



ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was 12 pm ET/11 am CT, August 14, 2026

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is tentatively scheduled to meet on September 8, 2026 at 1 pm ET/ 12 pm CT in Annex room 149.

ARRS Tentative Agenda – 411 [Online agenda updated as needed.](#)

The **Education Assessment and Accountability Review Subcommittee** is tentatively scheduled to meet on September 2, 2026 at 9 am ET/ 8 am CT. [See the Committee's Web page.](#)

INDEXES & OTHER INFORMATION

Regulation Review Procedure	415
ARRS Report.....	669
Other Committee Reports	674
Locator Index - Effective Dates.....	C - 2

KRS Index.....	C - 11
Certifications.....	C - 17
Technical Amendments	C - 20
Subject Index.....	C - 21

EMERGENCIES

State Board of Elections

031 KAR 003:050E. Cancellation of voter registration following notification of new registration by Kentucky voter outside of the Commonwealth.....	416
--	-----

Board of Speech-Language Pathology and Audiology

201 KAR 017:005E. Definitions and abbreviations for 201 KAR Chapter 17	418
201 KAR 017:011E. Education, experience, and application requirements for interim licensure as a speech language pathologist	420
201 KAR 017:012E. Application, education, and requirements for licensure as a speech-language pathologist	423
201 KAR 017:014E. Temporary licensure for speech-language pathologist, speech-language pathology assistant, and audiologist	426
201 KAR 017:025E. Application, education, and requirements for an interim license as a speech-language pathology assistant	428
201 KAR 017:030E. License fees, renewal, reinstatement, and inactive license requirements.....	431
201 KAR 017:032E. Requirements for interim licensure as an audiologist.....	435
201 KAR 017:034E. Requirements for licensure as a Speech-Language Pathology Assistant.....	438
201 KAR 017:036E. Requirements for licensure for an audiologist	441
201 KAR 017:070E. Complaint procedure.....	443

Board of Examiners of Psychology

201 KAR 026:118E. Psychology interjurisdictional compact	446
--	-----

Board of Licensure for Occupational Therapy

201 KAR 028:060E. Licensure, renewals, and reinstatements.....	448
--	-----

Board of Licensure and Certification for Dietitians and Nutritionists

201 KAR 033:015E. Application; approved programs.....	452
201 KAR 033:020E. Renewals, late renewal, revocation, inactive status, and reinstatement	455

Board of Licensed Professional Counselors

201 KAR 036:070E. Application, education, and examination requirements	458
201 KAR 036:072E. Reciprocity requirements for applicants licensed or certified in another state	463
201 KAR 036:075E. Renewal, late renewal, and reinstatement of license.....	465

Department of Criminal Justice Training

503 KAR 004:050E. Required content and conduct of applicant training course.....	468
--	-----

Labor Standards; Wages and Hours

803 KAR 001:081E. Board, lodging, gratuities, and other allowances	472
--	-----

AMENDED IN-PROCESS EMERGENCIES

Board of Optometric Examiners

201 KAR 005:010E. Application for licensure; endorsement	476
201 KAR 005:021E. Licensure Compliance Review.....	477

AS AMENDED

Department of Treasury

020 KAR 001:030. Unclaimed property; escheating	479
020 KAR 001:040. Unclaimed properties; claims	479

020 KAR 001:050. Unclaimed property; examination of holder records.....	481
020 KAR 001:060. Unclaimed property; safe deposit boxes or other safekeeping repositories.....	481
020 KAR 001:080. Reports to be filed by holders of unclaimed property	483
State Board of Elections	
031 KAR 004:240. Procedures for Safe at Home Participants to Register to Vote and Request a Mail-in Absentee Ballot	484
Registry of Election Finance	
032 KAR 001:080. Report of an independent expenditure.....	485
Board of Pharmacy	
201 KAR 002:440. Legend drug repository.....	485
Board of Optometric Examiners	
201 KAR 005:010. Application for licensure; endorsement.....	487
201 KAR 005:021. Licensure Compliance Review.....	489
Board of Dentistry	
201 KAR 008:563. Licensure of dental hygienists.....	489
Board of Licensure for Occupational Therapy	
201 KAR 028:235. Telehealth occupational therapy services	493
Applied Behavior Analysis Licensing Board	
201 KAR 043:010. Application procedures for licensure ..	494
201 KAR 043:030. Fees	495
201 KAR 043:050. Requirements for supervision	496
201 KAR 043:060. Complaint and disciplinary process.....	499
201 KAR 043:080. Renewals	500
Board of Emergency Medical Services	
202 KAR 007:550. Required equipment and ground vehicle standards.....	500
Department of Fish and Wildlife Resources	
301 KAR 002:228. Sandhill crane hunting requirements..	507
301 KAR 002:251. Hunting and trapping seasons and limits for furbearers	508
Department of Vehicle Regulation	
601 KAR 012:130. Third-party issuance of identity documents	511
Department of Housing, Buildings and Construction	
815 KAR 004:010. Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts	512
815 KAR 004:025. Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts..	512
815 KAR 007:070. The Kentucky Certified Building Inspector Program	513
815 KAR 015:010. Definitions for 815 KAR Chapter 15....	516
815 KAR 015:025. New installations, general design, construction, and inspection criteria for boilers, pressure vessels, and pressure piping	518
815 KAR 015:026. Existing boilers and pressure vessels; testing, repairs, inspection, and safety factors	523
815 KAR 015:027. Fees and certificates for boiler and pressure vessel inspection.....	526
815 KAR 015:080. Boiler and pressure vessel licenses...	527
815 KAR 025:020. Recreational vehicles	529
815 KAR 025:050. Administration and enforcement of manufactured housing construction standards.....	532
815 KAR 025:060. Licensing and certifications with manufactured homes and mobile homes.....	534
815 KAR 025:090. Site preparation, installation, and inspection requirements.....	537
815 KAR 035:015. Certification of electrical inspectors.....	538
Department for Public Health	
902 KAR 008:060. Salary adjustments for local health departments.....	540

AMENDED AFTER COMMENTS

Council on Postsecondary Education

013 KAR 002:140. Research consortiums.....	544
--	-----

Department of Corrections

501 KAR 006:230. Little Sandy Correctional Complex	546
--	-----

PROPOSED AMENDMENTS

Board of Speech-Language Pathology and Audiology

201 KAR 017:011. Education, experience, and application requirements for interim licensure as a speech language pathologist.....	549
201 KAR 017:012. Application, education, and requirements for licensure as a speech-language pathologist.....	552
201 KAR 017:014. Temporary licensure for speech-language pathologist, speech-language pathology assistant, and audiologist.....	554
201 KAR 017:025. Application, education, and requirements for an interim license as a speech-language pathology assistant.....	556
201 KAR 017:027. Supervision requirements and caseload limitations of Speech-Language Pathology Assistants.....	559
201 KAR 017:030. License fees, renewal, reinstatement, and inactive license requirements	562
201 KAR 017:032. Requirements for interim licensure as an audiologist	565
201 KAR 017:034. Requirements for licensure as a Speech-Language Pathology Assistant.....	568
201 KAR 017:036. Requirements for licensure for an audiologist.....	571
201 KAR 017:070. Complaint procedure	573
201 KAR 017:090. Continuing education requirements	576

Board of Physical Therapy

201 KAR 022:001. Definitions for 201 KAR Chapter 22....	580
201 KAR 022:020. Eligibility and credentialing procedure	581
201 KAR 022:052. Complaint procedure and disciplinary action of a credential holder or applicant.....	584

Board of Examiners of Psychology

201 KAR 026:118. Psychology interjurisdictional compact	586
201 KAR 026:155. Licensed psychologist: application procedures and temporary license.....	588
201 KAR 026:175. Continuing education	590
201 KAR 026:225. Renewal and reinstatement.....	593
201 KAR 026:230. Examinations and applications	595

Board of Licensure for Occupational Therapy

201 KAR 028:060. Licensure, renewals, and reinstatements.....	598
---	-----

Board of Licensure and Certification for Dietitians and Nutritionists

201 KAR 033:015. Application; approved programs.....	601
201 KAR 033:020. Renewals, late renewal, revocation, inactive status, and reinstatement	604

Board of Licensed Professional Counselors

201 KAR 036:070. Application, education, and examination requirements	607
201 KAR 036:072. Reciprocity requirements for applicants licensed or certified in another state	611
201 KAR 036:075. Renewal, late renewal, and reinstatement of license.....	613

Board of Emergency Medical Services

202 KAR 007:510. Air ambulance services	616
---	-----

Department of Agriculture

302 KAR 060:010. Produce safety	625
---------------------------------------	-----

Department of Criminal Justice Training

503 KAR 004:050. Required content and conduct of
applicant training course 630

Department of Juvenile Justice

505 KAR 001:130. Department of Juvenile Justice
Policies and Procedures: juvenile
services in community..... 634

Board of Education

701 KAR 005:160. Selection and appointment of non-
voting Kentucky board of education
members..... 636

702 KAR 006:090. Minimum nutritional standards for
foods and beverages available on
public school campuses during the
school day; required physical activity
reports 639

704 KAR 008:060. Required Academic Standards for
Social Studies 641

704 KAR 008:090. Required Kentucky Academic
Standards for Technology 644

Department for Technical Education

780 KAR 003:072. Attendance, compensatory time, and
leave for certified and equivalent
service 646

Labor Standards; Wages and Hours

803 KAR 001:081. Board, lodging, gratuities, and other
allowances..... 652

Department of Financial Institutions

808 KAR 009:010. Deferred deposit database
compliance 655

NEW ADMINISTRATIVE REGULATIONS**Secretary of State**

030 KAR 001:060. Scholarship Granting Organizations .. 658

State Board of Elections

031 KAR 003:050. Cancellation of voter registration
following notification of new
registration by Kentucky voter
outside of the Commonwealth..... 660

Board of Speech-Language Pathology and Audiology

201 KAR 017:005. Definitions and abbreviations for 201
KAR Chapter 17..... 662

**Board of Licensure and Certification for Dietitians and
Nutritionists**

201 KAR 033:041. Compensation of board members..... 664

201 KAR 033:071. Telehealth and telepractice..... 665

201 KAR 033:081. Scope of practice..... 667

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

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

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

Last Updated on August 28, 2026 at 12:21 p.m.



Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Tuesday, September 8, 2026 at 1:00 p.m. ET/12:00 p.m. CT
Annex Room 149



- 1. CALL TO ORDER AND ROLL CALL**
- 2. REGULATIONS FOR FULL REVIEW**

COUNCIL ON POSTSECONDARY EDUCATION (CPE)

[013 KAR 002:140](#). Research consortiums. (Amended After Comments)

DEPARTMENT OF STATE

Registry of Election Finance

[032 KAR 002:050](#). Conciliation.

[032 KAR 002:200](#). Allowable campaign expenditures.

[032 KAR 002:240](#). Administrative hearing process.

FINANCE AND ADMINISTRATION CABINET

Department of Revenue

Office of Tax Policy

[103 KAR 027:030](#). Brokers, lienors and fiduciaries.

[103 KAR 028:051](#). Leases and rentals.

[103 KAR 030:280](#). Sales to water haulers.

[103 KAR 044:060](#). Motor vehicle usage tax valuation.

OFFICE OF THE GOVERNOR

Department of Workers' Claims

[120 KAR 001:089E](#). Workers' compensation medical fee schedule for physicians. (Filed with Ordinary) ("E" expires 03-26-2027)

BOARDS AND COMMISSIONS

Board of Licensed Professional Engineers and Land Surveyors

[201 KAR 018:120](#). Replacement of license certificates and business entity permit certificates.

[201 KAR 018:150](#). Standards of practice for professional land surveyors. (Not Amended After Comments)

Board of Physical Therapy

[201 KAR 022:130](#). Per diem of board members.

[201 KAR 022:135](#). Fees.

Board of Social Work

[201 KAR 023:020](#). Fees.

[201 KAR 023:072](#). Examination requirements.

[201 KAR 023:120](#). Equivalency standard.

[201 KAR 023:140](#). Per diem compensation for board members.

Board of Licensure for Occupational Therapy

[201 KAR 028:240E](#). Occupational Therapy Licensure Compact. (Filed with Ordinary) ("E" expires 04-02-2027)

Board of Medical Imaging and Radiation Therapy

[201 KAR 046:035](#). Practice standards, scopes of practice, and ethical standards. (Deferred from August)

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Game

[301 KAR 002:222](#). Waterfowl hunting requirements on public lands.

JUSTICE AND PUBLIC SAFETY CABINET

Parole Board

[501 KAR 001:030](#). Determining parole eligibility. (Not Amended After Comments) (Deferred from July)

Department of Corrections (DOC)

[501 KAR 006:230](#). Little Sandy Correctional Complex. (Amended After Comments)

TRANSPORTATION CABINET (KYTC)

Division of Motor Carriers

[601 KAR 001:200](#). Administration of taxes imposed by KRS 138.655 through 138.7291. (Deferred from August)

Department of Vehicle Registration

[601 KAR 009:085](#). Procedures for becoming a certified motor vehicle inspector.

[601 KAR 009:090](#). Procedures for inspecting vehicles.

EDUCATION AND LABOR CABINET

Department of Education

Office of Chief State School Officer

[701 KAR 005:090](#). Teacher disciplinary hearings.

[701 KAR 005:170](#). Waiver requests.

Department of Workforce Development

Office of Kentucky Workforce Innovation Board

[787 KAR 002:050E](#). General provisions for operation of the Workforce Pell Program. (Filed with Ordinary) ("E" expires 03-27-2027)

PUBLIC PROTECTION CABINET

Department for Alcoholic Beverage Control

Licensing

[804 KAR 004:400](#). Applications incorporated by reference.

Tobacco Enforcement

[804 KAR 013:011](#). Tobacco, nicotine, and vapor product enforcement and administration. (Filed with Emergency) ("E" expires 02-09-2027) (Not Amended After Comments)

CABINET FOR HEALTH AND FAMILY SERVICES (CHFS)

Office of Medical Cannabis

[915 KAR 002:050](#). Qualifying Medical Conditions. (Filed with Emergency) ("E" expires 02-27-2027)

3. REGULATIONS ~~REMOVED~~ FROM SEPTEMBER'S AGENDA

BOARDS AND COMMISSIONS

Board of Optometric Examiners

[201 KAR 005:010](#). Applications for licensure; endorsement. (Filed with Emergency) ("E" expires 02-11-2027) (Comments Received; SOC ext. due 09-15-2026)

Real Property Appraisers Board

[201 KAR 050:010E](#). Fees. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments received; SOC due 09-15-2026)

[201 KAR 050:020E](#). General requirements for certification and licensure. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:050E](#). Examinations. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:060E](#). Reciprocity. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:070E](#). Temporary practice permit. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:110E](#). Renewal and reinstatement of certificates and licenses. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:120E](#). Inactive status and reactivation of certificates and licenses. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:140E](#). Education course approval, renewal, and standards. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:170E](#). Appraisal Management Company registration. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:180E](#). Appraisal Management Company registration renewal. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:200E](#). Appraisal Management Company roster and reporting. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

[201 KAR 050:210E](#). Appraiser roster and reporting. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

CABINET FOR ECONOMIC DEVELOPMENT

Kentucky Film Office

[307 KAR 001:080E](#). Kentucky Entertainment Incentive Program. (Filed with Ordinary) ("E" expires 04-11-2027) (Comments Received; SOC due 09-15-2026)

TRANSPORTATION CABINET (KYTC)

Division of Motor Carriers

[601 KAR 001:018](#). Special overweight or overdimensional motor vehicle load permits. (Comments Received; SOC ext. due 09-15-2026)

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

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

(See KRS Chapter 13A for specific provisions)

Filing and Publication

Administrative bodies shall file all proposed administrative regulations with the Regulations Compiler. Filed regulations shall include public hearing and comment period information; a regulatory impact analysis and tiering statement; a fiscal impact statement; and, if applicable, a federal mandate comparison and any required incorporated material. Administrative regulations received by the deadline established in KRS 13A.050 shall be published in the *Administrative Register of Kentucky*. Emergency administrative regulations become effective upon filing.

Public Hearing and Public Comment Period

The administrative body shall schedule a public hearing on a proposed administrative regulation. The public hearing is held between the 21st and the last workday of the month in which the public comment period ends. Information about the public comment period shall include: the place, time, and date of the hearing; the manner in which a person may submit written comments or a notification to attend the hearing; a statement specifying that unless a notification to attend the hearing is received no later than 5 workdays prior to the hearing date, the hearing may be cancelled; the deadline for submitting written comments; and the name, position, and contact information of the person to whom notifications and written comments shall be sent.

Public comment periods for ordinary regulations end on the last day of the month that follows publication; whereas, public comment periods for emergency regulations run through the last day of the month in which the regulation was published. For other ordinary regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

The administrative body shall notify the Compiler whether the hearing was held or cancelled and whether or not written comments were received. If comments were received during the public hearing or written comment period, the administrative body shall file a statement of consideration with the Compiler by the fifteenth day of the calendar month following the close of the public comment period. An agency may submit a one-time, one-month extension for filing a statement of consideration for an ordinary regulation.

Review Procedure

After the public hearing and public comment period processes are completed, the administrative regulation will be tentatively scheduled for review at the next meeting of the Administrative Regulation Review Subcommittee. After review by the subcommittee, the regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. If a quorum is present, unless the regulation is deferred or found deficient, an ordinary regulation shall be considered in effect upon adjournment of the appropriate jurisdictional committee or upon expiration of the review period, whichever occurs first.

EMERGENCY ADMINISTRATIVE REGULATIONS

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

STATEMENT OF EMERGENCY 31 KAR 3:050E.

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(4) sets November 3, 2026, as the date for the next general election. In recent years, the General Assembly has amended the various Kentucky Revised Statutes related to voting in the Commonwealth, including KRS 116.113. As election administrators adapt to these new changes, the need for administrative changes becomes apparent, so that 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 that procedures are in effect for the upcoming election that will provide certainty regarding whether the correct voter has been identified for removal from Kentucky's voter rolls under the requirement of KRS 116.113(5) that a voter is removed from Kentucky's voter rolls within five (5) days after a jurisdiction outside of the Commonwealth informs the State Board of Elections that a voter on Kentucky's voter rolls has subsequently registered to vote in their jurisdiction. This regulation will further promote free and fair elections by making the Commonwealth's voter rolls as accurate as possible at the time of the general 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 3:050E. Cancellation of voter registration following notification of new registration by Kentucky voter outside of the Commonwealth.

