever do a re-write of the system. There would be an expected 5% state match. The feds would cover 95% of the costs.
(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 fees required of DMC; however, taxpayers will pay a third-party processing fee. For EFT it's a flat $3 and for credit card transactions it is 4% of the total tax paid.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, it does not.
(10) TIERING: Is tiering applied? No, tiering is not used.

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 138
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Amended 2024 Ky Act ch 123 sec. 27. SB 199.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Vehicle Regulation, Division of Motor Carriers.
(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: Same as previous FYE
For subsequent years: Same as previous FYE
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): 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): There will be no major economic impact to any entity.
(b) The methodology and resources used to reach this conclusion: Reviewed baseline numbers for preceding years and concluded that there will be no major economic impact to any entity.

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*.

STATE BOARD OF ELECTIONS
(New Administrative Regulation)

31 KAR 4:240. Procedures for Safe at Home Participants to Register to Vote and Request a Mail-in Absentee Ballot.

RELATES TO: KRS 14.312, 116.045, 116.0452, 117.085, 117.086

STATUTORY AUTHORITY: KRS 14.318, 117.015(1)(a)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) establishes that as the independent agency of state government tasked with administering the election laws of the state and supervising the registration and purgation of voters within the state, the State Board of Elections may promulgate administrative regulations necessary to properly carry out its duties. KRS 14.318(1) gives the State Board of Elections the authority to promulgate administrative regulations to implement KRS 14.312 and 117.085. KRS 14.312(2) grants the State Board of Elections the authority to modify statutory or regulatory requirements that would lead to disclosure of a Safe at Home program participant's name and address. This administrative regulation establishes the procedures by which Safe at Home program participants may initially register to vote, update their voter registration, and request a mail-in absentee ballot so that their name and address are protected from disclosure.

Section 1. Modified Statutes.

(1) Under the authority given to the State Board of Elections by KRS 14.312, KRS 116.045(4) is hereby construed to exclude those voters who participate in the Safe at Home program from registering to vote by any means other than those prescribed through this administrative regulation.

(2) Under the authority given to the State Board of Elections by KRS 14.312, KRS 116.0452(2) is hereby construed to exclude those voters who participate in the Safe at Home program from being sent a notice of the disposition of their voter registration application.

(3) Under the authority given to the State Board of Elections by KRS 14.312, KRS 117.085(1) is hereby construed to require those voters who participate in the Safe at Home program to request a mail-in absentee ballot by means of telephone or in-person request, as allowed by KRS 117.085(1)(c)(1).

(4) Under the authority given to the State Board of Elections by KRS 14.312, KRS 117.086(4) is hereby construed to exclude those voters who participate in the Safe at Home program from being included in any list of voters required to be kept by a County Clerk.

Section 2. Voter Registration.

(1) Following a Safe at Home participant registering a confidential address with the Secretary of State under either KRS 14.304(2)(c) or 14.304(11), the participant shall be offered an opportunity to register to vote pursuant to KRS 14.312, at their place of residence as determined by KRS 116.035, via use of a paper copy of the Commonwealth of Kentucky Voter Registration Application form, prescribed and furnished by the State Board of Elections under KRS 116.155. Should a participant desire to update their voter registration with information other than an address change, the participant shall submit a new paper copy of the Commonwealth of Kentucky Voter Registration Application form to the office of the Secretary of State.

(2) A Commonwealth of Kentucky Voter Registration Application form completed by a Safe at Home participant shall establish a prima facie determination by the Secretary of State that the State Board of Elections and the County Clerk of the county listed on the Commonwealth of Kentucky Voter Registration Application form have a bona fide statutory requirement for the use of the residential address listed on the Commonwealth of Kentucky Voter Registration Application form and that the residential address will be used only for those statutory purposes.

(3) Following the receipt of a completed paper copy of the Commonwealth of Kentucky Voter Registration Application form from a Safe at Home participant, the Secretary of State shall securely transmit the form to the State Board of Elections. Upon receipt of the form, the State Board of Elections shall see that the form is properly processed by the appropriate County Clerk into the electronic voter registration system established by 31 KAR 3:041§2(3). After processing the form, the paper copy shall be immediately destroyed, with only a digital copy appended to the voter's file in the electronic voter registration system.

Section 3. Mail-in Absentee Ballot Request. A voter participating in the Safe at Home program shall request a mail-in absentee ballot by means of telephone or in-person request, as allowed by KRS 117.085(1)(c)(1). The mail-in absentee ballot shall be transmitted to the participant at either the address identified as the voter's residential address in the electronic voter registration system or to a mailing address identified by the participant voter and so recorded in the electronic voter registration system.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference: "Commonwealth of Kentucky Voter Registration Application", Form SBE 01, 04/2024;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: April 21, 2026

FILED WITH LRC: April 21, 2026 at 4:10 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this new administrative regulation shall be held on July 31, 2026, at 10:00 a.m. ET, at the office of the State Board of Elections. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This 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 July 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

Subject Headings: Elections and Voting; County Clerks; Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for Safe at Home participants to register to vote and request a mail-in absentee ballot.