EFFECTIVE: August 5, 2026

RELATES TO: KRS 116.113(5)

STATUTORY AUTHORITY: KRS 117.015(1)(a)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state. KRS 116.113(5) requires that the Board, "[u]pon receipt of notification from a local or state jurisdiction that a voter has registered to vote in the new local or state jurisdiction outside of the Commonwealth, . . . shall within five (5) days cause the removal of the name of that person from the voter registration records that it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, regular election, or special election." This regulation provides for the determination of whether the notification from the local or state jurisdiction outside of Kentucky has in fact identified a Kentucky voter who is now registered to vote in a jurisdiction outside of Kentucky and provides for the process for such removal following that determination.

Section 1. Procedure.

(1) Upon receipt of notification from a local or state jurisdiction that a person identified by that jurisdiction as a registered Kentucky voter has subsequently registered to vote in that local or state

jurisdiction outside of Kentucky, the State Board of Elections shall first search Kentucky's electronic voter registration system to determine whether the individual identified by the local or state jurisdiction outside of Kentucky shares the same first name and last name of a voter registered to vote in Kentucky.

(2) If the first name and last name of a registered Kentucky voter exactly match the first name and last name of the registered voter identified by the local or state jurisdiction outside of Kentucky and the remaining name-related data fields, including middle name or initial and suffixes, do not contain inconsistent information, the registered Kentucky voter shall only be removed from Kentucky's voter rolls under KRS 116.113(5) if one of the following is true:

(a) The notification from a local or state jurisdiction outside of Kentucky and a single record in the Kentucky electronic voter registration system share an exact match of an address, email address, or phone number and at least one of the following identifiers: (i) the last four digits of the Social Security number; (ii) month, day, and year of birth; or (iii) driver's license number; or

(b) Both the notification from a local or state jurisdiction and a single record in the Kentucky electronic voter registration system share an exact match of at least two of the following identifiers:

1. The last four digits of the Social Security Number ("SSN");
2. Date of birth; or
3. Driver's license number.

(3) If the notification from a local or state jurisdiction outside of Kentucky and the record in Kentucky's electronic voter registration system do not meet the requirements of subparagraphs (1) and (2) of this section, the State Board of Elections shall consider the record match to be inconclusive and shall not remove the Kentucky voter from the Commonwealth's voter rolls under KRS 116.113(5).

(4) Notwithstanding a match of the minimum criteria specified under subsection (2), the Board shall not remove a registered Kentucky voter from the rolls if review of any other data field indicates that the person identified by the local or state jurisdiction outside of Kentucky is not the Kentucky voter whose information matches under paragraph (2). Notwithstanding a match of the minimum criteria under paragraph (2), no Kentucky voter shall be removed under KRS 116.113(5) unless the notification from the jurisdiction outside Kentucky reflects a registration date for the person identified as a Kentucky voter by the jurisdiction outside of Kentucky, which is subsequent to the most recent voter activity or voter registration activity associated with the registered Kentucky voter in Kentucky.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: August 5, 2026

FILED WITH LRC: August 6, 2026

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this new administrative regulation shall be held on September 25, 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 September 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 provides for the determination of whether a notification from a local or state jurisdiction outside of Kentucky has in fact identified a Kentucky voter who is now registered to vote in a jurisdiction outside of Kentucky and provides for the process for such removal following that determination.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish uniform procedures for the requirements of KRS 116.113(5).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.0145(1)(a) enables 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 procedures for the requirements of KRS 116.113(5).

(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 county clerks 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, county clerks and the State Board of Elections will need to follow the procedures outlined.

(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 uniform procedures for the requirements of KRS 116.113(5).

(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 budget of the State Board of Elections 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 the requirements of KRS 116.113(5).

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 116.113(5) and 117.015(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 not expressly authorized by the enactment of KRS 116.113(5), but is authorized by the enactment of KRS 117.015(1)(a).

(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 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 not affect any other entities.

(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: 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 201 KAR 17:005E.

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188. SECTION 3.B.1, this new emergency administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this new emergency administrative regulation—and the identical new ordinary regulation being concomitantly filed—are aligned with this statutory change to undergird the other emergency and ordinary regulations package being filed by the Board to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "[p]revent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This new emergency administrative regulation is temporary and will be replaced by a new ordinary administrative regulation as provided by KRS 13A.190. The new ordinary regulation will be filed with this new emergency regulation and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology And Audiology (New Emergency Administrative Regulation)

201 KAR 17:005E. Definitions and abbreviations for 201 KAR Chapter 17.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 334A.010–334A.990

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the board to promulgate administrative regulations necessary to carry out and enforce the provisions of KRS 334A.010 to 334A.990. This administrative regulation establishes the definitions and abbreviations used in 201 KAR Chapter 17.

Section 1. Definitions. The following definitions and abbreviations used in these administrative regulations are defined as follows:

(1) "Academic courses offered by an accredited postsecondary institution" means:

(a) A speech-language pathology or audiology course, designated by a speech-language pathology or audiology title or content; or

(b) An academic course, relevant to speech-language pathology or audiology.

(2) "Approved" means recognized by the Kentucky Board of Speech-Language Pathology and Audiology.

(3) "AUD" means audiologist.

(4) "Board administrator" means the primary staff assigned to provide administrative services to the Board.

(5) "CEU" means continuing education unit of sixty (60) minutes of participation in continuing educational experiences, excluding breaks.

(6) "Chair" means the chair or vice-chair of the board.

(7) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 334A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation relating to the practice of speech-language pathology and audiology over which the board as enforcement authority.

(8) "Complaint" means a written allegation of misconduct by a credentialed individual or other person which might constitute a violation of KRS Chapter 334A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(9) "Complaint screening committee" means a committee consisting of three (3) persons appointed by the chair of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint.

(10) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(11) "Informal proceedings" means the proceedings instituted at a stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(12) "Interim AUD" means interim audiologist.

(13) "Interim SLP" means interim speech-language pathologist.

(14) "Interim SLP-A" means interim speech-language pathology assistant.

(15) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General.

(16) "Program" means an organized learning experience:

(a) Planned and evaluated to meet stated behavioral objectives;

(b) Presented in one (1) session or a series; and

(c) Conducted and documented by an identified provider of discipline.

(17) "Provider" means an organization approved by the Kentucky Board of Speech-Language Pathology and Audiology for providing a continuing education program.

(18) "Related" means having content that is not directly linked to the practice of speech-language pathology or audiology, but expands or augments clinical practice.

(19) "Relevant" means having content applicable to the practice of speech-language pathology or audiology.

(20) "SLP" means speech-language pathologist.

(21) "SLP-A" means speech-language pathology assistant.

(22) "Temporary AUD" means temporary audiologist.

(23) "Temporary SLP" means temporary speech-language pathologist.

(24) "Temporary SLP-A" means temporary speech-language pathology assistant.

201 KAR 17:005E

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 pm.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: sara.janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes, Phone Number: (502) 782-2709 (office), Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation defines the terms and abbreviations used in the regulations in 201 KAR Chapter 17 relating to Speech-Language Pathology and Audiology.

(b) The necessity of this administrative regulation: This regulation is necessary to define the terms used in 201 KAR Chapter 17.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the terms used in 201 KAR Chapter 17.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will provide a definition for terms used in 201 KAR Chapter 17 which will streamline the effective administration of the regulations for applicants, licensees, and the board and its staff.

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

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

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the

authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: There will be no actions required to comply with 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): There will be no costs to each of the regulated entities for compliance with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, the regulated entities will benefit from a glossary that defines terms in the regulations governing their profession.

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

(a) Initially: There will be no initial cost to implement this administrative regulation.

(b) On a continuing basis: There will be no continuing cost to implement this administrative regulation.

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

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

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

(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. 1996 Ky. Acts Ch. 318, sec. 307, effective July 15, 1996. - Amended 1986 Ky. Acts Ch. 483, sec. 8, effective July 15, 1986. - Created 1972 Ky. Acts Ch. 236, sec. 8.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the only affected state unit, part or division.

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: There is no fiscal impact as a result of this administrative regulation.

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

(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 no major economic impact.

(b) The methodology and resources used to reach this conclusion: Methodology and resources used is a review by the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.

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 17:011E.

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure

applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS Board of Speech-Language Pathology And Audiology (Emergency Amendment)

201 KAR 17:011E. Education, experience, and application requirements[Requirements] for interim licensure as a speech language pathologist.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 334A.035, 334A.050

STATUTORY AUTHORITY: KRS 334A.055, 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080 requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.035 and 334A.050 require the board to promulgate administrative regulations concerning licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. KRS 334A.055, requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes criteria for interim licensure for speech-language pathologists.

Section 1. Education and Experience.

(1) ~~[In addition to the citizenship requirements of KRS 334A.050.]~~~~Each~~~~each~~ applicant for interim licensure in speech-language pathology in Kentucky shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or possess equivalent education.

(2) An applicant shall have "equivalent" education if the applicant holds:

(a) A doctoral degree in speech-language pathology or communication disorders or a related area from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or

(b) A bachelor's degree from a regionally accredited college or university, and has completed all coursework and clinical practicum requirements leading to a doctorate or master's degree from a university program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.

Section 2. Application for Licensure.

~~[(3)]~~ ~~Each~~~~The~~ applicant for Interim SLP licensure shall submit the following to the board:

(1) A completed "Application for Interim License", form DPL-SLPA-01, containing a written description verifying completion of the required academic coursework and supervised clinical experience;~~[on the Application for Interim License.]~~

(2) Pay the fee as established in 201 KAR 17:030;

(3) Submit an~~[with]~~ official transcript or letter, which shall be sent directly from the academic institution~~[university]~~ verifying

satisfactory completion of degree requirements. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. The applicant receiving academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the academic[training] institution shall constitute satisfactory completion.

(4) The results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board after payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph.

~~[(4)] [Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and shall be due within thirty (30) days after the professional postgraduate experience is begun.]~~

~~[(5)] [A written plan for the postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience.]~~

Section 3. Postgraduate professional experience and supervision.

(1) After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.~~[(The applicant shall)]~~~~[(proceed to)]~~~~[(obtain postgraduate professional experience)]~~ under a supervisor who~~[(is a speech-language pathologist who)]~~ holds a valid Kentucky speech language pathology license or Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders. ~~[An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.]~~

~~[(6)] [Postgraduate professional experience.]~~

~~[(a)] [After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.]~~

(2)[(b)] The experience shall consist of at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours per week or its part-time equivalent as follows:

(a)[4-] At least eighty (80) percent of the major responsibilities during postgraduate professional experience shall be in direct contact with clients or patients, consultations, recordkeeping, and administrative duties.

(b)[2-] The postgraduate professional experience shall not total less than 1,260 hours accumulated within twenty-four (24) months of the beginning date of the experience.

(c)[3-] Professional experience of less than five (5) hours per week shall not meet the requirement and shall not be counted toward the postgraduate professional experience.

(d)[4-] Experience of more than thirty-five (35) hours per week shall not be used to reduce the postgraduate professional experience to less than thirty-six (36) weeks.

(e)[5-] Once initiated, the postgraduate professional experience shall be completed within twenty-four (24) months.

(f)[6-] An extension[Extension] of the postgraduate professional experience may be requested utilizing the "Application for Extension of Interim License", form DPL-SLPA-02. An extension may be granted by the board in the event of:

1.[a.] Illness;

2.[b.] Change in employment status;

3.[c.] Family care issue; or

4.[d.] Other extraordinary occurrence impacting one's ability to complete the postgraduate experience.

(3) Any change in the written plan for the postgraduate professional experience, or any change in supervision, shall be submitted to the board on the "Change in PPE or Supervision for Interim SLP" form, DPL-SLPA-03.

Section 4. Supervision requirements for Interim SLP.

(1)[4-] The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.

(2)[2-] This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

(a)[a-] One (1) hour shall equal one (1) on-site observation.

(b)[b-] A maximum of six (6) on-site observations may be accrued in one (1) day.

(c)[c-] At least six (6) on-site observations shall be accrued during each third of the experience.

(d)[d-] These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, and rehabilitation.

(3)[3-] The supervision shall include eighteen (18) other monitoring activities.

(a)[a-] At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

(b)[b-] These other monitoring activities may be executed by correspondence, review of video tapes or audio tapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

(4)[4-] The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

Section 5. Examination requirements.

(1)[5-] A person with an interim license shall take and pass a national PRAXIS examination in speech-language pathology within twenty-four (24) months.

(2) Official documentation of scores shall be sent to the board directly from Educational Testing Services. [A person with an interim license shall continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty (24) months, they shall seek board approval to continue to practice. The applicant shall: a. Submit a written, signed letter to the board requesting board approval; and b. Appear before the board.]

Section 6.[Section 2-] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) The "Application for Interim Licensure", DPL-SLPA-01, July 2026.[January 2012, is incorporated by reference.]

(b) The "Application for Extension of Interim License", DPL-SLPA-02, July 2026; and

(c) The "Change in PPE or Supervision for Interim SLP", DPL-SLPA-03, July 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, [2SC32-]Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:011E

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed

administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes, Phone Number: (502) 782-2709 (office), Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for interim licensure as a speech language pathologist

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.035.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying the requirements for interim licensure as a speech language pathologist.

(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 incorporates the requirement that all applicants for licensure by the board obtain a national and state criminal background investigation from the KSP and FBI pursuant to KRS 334A.055; reorganizes provisions to clarify application and postgraduate professional experience requirements and the appropriate forms incorporated by reference; strikes legal requirements that duplicate the statutes; strikes regulations that are inconsistent with KRS 334A.030(2) and which appear to authorize unlicensed practice for thirty (30) days; clarifies postgraduate professional experience requirements; reorganizes supervision and examination requirements for clarification; repeals the provision allowing an interim licensee to continue to practice after failing to obtain a passing score within twenty-four (24) months; and, incorporates materials not previously incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to comply with KRS 334A.055 and KRS 334A.188, the Audiology and Speech-Language Pathology Interstate Compact, relating to criminal background investigations, to ensure the regulations are consistent with the enabling statutes, to clarify requirements for interim licensure, and to incorporate necessary forms by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the licensee, and properly incorporate material referenced.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will not affect 4179 active and 85 inactive licensees' existing interim licenses, but will affect new applicants for interim licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this

administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for interim licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for interim licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. There is no change to the cost for the application for interim license. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentIGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 334A.055.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

Professional Licensing.

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 17:012E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair
ANDY BESHEAR, Governor

**BOARDS AND COMMISSIONS
Board of Speech-Language Pathology And Audiology
(Emergency Amendment)**

201 KAR 17:012E. Application, education, and requirements[Requirements] for licensure as a speech-language pathologist.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 334A.033, 334.035(1)(c), 334A.050, 334A.187

STATUTORY AUTHORITY: KRS 334A.033, 334A.050, 334A.055, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033 and 334A.050 require the board to promulgate administrative regulations concerning licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes criteria for licensure for speech-language pathologists.

Section 1. Application for Licensure. Each applicant for licensure as an SLP shall:

(1) Submit an "Application for Licensure", form DLP-LPC-04:

(2) Pay the fee as established in 201 KAR 17:030;

(3) Have official academic transcripts sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

Section 2. Education and Experience.~~[In addition to the citizenship requirements of KRS 334A.050,]~~~~Each~~~~[each]~~ applicant for licensure in speech-language pathology in Kentucky shall meet the requirements established in this section.

(1)

(a) An applicant shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or possess equivalent education.

(b) An applicant shall have equivalent education if the applicant holds a doctoral degree in speech-language pathology, communication disorders, or a related area from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association.

(2) The applicant shall have passed a national PRAXIS examination in speech-language pathology.

(3) In accordance with KRS 334A.035(1)(c), within thirty (30) days after completion of the postgraduate professional experience, the applicant shall submit a complete application for licensure under this section. The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the application, or the applicant may submit their American Speech-Language-Hearing Association (ASHA) certification number as proof of successful completion of the postgraduate professional experience.~~[Application for License.]~~

(4) In addition to fulfilling the requirements of this administrative regulation and paying the requisite fees established in 201 KAR 17:030, Section 1, an applicant licensed in another state shall comply with the provisions of KRS 334A.187.

Section 3. Incorporation by Reference.

(1) "Application for Licensure", DPL-SLPA-4, July 2026,~~["Application for License", July 2013,]~~ is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, ~~[2SC32,]~~ Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:012E

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.:

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes, Phone Number: (502) 782-2709 (office), Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for licensure as a speech language pathologist

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.030.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying the requirements for licensure as a speech language pathologist.

(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 retitles the administrative regulation to identify all included regulatory topics; incorporates the requirement that all applicants for licensure by the board obtain a national and state criminal background investigation from the KSP and FBI pursuant to KRS 334A.055; reorganizes provisions to clarify application requirements; strikes legal requirements that duplicate the statutes; authorizes the applicant to submit their ASHA certification number as proof of successful completion of the postgraduate professional experience; updates the application for licensure to meet new requirements and ADA compliance, and incorporates necessary forms by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify application requirements, to comply with KRS 334A.055 and KRS 334A.188, the Audiology and Speech-Language Pathology Interstate Compact, relating to criminal background investigations, to update existing MIR for ADA compliance and to incorporate necessary forms not previously incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the licensee, and properly incorporate material referenced.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will not affect the 4179 active and 85 inactive existing speech-language pathologist licensees, but will affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative

regulation or amendment: An applicant for licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for licensure will have no new fees for application to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the only affected state unit, part or division.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 17:014E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair
ANDY BESHEAR, Governor

**BOARDS AND COMMISSIONS
Board of Speech-Language Pathology And Audiology
(Emergency Amendment)**

201 KAR 17:014E. Temporary licensure for speech-language pathologist, speech-language pathology assistant, and audiologist.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 334A.033, 334A.050, 334A.181, 334A.183, 334A.185

STATUTORY AUTHORITY: KRS 334A.055, 334A.080(3), 334.181(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.181 authorizes the board to provide temporary licensure by promulgating administrative regulations. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation provides requirements for the issuance of temporary licenses.

Section 1. [Definition. "Board administrator" means the Director of the Division of Occupations and Professions.]

[Section 2.] Application requirements[Requirements.]

(1) Upon receipt of an "Application for Licensure", DPL-SLPA-04, incorporated by reference in 201 KAR 17:012; or, an Application for Speech-Language Pathology Assistant, DPL-SLPA-09, incorporated by reference in 201 KAR 17:034,[application] showing an[that] applicant meets the requirements set forth in KRS 334A.033, 334A.050, 334A.055, 334A.183, 334A.185, and 201 KAR 17:012, the Board Administrator shall issue a temporary license to

the applicant[,] by sending a letter to the applicant on Board letterhead.

(2) The temporary license shall entitle the applicant to practice as a speech-language pathologist, speech-language pathology assistant, or audiologist until the application[applicant] is reviewed by the Kentucky Board of Speech Language Pathology and Audiology.

(3) A temporary license shall not be effective for more than 180 days as provided by KRS 334A.181(3).

Section 2.[Section 3.] Unprofessional Conduct. If the application shows evidence of unprofessional conduct per KRS 334A.180(1) or (4), the applicant shall not be granted temporary licensure, and the application shall be held pending review by the board.

201 KAR 17:014E

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes, Phone Number: (502) 782-2709 (office), Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a process for issuing temporary licenses per KRS 334A.181.

(b) The necessity of this administrative regulation: The necessity of this regulation is to provide guidance to applicants who wish to request temporary licensure and to provide guidance to request temporary licensure, as well as to provide guidance to the Division of Occupations and Professions when processing applications.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The board is given the authority to promulgate regulations per KRS 13A.100 and 334A.010.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation allows the board to temporarily grant licensure between board meetings.

(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 incorporates the requirement that all applicants for licensure by the board obtain a national and state criminal background investigation from the KSP and FBI pursuant to KRS 334A.055; and updates the material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to require all applicants for

licensure by the board obtain a national and state criminal background investigation from the KSP and FBI pursuant to KRS 334A.055; and updates the material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant and update the material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will not affect the 4179 active and 85 inactive licensees, but will affect new applicants who apply for temporary licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for initial licensure, which may include a temporary license, must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for interim licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation

increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to

be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 17:025E.

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS Board of Speech-Language Pathology and Audiology (Emergency Amendment)

201 KAR 17:025E. Application, education, and requirements[Requirements] for an interim license as a speech-language pathology assistant.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 334A.035(2), 334A.033

STATUTORY AUTHORITY: KRS 334A.035(2), 334A.055, 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.035(2) requires the board to promulgate administrative regulations concerning application for an interim license as a speech-language pathology assistant. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes the requirements for interim licensure.

Section 1. Application for Licensure. Each applicant for licensure as an Interim SLP-A shall:

(1) Submit an "Application for Interim Speech-Language Pathology Assistant", form DPL-SLPA-05, to the board;

(2) Pay the fee as established in 201 KAR 17:030;

(3) Submit an official academic transcript sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

Section 2.[Section 1.] Education.

(1) In order to receive an interim license to become an SLP-A[a speech-language pathology assistant], the applicant shall possess a bachelor's degree in speech-language pathology or communication disorders, or possess equivalent education from a regionally accredited institution, such as one (1) accredited by the Southern Association of Colleges and Schools.

(2) An applicant shall have equivalent education if the applicant has obtained a bachelor's degree and a minimum of twenty-seven (27) hours in the core areas of communication sciences or disorders including the following:

(a) Anatomy and physiology;

(b) Phonetics and speech science;

(c) Speech and language development;

(d) Communication disorders in children;

(e) Audiology;

(f) Aural rehabilitation; and

(g) Intervention for children with communication disorders.

Section 3.[Section 2.] Supervision.

(1) The interim licensee shall function under the supervision of an appropriate supervisor as defined by KRS 334A.020(11) during the period of interim licensure.

(2) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(3) The supervisor may require additional supervision based on the experience of the interim speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(4) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

(5) Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

(6) Each Interim SLP-A[interim speech-language pathology assistant] shall be required to receive no less than three (3) hours per full-time week of documented direct supervision. Supervision shall be adjusted proportionally for less than full-time employment. The supervisor shall have direct contact time with the interim speech-language pathology assistant as well as with the pupil.

(7) Direct supervision shall consist of on-site, in-view observation and guidance as a clinical activity is performed. An Interim SLP-A[~~interim speech-language pathology assistant~~] shall be supervised by either:

(a) An SLP-A[~~speech-language pathologist~~] who holds a Kentucky license in speech-language pathology; or

(b) An Interim SLP-A[~~interim speech-language pathologist~~] who holds an Education Professional Standards Board Master's level certification as a teacher of exceptional children in areas of speech and communication disorders.

(8) Supervision shall provide information about the quality of the Interim SLP-A's[~~interim speech-language pathology assistant's~~] performance with assigned tasks and verify that clinical activity is limited to tasks specified in the Interim SLP-A's[~~interim speech-language pathology assistant's~~] scope of responsibilities.

(9) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on correct or incorrect judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

(10) Indirect supervision shall be required no less than three (3) hours per full-time week. Supervision shall be adjusted proportionally for less than full-time employment. Indirect supervision may include:

(a) Demonstration;

(b) Record review;

(c) Review and evaluation of audio or videotaped sessions; or

(d) Supervisory conferences that may be conducted by telephone.

(11) A minimum total of six (6) hours of direct and indirect supervision per full-time week shall be required for each interim speech-language pathology assistant and shall be documented. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

(12) An Interim SLP-A[~~interim speech-language pathology assistant~~] shall not provide direct services if a supervising SLP[~~speech-language pathologist~~] cannot be reached [by personal contact, phone, pager, or some other immediate means].

(13) If, for any reason (including maternity leave, illness, or a change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the Interim SLP-A[~~interim speech-language pathology assistant~~] shall not provide service until a fully qualified SLP[~~speech-language pathologist~~] has been designated as the Interim SLP-A's[~~speech-language pathology assistant's~~] supervisor.

(14) The supervisor shall complete the "Postgraduate Professional Experience Report and Evaluation", form DPL-SLPA-06, for submission when the postgraduate professional experience is completed.

(15) Although more than one (1) supervisor may provide supervision of an Interim SLP-A[~~interim speech-language pathology assistant~~], a supervisor shall not be listed as the supervisor of record for more than two (2) Interim SLP-A's[~~interim speech-language pathology assistants~~].

(16) If an Interim SLP-A has multiple supervisors[are used], each supervisor shall be responsible for the[that] portion of the caseload the Interim SLP-A performed under their supervision[that is theirs] and each supervisor shall sign the "Application for Licensure", form DPL-SLPA-04, incorporated by reference in 201 KAR 17:012[license application] and [postgraduate professional experience report]also complete the "Postgraduate Professional Experience Report and Evaluation", form DPL-SLPA-06, upon the Interim SLP-A's request.

(17) A "Change in Supervision", form DPL-SLPA-07, shall be submitted to the board for any change in the supervision listed in the initial application.

Section 4.[~~Section 3.~~] Postgraduate Professional Experience.

(1) A written plan for postgraduate professional experience shall be submitted with the "Application for Interim Speech-Language

Pathology Assistant", form DPL-SLPA-05.[~~application for interim licensure within thirty (30) days after initiating the postgraduate professional experience.~~]

(2) The applicant shall [proceed to]obtain postgraduate professional experience under a supervisor who is a speech-language pathologist who holds a Kentucky license in speech-language pathology or Education Professional Standards Board Masters level certification as a teacher of exceptional children in the areas of speech and communication disorders. [~~An applicant for interim licensure shall submit a completed application to the board.~~]

(3)[(2)] The applicant shall obtain the equivalent of not less than nine (9) months of full-time professional experience with full-time employment, which shall be a minimum of thirty-five (35) clock hours of work a week.

(a) At least eighty (80) percent of the major responsibilities during postgraduate professional experience shall be in direct contact with clients or patients, consultations, record-keeping, and administrative duties.

(b) The postgraduate professional experience shall total no less than 1,260 hours accumulated within twenty-four (24) months of the beginning date of the experience.

(c) Professional experience of less than five (5) hours per week shall not meet the requirement and shall not be counted toward the postgraduate professional experience.

(d) Experience of more than thirty-five (35) hours per week shall not be used to reduce the postgraduate professional experience to less than thirty-six (36) weeks.

(e) Once initiated, the postgraduate professional experience shall be completed within twenty-four (24) months.

(f) Any request for an extension[~~Extension~~] of the postgraduate professional experience shall be made on the "Application for Extension of Interim License", form DPL-SLPA-03, which is incorporated by reference in 201 KAR 17:011. An extension may be granted in the event of:

1. Illness;

2. Change in employment status;

3. Family care issue; or

4. Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience.

Section 5.[~~Section 4.~~] Evaluation and Recommendation. Within thirty (30) days after completion of the postgraduate professional experience, the applicant and their[his] supervisor shall submit a written report to the board verifying the successful completion of postgraduate professional experience.

Section 6. Material Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Interim Speech-Language Pathology Assistant", DPL-SLPA-05, July 2026;

(b) "Postgraduate Professional Experience Report and Evaluation", DPL-SLPA-06, July 2026; and

(c) "Change in Supervision for Interim SLP-A", DPL-SLPA- 07, July 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:025E

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a

transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes, Phone Number: (502) 782-2709 (office), Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the requirements for licensure as an interim speech language pathologist assistant.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.035.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute which gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying the requirements for licensure as an interim speech language pathologist assistant.

(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 changes the title to clarify the contents of the regulation; adds statutory authority and language relating to the requirement that applicants seeking an initial license obtain a national and state criminal background investigation by the KSP and FBI; clarifies the application process requirements; incorporates required material that has not been previously incorporated by reference; uses abbreviations to break down lengthy sentences to reduce confusion and clarify meaning; and clarifies requirements relating to licensee and supervisor duties to provide notice to the board for changes in PPE or supervision.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary due to the enactment of KRS 334A.055 for background checks for licensure, and to clarify and streamline the process.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant and update the material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative

regulation or amendment: An applicant for initial licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for interim licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 17:030E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "[p]revent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair
ANDY BESHEAR, Governor

**BOARDS AND COMMISSIONS
Board of Speech-Language Pathology And Audiology
(Emergency Amendment)**

201 KAR 17:030E. License fees,~~—and~~ renewal, reinstatement, and inactive license requirements.

EFFECTIVE: July 16, 2026

RELATES TO: KRS ~~334A.130~~, 334A.160, 334A.170, 334A.189

STATUTORY AUTHORITY: KRS ~~334A.055~~, 334A.080(3), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.080(6) requires the board to establish fees for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist, in accordance with the maximum limits established in KRS 334A.160 and 334A.170. KRS 334A.170 authorizes the renewal and reinstatement of a license. KRS 334A.189 establishes an inactive licensure status. KRS 334A.188. Section 3.J. authorizes Member states to charge a fee for granting a compact privilege to practice as a speech-language pathologist or audiologist in Kentucky. KRS 334A.055 requires applicants seeking license reinstatement to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes the required fees and the requirements for renewal, reinstatement, and inactive status.

Section 1. Fee Schedule.

(1) Application Fee. The application fee is a one-time fee paid in addition to the initial licensure fee in subsection (2) of this section, as follows:

(a) Fifty (50) dollars for an SLP, Interim SLP, SLP-A, Interim SLP-A, AUD, and Interim AUD;

(b) \$100 for dual licensure as an SLP and AUD, or Interim SLP and Interim AUD; and

(c) The fifty (50) dollar application fee for an SLP, SLP-A, or AUD license shall be waived for a person holding an interim license.

(2) Initial Licensure Fee. The initial licensure fee shall be as follows:

(a) \$100 for an SLP and AUD;

(b) Seventy-five (75) dollars for an SLP-A; and

(c) \$200 for dual licensure as an SLP and AUD

(3) Biennial Renewal Fee. The biennial renewal fee shall be:

(a) \$100 for an SLP, SLP-A, and AUD;

(b) \$200 for dual licensure as an SLP and AUD;

(c) Twenty (20) dollars for an inactive license as an SLP, SLP-A, AUD, and dual licensure as a SLP and AUD; and

(d) There is no renewal for interim licenses.

(4) Grace Period Fee. If the license is renewed after January 31 but before the thirty (30) day grace period expires, the following grace period fee shall be paid in addition to the biennial renewal fee:

(a) Fifty (50) dollars for an SLP, SLP-A and AUD; and

(b) \$100 for dual licensure as an SLP and AUD.

(5) Delinquency Fee for Renewal by Reinstatement. Upon expiration of a license for failure to timely renew, the following delinquency fee shall be paid in addition to the biennial renewal fee:

(a) \$150 for an SLP, SLP-A, and AUD; and

(b) \$300 for dual licensure as an SLP and AUD.

(6) Audiology and Speech-Language Pathology Interstate Compact Biennial Fee. The state fee for the initial privilege to practice audiology and speech-language pathology in Kentucky shall be \$170. The state fee for any renewal shall be \$120 biennially.

Section 2. Renewal Requirements.

(1) A license shall be renewed biennially on or before the due date of January 31 and no later than the grace period ending on March 2 of that year. Any license not timely renewed will expire on March 3.

(2) To apply for renewal, a licensee shall submit a completed "Renewal Application", DPL-SLPA-07; and

(3) The licensee shall pay the appropriate renewal fee as established in Section 1 of this administrative regulation.

(4)

(a) After the thirty (30) day grace period, to apply for renewal by reinstatement, an individual whose license has expired shall:

1. Submit a completed "Application for Renewal by Reinstatement", DPL-SLPA-08;

2. Submit proof of completion of thirty (30) hours of board-approved continuing education in accordance with the requirements of 201 KAR 17:090;

3. Complete a criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be sent directly to the Board. The applicant is responsible for the payment of any fee to the KSP and FBI;

4. Pay the renewal fee as established in Section 1(3) of this administrative regulation; and

5. Pay the delinquency fee as established in Section 1(5) of this administrative regulation.

(b) A person who fails to apply for renewal by reinstatement within five (5) years of expiration or revocation of the license shall meet current licensure standards for the application of a new license.

Section 3. Inactive Licenses.

(1) To apply for inactive license status, a licensee shall submit a completed "Renewal Application", DPL-SLPA-07, prior to the expiration of the grace period for the current biennial renewal cycle.

(2) To remain on inactive status, an inactive licensee shall apply to renew the inactive status biennially, and in accordance with 201 KAR 17:090. Failure to annually renew before expiration of the grace period shall result in the expiration of the inactive license.

(3) To reactivate an inactive license as an SLP, SLP-A, AUD, or a dual license as an SLP and AUD, an applicant shall:

(a) File a completed "Renewal Application", DPL-SLPA-07;

(b) Payment of the current renewal fee as set forth in Section 1 of this administrative regulation; and

(c) Provide proof of compliance with the continuing education requirements established in 201 KAR 17:090, Sections 10 and 11.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Renewal Application", DPL-SLPA-08, July 2026; and

(b) "Application for Renewal by Reinstatement", DPL-SLPA-09, July 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

[(1)] [The following fees shall be paid in connection with speech-language pathologist or audiologist applications, renewals, or penalties:]

[(a)] [Application fee for a speech-language pathologist license: fifty (50) dollars;]

[(b)] [Application for an audiologist license: fifty (50) dollars;]

[(c)] [Combined application fee for a speech-language pathologist and audiologist license: \$100;]

[(d)] [Application fee for a speech-language pathology assistant license: fifty (50) dollars;]

[(e)] [Application fee for interim licensure for a speech-language pathologist: fifty (50) dollars;]

[(f)] [Application fee for interim licensure for an audiologist: fifty (50) dollars;]

[(g)] [Combined fee for speech-language pathologist and audiologist interim licensure: \$100;]

[(h)] [Application fee for interim licensure for a speech-language pathology assistant: fifty (50) dollars;]

[(i)] [Initial speech-language pathologist license fee:]

[1.] [\$100 if issued for one (1) year; or]

[2.] [\$150 if issued for the biennium;]

[(j)] [Initial audiologist license fee:]

[1.] [\$100 if issued for one (1) year; or]

[2.] [\$150 if issued for the biennium;]

[(k)] [Combined speech-language pathologist and audiologist license fee: \$200 if issued for the biennium;]

[(l)] [Initial speech-language pathology assistant license fee:]

[1.] [Seventy-five (75) dollars if issued for one (1) year; or]

[2.] [\$125 if issued for the biennium;]

[(m)] [Biennial renewal fee for speech-language pathologist license: \$100;]

[(n)] [Biennial renewal fee for audiologist license: \$100;]

[(o)] [Biennial combined renewal fee for speech-language pathologist and audiologist license: \$200;]

[(p)] [Biennial renewal fee for speech-language pathology assistant: \$100; or]

[(q)] [Biennial renewal fee for grace period extending from January 31 to March 2:]

[1.] [For speech-language pathologist license: \$150;]

[2.] [For audiologist license: \$150;]

[3.] [For a combined speech-language pathologist and audiologist license: \$300; or]

[4.] [For speech-language pathology assistant: \$150;]

[(2)] [In addition to the biennial renewal fees provided for in subsection (1)(m) through (p) of this section, delinquency fees after March 2 shall be:]

[(a)] [For a speech-language pathologist license: \$150;]

[(b)] [For an audiologist license: \$150;]

[(e)] [For a biennial combined speech pathologist and audiologist license: \$300;]

[(d)] [For a speech-language pathology assistant: \$150; or]

[(e)] [For an initial speech-language pathologist license: \$100;]

[(3)] [There shall not be a renewal fee for interim licensure. The application fee of fifty (50) dollars for full licensure shall be waived for a person who has been duly licensed as an interim licensee.]

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

[Section 2.]