(b) The necessity of this administrative regulation: This administrative regulation is necessary as KRS 14.312(2) requires it.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 14.318(1), 14.312(2), and 117.0145(1)(a) enable the State Board of Elections to promulgate this administrative

regulation.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will allow for uniform instruction as to the procedures for Safe at Home participants to register to vote and request a mail-in absentee ballot.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation:
(b) The necessity of the amendment to this administrative regulation:
(c) How the amendment conforms to the content of the authorizing statutes:
(d) How the amendment will assist in the effective administration of the statutes: This is a new 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: This administrative regulation will affect Safe at Home participants, county clerks, the Secretary of State, and the State Board of Elections.
(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 comply with this administrative regulation, Safe at Home participants, county clerks, the secretary of State, and the State Board of Elections will need to follow the procedures outlined to register to vote and request a mail-in absentee ballot.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The entities identified should not incur any more costs than are already being expended.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will allow for further prevention against disclosure of Safe at Home program participant's names and addresses.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The State Board of Elections estimates that the implementation of this administrative regulation will cost the agency no more funds than are already being expended.
(b) On a continuing basis: The State Board of Elections estimates that the implementation of this administrative regulation will cost the agency no more funds than are already being expended.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the administrative budgets of the State Board of Elections and the Secretary of State will be used in the implementation and enforcement 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 fees or funding will be necessary to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for Safe at Home participants to register to vote and request a mail-in absentee ballot.

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 14.318(1), 14.312(2), and 117.0145(1)(a) require and authorize the actions taken by this administrative regulation.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by 2013 Ky. Acts ch. 87, sec. 10.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections, as well as the Secretary of State and county clerks.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation will cost the agency no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county clerks. (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: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect participants of the Safe at Home program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.

(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 Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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 State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

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

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(New Administrative Regulation)

804 KAR 13:011. Tobacco, nicotine, and vapor product enforcement and administration.

RELATES TO: KRS Chapter 13B, 438.305 to 438.350
STATUTORY AUTHORITY: KRS 438.340, 438.3055
NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.305 to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate relevant statutory provisions or the department's administrative regulations related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and report statistics relating to the illegal sale to persons under the age of twenty-one (21) of tobacco products, alternative nicotine products, and vapor products, and the enforcement of KRS 438.305 to 438.350. Specifically, KRS 438.340 authorizes the department to promulgate administrative regulations necessary to implement and carry out the provisions of KRS 438.305 to 438.350, and KRS 438.3055 requires the department to carry out the enforcement provisions of KRS 438.305 to 438.350, including the promulgation of administrative regulations that govern the sale and distribution of alternative nicotine products, tobacco products, and vapor products. Additionally, 2026 Ky. Acts Ch. 70 (SB 245) mandates that the department prescribe and publish application forms for tobacco, nicotine, or vapor product licenses within 30 days of its passage.

Section 1. Definitions.
(1) "Department" is defined in KRS 438.305(5).
(2) "License" means a tobacco, nicotine, or vapor product license.

Section 2. Administration. The department shall be the administrative agency for hearing violations of KRS 438.305 to 438.350.

Section 3. Requests for Hearing.
(1) A person or business receiving an administrative citation pursuant to KRS 438.305 to 438.350, a revocation of their license pursuant to KRS 438.3069, or a denial of their application for a license pursuant to KRS 438.3067, may request an administrative hearing on the matter, to be conducted by the department in accordance with KRS Chapter 13B.
(2) A request for hearing to contest the following shall be made in writing by the person or business receiving the administrative citation, revocation, or denial, or their attorney, within thirty (30) days of receipt:
(a) An administrative citation for a violation of KRS 438.305 to 438.350;
(b) A license revocation pursuant to KRS 438.3069; or
(c) A license application denial pursuant to KRS 438.3067.
(3) A request for a hearing shall include:
(a) A copy of the administrative citation, notice of revocation, or notice of denial;
(b) The name, address, and contact information of the person or business that received the administrative citation, revocation, or denial; and
(c) The name, address, and contact information of their agent for service, if that differs from the information provided pursuant to paragraph (b) of this subsection.
(4) A request for a hearing shall be mailed to the Department of Alcoholic Beverage Control, ATTN: Tobacco Hearing Request, 500 Mero Street, Frankfort, Kentucky 40601, or emailed to the department at abc.legal@ky.gov.
(5) Upon receipt of a timely request for hearing, the department shall refer the matter to an administrative hearing officer for adjudication in accordance with KRS Chapter 13B.
(6) If a request for hearing is not made within thirty (30) days of receipt of an administrative citation, revocation, or denial, the opportunity for a hearing shall be deemed to have been waived and the disciplinary action imposed shall thereby be deemed effective.

Section 4. Prepayment of Fines. A fine imposed pursuant to an administrative citation shall be prepayable within thirty (30) days of issuance of the administrative citation. A person not wishing to contest the allegations in the citation may resolve the charge by making a payment in the amount set forth in the administrative citation through any of the following methods:
(1) Mailing or otherwise submitting a cashier's check, certified check, business check, or money order payable to the Kentucky State Treasurer, to the Department of Alcoholic Beverage Control, 500 Mero Street, Frankfort, Kentucky 40601; or
(2) Making an electronic Tobacco Citation Payment on the department's online payment portal at https://abcportal.ky.gov/BELLEExternal.

Section 5. License Surrender. A tobacco, nicotine, or vapor product licensee and its employees shall not evade imposition of penalties or a finding of culpability for violations related to the regulation of alternative nicotine products, tobacco products, or vapor products by surrender or expiration of its license. The department shall retain the authority to enforce relevant provisions and penalties of KRS 438.305 to 438.350 against any individual or business entity who is under investigation for or charged with a violation of those statutes, even if the individual's or business entity's tobacco, nicotine, or vapor product license has been surrendered or has expired by operation of law.