~~[(1)] [A completed Renewal Application or Renewal Application for Speech-Language Pathology Assistants, whichever is appropriate, shall be submitted if the licensee wants to:]~~

~~[(a)] [Renew his license;]~~

~~[(b)] [Request to return to an active status from an inactive status;]~~

~~[(c)] [Request, or remain on, an inactive status; or]~~

~~[(d)] [Terminate licensure;]~~

~~[(2)] [Schedule of Licensure Renewals;]~~

~~[(a)] [A licensee shall renew his or her license biennially;]~~

~~[(b)] [The licensee shall pay the appropriate renewal fee as established in Section 1(1)(m)-(p) of this administrative regulation;]~~

~~[Section 3.] [If an application is filed during the period of December 1 to January 30 and a license is issued, the board shall waive the renewal of the license for the ensuing licensing year;]~~

[Section 4.] [Inactive Licensure;]

~~[(1)] [Fees;]~~

~~[(a)] [The inactive license fee for a speech-language pathologist for a biennial licensing period shall be twenty (20) dollars;]~~

~~[(b)] [The inactive license fee for an audiologist for a biennial licensing period shall be twenty (20) dollars;]~~

~~[(c)] [The combined inactive license fee for a speech-language pathologist and audiologist for a biennial licensing period shall be twenty (20) dollars;]~~

~~[(d)] [The inactive license fee for a speech-language pathology assistant for a biennial licensing period shall be twenty (20) dollars;]~~

~~[(2)] [Reactivation of an inactive license to practice speech-language pathology or audiology shall be obtained by:]~~

~~[(a)] [Filing a completed Renewal Application or Renewal Application for Speech-Language Pathology Assistants, whichever is appropriate;]~~

~~[(b)] [Payment of the current renewal fee as set forth in Section 4 of this administrative regulation; and]~~

~~[(c)] [Compliance with the continuing education requirements established in 201 KAR 17:090, Sections 10 and 11;]~~

~~[(3)] [Application for an inactive license shall be made to the board prior to March 2 and shall be accompanied by the appropriate fee for the licensing year;]~~

[Section 5.] [Incorporation by Reference;]

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

~~[(a)] ["Renewal Application", July 2013; and]~~

~~[(b)] ["Renewal Application for Speech-Language Pathology Assistants", July 2013;]~~

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.;]~~

201 KAR 17:030E

MARGARET ADKINS, AU.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Board and Commissions, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes license fees, and renewal, reinstatement and inactive license requirements for speech language pathologists, audiologists, and speech-language pathology assistants.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.010 through KRS 334A.990.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying the licensing fees, and renewal, reinstatement and inactive license requirements for speech-language pathologists, audiologists, and speech-language pathology assistants.

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

(a) How the amendment will change this existing administrative regulation: The amendment does not change any fees but reorganizes the regulation to provide greater clarity to the regulation. The prior version was disorganized and unnecessarily long and confusing. The amendment streamlines the fee structure, adds the State Fee for the privilege to practice by out-of-state licensees under the Audiology and Speech-Language Pathology Interstate Compact ("ASLP-IC"); adds the requirements for a KSP and FBI criminal background check for reinstatements as is now required by KRS 334A.055 and 2026 Ky. Acts. ch. 6, Section 3; clarifies the requirements for inactive license status; and updates the material incorporated by reference, as well as incorporates a necessary form not previously incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to simplify and add clarity to the fee structure for multiple license types, to implement a State Fee for the privilege to practice in Kentucky under the ASLP-IC, and to require a KSP and FBI background check for reinstatement for compliance with KRS 334A.055; and to update and add forms in the material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of fees and the necessary information submitted by the applicant for reinstatement and inactive status, and will update the material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this

administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants will be pay the required application fees for initial licensure and applicants for reinstatement must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI; and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees and the Board will benefit from a more clarified fee schedule and streamlined regulation and Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech-language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall

negative or adverse major economic impact to the entities identified.

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

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 17:032E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "[p]revent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair
ANDY BESHEAR, Governor

**BOARDS AND COMMISSIONS
Board of Speech-Language Pathology And Audiology
(Emergency Amendment)**

201 KAR 17:032E. Requirements for interim licensure as an audiologist.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 334A.185(2)

STATUTORY AUTHORITY: KRS 334A.055, 334A.080(3), 334A.185(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes requirements for interim licensure as an audiologist.

Section 1. Application for Licensure. Each applicant for licensure as an interim audiologist shall:

(1) Submit an "Application for Interim License", form DPL-SLPA-01, which is incorporated by reference in 201 KAR 17:011;

(2) Pay the fee as established in 201 KAR 17:030;

(3) Submit an official academic transcript sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

Section 2.[Section 4.] Education and Experience.

(1) Each applicant for interim licensure in audiology in Kentucky shall provide a certified transcript confirming attainment of a Doctorate degree in audiology or a related field, or possess equivalent education as described in subsection (2) of this section, excluding the Au.D. or substantive equivalent from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(2) An applicant shall have equivalent education if the applicant holds a doctoral degree in audiology, excluding the Au.D., from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

[(3)] [The applicant shall submit to the board a written description verifying completion of the required academic coursework and supervised clinical experience on the Application for Interim License, with required supporting documentation. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. Satisfactory completion shall exist if the applicant has received academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.]

[(4)] [Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and either before or within thirty (30) days after the postgraduate professional experience is begun.]

Section 3. Supervision.

(1) The interim licensee shall function under the supervision of an appropriate supervisor as defined in KRS 334A.185(2).

(2) Application for interim licensure shall be made within thirty (30) days of securing a supervisor and shall be completed under the supervision of a licensed audiologist.

(3) Supervision shall be completed under an individual who holds a valid Kentucky audiology license.

(4) Supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

(a) One (1) hour shall equal one (1) on-site supervision.

(b) A maximum of six (6) on-site observations may be accrued in one (1) day.

(c) At least six (6) on-site observations shall be accrued during each third of the experience.

(d) These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, or rehabilitation.

(5) The supervision shall include eighteen (18) other monitoring activities.

(a) At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

(b) These other monitoring activities may be executed by correspondence, review of videotapes or audiotapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

(6) The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

Section 4. Postgraduate professional experience.

(1) An interim audiologist shall successfully complete a period of postgraduate professional experience.

(2)[(5)] A written plan for postgraduate professional experience shall be submitted with the application for interim licensure [within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate professional experience under a supervisor who is a licensed audiologist. An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.]

[(6)] [Postgraduate professional experience.]

[(a)] [After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.]

(3)[(b)] The postgraduate professional experience shall consist of the following: [at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours a week or its part-time equivalent as follows:]

(a)[1-] At least eighty (80) percent of the major responsibilities during the postgraduate professional experience shall be in direct client contact consultations, recordkeeping, and administrative duties;

(b)[2-] Postgraduate professional experience shall not total less than 1,260 hours;

(c)[3-] Once initiated, postgraduate professional experience shall be accumulated within twenty-four (24) months. An extension of the postgraduate professional experience may be requested utilizing the "Application for Extension of Interim License" DPL-SLPA-03, which is incorporated by reference in 201 KAR 17:011. An extension may be granted by the board [This may be extended] in the event of:

1.[a.] Illness;

2.[b.] Change in employment status;

3.[c.] Family care issue; or

4.[d.] Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience;

(d)[4-] Professional experience of less than five hours per week shall not meet the requirement and shall not be counted toward postgraduate professional experience; and

[5-] [Experience of more than thirty-five (35) hours per week shall not be used to shorten the postgraduate professional experience to less than thirty-six (36) weeks; and]

[6-] [Extension of the postgraduate professional experience may be granted in the event of:]

[a.] Illness;

[b.] [Change in employment status;]

[c.] Family care issue; or]

[d.] [Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience.]

[(7)] [Supervision shall be completed under the supervision of an individual who holds a valid license in audiology issued by Kentucky or a state that borders Kentucky.]

[(a)] [The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.]

[(b)] [This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site:]

[1-] [One (1) hour shall equal one (1) on-site supervision:]

[2-] [A maximum of six (6) on-site observations may be accrued in one (1) day:]

[3-] [At least six (6) on-site observations shall be accrued during each third of the experience:]

[4-] [These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, or rehabilitation:]

[(c)] [The supervision shall include eighteen (18) other monitoring activities:]

[1-] [At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience:]

[2-] [These other monitoring activities may be executed by correspondence, review of videotapes or audiotapes, evaluation of

written reports, phone conferences with the interim licensee, or evaluations by professional colleagues:]

[(d)] [The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills:]

(4)[(8)] A person with an interim license shall take and pass a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services. A person with an interim license shall continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty-four (24) months, the applicant shall seek board approval to continue to practice.

[Section 2.] [Incorporation by Reference.]

[(1)] ["Application for Interim Licensure", January 2012, is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

201 KAR 17:032E

MARGARET ADKINS, Au.D, CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for interim licensure as an audiologist.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.185(2).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating application procedures for those who seek to obtain an interim license as an audiologist.

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

(a) How the amendment will change this existing administrative

regulation: The amendment adds statutory authority and language relating to the requirement that applicants seeking an initial license obtain a national and state criminal background investigation by the KSP and FBI; clarifies the application process requirements; reorganizes and clarifies requirements for interim licensure; delineates material incorporated by reference in another administrative regulation; and strikes material incorporated by reference in a prior regulation.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary due to the enactment of KRS 334A.055 for background checks for licensure, and to clarify and streamline the process.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant and update the material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect one (1) interim audiologist and also affect new applicants for interim audiology licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for initial licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for interim licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech-language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 17:034E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "[p]revent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair

ANDY BESHEAR, Governor

**BOARDS AND COMMISSIONS
Board of Speech-Language Pathology And Audiology
(Emergency Amendment)**

201 KAR 17:034E. Requirements for licensure as a Speech-Language Pathology Assistant.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 334A.030, 334A.033

STATUTORY AUTHORITY: KRS 334A.033, 334A.055, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033 requires the board to promulgate administrative regulations to set forth requirements for supervision, education and postgraduate professional experience for speech-language pathology assistants. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes criteria for licensure for speech-language pathology assistants.

Section 1. Application for Licensure. Each applicant for licensure as a speech-language pathology assistant shall:

(1) Submit an "Application for Speech-Language Pathology Assistant", form DPL-SLPA-10, to the board;

(2) Pay the fee as established in 201 KAR 17:030;

(3) Submit an official academic transcript sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

Section 2.[Section—1.] Education and Experience. Each applicant for licensure as an SLP-A[a speech-language pathology assistant] in Kentucky shall meet the requirements established by this section.

(1) In order to receive a license to become an SLP-A[a speech-language pathology assistant], the applicant shall possess a bachelor's degree in speech-language pathology or communication disorders, or possess equivalent education, as described in subsection (2) of this section, from a regionally accredited institution, such as the Southern Association of Colleges and Schools.

(2) An applicant shall have equivalent education if the applicant has obtained a bachelor's degree and a minimum of twenty-seven (27) hours in the core areas of communication sciences or disorders including the following:

- (a) Anatomy and physiology;
- (b) Phonetics and speech science;
- (c) Speech and language development;
- (d) Communication disorders in children;
- (e) Audiology;
- (f) Aural rehabilitation; and
- (g) Intervention for children with communication disorders.

Section 3.[Section-2.] Supervision requirements.

(1) The SLP-A[licensee] shall function under the supervision of an appropriate supervisor during the period of licensure.

(2) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(3) The supervisor may require additional supervision based on the experience of the SLP-A[speech-language pathology assistant],

the pupils served, and the physical or geographic proximity to the supervisor.

(4) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

(5) Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

(6) Each SLP-A[speech-language pathology assistant] shall be required to receive direct supervision as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. The supervisor shall have direct contact time with the speech-language pathology assistant as well as with the pupil.

(7)

(a) Direct supervision shall consist of on-site, in-view observation and guidance as a clinical activity is performed.

(b) An SLP-A[A speech-language pathology assistant] shall be supervised by either:

1. A speech-language pathologist who holds a Kentucky license;

or

2. A speech-language pathologist who holds Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders.

(8) The supervisor shall provide information about the quality of the SLP-A's[speech-language pathology assistant's] performance with assigned tasks and verify that clinical activity is limited to tasks specified in the SLP-A's[speech-language pathology assistant's] scope of responsibilities.

(9) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on correct or incorrect judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

(10) Indirect supervision shall be required as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. Indirect supervision may include:

(a) Demonstration;

(b) Record review;

(c) Review and evaluation of audio or videotaped sessions; or

(d) Supervisory conferences that may be conducted by telephone.

(11) The minimum total of direct and indirect supervision as stated in KRS 334A.033 shall be required for each SLP-A[speech-language pathology assistant] and shall be documented. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

(12) An SLP-A[A speech-language pathology assistant] shall not provide direct services if a supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or some other immediate means.

(13) If, for any reason (including maternity leave, illness, or a change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the SLP-A's[speech-language pathology assistant's] supervisor.

(14) Although more than one (1) supervisor may provide supervision of an SLP-A[a speech-language pathology assistant], a supervisor shall not be listed as the supervisor of record for more than two (2) SLP-As[speech-language pathology assistants]. If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload that is theirs and each shall sign the "Application for Licensure Speech-Language Pathology Assistant", form DPL-SLPA-10 and "Postgraduate Professional Experience Report and Evaluation for Interim Speech-Language Pathology Assistant", form DPL-SLPA-06, incorporated by reference in 201 KAR 17:025.[license application and postgraduate professional experience report.]

Section 4.[Section 3.] Within thirty (30) days after completion of postgraduate professional experience, the applicant shall submit a complete "Application for Licensure Speech-Language Pathology Assistant", form DPL-SLPA-10.[application for licensure under this section.] The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the application and by submitting the "Postgraduate Professional Experience Report and Evaluation for Interim Speech-Language Pathology Assistant", form DPL-SLPA-06, incorporated by reference in 201 KAR 17:025.[Application for License.]

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

(1) The following material is incorporated by reference: "Application for Licensure Speech-Language Pathology Assistant", form DPL-SLPA-10, July 2026["Application for Licensure", July 2013, is incorporated by reference.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street,[2SC32.] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:034E

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for licensure are a speech-language pathology assistant.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 334A.030 and KRS 334A.033.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating application procedures and requirements for those seeking to become licensed as a speech-language pathology assistant.

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

(a) How the amendment will change this existing administrative

regulation: The amendment adds the statutory authority and language relating to the requirement that applicants seeking an initial license obtain a national and state criminal background investigation by the KSP and FBI; clarifies the application process requirements; incorporate required material that has not been previously incorporated by reference; uses abbreviations to breakdown lengthy sentences to reduce confusion and clarify meaning; clarifies requirements relating to licensee and supervisor duties regarding the evaluation of PPE and supervision; and, updates and incorporates required material.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary due to the enactment of KRS 334A.055 for background checks for licensure, and to clarify and streamline the process, as well as to update or incorporate required material not previously incorporated.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant and update or add material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for initial licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicant.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 17:036E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "[p]revent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency

amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair

ANDY BESHEAR, Governor

**BOARDS AND COMMISSIONS
Board Of Speech-Language Pathology And Audiology
(Emergency Amendment)**

201 KAR 17:036E. Requirements for licensure for an audiologist.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 334A.030, 334A.050, 334A.185, 334A.187

STATUTORY AUTHORITY: KRS 334A.050, 334A.055, 334A.080(3), 334A.185

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.050 and 334A.185 require the board to promulgate administrative regulations delineating education and experience criteria for licensure for audiologists. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes requirements for licensure for an audiologist.

Section 1. Application for Licensure. Each applicant for licensure as an audiologist shall:

(1) Submit an "Application for Licensure", form DPL-SLPA-04, incorporated by reference in 201 KAR 17:012;

(2) Pay the fee as established in 201 KAR 17:030;

(3) Submit an official academic transcript sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph.

~~Section 2.~~~~[Section 1.]~~ Education and Experience. Each applicant for licensure as an audiologist (AUD) in Kentucky shall meet the requirements established by this section.

(1)

(a) An applicant shall provide a certified transcript confirming attainment of a doctorate degree in the area of audiology or substantive equivalent as described in paragraph (b) of this subsection, from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(b) An applicant shall have equivalent education if the applicant holds:

1. A doctoral degree in audiology from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or

2. A master's degree from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association conferred before January 1, 2007.

(2) The applicant shall have passed a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services.

(3) ~~[Within thirty (30) days of obtaining employment, the applicant shall apply for full licensure.]~~

~~[(4)] An~~~~[In addition to fulfilling the requirements of this administrative regulation and paying the fees specified in 201 KAR 17:030, an]~~ applicant licensed in another state shall submit a letter of good standing from each state where the applicant is licensed.

[Section 2.] [Incorporation by Reference.]

[(1)] ["Application for Licensure", July 2013, is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

201 KAR 17:036E

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#4 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for licensure as an audiologist.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 334A.030, KRS 334A.050, and KRS 334A.185.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating application procedures and requirements for those seeking to become licensed as an audiologist

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

(a) How the amendment will change this existing administrative regulation: The amendment adds the statutory authority and language relating to the requirement that applicants seeking an initial license obtain a national and state criminal background investigation by the KSP and FBI; clarifies the application process requirements; and removes material incorporated by reference in another administrative regulation.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary due to the enactment of KRS 334A.055 for background checks for licensure, and to clarify and streamline the process, as well as to update references to amended material incorporated by reference in another administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant and update material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for initial licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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

anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 17:070E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair
ANDY BESHEAR, Governor

**BOARDS AND COMMISSIONS
Board of Speech-Language Pathology And Audiology
(Emergency Amendment)**

201 KAR 17:070E. Complaint procedure.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 334A.080(1), 334A.180

STATUTORY AUTHORITY: KRS 334A.055, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.180 establishes the causes for which disciplinary action may be taken against a licensee. KRS 334A.055 authorizes the board to require a criminal background check for any person licensed to engage in a profession authorized by the board who is the subject of a complaint

~~alleging prohibited conducts as described in KRS 334A.175. This administrative regulation establishes procedures for the filing, evaluation, and disposition of an administrative complaint.~~

Section 1. [Definitions.]

[(1)] ["Chairman" means the chairman or vice-chairman of the board.]

[(2)] ["Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 334A; the administrative regulations promulgated thereunder; or any other state or federal statute or regulation.]

[(3)] ["Complaint" means a written allegation of misconduct by a credentialed individual or other person which might constitute a violation of KRS Chapter 334A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.]

[(4)] ["Complaint screening committee" means a committee consisting of three (3) persons appointed by the chairman of the board to review complaints, investigate reports, and to participate in informal proceedings to resolve a formal complaint, and may include the executive director of the board or another staff member.]

[(5)] ["Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.]

[(6)] ["Informal proceedings" means the proceedings instituted at a stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.]

[(7)] ["Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.]

[Section 2.] Receipt of Complaints.