Section 6. Disposition of Records and Evidence.
(1) The department shall preserve the confidentiality of all juvenile records by maintaining a separate filing system with access limited to the parties and their legal counsel. The department shall maintain statistical summaries of case information, including date of buy, geographical location of buy, name and address of retail seller, date of purchase, date of birth and gender of underage buyer, and disposition of case. Statistical summaries relating to underage buyers shall not identify the underage buyer by name.
(2) Physical property seized as contraband property, as defined by KRS 438.305(4), in the course of investigations of administrative violations of KRS 438.305 to 438.350 shall be maintained by the

department in a secured evidentiary storage facility and destroyed after the administrative matter is resolved, unless it is found that the evidence was not used in violation of the law, in which case the property shall be returned to its owner.

(3) The disposition of contraband property and evidence shall not occur until all appeals associated with the administrative matter have been exhausted.

Section 7. Application Forms.

(1) A tobacco, nicotine, or vapor product retailer shall initially apply for an annual tobacco, nicotine, or vapor product license by submitting the Initial Tobacco, Nicotine, or Vapor Product License Application Form to the department.

(a) The Initial Tobacco, Nicotine, or Vapor Product License Application Form shall be submitted with the following documents:

1. A copy of the deed or lease for the premises to be licensed if not currently on file with the department for an alcoholic beverage license, or a certification from the landlord or landowner stating that the premises may be used for the sale of tobacco, nicotine, or vapor products;

2. Proof of registration with the Department of Revenue; and

3. A $50 non-refundable application fee.

(b) An electronic version of the Initial Tobacco, Nicotine, or Vapor Product License Application Form may be completed and submitted through the department's online portal located at https://abcportal.ky.gov/BelleExternal/.

(2) A tobacco, nicotine, or vapor product retailer shall apply for a temporary tobacco, nicotine, or vapor product license by submitting the Tobacco, Nicotine, or Vapor Product Temporary License Application Form to the department.

(a) The Tobacco, Nicotine, or Vapor Product Temporary License Application Form shall be submitted with proof of the occurrence and duration of the fair, festival, or other event where the products will be sold.

(b) An electronic version of the Tobacco, Nicotine, or Vapor Product Temporary License Application Form may be completed and submitted through the department's online portal located at https://abcportal.ky.gov/BelleExternal/.

Section 8. Batch Application Form.

(1) Notwithstanding Section 7, a tobacco, nicotine, or vapor product retailer may submit a Tobacco, Nicotine, or Vapor Product License Batch Application Form for:

(a) Multiple tobacco, nicotine, or vapor product licenses for multiple premises; or

(b) A tobacco, nicotine, or vapor product license or multiple licenses for multiple premises, in conjunction with one or more alcoholic beverage retail licenses.

(2) The Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form shall be submitted with the following documents:

(a) A copy of the deed or lease for each premises to be licensed if not currently on file with the department for an alcoholic beverage license, or a certification from the landlord or landowner stating that the premises may be used for the sale of tobacco, nicotine, or vapor products;

(b) Proof of registration with the Department of Revenue; and

(c) Any documents required by the department for alcoholic beverage licenses for which the applicant is applying.

(3) An electronic version of the Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form may be completed and submitted through the department's online portal located at https://abcportal.ky.gov/BelleExternal/.

Section 9. Renewals. To renew its annual Tobacco, Nicotine or Vapor Product Licenses, a licensed tobacco, nicotine, or vapor product retailer shall submit to the department:

(1) A $500 annual fee for each of the annual Tobacco, Nicotine, or Vapor Product licenses it holds; and

(2) If a material change has occurred as defined in 26 RS SB 245 Section 2(2)(b):

(a) A Tobacco, Nicotine, or Vapor Product License Renewal Form; or

(b) An Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Renewal Form.

(3) Electronic versions of the Tobacco, Nicotine, or Vapor Product License Renewal Form, and the Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product Batch Renewal Form may be completed and submitted through the department's online portal located at https://abcportal.ky.gov/BelleExternal/

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Initial Tobacco, Nicotine, or Vapor Product License Application Form," May 2026;

(b) "Tobacco, Nicotine, or Vapor Product Temporary License Application Form," May 2026;

(c) "Tobacco, Nicotine, or Vapor Product License Renewal Form," May 2026;

(d) "Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form," May 2026; and

(e) "Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Renewal Form," May 2026.

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

SCOTTY TRACY, Commissioner
DJ WASSON, Secretary

APPROVED BY AGENCY: May 15, 2026

FILED WITH LRC: May 15, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 23, 2026 at 10:00 EDT, at 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 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: Joshua Newton, General Counsel, Alcoholic Beverage Control, 500 Mero Street, Frankfort, Kentucky 40601; Joshua.Newton@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joshua Newton, Phone: 502-782-0770, Email: Joshua.Newton@ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation outlines the process for enforcement and administration of laws related to tobacco, nicotine and vapor products.

(b) The necessity of this administrative regulation: KRS 438.305 to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate their provisions, or the regulations of the department related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce these penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and report statistics relating to the illegal sale to persons under the age of twenty-one (21) of tobacco products, alternative nicotine products, and vapor products, and the enforcement of KRS 438.305 to 438.350. Additionally, 2026 Ky. Acts Ch. 70 (SB 245), Sections 2, 5, and 12 require that the department issue application forms for tobacco, nicotine, or vapor product licenses.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation outlines the process for enforcing the requirements of the statutes related to