(1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity;

(b) Shall be:

1. In writing utilizing the "Complaint Form – Information Sheet – Authorization for Release of Medical and Client Records", form DPL-SLPA-11; and

2. The Complaint form shall be signed[Signed] by the person making[offering] the complaint; and

(c) May be filed by the board based upon information in its possession.

(2)

(a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(b) Upon receipt of a[his] copy of the written response of the individual named in the complaint, a copy of the[his] response shall be sent to the complainant. The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 2.[Section 3.] Initial Review.

(1) After the receipt of a complaint and the expiration of the period identified in Section 2(2) of this administrative regulation[for the individual's response], the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, the board shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, the board shall:

(a) Authorize an investigation into the matter; and

(b) Order a report to be made to the complaint screening committee at the earliest opportunity.

Section 3.[Section 4.] Results of Formal Investigation; Board Decision on Hearing.

(1)

(a) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint.

(b) The committee shall review the investigative report and make a recommendation to the board.

(c) The board shall determine whether:

1. There has been a prima facie violation of KRS Chapter 334A or the administrative regulations promulgated thereunder; and

2. A complaint shall be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, the board shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3)

(a) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee.

(b) A copy of the written admonishment shall be placed in the permanent file of the licensee.

(c) The licensee shall have the right to:

1. File a response in writing to the admonishment within thirty (30) days of its receipt and have the response placed in their[his] permanent file; or

2. File a request for a hearing with the board within thirty (30) days of the admonishment.

(d) Upon receipt of a[the] request for a hearing pursuant to subsection (c)2. above, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chair[chairman] and served upon the individual as required by KRS Chapter 13B.

(5) If the board determines that a person may be in violation of KRS 334A.030(2), the board shall:

(a) Order the individual to cease and desist from further violations of KRS 334A.030(2).and may:

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 334A.030(2) with a request that appropriate action be taken under KRS 334A.990; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 334A.030(2) pursuant to KRS 334A.990(2).

(6) The board may require a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) for any licensee who is the subject of a complaint alleging prohibited conduct as described in KRS 334A.175. The results shall be submitted directly to the board.

Section 4.[Section 5.] Settlement by Informal Proceedings.

(1) The board, through counsel and the complaint screening committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair[chairman].

(3) The board may employ mediation as a method of resolving the matter informally.

Section 5.~~[Section 6.]~~ Notice and Service Process. A notice required by KRS Chapter 334A or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 6.~~[Section 7.]~~ Notification. The board shall make public:
(1) Its final order in a disciplinary action under KRS 334A.180 with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation; and

(2) An action to restrain or enjoin a violation of KRS 334A.030(2).

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference: The "Complaint Form – Information Sheet – Authorization for Release of Medical and Client Records", DPL-SLPA-11, July 2026; is incorporated by reference.

(2) This material may be inspected, copied, or obtained subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:070E

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: sara.janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes complaint procedures for the board's administration of violations of statutes and regulations.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.180.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating complaint procedures for licensees who are alleged to have violated KRS Chapter 334A and 201 KAR Title 17.

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

(a) How the amendment will change this existing administrative regulation: The amendment adds language relating to the boards authority to require a licensee who is the subject of a complaint alleging prohibited conduct to obtain a national and state criminal background investigation by the KSP and FBI; strikes definitions which have been re-promulgated in a new administrative regulation on definitions and abbreviations; and incorporates the complaint form by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to give licensees notice of the board's authority to require a criminal background check, to place definitions in a central location, and to incorporate the complaint form by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information for processing a complaint and to incorporate material not previously incorporated by reference.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: A licensee who is the subject of a complaint may be required to have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): A licensee who is the subject of a complaint may be required to pay fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The board will have access to necessary information for processing a complaint against a licensee which promotes public safety; and the amendments will identify the necessary complaint form.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees

paid to the board directly. Indirectly, this administrative regulation increases fees paid by a licensee who is the subject of a complaint, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of

applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 26:118E.

Pursuant to KRS 13A.190(1)(a)3 and KRS 319.054, Article XV.B.1, this emergency administrative regulation is being promulgated to meet the requirements of the Board of Examiners of Psychology to review any rule adopted by the Psychology Interjurisdictional Compact Administrators pursuant to Article XI and XV of KRS 319.054 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Psychology Interjurisdictional Compact Administrators, as amended, and the bylaws. This emergency regulation is mandated to be filed along with an ordinary administrative regulation pursuant to KRS 319.054, Article XV.B.1. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor

LISA BOND, M.S., Board Chair

BOARDS AND COMMISSIONS Board of Examiners of Psychology (Emergency Amendment)

201 KAR 26:118E. Psychology interjurisdictional compact.

EFFECTIVE: August 12, 2026

RELATES TO: KRS 319.054

STATUTORY AUTHORITY: KRS 319.032, 319.054

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.054, Article XV.B.1. requires the Board of Examiners of Psychology to review any rule adopted by the Psychology Interjurisdictional Compact pursuant to Article XI of KRS 319.054 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Psychology Interjurisdictional Compact Administrators and the bylaws.

Section 1. The Board of Examiners of Psychology shall comply with all bylaws, rules, and administrative regulations of the Psychology Interjurisdictional Compact Administrators, which includes The Psychology Interjurisdictional Compact Rules as of October 9, 2019, and as amended and updated July 17, 2026~~[November 16, 2023]~~, and Bylaws as of July 22, 2019, and as amended November 16, 2023.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference.

(a) "The Psychology Interjurisdictional Compact (PSYPACT) Rules, PSYPACT Rules", October 9, 2019 through July 17, 2026~~[November 16, 2023]~~; and

(b) "The Psychology Interjurisdictional Compact (PSYPACT Bylaws)", Adopted July 22, 2019 and as revised on November 16, 2023;

(2)

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

(b) This material may also be obtained on the Board of Examiners of Psychology's Web site at <https://psy.ky.gov/>.

(3) This material may also be obtained at:

(a) The Psychology Interjurisdictional Compact Commission, 210 Market Road, Tyrone, GA 30290;

(b) <https://psypact.gov/page/governance>.

201 KAR 26.118 E

LISA BOND, M. S., Chair

APPROVED BY AGENCY: August 3, 2026

FILED WITH LRC: August 12, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 30, 2026, at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on September 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: Mark R. Brengelman, Board Counsel, Kentucky Board of Examiners of Psychology, 306 West Main Street, The McClure Building Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman, Phone Number: (502) 696-3992, Email: Mark@MarkRBrengelmanPLLC.attorney

Subject Headings: Licensing, Occupations and Professions, and Psychological Services.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements provisions of KRS 319.054, the Psychology Interjurisdictional Compact.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the statutory directive of KRS 319.054, Article XV B 1.

(c) How this administrative regulation conforms to the content

of the authorizing statutes: This administrative regulation conforms to the content of KRS 319.054, Article XV B 1, which requires rules adopted by the Psychology Interjurisdictional Compact to be promulgated as emergency administrative regulations pursuant to KRS Chapter 13A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by implementing the provisions of KRS 319.054, Article XV B 1.

(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 change the existing regulation by adopting amendments made to the PSYPACT Rules.

(b) The necessity of the amendment to this administrative regulation: KRS 319.054, Article XV B 1 requires the board to promulgate an emergency regulation adopting changes to the PSYPACT Rules.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statute by adopting changes to the PSYPACT Rules.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by complying with the requirements of KRS 319.054.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. 2021 KY. Acts Ch. 46, sec. 1.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the board, approximately 1,630 licensees regulated by the board and new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action is necessary by those impacted.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will remain in compliance with the Psychology Interjurisdictional Compact, which will allow those impacted to continue to receive the benefits thereof as it relates to multistate practice.

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

(a) Initially: There is no additional cost to the board to implement this regulation.

(b) On a continuing basis: There will be no additional cost to the board to implement this regulation on a continuing basis.

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

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

(10) TIERING: Is tiering applied? Tiering was not applied as the compact applies to all impacted individuals and entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 319.032, 319.054.

(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 319.054, Article XV.B.1.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology 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: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

2. Revenues:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

3. Cost Savings:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

(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 are no costs to the promulgating agency for adopting PSYPACT rules and no other entities are identified.

(b) Methodology and resources used to reach this conclusion: There are no administrative costs to the promulgating agency that are associated with adopting 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): This administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The promulgating agency will incur no costs, and no other entities are identified.

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

**STATEMENT OF EMERGENCY
201 KAR 28:060E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2 and KRS 319A.310 Section 3.A.5., this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Kentucky Board of Licensure for Occupational Therapy (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of professional occupational therapy, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)(2.). This emergency amended administrative regulation is temporary in nature and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

JILL PHELPS, Board Chair
ANDY BESHEAR, Governor

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

201 KAR 28:060E. Licensure, renewals, and reinstatements.

EFFECTIVE: July 15, 2026

RELATES TO: KRS 319A.075, 319A.080, 319A.100, 319A.110, 319A.120, 319A.140, 319A.150, 319A.160, 319A.170

STATUTORY AUTHORITY: KRS 319A.070(1), 319A.075, (3)(a), 319A.100, 319A.160, 319A.170

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.070(3)(a) authorizes the board to promulgate administrative regulations and administer the provisions of KRS Chapter 319A. KRS 319A.100 authorizes the board to issue a temporary permit to certain applicants for licensure. KRS 319A.170 requires the board to determine and collect licensure fees. KRS 319A.160 authorizes the board to set fees for renewal, late renewal, reinstatement, and activation of an inactive license. KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2, requires applicants seeking an initial license and to reinstate a license to obtain a national and state criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation sets forth the procedure by which applicants shall apply for, renew, or reinstate a temporary permit or license administered by the board under the provisions of KRS Chapter 319A.

Section 1. Initial Licensure. An applicant for licensure administered by the board who has not previously been licensed, certified, or registered in any state shall submit:

(1) A completed Application Form, DPL-OT-01, July 2026, ~~Form OTB-1~~;

(2)

(a) A certified copy of an official academic transcript from an occupational therapy or occupational therapy assistant program accredited by the ACOTE or its equivalent indicating that the applicant successfully completed educational and fieldwork requirements; or

(b) For applicants trained at an educational facility outside the United States, evidence of legal permission, as furnished by the U.S. Department of Immigration and Naturalization, for employment in the United States;

(3) Electronic or other verification by the NBCOT that the applicant has been certified as an OTR or COTA.[:]

~~[(a)] [Meets the requirements of certification as an OTR or COTA];~~

~~[(b)] [Is authorized to take the NBCOT or equivalent exam required by KRS 319A.120; or]~~

~~[(c)] [Has requested an official NBCOT Score Transfer Report be sent to the board.];~~

(4) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigations (FBI), and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph; and

(5) The appropriate fee for licensure:

(a) Fifty (50) dollars for an OT/L; or

(b) Thirty-five (35) dollars for an OTA/L; and

~~[(6)]~~(5) Evidence of successful~~[successful]~~ completion of the jurisprudence exam.

Section 2. Temporary Permit[Licensure].

(1) A temporary permit to practice may be issued to an applicant for licensure. An applicant for licensure may request a temporary permit by:

(a) Submitting~~[submitting]~~ the materials and fee required in Section 1(1), (2), (4), and (5)~~through 4(5)]~~ of this administrative regulation and a completed Supervision Temporary Permit Form, DPL-OT-02, July 2026, ~~Form OTB-2~~, signed by a licensed occupational therapist in good standing with the board.

(b) Providing electronic or other verification by the NBCOT that the applicant:

1. Meets the requirements for certification as an OTR or COTA;

2. Is authorized to take the NBCOT or equivalent exam required by KRS 319A.120; or

3. Has requested an official NBCOT Score Transfer Report be sent to the board.

(c) Providing evidence of successful completion of the jurisprudence exam.

(2) A temporary permit shall be valid for ninety (90) days, and shall be revoked by the Board upon notice that the temporary permit holder has had two (2) unsuccessful attempts to pass the NBCOT exam. [A temporary permit holder shall be licensed by the board upon successful completion of the jurisprudence exam.]

~~[(3)] [A temporary permit holder shall have the permit revoked upon two (2) unsuccessful attempts to pass the NBCOT exam.];~~

Section 3. Reciprocal Licensure. An applicant for licensure administered by the board that is or has been licensed, certified, or registered in another state shall submit:

(1) A completed Application Form, DPL-OT-01, July 2026, ~~Form OTB-1~~;

(2) An official statement from the body responsible for licensure of occupational therapists in every jurisdiction in which the applicant has held a license or credential that the individual is in good standing in that jurisdiction;

(3) A current copy of the certificate issued by the NBCOT stating that the individual met the initial requirements for certification as an OTR or a COTA;

(4) Evidence of successful completion of the jurisprudence exam; and

(5) The appropriate fee for licensure:

(a) Fifty (50) dollars for an OT/L; or

(b) Thirty-five (35) dollars for an OTA/L.

Section 4. License Renewal and Grace Period.

(1) An individual licensed by the board shall submit annually, on or before October 31:

(a) A completed Annual OT/OTA Renewal Application, DPL-OT-03, July 2026, ~~Form OTB-3~~;

(b) The appropriate fee for renewal:

1. Fifty (50) dollars for an OT/L;

2. Thirty-five (35) dollars for an OTA/L; and

(c) Evidence of completion of twelve (12) continuing competence units.

(2) An individual licensed by the board fewer than (90) days prior to the annual renewal date shall not be required to renew during the first year of licensure.

(3) An individual licensed by the board who has failed to renew as required by subsection (1) of this section shall be granted a sixty (60) day grace period to submit:

(a) All items required by subsection (1) of this section; and

(b) A late renewal fee of twenty-five (25) dollars.

Section 5. Expired and Inactive Licenses.

(1) A license not renewed by the conclusion of the grace period shall expire.

(2) The board shall send the individual holding a terminated license a notice of expiration with instructions to cease and desist the practice of occupational therapy.

(3) Pursuant to KRS 319A.160(10), a license may be placed in inactive status for up to three (3) years upon petition to the board on the Annual OT/OTA Renewal Application, DPL-OT-03, July 2026, ~~Form OTB-3~~. An individual holding an inactive license shall submit annually on or before October 31:

(a) The Annual OT/OTA Renewal Application, DPL-OT-03, July 2026, ~~Form OTB-3~~; and

(b) An inactive renewal fee of ten (10) dollars.

Section 6. License Reinstatement and Activation.

(1) An expired license shall be reinstated upon submission of:

(a) Completed Reinstatement Application, DPL-OT-04, July 2026, ~~Form OTB-4~~;

(b) Late renewal fee of twenty-five (25) dollars;

(c) Reinstatement fee of seventy-five (75) dollars;

(d) Documentation of employment from time of expiration to present;

(e) Documentation of current or initial certification by NBCOT or its equivalent;

(f) Completion of NBCOT or equivalent exam;~~and]~~

(g) Evidence of completion of continuing competence requirements pursuant to 201 KAR 28:200, Section 2(3)~~]; and~~

(h) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigations (FBI), and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph.

(2) An inactive license shall be reactivated upon submission of:

(a) Written notification to the board of the licensee's intent to return to active status;

(b) Identification of the licensee's proposed place of employment;

(c) Reinstatement fee of seventy-five (75) dollars; and

(d) Evidence of completion of continuing competence requirements pursuant to 201 KAR 28:200, Section 2(3).

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Section 7. License Termination.

- (1) A license not reinstated within five (5) years of expiration shall terminate.
- (2) Terminated licenses shall not be eligible for reinstatement.

Section 8. Incorporation by Reference.

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

- (a) "Application Form", DPL-OT-01, July 2026~~[Form OTB-1, (December 2018)]~~;
- (b) "Supervision Temporary Permit Form[.]", DPL-OT-02, July 2026~~[Form OTB-2, (September 2018)]~~;
- (c) "Annual OT/OTA Renewal Application[.]", DPL-OT-03, July 2026~~[Form OTB-3 (September 2018)]~~;
- (d) "Reinstatement Application", DPL-OT-04, July 2026~~[Form OTB-4; (September 2018)]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure of Occupational Therapy, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and located on the board's website at www.bot.ky.gov.

201 KAR 28:060E
JILL PHELPS, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026 at 11:00 AM, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Name: Catherine Falconer, Title: General Counsel, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2735 (office) Fax: (502) 564-4818 Email: catherine.falconer@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Catherine Falconer, General Counsel Phone: 502-782-2735 Email: catherine.falconer@ky.gov

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

- (1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the procedure by which applicants shall apply for, renew, or reinstate a temporary permit or license administered by the board under the provisions of KRS Chapter 319A.

(b) The necessity of this administrative regulation: This amendment is necessary to ensure compliance with the requirements of KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authorizing statute in KRS 319A.070(1)(a) to promulgate administrative regulations to carry out the provisions of KRS Chapter 319A.

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

providing specific guidance for the licensure 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: This amendment will incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Occupational Therapy Licensure Compact for licensees to obtain the privilege to practice in Kentucky and other Member States. This amendment also moves and adds necessary language to promote clarity, clarifies the length of a temporary permit as prescribed by statute, includes a reference to the Board's website, and updates the forms incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment will incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Occupational Therapy Licensure Compact for licensees to obtain the privilege to practice in Kentucky and other Member States. The other amendments are necessary to promote clarity.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authorizing statute in KRS 319A.070(1)(a) to promulgate administrative regulations to carry out the provisions of KRS Chapter 319A. This amendment is also in conformity with KRS 319A.070(3)(a), KRS 319A.100, KRS 319A.160, KRS 319A.170, and KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statutes by ensuring Kentucky is in compliance with KRS 319A.310 and KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 319A.310. Counseling Compact. Created 2022 Ky. Acts Ch. 127, sec. 1, effective July 14, 2022, and KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

(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 all new applicants for licensure as well as the 4,310 active licensees who must renew annually and the 88 inactive licensees who may apply for reinstatement.

(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: An applicant must have a criminal background investigation rereport by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(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 a cost to obtain a criminal background investigation report, which the Board understands to be as follows: \$20.00 for the KSP; \$18/00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00 for each applicant.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 319A.310 and the Occupational Therapy Licensure Compact, thus allowing Kentucky to advance toward its participation in the Compact that will allow Kentucky credential holders to obtain the privilege to practice in Member States.

(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 administrative regulation.