underage tobacco, nicotine and vapor product sales, how penalties are to be paid, and to whom the department will report data related to these enforcement efforts. This administrative regulation also outlines the process for applying for tobacco, nicotine, or vapor product licenses, and incorporates the application forms necessary for applying.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in effective administration of the statute by outlining the process for citing violations, payment of fines related to violations, and the process to appeal those citations, as well as outlining the process for applying for tobacco, nicotine, or vapor product licenses and incorporating the necessary forms to do so.
(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, 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245).
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: It is estimated that there are between 5,500 and 7,000 retailers of tobacco, nicotine or vapor products in the Commonwealth of Kentucky. These businesses include gas stations, grocery stores, and standalone vape/tobacco businesses. This amendment could affect any number of these retailers and their clerks to the extent that this amendment updates them on how to pay fines for violations or how to appeal violation citations. Additionally, any retailers who have not previously obtained a license will need to apply for tobacco, nicotine, and vapor product licenses, and this regulation details how they apply for those licenses, incorporates the license application forms, and details how they may request a hearing if their application for licensure is denied.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated businesses will be required to take no action because of this amendment. However, this amendment provides the implementation process for statutory mandates set out in 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245).
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This amendment does not impose costs on any entity identified in question (4). Costs are imposed by statute.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): By complying with this amendment, a licensee who is charged with a violation will be afforded the benefit of a KRS Chapter 13B administrative hearing, should they elect to request one, whenever a tobacco, nicotine, or vapor product citation is issued. A tobacco retailer will also be able to apply for a license to continue selling tobacco, nicotine, or vapor products.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245), the department will be required to employ 20 additional staff members, resulting in an annual increased cost of $2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—executing the new enforcement procedures contemplated by this administrative regulation and administering the licensing process outlined by this administrative regulation.
(b) On a continuing basis: See increased annual cost referenced above.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The implementation and enforcement of the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245) will be funded through the collection of licensure fees and civil penalty fines.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: 2025 Ky. Acts Ch. 78 (SB 100) established license fees and fines that will be necessary to implement this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees directly or indirectly.
(10) TIERING: Is tiering applied? Tiering is not applied. This regulation amendment provides the process for paying violation fines or appealing violation citations.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 13B, KRS 438.3055, 438.3067, 438.3069, 438.310, 438.312, 438.313, 438.316, 2026 Ky. Acts Ch. 70 (SB 245) Sections 2, 5, and 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 438.340, Senate Bill 100 of the 2025 Kentucky General Assembly, and Senate Bill 245 of the 2026 Kentucky General Assembly.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Alcoholic Beverage Control is the promulgating agency. No other state units, parts, or divisions are affected by this regulation amendment.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This regulation will have no effect on any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities will be affected by this regulation. This regulation will have no effect on any other regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None

For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact as it only provides the process for paying fines, appealing citations, and applying for tobacco, nicotine, or vapor product licenses, as well as incorporating the forms necessary to do so.
(b) Methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the amendment imposes no new action on any regulated body.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation is anticipated to have a major economic impact. To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100), the department will be required to employ 20 additional staff members, resulting in an annual increased cost of $2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—executing the new enforcement procedures contemplated by this administrative regulation.
(b) The methodology and resources used to reach this conclusion: The Department consulted budget analysts to perform economic analysis on the implementation and enforcement of the requirements of 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245) in arriving at the need for additional staff members.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. N/A
(2) State compliance standards. N/A
(3) Minimum or uniform standards contained in the federal mandate. N/A
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of May 12, 2026

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of May 12, 2026

Call to Order and Roll Call
The May meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, May 12, 2026, at 1:05 PM in Room 149 of the Capitol Annex. Representative Derek Lewis, Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senator Mike Wilson; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

LRC Staff: Karen Howard, Emily Harkenrider, Carrie Nichols, Stacy Auterson, Laura Begin, and Callie Lewis.

Guests: Carole Catalfo, Policy Specialist, Kentucky Public Pensions Authority (KPPA); Nathan Goodrich, Staff Attorney Supervisor, KPPA; Mary Beth Morris, President, Board of Optometric Examiners (KBOE); Christopher Thacker, General Counsel, Office of Attorney General (OAG); Matt Cole, Commissioner, Department of Vehicle Regulation (DVR), Transportation Cabinet (KYTC); Jon Johnson, Assistant General Counsel, KYTC; Tom McDaniel, Director, Division of Motor Carriers (DMC), KYTC; Todd G. Allen, General Counsel, Department of Education (KDE); Chad Collins, General Counsel, Kentucky High School Athletic Association (KHSAA); Julian Tackett, Commissioner, KHSAA; Susie Edwards, Deputy Executive Director, Office of Vocational Rehabilitation (OVR), Education and Labor Cabinet (ELC); Bernadette Leveridge, Staff Attorney, ELC; Cora McNabb, Executive Director, OVR, ELC; Shaun T. Orme, Executive Advisor, Department of Insurance (DOI), Public Protection Cabinet (PPC); Beth A. Taylor, Counsel, DOI, PPC; Christina Nguyen Kemp, Optometrist, Kentucky School for the Blind (KSB); James Campbell, President, National Board of Examiners in Optometry (NBEO); Jill Bryant, Executive Director, NBEO; and Patrick O'Neill, Board Member, Association of Regulatory Boards of Optometry (ARBO).

Approval of April 13, 2026, Minutes
A motion was made by Co-Chair West and seconded by Representative Marzian to approve the minutes of the April 13, 2026, meeting. Minutes were approved by voice vote without objection.

Administrative Regulations Reviewed by this Subcommittee:

KENTUCKY PUBLIC PENSIONS AUTHORITY

105 KAR 001:380. Minimum distribution.

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 Section 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Optometric Examiners

201 KAR 005:021E. Licensure Compliance Review.

In response to Chair Lewis, Mary Beth Morris, President, KBOE, stated an October 2025 OAG opinion requires KBOE to complete a comprehensive review of graduates from 2020 to 2023 who were licensed under alternative methods and waivers during the Covid era. The board does have authority over tests and waivers, but it failed to implement the requirements through the regulatory process, nullifying the alternative licensure methods. KBOE filed an emergency regulation on December 31, 2025, requiring Covid-era licensees, prior to license renewal, to provide proof of passage of NBEO I or the Optometry Examining Board of Canada (OBEC) examination; NBEO II; and NBEO III or a not-yet-developed Kentucky clinical competency examination. In February 2026, this regulation was withdrawn, and the current emergency regulation was filed, which replaces the Kentucky clinical competency test with the American Board of Optometry (ABO) Certification Examination and prohibits the licensees from performing laser procedures until they comply. The ABO examination is not for assessing initial licensure, but it is an advanced clinical competency examination for licensed optometrists. After public comments, KBOE amended the regulation to remove the OBEC examination as an option going forward. Ms. Morris stated the board's highest priority is public protection, and this regulation is a thoughtful and measured response to an unusual and complex situation.

In response to Chair Lewis, Christina Nguyen Kemp, Optometrist, KSB, provided examples of children who did not receive a clear diagnosis or proper follow-up care from alternatively-licensed optometrists. Dr. Kemp explained questionable care has been noticed over the past few years. When serious eye diseases are missed or improperly diagnosed, there can be lifetime consequences for the patient. All licensure candidates should have to pass NBEO minimum examination standards.

In response to Chair Lewis, Patrick O'Neill, Board Member, ARBO, stated all licensees outside the 2020-2023 group are required to pass the NBEO III test, but the Covid-era group is allowed by the regulation to renew a license by substituting the ABO examination for NBEO III. The OAG opinion declared these licenses were improperly granted, and the ABO examination does not provide testing for competency. A Louisville television station reported a lawsuit against an alternatively licensed optometrist for allegedly causing permanent eye damage to a patient during laser surgery. The optometrist has not passed any part of the NBEO series. Dr. O'Neill requested a deficiency finding because the regulation does not adequately redress the imminent threat to public health and safety, does not provide a sufficient cost analysis, and exceeds KBOE's authority by establishing a renewal option for optometrists practicing under an invalid license.

In response to Chair Lewis, James Campbell, President, NBEO, stated the NBEO I, II, and III is a nationally-accepted, standardized examination series. The NBEO has never interfered with a state board, but it is compelled to speak up for patient protection. Crucial public safety decisions appear to have been made by KBOE without public input. KBOE disclosed to OAG only a fraction of the secret votes taken to waive examination requirements, and the board failed to post meeting minutes. The NBEO examination series is essential for initial licensure. Substituting one examination part with an unrelated examination is unprecedented, indiscriminate, and dangerous, violating professional licensing testing standards. Dr. Campbell expressed concern about the regulation allowing alternatively-licensed optometrists to practice independently until March 2027, without passing the NBEO series. NBEO III was developed by national experts to simulate live patient interactions, ensuring the candidate can accurately diagnose conditions and perform procedures physically and safely on real patients. The substitute ABO test is a computerized, multiple choice examination designed for licensed, practicing doctors; does not have live interaction; and is not intended to test skills for initial licensing. Allowing the ABO test as a substitute is similar to granting a driver's license to someone who passed the written test, but not the road test. Optometry does not have residency, so passing NBEO III is the last step to ensure competency.

In response to Co-Chair West, Dr. O'Neill explained the ABO test is currently taken by licensed individuals who want to pursue continuing education credits. Jill Bryant, Executive Director, NBEO, stated NBEO III is administered at its National Center for Clinical Testing in Charlotte, North Carolina.

In response to Co-Chair West, Dr. Bryant explained all states, except Oklahoma, use all three parts of the NBEO examination. Oklahoma administers its own hands-on, practical examination instead of NBEO III. A Kentucky-equivalent

examination does not exist. Dr. Bryant stated the ABO examination is not used by any other state for licensure.

In response to Representative Gordon, Dr. Bryant explained KBOE previously used optometry schools to administer NBEO III, but there was too much variability. The Charlotte testing center provides a standardized, controlled environment, which ensures fairness and defensibility of the examination. More than one location is cost-prohibitive. The examination fee is $1,490.

In response to Chair Lewis, Dr. O'Neill explained ARBO represents an organization of regulatory boards in the United States, Canada, Puerto Rico, Australia, and New Zealand. ARBO works to establish best regulatory practices and educate board members about their duty to protect the public, not the profession. ARBO created the NBEO examination series to standardize testing and improve license portability between states.

In response to Chair Lewis, Dr. Bryant stated ARBO is co-owner of the NBEO examination.

In response to Chair Lewis, Ms. Morris stated the ABO test goes beyond minimal competency. KBEO is tasked by OAG with reviewing these practicing licensees and believes the ABO test is an acceptable pathway to license renewal for this group.

Chair Lewis conveyed his appreciation for KBEO's willingness to have dialogue with legislators on this issue.

In response to Co-Chair West, Ms. Morris stated new candidates for licensure are required to pass NBEO I, II, and III under 201 KAR 5:010E. The ABO examination is an option only for evaluating Covid-era licensees before license renewal. The computer-based ABO test is offered multiple times per year, while NBEO III requires travel to Charlotte, North Carolina, and is only offered a few times.