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

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

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

(10) TIERING: Is tiering applied? Tiering is not applied because this regulation applies to all applicants equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 319A.070(1)(a), KRS 319A.070(1)(c), and KRS 319A.310. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3 (the "Compacts Clause")) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1. and KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

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

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

1. Expenditures:

For the first year: No new expenditures are anticipated for the first year for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated for subsequent years for the Board. Expenditures for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No revenues are anticipated in the first year for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year. Based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 for the first year.

For subsequent years: No revenues are anticipated in subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years. Based on the average number of applicants paying a projected fee of \$40, the revenue is anticipated to be less than \$10,00 for subsequent years.

3. Cost Savings:

For the first year: Cost savings for the first year are unknown
For subsequent years: Cost savings for subsequent years are unknown.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement is an affected local identity.

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

1. Expenditures:

For the first year: Expenditures for the first year are unknown.
For subsequent years: Expenditures for the subsequent years are unknown.

2. Revenues:

For the first year: Revenues for the first year are unknown.
For subsequent years: Revenues for subsequent years are unknown.

3. Cost Savings:

For the first year: Cost savings for the first year are unknown
For subsequent years: Cost savings for subsequent years are unknown.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigations is an affected local entity.

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

1. Expenditures:

For the first year: Expenditures for the first year are unknown.
For subsequent years: Expenditures for subsequent years are unknown.

2. Revenues:

For the first year: No revenues are anticipated in the first year for the Board. This administrative regulation will generate revenue for the Federal Bureau of Investigations in the first year. Based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 for the first year.

For subsequent years: No revenues are anticipated in subsequent years for the Board. This administrative regulation will generate revenue for the Federal Bureau of Investigations in subsequent years. Based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 for subsequent years.

3. Cost Savings:

For the first year: Cost savings for the first year are unknown.
For subsequent years: Cost savings for subsequent years are unknown.

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants, is less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 33:015E.**

Pursuant to KRS 13A.190(1)(a)2. and KRS 310.095, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 36 which requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license or certification issued by the Board to engage in the practice of dietetics or nutrition, and applicants seeking to reinstate a license or certification. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 310.095 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

ERIN ELIASSEN, Board Chair
ANDY BESHEAR, Governor, Commonwealth of Kentucky

**BOARDS AND COMMISSIONS
Board of Licensure and Certification for Dietitians and
Nutritionists
(Emergency Amendment)**

201 KAR 33:015E. Application; approved programs.

EFFECTIVE: July 16, 2026

RELATES TO: KRS 310.021, 310.031(1), (2)

STATUTORY AUTHORITY: KRS 310.041(1), (2), (6), 310.095

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041 requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. KRS 310.095 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes the procedure for submitting an application for licensure, certification, or dual licensure as a nutritionist and as a dietitian; and establishes requirements for programs of study to be approved by the board.

Section 1. Application Requirements.

(1)

(a) For licensure to practice as a dietitian, an "Application for Credential", Form DPL-DN-001, shall be submitted the requirements established in KRS 310.021 are met. ~~[An Application for Licensure, Certification, or Dual Licensure shall be submitted for licensure to practice dietetics after the requirements established in KRS 310.021 are met.]~~

(b) ~~[(2)]~~ For certification to practice as a nutritionist, an "Application for Credential", Form DPL-DN-001, ~~[An Application for~~

~~Licensure, Certification, or Dual Licensure]~~ shall be submitted ~~[for certification to practice nutrition]~~ after the requirements established in KRS 310.031 are met.

~~(c) [(3)]~~ For a dual credential to practice as a dietitian and nutritionist, an "Application for Credential", Form DPL-DN-001, ~~[An Application for Licensure, Certification, or Dual Licensure]~~ shall be submitted ~~[for dual licensure to practice dietetics and nutrition]~~ after the requirements established in KRS 310.021 and 310.031 are met.

~~(2) [(4)]~~ Each ~~application~~ Application for Licensure, Certification, or Dual Licensure] shall be accompanied by the nonrefundable application fee, established in 201 KAR 33:010.

~~(3) [(5)]~~ Each application shall be signed by the applicant.

~~(4) [(6)]~~

~~[(a)]~~ Each application to practice as a dietitian ~~[dietetics]~~ and each application for a dual credential under KRS 310.021 ~~[licensure]~~ shall include:

~~(a) [(4-)]~~ A copy of the applicant's current dietitian registration card issued by the Commission on Dietetic Registration; ~~or~~

~~(b) [(2-)]~~ A letter from the Commission on Dietetic Registration indicating successful completion of the registration examination; ~~or~~

~~(c) [(3-)]~~ A registered dietitian Credential Verification Statement from the Commission on Dietetic Registration.

~~[(b)]~~ ~~[An Academy of Nutrition and Dietetics membership card shall not constitute compliance with paragraph (a)1. of this subsection.]~~

~~(5)~~ Each application to practice as a dietitian, including an application for a dual credential, shall include the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

~~(6) [(7)]~~ Each application to practice as a nutritionist ~~[nutrition and each application for dual licensure]~~ shall include:

~~(a) A~~ (a) ~~certified copy of the applicant's official baccalaureate transcript and master's transcript demonstrating satisfaction of the criteria provided in KRS 310.031(2)(a); and~~ ~~or]~~

~~(b) Meet~~ the requirements of an approved program as provided in Section 2 of this administrative regulation; or

~~(c) Meet~~ meet the criteria established in KRS 310.031 ~~[KRS 310.031(3)].~~

~~(7) [(8)]~~ If the applicant is or was licensed or certified ~~[registered]~~ in another jurisdiction, the applicant shall:

~~(a)~~ List each jurisdiction and license or certification ~~[registration]~~ number;

~~(b)~~ Provide a complete licensure or certification disciplinary history; and

~~(c)~~ Provide license verification documentation from each respective jurisdiction that has been created by the respective jurisdiction within the sixty (60) days prior to the submission of the application, which is not a license card or other initial license document, and which includes ~~[is]:~~

1. The applicant's name;

2. License or certification number;

3. License or certification status;

4. License or certification expiration date; and

5. Any disciplinary action or conditions on the license or certification.

~~[(4-)]~~ ~~[Created by each respective jurisdiction within the sixty (60) days prior to the submission of the application; and]~~

~~[(2-)]~~ ~~[Is not a license card, scroll, initial certificate, diploma, or other initial license document.]~~

Section 2. Approved Programs.

(1) A baccalaureate degree from a college or university approved by the board pursuant to KRS 310.021(3) or 310.031(2)(a) shall be a degree program that is listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics.

(2) If an applicant's baccalaureate degree is not listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics, then the applicant shall demonstrate at least forty-five (45) semester hours or sixty-eight (68) quarter hours, as evidenced

by a certified copy of an academic transcript, of coursework at the baccalaureate or graduate level in addition to the hours required by KRS 310.031(2)(b). The coursework shall include content specific to each of the following areas:

- (a) Communication;
- (b) Counseling;
- (c) Physical and biological sciences;
- (d) Social sciences;
- (e) Research;
- (f) Food composition;
- (g) Nutrient metabolism;
- (h) Food systems management;
- (i) Nutrition therapy;
- (j) Lifecycle nutrition; and
- (k) Healthcare systems.

(3) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall include only didactic hours of graduate credit specifically related to human nutrition. Examples include:

- (a) Food sources of nutrients;
- (b) Physiological and chemical processes of digestion, absorption, and metabolism;
- (c) Nutrient needs throughout the life cycle;
- (d) Nutrition assessment processes;
- (e) Pathophysiology of disease states;
- (f) ~~Nutrition~~~~Medical-nutrition~~ therapy;
- (g) Nutrient needs in exercise and fitness; and
- (h) Nutrition in health and wellness.

(4) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall not include practicum, courses that are primarily obtained from work experiences, independent study, thesis, or dissertation credit hours.

Section 3. Incorporation by Reference.

(1) "Application for Credential", Form DPL-DN-01, July 2026["Application for Licensure, Certification, or Dual Licensure", January 2022], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists, 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 <https://bdn.ky.gov/>.

201 KAR 33:015E
ERIN ELIASSEN, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 1:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Dietitians and Nutritionists, Boards and Commissions, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 310.041 requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the "board") to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for institutions to be approved by the board.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 310.041(1), (2), and (6).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 310.041(1) requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for programs of study to be approved by the board.

(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 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(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 re-organizes and clarifies the existing administrative regulation to eliminate repetitious language and streamline requirements for licensure or certification; adds the requirement of a criminal background investigation by the KSP and FBI pursuant to KRS 310.095; adds the requirement of a baccalaureate transcript for an application as a nutritionist, as required by KRS 310.031(2)(a); and changes one (1) graduate credit requirement to update for more current curriculum requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update the application requirements and material incorporated by reference to include the KSP and FBI criminal background investigation which becomes necessary for licensure or certification on July 15, 2026, due to the enactment of KRS 310.095.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 310.041(1) requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 310.095, Created 2026 Ky. Acts Ch. 33, sec. 3, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2436 active and 76 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants for licensure or certification will have to provide a criminal background investigation performed by the KSP and FBI within the last sixty (60) days of the application. The applicant must pay any required fee and have the investigation sent directly to the board.

(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 a cost for the application for a credential, however, that cost has not increased. However, there will be a cost to obtain a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 310.095 and the Dietitian Licensure Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially: No costs are anticipated by the administrative body to implement these changes.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

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

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 310.041(5), 310.050, and 310.095.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. Amended 2008 Ky. Acts Ch. 51, sec. 1, effective July 15, 2008. -- Amended 1996 Ky. Acts Ch. 318, sec. 250, effective July 15, 1996. -- Created 1994 Ky. Acts Ch. 319, sec. 5, effective July 15, 1994, and Amended 2022 Ky. Acts Ch. 79, sec. 1, effective July 14, 2022. -- Amended 2008 Ky. Acts Ch. 51, sec. 2, effective July 15, 2008. -- Amended 1994 Ky. Acts Ch. 319, sec. 8, effective July 15, 1994. -- Created 1988 Ky. Acts Ch. 246, sec. 5, effective July 15, 1988, and 2026 Ky. Acts Ch. 33, Section 3, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists and the Department of Kentucky State Police.

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

1. Expenditures:

For the first year: There are no expenditures anticipated in the first year.

For subsequent years: There are no expenditures anticipated in subsequent years.

2. Revenues:

For the first year: This administrative regulation will generate revenue for the Kentucky State Police in the first year and based on

the average number of anticipated applicants and the projected fee of \$20, revenue would be less than \$10,000.

For subsequent years: This administrative regulation will generate revenue for the Kentucky State Police in subsequent years and based on the average number of anticipated applicants and the projected fee of \$20, revenue would be less than \$10,000.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): It is possible it will affect local police departments.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: For the first year: This administrative regulation may generate revenue for local police departments in the first year. We are unable to estimate the anticipated revenue in the first year.

For subsequent years: For the first year: This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent years.

3. Cost Savings:

For the first year: Unknown.

For subsequent years: Unknown.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year and based on the average number of anticipated applicants and the projected fee of \$18, revenue would be less than \$10,000.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years and based on the average number of anticipated applicants and the projected fee of \$18, revenue would be less than \$10,000.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with those fees, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 33:020E.**

Pursuant to KRS 13A.190(1)(a)2. and KRS 310.095, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 36 which requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license or certification issued by the Board to engage in the practice of dietetics or nutrition, and applicants seeking to reinstate a license or certification. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 310.095 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

ERIN ELIASSEN, Board Chair
ANDY BESHEAR, Governor

**BOARDS AND COMMISSIONS
Board of Licensure and Certification for Dietitians and
Nutritionists
(Emergency Amendment)**

**201 KAR 33:020E. Renewals, late renewal, revocation,
inactive status, and reinstatement.**

EFFECTIVE: July 16, 2026

RELATES TO: KRS 310.041

STATUTORY AUTHORITY: KRS 310.041, 310.050, 310.095

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.050(1) requires the board to promulgate administrative regulations establishing procedures for annual renewal of licenses and certificates. KRS 310.095 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by means of a fingerprint check by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes procedures for annual renewal, late renewal, revocation, inactive status and reinstatement of licenses and certificates.

Section 1. Renewal.~~[Regular Renewal.]~~

(1) A credential shall be renewed on or before October 31 of each year.

(2) An initial credential issued within ninety (90) days of October 31 shall be renewed on or before October 31 of the following year.~~[A licensed dietitian or certified nutritionist shall annually, before November 1.]~~

(3) To apply for renewal, a credential holder shall:

(a) Submit~~[submit]~~ a completed Renewal Application, DPL-DN-02; and

(b) Pay~~[pay]~~ to the board the renewal fee established by 201 KAR 33:010, Section 2, for the renewal of the license or certificate.

~~[(2)] [Except as provided under Section 2 of this administrative regulation, if a license or certificate is not renewed before November 1 of each year, it shall expire.]~~

~~(c)[(3)] Document compliance~~~~[Compliance]~~ with continuing education requirements ~~established~~~~[shall be documented as provided]~~ by 201 KAR 33:030.~~[Compliance with continuing education requirements shall be documented as provided by 201 KAR 33:030.]~~

Section 2. Grace Period and Late Renewal.~~[and the Grace Period.]~~

(1) A sixty (60) day grace period shall be allowed beginning November 1, during which a licensee or certificate holder may renew his or her license or certificate upon payment of the renewal fee plus the late renewal fee established by 201 KAR 33:010, Section 2.

~~[(2)]~~

~~[(a)]~~ A licensee or certificate holder may continue to practice during the sixty (60) day grace period.

~~[(b)] [Upon request of the employer, a licensee or certificate holder practicing in accordance with paragraph (a) of this subsection shall present evidence of a valid pre-existing license or certificate.]~~

~~(2)[(3)]~~ A person requesting renewal~~[of a certification or licensure]~~ during the sixty (60) day grace period shall comply with the continuing education requirements as required by KRS 310.050(3) and as specified by 201 KAR 33:030.

Section 3. Automatic Revocation. Failure to renew during the grace period shall result in automatic revocation of the license or certification~~[Upon revocation]~~ as set forth by KRS 310.050(4), and a licensee or certificate holder shall no longer be eligible to practice in the Commonwealth.

Section 4. Renewal of Inactive Status. A credential holder who has elected to hold the credential in an inactive status shall annually renew the inactive status during the renewal period and pay the fee set forth in 201 KAR 33:010, Section 3(1).

Section 5. Licensure and Certification Reinstatement. After the sixty (60) day grace period, a license or certificate that was~~[which has been]~~ automatically revoked due to failure to renew~~[.]~~ shall be reinstated if the licensee or certificate holder has:

(1) Submitted a complete Reinstatement Application, DPL-DN-03;

(2) Paid the renewal fee plus a reinstatement fee as set forth by 201 KAR 33:010; and

(3) Documented that he or she has complied with the continuing education requirements established by 201 KAR 33:030.

(4) For an application for reinstatement to practice as a dietitian or a dual credential, the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) shall submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

(5) Any person who fails to apply for reinstatement within three (3) years of termination or revocation of the credential shall apply for a new license or certification and shall meet the current licensure or certification requirements.

Section 6.~~[Section—5.]~~ Address and Contact Information Changes.

~~[(1)]~~ A credential~~[licensee or certificate]~~ holder shall submit any change in the credential holder's name, a current address, phone number or email address to the board ~~[office by letter]~~ within thirty (30) days of any ~~such~~~~[an address]~~ change.

~~[(2)]~~ ~~[The letter shall include the licensee's or certificate holder's name, new address, phone number, and license or certificate number.]~~

~~[(3)]~~ ~~[Changes to other contact information such as the licensee's or certificate holder's name, email address, or phone number shall require the licensee or certificate holder to submit the current contact information to the board office by letter within thirty~~

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

~~(30) days of the changed contact information. The letter shall include the updated contact information and the license or certificate number.]~~

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

(1) The following material is incorporated by reference:

(a) "Renewal Application", DPL-DN-02, July 2026, [November 2015]; and

(b) "Reinstatement Application", DPL-DN-03, July 2026, [November 2015].

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists, 500 Mero Street, 2 SC 32 [911 Leawood Drive], Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. [8 a.m.] to 4:30 p.m. [5 p.m.] or

(b) This material may also be obtained at the Board of Licensure and Certification for Dietitians and Nutritionists at <https://bdn.ky.gov>.

201 KAR 33:020E

ERIN ELIASSEN, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 1:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov
Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Dietitians and Nutritionists, Boards and Commissions, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes the renewal, late renewal, revocation, inactive status and reinstatement process for current and former dietitians and nutritionists.

(b) The necessity of this administrative regulation: The necessity of this regulation is to establish the renewal, late renewal, revocation, inactive status, and reinstatement process for current and former dietitians and nutritionists application process and requirements to be licensed or certified by the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding renewal and the continuing education requirement for a credential holder.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist credential holders of the requirements related to renewal, reinstatement, inactive status and reinstatement of credentials by the board.

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

(a) How the amendment will change this existing administrative regulation: The amendment retitles the administrative regulation to include late renewal, revocation, inactive status and renewal by reinstatement which were previously included in the regulation but not identified; adds the requirement of a criminal background investigation by the KSP and FBI pursuant to KRS 310.095; reorganizes and clarifies the existing administrative regulation to streamline requirements for renewal, late renewal, revocation, inactive status and renewal by reinstatement; and adds a provision that any person who fails to apply for reinstatement within three (3) years of termination or revocation shall apply for a new license or certification and meet current credentialing standards.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to identify all licensure and certification issues included in the administrative regulation, update the application requirements for reinstatement, and material incorporated by reference, to include the KSP and FBI criminal background investigation which becomes necessary for reinstatement on July 15, 2026, due to the enactment of 2026 HB 36, and to establish a new standard requiring application for a new credential when more than three (3) years has lapsed since expiration of a credential.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 310.041(1) requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 310.095, Created 2026 Ky. Acts Ch. 33, sec. 3, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2436 active and 76 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants for reinstatement will have to provide a criminal background investigation performed by the KSP and FBI within the last sixty (60) days of the application. The applicant must pay any required fee and have the investigation sent directly to the board. Also, applicants whose credential has been expired for more than three (3) years must apply for a new credential and meet current standards.

(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 a cost for renewal, late renewal, inactive status renewal and reinstatement, however, those costs have not increased. However, to obtain a criminal background check, which the board understands the fees to be as follows: \$20.00 for the

KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 310.095 and the Dietitian Licensure Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Also, the entities will benefit by the three (3) year limit on reinstatement after expiration of the credential since the statute requirements to pay all renewal fees since the last renewal can lead to large fees to reinstate.