In response to Co-Chair West, Mr. Thacker stated the board has statutory authority to determine which tests are suitable. The OAG opinion does not comment on the licenses granted during COVID. Instead, it declares the board's action of approving waivers by resolution to be null, void, and unenforceable, because it did not act through the regulatory process. It is not appropriate for OAG to dictate a specific cure for this procedural KRS Chapter 13A problem. Mr. Thacker explained even though KBOE did not follow legal procedures, it still gave licenses under the alternative methods. These licensees relied upon the granted licenses to go back to communities, open businesses, and practice for the last five or six years. Due process issues may arise if there is an attempt to invalidate the licenses, so there has to be a reasonable process to cure the procedural defect.

In response to Representative Marzian, Ms. Morris stated she cannot give a definitive number of licensees affected because the board is still in the review process.

In response to Representative Bridges, Ms. Morris confirmed these licensees did what the board told them to do to obtain a license, and the regulation grants additional time to correct a problem the licensees did not create.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 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.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Carriers

601 KAR 001:114. Peer-to-peer services.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

EDUCATION AND LABOR CABINET: Department of Education: 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.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

781 KAR 001:010. Office of Vocational Rehabilitation appeal procedures.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

781 KAR 001:020. General provisions for operation of the Office of Vocational Rehabilitation.

In response to Representative Gordon, Cora McNabb, Executive Director, OVR, ELC, stated priority categories are based on functional limitations, such as self-mobility, communication, and work tolerance, and financial participation is applied consistently across the board. Both Medicaid and vocational rehabilitation are payors of first resort. Ms. McNabb stated OVR received additional federal money this year. Susie Edwards, Deputy Executive Director, OVR, ELC, stated the office considers all comparable benefits, such as insurance, Medicaid, and financial participation.

In response to Senator Wilson, Ms. McNabb stated OVR determines eligibility and then assigns a priority category. Some applicants are placed on a waiting list for services.

A motion was made and seconded to approve the following amendments: to amend Sections 2 through 4, 6 through 9, 11, and 13 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

781 KAR 001:030. Order of selection.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

781 KAR 001:040. Provision of Vocational Rehabilitation Services.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 6, 11, 13, 15, 16, 21, 22, 30, and 31 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Department of Insurance: Division of Health, Life, Managed Care

806 KAR 017:595. Dental Benefits Assignment.

The following administrative regulations were DEFERRED OR REMOVED from the May 12, 2026, subcommittee agenda:

BOARDS AND COMMISSIONS: Board of Optometric Examiners

201 KAR 005:021. Licensure Compliance Review.

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.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Driver Licensing

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

EDUCATION AND LABOR CABINET: Department of Education: Pupil Transportation

702 KAR 005:130. Non-school bus passenger vehicles.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: 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 Inspector General: Health Services and Facilities

902 KAR 020:150. Freestanding Birthing Centers.

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.

Department for Public Health: Office for Children with Special Health Care Needs

911 KAR 001:091. Application for Clinical Programs.

911 KAR 001:085. Early Hearing Detection and Intervention Program.

911 KAR 001:090. Repeal of 911 KAR 001:090.

The subcommittee adjourned at 2:05 PM. The next meeting of this subcommittee is tentatively scheduled for June 9, 2026, at 1 PM in Room 149 of the Annex.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(11), the following reports were forwarded by the appropriate jurisdictional committees to the Regulations Compiler and the Legislative Research Commission and are hereby printed in the *Administrative Register of Kentucky*.

NONE

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 **L – 2**

Lists all administrative regulations published or continuing through the KRS Chapter 13A review process during this Register year. It also lists the page number on which each regulation is published, the effective date of the regulation after it has completed the review process, and other actions that may affect the regulation.

NOTE: Regulations 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 **L – 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 **L – 28**

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index **L – 45**

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 **L – 46**

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.

031 KAR 004:240E	52 Ky.R.	2037	4-15-2026
101 KAR 002:210E	52 Ky.R.	535	9-15-2025
Replaced	52 Ky.R.	602	4-7-2026
103 KAR 043:341E	52 Ky.R.	2039	5-5-2026
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 005:010E	52 Ky.R.	2042	4-15-2026
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	4-15-2026
As Amended		2051	5-12-2026
201 KAR 017:120E	51 Ky.R.	1237	11-26-2024
As Amended		1643	2-10-2025
Replaced		1775	6-18-2025
Resubmitted	52 Ky.R.	537	8-26-2025
As Amended		935	11-10-2025
Replaced		1119	1-22-2026
201 KAR 023:012E	51 Ky.R.	1838	4-15-2025
Replaced		1914	8-27-2025
201 KAR 026:118E	52 Ky.R.	685	10-3-2025
Replaced		910	2-12-2026
201 KAR 028:240E	52 Ky.R.	5	6-13-2025
As Amended		362	8-12-2025
Replaced		556	10-22-2025
Amended		1086	12-8-2025
201 KAR 036:100E	51 Ky.R.	1238	11-26-2024
Am Comments		1764	3-10-2025
Replaced		1776	6-18-2025
Amended	52 Ky.R.	1088	12-8-2025
201 KAR 046:010E	52 Ky.R.	138	6-30-2025
Replaced		218	11-12-2025
201 KAR 046:081E	52 Ky.R.	140	6-30-2025
Replaced		715	11-12-2025
307 KAR 001:070E	51 Ky.R.	1927	5-15-2025
Expired			2-9-2026
307 KAR 001:080E	52 Ky.R.	144	7-1-2025
Am Comments		547	9-15-2025
As Amended		696	10-14-2025
Replaced		739	2-3-2026
501 KAR 006:420E	52 Ky R.	1090	11-19-2025
501 KAR 006:460E	52 Ky.R.	1092	11-19-2025
501 KAR 006:470E	52 Ky.R.	1095	11-19-2025
501 KAR 006:510E	52 Ky.R.	1098	11-19-2025
501 KAR 006:530E	52 Ky.R.	1100	11-19-2025
505 KAR 001:140E	52 Ky.R.	687	9-25-2025
505 KAR 001:410E	52 Ky.R.	690	9-25-2025
Am Comments		1108	12-12-2025
601 KAR 009:076E	52 Ky.R.	147	7-10-2025
Withdrawn by agency			7-16-2025
601 KAR 009:120E	52 Ky.R.	1103	12-11-2025
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
Replaced		1338	5-5-2026
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
Withdrawn			5-12-2026
804 KAR 013:011E	52 Ky.R.	2044	5-15-2026
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			4-14-2026
804 KAR 013:025E	52 Ky.R.	1295	12-29-2025
804 KAR 013:030E	52 Ky.R.	930	10-31-2025
Am Comments		1302	1-15-2026
As Amended		1504	2-9-2026
Impacted by 2026 legislation			4-14-2026
804 KAR 013:040E	52 Ky.R.	932	10-31-2025
Withdrawn			5-11-2026
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

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.		Effective Date
902 KAR 055:015E	52 Ky.R.	539	8-18-2025
As Amended		938	11-10-2025
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SYMBOL KEY:

* Statement of Consideration not filed by deadline

** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))

*** Withdrawn before being printed in Register

IJC Interim Joint Committee

(r) Repealer regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

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367.97527	040 KAR 012:100
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367.477367.478	040 KAR 012:420
367.688367.689	040 KAR 012:600
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	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
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391.010	040 KAR 012:130
391.030	105 KAR 001:350
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	020 KAR 001:060
	020 KAR 001:070
393A.030	020 KAR 001:030
	020 KAR 001:040
	020 KAR 001:050
	020 KAR 001:090
393A.040	020 KAR 001:030
	020 KAR 001:040
	020 KAR 001:060
	020 KAR 001:090
393A.050	020 KAR 001:030
	020 KAR 001:040
	020 KAR 001:060
393A.060	020 KAR 001:030
	020 KAR 001:040
	020 KAR 001:060
393A.070	020 KAR 001:030
	020 KAR 001:040
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393A.080	020 KAR 001:030
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	020 KAR 001:060

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393A.090	020 KAR 001:030
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	020 KAR 001:060
393A.100	020 KAR 001:030
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	020 KAR 001:060
393A.110	020 KAR 001:030
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	020 KAR 001:060
393A.220	020 KAR 001:030
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393A.230	020 KAR 001:030
	020 KAR 001:080
393A.240	020 KAR 001:030
393A.250	020 KAR 001:030
393A.260	020 KAR 001:030
393A.340	020 KAR 001:080
393A.400	020 KAR 001:060
393A.410	020 KAR 001:060
393A.480	020 KAR 001:080
393A.520	020 KAR 001:050
	020 KAR 001:070
393A.560	020 KAR 001:020
	020 KAR 001:050
393A.570	020 KAR 001:050
393A.690	020 KAR 001:070
403.270-403.355	922 KAR 001:565
405.024	922 KAR 001:565
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	804 KAR 013:011
438.310	804 KAR 013:020
438.3063	804 KAR 013:020
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	804 KAR 013:040
438.3065	804 KAR 013:020
	804 KAR 013:040
438.3067	804 KAR 013:020
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	501 KAR 006:230
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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
446.030	032 KAR 002:020
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
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605.120	922 KAR 001:565
610.110	922 KAR 001:565
620.020	922 KAR 001:565
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620.030	907 KAR 003:210
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620.055	907 KAR 002:720
620.090	922 KAR 001:565
620.140	922 KAR 001:565
620.142	922 KAR 001:565
620.170	922 KAR 001:565
640.080	501 KAR 001:030
645.270	201 KAR 043:040
2 C.F.R. 907 KAR 003:062	
7 C.F.R. 902 KAR 018:011	
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12 C.F.R. 831 KAR 003:170	
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16 C.F.R. 012 KAR 003:039	
21 C.F.R. 201 KAR 002:165	
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23 C.F.R. 601 KAR 001:018	
24 C.F.R. 907 KAR 016:005	
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26 C.F.R. 045 KAR 001:090	
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29 C.F.R. 101 KAR 002:102	
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33 C.F.R. 301 KAR 006:001	
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34 C.F.R. 907 KAR 003:100	
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	781 KAR 001:010
	781 KAR 001:020
	781 KAR 001:030
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40 C.F.R. 401 KAR 060:005	
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42 C.F.R. 907 KAR 001:039	
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45 C.F.R. 907 KAR 003:210	
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	806 KAR 009:360
	907 KAR 008:040
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46 C.F.R. 301 KAR 006:020	
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5 U.S.C. 803 KAR 002:260	
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12 U.S.C. 831 KAR 003:001	
	831 KAR 003:010
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	831 KAR 003:030
	831 KAR 003:040
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20 U.S.C. 907 KAR 016:020	
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29 U.S.C. 101 KAR 002:034	
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	907 KAR 016:005
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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
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	907 KAR 002:720
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	201 KAR 008:540
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47 U.S.C. 807 KAR 005:015	
49 U.S.C. 601 KAR 001:200	
52 U.S.C. 031 KAR 003:041	
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	031 KAR 005:011
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	031 KAR 006:020
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	031 KAR 006:040
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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 001:010	05-20-2026	Remain in Effect without Amendment
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 002:130	05-08-2026	Remain in Effect without Amendment
032 KAR 002:170	01-20-2026	Remain in Effect without Amendment
032 KAR 002:180	05-08-2026	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
106 KAR 001:081	05-26-2026	To be amended; filing deadline 11-26-2027
106 KAR 001:091	05-26-2026	To be amended; filing deadline 11-26-2027
106 KAR 001:101	05-26-2026	To be amended; filing deadline 11-26-2027
106 KAR 001:111	05-26-2026	Remain in Effect without Amendment
106 KAR 001:121	05-26-2026	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 023:020	05-28-2026	To be amended; filing deadline 11-28-2027
201 KAR 023:060	05-28-2026	Remain in Effect without Amendment
201 KAR 023:080	05-28-2026	To be amended; filing deadline 11-28-2027
201 KAR 023:120	05-28-2026	To be amended; filing deadline 11-28-2027
201 KAR 023:140	05-28-2026	To be amended; filing deadline 11-28-2027
201 KAR 028:060	10-13-2025	Remain in Effect without Amendment
201 KAR 028:170	10-13-2025	Remain in Effect without Amendment
201 KAR 034:060	06-25-2025	Remain in Effect without Amendment
202 KAR 003:040	05-20-2026	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
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405 KAR 010:035	06-30-2025	Remain in Effect without Amendment
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405 KAR 016:130	06-10-2025	Remain in Effect without Amendment
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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
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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
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405 KAR 018:170	06-26-2025	Remain in Effect without Amendment
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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
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405 KAR 024:001	06-26-2025	Remain in Effect without Amendment
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405 KAR 030:290	06-30-2025	Remain in Effect without Amendment
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405 KAR 030:310	06-30-2025	Remain in Effect without Amendment
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405 KAR 030:330	06-30-2025	Remain in Effect without Amendment
405 KAR 030:340	06-30-2025	Remain in Effect without Amendment
405 KAR 030:350	06-30-2025	Remain in Effect without Amendment
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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 001:080	05-01-2026	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
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505 KAR 002:090	03-11-2026	Remain in Effect without Amendment
505 KAR 002:100	03-11-2026	Remain in Effect without Amendment
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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
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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
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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
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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
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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
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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
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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
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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
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780 KAR 002:030	06-09-2025	Remain in Effect without Amendment
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780 KAR 002:140	04-09-2026	Remain in Effect without Amendment