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

(a) Initially: No costs are anticipated by the administrative body to implement these changes.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

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

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 310.041(1), (2), (6) and 310.050.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, Amended 2022 Ky. Acts Ch. 79, sec. 1, effective July 14, 2022. -- Amended 2008 Ky. Acts Ch. 51, sec. 2, effective July 15, 2008. -- Amended 1994 Ky. Acts Ch. 319, sec. 8, effective July 15, 1994. -- Created 1988 Ky. Acts Ch. 246, sec. 5, effective July 15, 1988. -- Created 2026 Ky. Acts Ch. 33, sec. 3, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists and the Department of Kentucky State Police.

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

1. Expenditures:

For the first year: There are no expenditures anticipated in the first year.

For subsequent years: There are no expenditures anticipated in subsequent years.

2. Revenues:

For the first year: This administrative regulation will generate revenue for the Kentucky State Police in the first year and based

on the average number of anticipated applicants and the projected fee of \$20, revenue would be less than \$10,000.

For subsequent years: This administrative regulation will generate revenue for the Kentucky State Police in subsequent years and based on the average number of anticipated applicants and the projected fee of \$20, revenue would be less than \$10,000.

3. Cost Savings:

For the first year:

For subsequent years:

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): It is possible it will affect local police departments.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for local police departments in the first year. We are unable to estimate the anticipated revenue in the first year.

For subsequent years: This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent years.

3. Cost Savings:

For the first year: Unknown.

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year and based on the average number of anticipated applicants and the projected fee of \$18, revenue would be less than \$10,000.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years and based on the average number of anticipated applicants and the projected fee of \$18, revenue would be less than \$10,000.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with those fees, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

**STATEMENT OF EMERGENCY
201 KAR 36:070E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 335.517, and KRS 335.560. SECTION 16.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Kentucky Board of Licensed Professional Counselors (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of professional counseling, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 335.517 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "[p]revent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)(2.). This emergency amended administrative regulation is temporary in nature and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

DENISE HUTCHINS, Board Chair
ANDY BESHEAR, Governor, Commonwealth of Kentucky

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

201 KAR 36:070E. Application, education, and examination requirements.

EFFECTIVE: July 15, 2026

RELATES TO: KRS 335.500, 335.517, 335.525(1)(c), (d), (f), 335.527(1)(a), 335.560, 335B.020

STATUTORY AUTHORITY: KRS 335.515(1), (3), 335.517

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(3) requires the board to promulgate administrative regulations to carry out and enforce the provisions of KRS 335.500 to 335.599. KRS 335.525(1)(c) requires that applicants for licensure shall have received a master's, specialist, or doctoral degree in counseling or a related field from a regionally-accredited institution. KRS 335.525(1)(d) requires that applicants for licensure shall have sixty (60) graduate semester hours in specified areas. KRS 335.527(1)(a) requires that applicants for licensure shall have received a master's, specialist, or doctoral degree in counseling or a related field from a regionally-accredited institution and sixty (60) graduate hours in specified areas. KRS 335.525(1)(f) requires that applicants achieve passing scores on the examination required by the board. KRS 335.517 requires applicants seeking an initial license issued by the board to obtain a national and state criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. This administrative regulation establishes the application, education, and examination requirements for licensure.

Section 1.

(1) Degree in Counseling. To qualify as a degree in counseling under KRS 335.525(1)(c) or 335.527(1)(a), a degree shall:

(a) Clearly indicate that it is a degree in counseling from a counseling program as evidenced by the description in the program's catalogues and brochures outlining the intent to educate and train the individual for the practice of professional counseling as defined in KRS 335.500(5);

(b) Include the word counseling in the name of the degree, the academic program of study, or the major field of study;

(c) Be from a counseling program that stands as a recognizable organizational entity within the institution and has a counseling faculty who identify with the professional counseling profession; and

(d) Include practicum or internship experience of at least 600 hours in a counseling program that stands as a recognizable organizational entity within the institution and that has a counseling faculty who identify with the professional counseling profession.

(2) Degree in a related field.

(a) To qualify as a degree in a related field under KRS 335.525(1)(c) or 335.527(1)(a), a degree shall:

1. Be awarded from an academic program of study for the degree that follows an organized sequence of graduate coursework with at least one (1) course in each of the nine (9) content areas established in KRS 335.525(1)(d) or 335.527(1)(a);

2. Include an academic course taken as part of the curriculum of the degree on professional orientation and ethics with the concentration on the American Counseling Association Code of Ethics; and

3. Include practicum or internship experience of at least 600 hours in a counseling program that stands as a recognizable organizational entity within the institution and that has a counseling faculty who identify with the professional counseling profession.

(b) The degree shall be designed to educate and train the individual for the practice of professional counseling as defined by KRS 335.500(5).

(3) Examples of degrees that shall not be accepted as a degree in counseling or a degree in a related field for purposes of licensure include a degree in clinical psychology, forensic psychology, psychology, Christian psychology, biblical counseling, pastoral counseling, marriage and family therapy, art or dance therapy, social work, criminal justice, or special education.

(4) If an applicant proffers a degree in a related field, the applicant shall also provide evidence of additional graduate coursework in each area listed in KRS 335.525(1)(d)1-9 or, if that applicant is applying for endorsement, in each area listed in KRS 335.527(1)(a)1-9 that is not included in the applicant's degree. The coursework in the degree program, in addition to the other coursework, shall demonstrate that the applicant has documented coursework in all nine (9) of the content areas listed in KRS 335.525(1)(d) or, if that applicant is applying for endorsement, in all nine (9) of the content areas listed in KRS 335.527(1)(a).

(5) The graduate hour requirement of KRS 335.525(1)(d) and 335.527(1)(a) shall be semester hours. A minimum of ninety (90) quarter hours shall be equivalent to sixty (60) graduate semester hours.

Section 2. Accreditation.

(1) All coursework submitted for licensure shall be from a regionally accredited educational institution.

(2) An applicant shall have a degree from a program that is accredited by the Council on Accreditation of Counseling and Related Programs (CACREP). This requirement shall not apply to an applicant who:

(a) Is enrolled in a counseling or a related field program on or before January 15, 2015;

(b) Maintains continuous enrollment; and

(c) Receives a degree in the counseling or a related field program no later than May 31, 2020.

(3) If an applicant needs to acquire additional hours, the hours shall be from a CACREP-accredited program.

Section 3. Examination. An applicant for licensure as a licensed professional clinical counselor shall obtain a passing score on the National Counselor Examination for Licensure and Certification (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE).

Section 4. Application for Licensure.

(1)

(a) Each applicant for licensure as a licensed professional clinical counselor shall:

1. Submit an "Application for Licensed Professional Clinical Counselor", DPL-LPC-04, July 2026 to the board;

2. Pay the fee as established in 201 KAR 36:020;

3. Submit proof of passage of one (1) of the examinations required under Section 3 of this administrative regulation;

4. Complete coursework in each of the following curriculum content areas:

a. The helping relationship, including theory and practice, which provides an understanding of counseling and consultation processes, and includes:

(i) Counseling and consultation theories including both individual and systems perspectives as well as coverage of relevant research and factors considered in applications;

(ii) Basic interviewing, assessment, and counseling skills;

(iii) Counselor or consultant characteristics and behaviors that influence professional counseling relationships, including age, gender, and ethnic differences; verbal and nonverbal behaviors; and personal characteristics, orientations, and skills;

(iv) Client or consultee characteristics and behaviors that influence professional counseling relationships, including age, gender, ethnic differences, verbal and nonverbal behaviors, and personal characteristics, orientations, and skills; and

(v) Ethical considerations;

b. Human growth and development that provides an understanding of the nature and needs of individuals at all developmental levels, and includes:

(i) Theories of individual and family development and transitions across the life span;

(ii) Theories of learning and personality development;

(iii) Human behavior, including an understanding of developmental crises, disability, addictive behavior, psychopathology and environmental factors, normal and abnormal behavior;

(iv) Counseling strategies for facilitating development over the life span; and

(v) Ethical considerations;

c. Lifestyle and career development that provides an understanding of career counseling, development and related factors. Coursework shall include:

(i) Career-counseling theories and decision-making models;

(ii) Career, vocational educational and labor market information resources; visual and print media and computer-based career information systems;

(iii) Career-counseling program planning, organization, implementation, administration, and evaluation;

(iv) Interrelationships among work, family, and other life roles and factors, including multicultural and gender issues as related to career counseling;

(v) Career and educational placement counseling, follow-up and evaluation; assessment instruments and techniques relevant to career counseling;

(vi) Computer-based career-development applications and strategies, including computer-assisted career-counseling systems;

(vii) Career-counseling processes, techniques, and resources, including those applicable to specific populations; and

(viii) Ethical considerations;

d. Group dynamics, process, counseling, and consulting that provides an understanding of group development, dynamics, and counseling theories; group counseling methods and skills; and other group work approaches. Coursework shall include:

(i) Principals of group dynamics, including group counseling components, developmental stage theories, and group members' roles and behaviors;

(ii) Group leadership styles and approaches, including characteristics of various types of group leaders and leadership styles;

(iii) Theories of group counseling, including commonalities, distinguishing characteristics, and pertinent research and literature;

(iv) Group counseling methods, including group counselor orientations and behaviors, ethical standards, appropriate selection criteria and methods of evaluation of effectiveness;

(v) Approaches used for other types of group work in counseling, including task groups, prevention groups, support groups, and therapy groups; and

(vi) Ethical considerations;

e. Assessment, appraisal, and testing of individuals that provides an understanding of individual and group approaches to assessment and evaluation in counseling practice. Coursework shall include:

(i) Theoretical and historical bases for assessment techniques in counseling;

(ii) Validity, including evidence for establishing content, construct, and empirical validity;

(iii) Reliability, including methods of establishing stability, internal, and equivalence reliability;

(iv) Appraisal methods, including environmental assessment, performance assessment, individual and group test and inventory methods, behavioral observations, and computer-managed and computer-assisted methods;

(v) Psychometric statistics, including types of assessment scores, measures of central tendency, indices of variability, standard errors, and correlations;

(vi) Age, gender, ethnicity, language, disability, and cultural factors assessment and evaluation in counseling services;

(vii) Strategies for selecting, administering, interpreting, and using assessment and evaluation instruments and techniques in counseling; and

(viii) Ethical considerations;

f. Social and cultural foundations, including multicultural issues that provide an understanding of issues and trends in a multicultural and diverse society that impact professional counselors and the counseling profession. Coursework shall include:

(i) Multicultural and pluralistic trends, including characteristics and concerns of counseling individuals from diverse groups;

(ii) Attitudes and behavior based on factors such as age, race, religious preferences, physical disability, sexual orientation, ethnicity, culture, family patterns, gender, socioeconomic status, and intellectual ability;

(iii) Individual, family, and group counseling strategies with diverse populations; and

(iv) Ethical considerations;

g. Principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior that provides an understanding of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior. Coursework shall include:

(i) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, and the most current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM);

(ii) Established diagnostic criteria for mental and emotional disorders, and treatment modalities and placement criteria within the continuum of care;

(iii) Etiology of addiction and co-occurring disorders and the impact of co-occurring substance use disorders on medical and psychological disorders;

(iv) Etiology, the diagnostic process and nomenclature, treatment, referral, and prevention of mental and emotional disorders; and

(v) Principles, models, and documentation formats of biopsychosocial case conceptualization and treatment planning;

h. A research and evaluation course that provides an understanding of types of research methods, basic statistics, and ethical and legal consideration in research. Coursework shall include:

(i) Basic types of research methods to include qualitative and quantitative research designs;

(ii) Basic parametric and nonparametric statistics;

(iii) Principles, practices, and applications of needs assessment and program evaluation;

(iv) Uses of computers for data management and analysis; and

(v) Ethical and legal considerations;

i. Professional orientation to counseling is a course that provides an understanding of the professional counselor profession and provides an understanding of all aspects of professional functioning, including history, roles, organizational structures, ethics, standards, and credentialing. Coursework shall include:

(i) History of the counseling profession, including significant factors and events;

(ii) Professional roles and functions of mental health counselors, including similarities and differences with other types of professionals;

(iii) Professional organizations (primarily the American Counseling Association (ACA), its divisions, branches, and affiliates), including membership benefits, activities, services to members, and current emphases;

(iv) Ethical standards of the National Board of Certified Counselors (NBCC) or the ACA and related ethical and legal issues, and the applications to various professional activities, including appraisals or group work;

(v) Professional counselor preparation standards, the evolution and current applications;

(vi) Professional counselor credentialing, including counselor certification, licensure, and accreditation practices and standards, and the effects of public policy on these issues; and

(vii) Public policy processes, including the role of the professional counselor in advocating on behalf of the profession and its clientele; and

j. Practicum or internship experiences shall be for a minimum of two (2) semester courses and provide supervised counseling experience in an appropriate clinical setting, which shall include:

(i) 600 clock hours of total experience;

(ii) At least 240 clock hours of direct service, which include diagnosis, treatment planning, assessment, techniques, and intervention, and experience leading groups;

(iii) Weekly interaction that averages one (1) hour per week of individual or triadic supervision throughout the internship, usually performed by the onsite supervisor;

(iv) An average of one and one-half (1 1/2) hours per week of group supervision provided on a regular schedule throughout the internship and performed by a licensed program faculty member;

(v) The opportunity for the student to become familiar with a variety of professional activities and resources in addition to direct service, including record keeping, assessment instruments, supervision, information and referral, and in-service and staff meetings;

(vi) The opportunity for the student to develop program-appropriate audio or video recordings for use in supervision or to receive live supervision of his or her interactions with clients; and

(vii) Evaluation of the student's counseling performance throughout the internship, including documentation of a formal evaluation after the student completes the internship by a program faculty member in consultation with the site supervisor;

5. Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph; and~~Submit the results of a background check performed within the last ninety (90) days by the Federal Bureau of Investigation (FBI). Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph. If an applicant does not receive the criminal background check within 180 days of the issuance of a license, the applicant shall notify the board immediately in writing; and~~

6. Submit a copy of the course description or syllabi for the courses taken to satisfy KRS 335.525(1)(d) or 335.527(1)(a) if the degree in counseling or the degree in a related field is not from a CACREP accredited institution.

(b) If applying for licensure via endorsement, an applicant shall:

1. Meet the requirements in paragraph (a)1. and 2. of this subsection; and

2. Submit an official transcript.

(2) Each applicant for licensure as a licensed professional counselor associate shall:

(a) Submit an "Application for Licensed Professional Counselor Associate", DPL-LPC-05, July 2026 to the board;

(b) Pay the fee as established in 201 KAR 36:020;

(c) Submit an official transcript;

(d) Satisfy the requirements of subsection (1)(a)4. of this section;

(e) Submit the results of a national and state criminal background investigation~~check~~by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph~~paragraph~~; and

(f) Submit a copy of each syllabi for the courses taken to satisfy KRS 335.525(1)(d) or 335.527(1)(a) if the degree in counseling or degree in a related field is not from a CACREP accredited institution.

Section 5.

(1) An applicant for licensure shall be of good moral character. If an applicant lacks good moral character, the applicant has the duty to provide available evidence relative of rehabilitation.

(2) For evidence relative of rehabilitation, the board may consider relevant evidence including the successful completion of probation, the years since the incident without additional incidents, and the successful completion of inpatient or outpatient treatment.

(3) If the board finds that an applicant has not provided sufficient evidence of rehabilitation then the board may deny the application.

Section 6. Denial of Licensure. The board may refuse to issue, renew, or reinstate a license if the applicant:

(1) Committed fraud or misrepresentation in applying for a license in this state or another state;

(2) Has been convicted of:

(a) A misdemeanor within the last five (5) years, except for minor traffic offenses and in compliance with KRS 335B.020; or

(b) Any felony offense; or

(c) A crime involving moral turpitude, including a substantiated charge of child abuse or neglect pursuant to KRS Chapter 620; adult abuse, neglect or exploitation pursuant to KRS Chapter 209; or a crime classified as domestic violence, a sex offense or stalking;

(3) Is a respondent in a case with an active order of protection following notice and an opportunity to be heard pursuant to KRS Chapter 403 or KRS Chapter 456;

(4) Does not meet the qualifications as prescribed in KRS Chapter 335 and 201 KAR Title 36;

(5) Has been declared incompetent by a qualified mental health professional appointed by the board or by a court of competent jurisdiction, including those subject to KRS Chapter 202A and Chapter 387 proceedings; or

(6) Has engaged in fraud, dishonesty, or corruption on a certification of examination in this state or another state.

Section 7.

(1) The board may approve remedial work to correct any deficiency to satisfy Sections 1 and 4 of this administrative regulation.

(2) The board shall not approve remedial work for degrees listed in Section 1(3) of this administrative regulation.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Licensed Professional Clinical Counselor", DPL-LPC-04, July 2026~~December 2023~~; and

(b) "Application for Licensed Professional Counselor Associate", DPL-LPC-05, July 2026~~December 2023~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, Monday

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

through Friday, 8 a.m. to 4:30[4:00] p.m. This material is also available on the board's Web site at ipc.ky.gov.

201 KAR 36:070E
DENISE HUTCHINS, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 2:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov
Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

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

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application, education, and examination requirements to qualify for licensure.

(b) The necessity of this administrative regulation: This administrative regulation enables the board to evaluate an applicant's qualifications by establishing the application, education, and examination requirements for licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.525(1)(b) requires that an applicant is of good moral character. KRS 335.525(1)(c) requires that applicants for licensure shall have received a master's or doctoral degree in counseling or a related field from a regionally-accredited institution. KRS 335.525(1)(d) requires that applicants for licensure shall have sixty (60) graduate semester hours in specified areas. KRS 335.525(1)(f) requires that applicants achieve passing scores on the examination required by the Board. KRS 335.515(3) authorizes the board to promulgate administrative regulations necessary to carry out the provisions of KRS 335.500 to 335.599.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation specifies the types of education and examination that are acceptable for licensure, as well as certain grounds for denial of licensure, renewal or reinstatement.