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780 KAR 003:050	04-09-2026	Remain in Effect without Amendment
780 KAR 003:060	06-09-2025	Remain in Effect without Amendment
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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
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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 002:092	05-27-2026	Remain in Effect without Amendment
806 KAR 002:100	05-27-2026	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
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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 002:010	05-19-2026	Remain in Effect without Amendment
810 KAR 002:030	05-19-2026	Remain in Effect without Amendment
810 KAR 002:040	05-19-2026	Remain in Effect without Amendment
810 KAR 002:050	05-19-2026	Remain in Effect without Amendment
810 KAR 002:060	05-19-2026	Remain in Effect without Amendment
810 KAR 002:080	05-19-2026	Remain in Effect without Amendment
810 KAR 003:001	05-20-2026	Remain in Effect without Amendment
810 KAR 003:040	05-20-2026	Remain in Effect without Amendment
810 KAR 003:050	05-20-2026	Remain in Effect without Amendment
810 KAR 004:020	05-19-2026	Remain in Effect without Amendment
810 KAR 004:050	05-19-2026	Remain in Effect without Amendment

810 KAR 004:080	05-19-2026	Remain in Effect without Amendment
810 KAR 004:100	05-19-2026	Remain in Effect without Amendment
810 KAR 005:010	05-19-2026	Remain in Effect without Amendment
810 KAR 005:020	05-19-2026	Remain in Effect without Amendment
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810 KAR 005:050	05-19-2026	Remain in Effect without Amendment
810 KAR 005:080	05-20-2026	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
810 KAR 008:030	05-20-2026	Remain in Effect without Amendment
810 KAR 008:040	05-20-2026	Remain in Effect without Amendment
810 KAR 008:050	05-20-2026	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 001:010	05-20-2026	To be amended; filing deadline 11-20-2027
831 KAR 001:020	05-20-2026	To be amended; filing deadline 11-20-2027
831 KAR 001:030	05-20-2026	To be amended; filing deadline 11-20-2027
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 002:030	05-14-2026	Remain in Effect without Amendment
902 KAR 002:050	05-14-2026	Remain in Effect without Amendment
902 KAR 002:070	05-14-2026	Remain in Effect without Amendment
902 KAR 007:010	05-14-2026	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
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902 KAR 011:050	12-29-2025	Remain in Effect without Amendment
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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
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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
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902 KAR 020:380	02-09-2026	Remain in Effect without Amendment
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902 KAR 020:410	11-24-2025	Remain in Effect without Amendment
902 KAR 021:020	05-14-2026	Remain in Effect without Amendment
902 KAR 045:005	10-13-2025	Remain in Effect without Amendment
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902 KAR 045:090	05-14-2026	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
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902 KAR 055:070	02-09-2026	Remain in Effect without Amendment
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902 KAR 100:052	05-19-2025	Remain in Effect without Amendment
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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
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902 KAR 100:145	04-21-2026	Remain in Effect without Amendment
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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
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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	07-18-2025		
103 KAR 017:010	01-29-2026		
103 KAR 017:060	01-29-2026		
105 KAR 001:190	10-03-2025		
105 KAR 001:345	10-07-2025		
105 KAR 001:345	10-07-2025		
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302 KAR 045:020	07-24-2025		
401 KAR 005:050	11-14-2025		
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922 KAR 005:170	09-26-2025		

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Ingredients; 012 KAR 002:026
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