(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 that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657, and for compliance with the requirements of the Counseling Compact and KRS 335.560. Currently, applicants submit a copy of their FBI background check along with the application, which practice did not meet Counseling Compact standards. The KSP background check is an additional requirement. Further, reference to an affidavit has been stricken to clean up the administrative regulation since that practice ceased more than two (2) years ago due to an amendment in February 2024.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Counseling Compact for licensees to obtain the privilege to practice in Kentucky and other Member States, and to clean up language that no longer has meaning due to prior amendments of the administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is in conformity with KRS 335.500, 335.515(1), (3), 335.517, 335.527(1)(a), 335.525(1)(c), (d), and (f).

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists by ensuring Kentucky is in compliance with Counseling Compact requirements for Member State participation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.560. Counseling Compact. Created 2022 Ky. Acts ch. 127, sec. 1, effective July 14, 2022, and KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(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 average of 70-80 applications for licensure monthly, as well as 5282 active licensees who must annually renew and 66 inactive licensees who may apply for reinstatement.

(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: An applicant must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(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 a cost to obtain a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 335.560 and the Counseling Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give

Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially: No costs by the administrative body will be incurred to implement these changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

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

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees to the Board, but does require an additional fee to the Kentucky State Police and the FBI, which is required by HB 657.

(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 335.515(1), (3), 335.560. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3 (the "Compacts Clause")) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1. and KRS 335.517.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensed Professional Counselors is the promulgating agency and the Department of Kentucky State Police (KSP) are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: There are no expenditures anticipated in the first year.

For subsequent years: There are no expenditures anticipated in subsequent years.

2. Revenues:

For the first year: This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): It is possible it will affect local police departments.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for local police departments in the first year. We are unable to estimate the anticipated revenue in the first year.

For subsequent years: This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent years.

3. Cost Savings:

For the first year: Unknown.

For subsequent years: Unknown.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

**STATEMENT OF EMERGENCY
201 KAR 36:072E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 335.517, and KRS 335.560. SECTION 16.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Kentucky Board of Licensed Professional Counselors (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of professional counseling, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 335.517 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)(2.). This emergency amended administrative regulation is temporary in nature and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

DENISE HUTCHINS, Board Chair
ANDY BESHEAR, Governor

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

201 KAR 36:072E. Reciprocity requirements for applicants licensed or certified in another state.

EFFECTIVE: July 15, 2026

RELATES TO: KRS 335.515(12), 335.517, 335B.020, 335.560, 12.245, 12.255, 12.357

STATUTORY AUTHORITY: KRS 335.515(1), (3), (12), 335.517

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(1) requires the board to evaluate the qualifications of applicants for licensure. KRS 335.515(3) requires the board to promulgate administrative regulations to carry out and enforce the provisions of KRS 335.500 to 335.599. KRS 335.515(12) authorizes the board to enter into reciprocal agreements with certified or licensed professional counseling boards. KRS 335.517 requires applicants seeking an initial license issued by the board to obtain a national and state criminal background investigation by means of a fingerprint check from the Kentucky State Police and Federal Bureau of Investigation. This administrative regulation establishes the reciprocity requirements for certification or licensure of persons licensed or certified in another state.

Section 1.

(1) The licensing requirements for a licensed professional clinical counselor under KRS 335.525 or 335.527 may be waived if:

- (a) The board enters into a written reciprocity agreement with the other jurisdiction;
- (b) The other jurisdiction grants the same privileges to licensees of Kentucky as Kentucky grants to licensees of that other jurisdiction;
- (c) The board determines that the licensing requirements of the other jurisdiction are substantially similar to the requirements of KRS 335.500 to 335.599;

- (d) The applicant holds an active valid license or certificate in the other jurisdiction;
- (e) The applicant is in good standing in the other jurisdiction;
- (f) The applicant has not been disciplined or reprimanded;
- (g) The applicant:
 - 1. Does not have a pending disciplinary action; or
 - 2. Is not under investigation by any jurisdiction; and
- (h) The applicant is of good moral character.
- (2) A person shall not be licensed as a licensed professional associate through reciprocity.

Section 2. An applicant seeking licensure as a licensed professional clinical counselor shall:

- (1) Submit an "Application for Licensed Professional Clinical Counselor by Reciprocity", DPL-LPC-06, July 2026 to the board;
- (2) Pay the application fee as established in 201 KAR 36:020, Section 1(1);
- (3) Submit a letter of good standing from each jurisdiction where the person holds a license or certificate; and
- (4) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days~~[from the submission date of the application for a criminal background check performed]~~ by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, including payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subsection.

Section 3. An applicant granted a license under this administrative regulation shall comply with the continuing education requirements under 201 KAR 36:030 and the renewal requirements of 201 KAR 36:075.

Section 4.

- (1) The board, by majority vote and during a board meeting, shall determine if the licensing requirements of another jurisdiction are substantially similar to the requirements of KRS 335.500 to 335.599.
- (2) The board may only approve a reciprocity agreement with another jurisdiction if Section 1(1)(a), (b), and (c) of this administrative regulation are satisfied.
- (3) The board shall publish the determination and approval of a reciprocity agreement in its board minutes.

Section 5. Incorporation by Reference.

(1) "Application for Licensed Professional Clinical Counselor by Reciprocity", DPL-LPC-06, July 2026~~[December 2023]~~ is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30~~[4:00]~~ p.m. This material is also available on the board's Web site at lpc.ky.gov.

201 KAR 36:072E
DENISE HUTCHINS, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 2:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed

administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

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

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure and requirements for licensure by reciprocity

(b) The necessity of this administrative regulation: The necessity of this regulation is to inform an applicant for licensure by reciprocity where Kentucky has a reciprocity agreement with another state.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding licensure by reciprocity.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing and clarifying the procedure and requirements for the licensure by reciprocity.

(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 that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657, and for compliance with the requirements of the Counseling Compact and KRS 335.560. This includes applicants for initial licensure through a reciprocity agreement. Currently, applicants submit a copy of their FBI background check along with the application, which practice did not meet Counseling Compact standards. The KSP background check is an additional requirement.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Counseling Compact for licensees to obtain the privilege to practice in Kentucky and other Member States.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding licensure by reciprocity and incorporates the criminal background investigation requirement.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists in the effective administration of the statutes by ensuring Kentucky is in compliance with the Counseling Compact requirements for Member State participation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.517, Created 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are presently 5282 active and 66 inactive licensees who will be affected by this administrative regulation in some capacity. The board reviews approximately 800 to 1000 applications annually.

(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: An applicant by reciprocity will have to apply for and have a criminal background investigation report by means of a fingerprint check by the KSP and FBI sent directly to the Board.

(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 a cost of obtaining a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 335.560 and the Counseling Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially: No new costs will be incurred by the changes

(b) On a continuing basis: No new costs will be incurred by the changes.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding needed by the agency as a result of this administrative regulation required to implement the changes made by this regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees to the Board, but does require an additional fee to the Kentucky State Police, which is required by HB 657.

(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 335.515(1), (3), 335.560. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3 (the "Compacts Clause")) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1, and KRS 335.517.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

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

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): It is possible it will affect local police departments.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for local police departments in the first year. We are unable to estimate the anticipated revenue in the first year.

For subsequent years: This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent years.

3. Cost Savings:

For the first year: Unknown.

For subsequent years: Unknown.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

**STATEMENT OF EMERGENCY
201 KAR 36:075E.**

Pursuant to KRS 13A.190(1)(a)2., KRS 335.517, and KRS 335.560. SECTION 16.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Kentucky Board of Licensed Professional Counselors (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of professional counseling, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 335.517 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)(2.). This emergency amended administrative regulation is temporary in nature and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

DENISE HUTCHINS, Board Chair
ANDY BESHEAR, Governor

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

201 KAR 36:075E. Renewal, late renewal, and reinstatement of license.

EFFECTIVE: July 15, 2026

RELATES TO: KRS 335.517, 335.535

STATUTORY AUTHORITY: KRS 335.515(1), (3), (6), 335.517, 335.535

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(3) requires the Board of Licensed Professional Counselors to promulgate administrative regulations necessary for the proper performance of its duties. KRS 335.515(6) and KRS 335.535 require the holder of a license to renew that license annually. KRS 335.517 requires applicants seeking reinstatement of a license issued by the board to obtain a national and state criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. This administrative regulation establishes the requirements for renewal, late renewal, and reinstatement of a license.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Section 1.

- (1) A license shall be renewed by October 31 of each year.
- (2) A person receiving an initial license within 120 days prior to the renewal date shall not be required to renew until October 31 of the following year.

Section 2.

(1) To apply for renewal, a licensed professional clinical counselor shall:

(a) Submit a completed LPCC Renewal Application to the board; and

(b) Pay to the board the appropriate renewal fee established in 201 KAR 36:020, Section 2(1)(a), for the renewal of a license.

(2) After the sixty (60) day grace period, to apply for reinstatement, an individual who has a terminated license as a licensed professional clinical counselor shall:

(a) Submit a completed "LPCC Reinstatement Application", DPL-LPC-09, July 2026;

(b) Submit proof of completing ten (10) hours of board-approved continuing education within one (1) year prior to the filing of an application for reinstatement;

(c) Complete three (3) hours of continuing education on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36 within one (1) year prior to the filing of an application for reinstatement;

(d) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and Federal Bureau of Investigation and make payment of any required fee to the KSP and FBI;

(e) Pay the renewal fee established in 201 KAR 36:020, Section 2(1)(a); and

(f) Pay the reinstatement fee established in 201 KAR 36:020, Section 2(3)(a).

Section 3.

(1) To apply for renewal, a licensed professional counselor associate shall:

(a) Submit a completed LPCA Renewal Application to the board; and

(b) Pay to the board the appropriate renewal fee established in 201 KAR 36:020, Section 2(1)(b), for the renewal of a license.

(2)

(a) After the sixty (60) day grace period or revocation of a license, to apply for reinstatement, an individual who has a terminated license as a professional clinical counselor associate shall:

1. Submit a completed "LPCA Reinstatement Application", DPL-LPC-10, July 2026;

2. Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, and make payment of any required fee to the KSP and FBI;

3. Submit proof of completing ten (10) hours of board-approved continuing education completed within one (1) year of the filing for reinstatement;

4. Complete three (3) hours of continuing education on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36, within one (1) year of the filing for reinstatement;

5. Pay the renewal fee established in 201 KAR 36:020, Section 2(1)(b); and

6. Pay the reinstatement fee established in 201 KAR 36:020, Section 2(3)(b).

(b) A person who applies for reinstatement within three (3) years of termination or revocation of the license shall be required to meet current continuing education requirements established in 201 KAR 36:030.

(c) A person who fails to apply for reinstatement within three (3) years of termination or revocation of the license shall meet the current licensure requirements.

Section 4.

(1) A person shall not engage in the practice of professional counseling after a license has been terminated.

(2) The ten (10) hours of continuing education completed within one (1) year of the filing of reinstatement shall not count towards the applicant's continuing education requirement under 201 KAR 36:030, Section 1(1).

(3) If a supervisor fails to verify the hours required for a licensed professional counselor associate by the termination date of the license, then the LPCA Supervision Agreement, as incorporated by reference in 201 KAR 36:060, shall be terminated.

Section 5.

(1) A licensee for renewal or applicant for reinstatement shall maintain good moral character.

(2) If an applicant lacks good moral character and the incident that resulted in the lack of good moral character occurred since issuance of the initial license or last renewal date, the applicant has the duty to provide available evidence relative of rehabilitation.

(3) For evidence relative of rehabilitation, the board shall consider evidence including the successful completion of probation, the years since the incident without additional incidents, and the successful completion of inpatient or outpatient treatment.

(4) If the board finds that an applicant has not provided sufficient evidence of rehabilitation then the board may deny the application.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "LPCC Renewal Application", DPL-LPC-07, December 2023;

(b) "LPCA Renewal Application", DPL-LPC-08, December 2023;

(c) "LPCC Reinstatement Application", DPL-LPC-09, July 2026[December 2023]; and

(d) "LPCA Reinstatement Application", DPL-LPC-10, July 2026[December 2023].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30[4:00] p.m. This material may also be found on the board's Web site at lpc@ky.gov.

201 KAR 36:075E

DENISE HUTCHINS, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 2:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

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

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

(b) The necessity of this administrative regulation: The necessity of this regulation is to inform a licensee of the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity with the authorizing statute as it gives the board the ability to promulgate regulations regarding the renewal, reinstatement, and reactivation of a license.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing and clarifying the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

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

(a) How the amendment will change this existing administrative regulation: This amendment requires that all applicants for reinstatement obtain a criminal background investigation from the KSP and FBI pursuant to KRS 335.517, and for compliance with the requirements of the Counseling Compact and KRS 335.560. Currently, applicants submit a copy of their FBI background check along with the reinstatement application, which practice did not meet Counseling Compact standards. The KSP background check is an additional requirement.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to incorporate the requirement that all applicants for reinstatement obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Counseling Compact for licensees to obtain the privilege to practice in Kentucky and other Member States.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is in conformity with KRS 335.515(1), (3), 335.500, 335.525(1)(c), (d), (f), 335.527(1)(a) and 335.517.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists by ensuring Kentucky is in compliance with Counseling Compact requirements for Member State participation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.560. Counseling Compact. Created 2022 Ky. Acts ch. 127, sec. 1, effective July 14, 2022, and KRS 335.517, Created 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are presently 5282 active and 66 inactive licensees who will be affected by this administrative regulation in some capacity.

(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: An applicant for reinstatement must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board.

(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 a cost of obtaining a criminal background check, which the board understands the fees to as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with

the requirements of KRS 335.560 and the Counseling Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially: No costs by the administrative body will be incurred to implement these changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

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

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees to the Board, but does require an additional fee to the Kentucky State Police, which is required by HB 657.

(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 335.515(1), (3), 335.560. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3 (the "Compacts Clause")) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1. and KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensed Professional Counselors is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown
 (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement
 (b) Estimate the following for each affected local entity identified in (4)(a):
 1. Expenditures:
 For the first year: Unknown
 For subsequent years: Unknown
 2. Revenues:
 For the first year: Unknown
 For subsequent years: Unknown
 3. Cost Savings:
 For the first year: Unknown
 For subsequent years: Unknown
 (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.
 (b) Estimate the following for each regulated entity identified in (5)(a):
 1. Expenditures:
 For the first year: Unknown
 For subsequent years: Unknown
 2. Revenues:
 For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.
 For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.
 3. Cost Savings:
 For the first year: Unknown
 For subsequent years: Unknown
 (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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.
 (b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.
 (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
 (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.
 (b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.

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
 503 KAR 4:050E.**

This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)3. to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. 2026 Ky. Acts ch. 173, sec. 1, creates provisional concealed deadly weapons licenses for persons who are eighteen (18) years of age but younger than twenty-one (21) years of age. The current version of 503 KAR 4:050 states that an applicant training course is not open to persons under twenty-one

(21) years of age. This administrative regulation is being filed on an emergency basis to ensure inconsistency between the existing regulation and the newly enacted law is removed so otherwise eligible provisional-license applicants may complete the required training within the new statutory framework. An ordinary administrative regulation is not sufficient because an ordinary regulation could not become effective in time to meet the newly enacted legislation's mandates. This emergency administrative regulation will be replaced by an ordinary administrative regulation because this change is necessary to properly ensure otherwise eligible provisional-license applicants may complete the required training to obtain a provisional license. The companion ordinary administrative regulation is identical to this emergency regulation. An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

MIKE BOSSE, Commissioner
 KEITH JACKSON, Secretary
 ANDY BESHEAR, Governor

**JUSTICE AND PUBLIC SAFETY CABINET
 Department of Criminal Justice Training
 (Emergency Amendment)**

503 KAR 4:050E. Required content and conduct of applicant training course.

EFFECTIVE: July 24, 2026
 RELATES TO: 2026 Ky. Acts ch. 173, sec. 1, KRS 237.110, 237.122, 237.124
 STATUTORY AUTHORITY: KRS 237.124
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.124(1) requires the department to operate a program for the training of applicants for a concealed deadly weapons license. KRS 237.124(2) authorizes the department to promulgate administrative regulations to implement the training program. This administrative regulation establishes the training program.

Section 1. An applicant training course shall be:
 (1) The standardized training course furnished by the department; and
 (2) Taught by a certified firearms instructor.

Section 2. Applicant Training Course Content.
 (1) Classroom instruction. An applicant training course shall include at least six (6) hours, but not more than eight (8) hours, of classroom instruction, covering the following topics:
 (a) Handgun safety in the classroom, at home, on the firing range or while carrying the firearm;
 (b) The basic principles of marksmanship;
 (c) Care and cleaning of handguns; and
 (d) By means of a videotape produced by the department:
 1. The requirements for obtaining a concealed deadly weapons license in Kentucky;
 2. Sections of KRS Chapters 237 and 527 relating to firearms; and
 3. Sections of KRS Chapter 503 relating to the justifiable use of force.

(2) Live firing exercises. An applicant training course shall include live firing exercises of sufficient duration for an applicant to fire a handgun:
 (a) From a safe position;
 (b) Without receiving any assistance in holding, aiming, or firing from the instructor or any other person;
 (c) Twenty (20) rounds observed by the instructor. The instructor shall observe the applicant for each round fired, including those fired after the applicant has hit the silhouette portion of the target; and
 (d) At a distance from a department-approved, full-size silhouette target, of seven (7) yards.
 (3) If range firing is conducted at a facility or range that requires a training instructor or range officer to clear or directly supervise and assist in the clearing of all firearm jams or malfunctions, the clearing of a firearm jam or malfunction by a certified firearms instructor or

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

facility range officer in accordance with that policy shall not constitute prohibited assistance to a student for the purposes of subsection (2)(b) of this section.

Section 3. The classroom portion of the course shall be taught, at the certified firearms instructor's discretion, in one (1) six (6) hour block or divided into segments of not less than one (1) hour each.

Section 4.

(1) An applicant training course shall not be open to persons who are less than ~~eighteen (18)~~~~twenty-one (21)]~~ years of age.

(2) An applicant training course student shall complete:

(a) An "Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126-A, which shall include a statement acknowledging receipt of copies of pertinent sections of KRS Chapters 237, 527, and 503; and

(b) A "Release of Liability, Agreement to Waive Claims, Express Assumption of Risks, and Indemnity Agreement," Form #126-B.

Section 5. A certified firearms instructor shall not discuss the videotape or KRS Chapters 237, 503, or 527 with students, either individually or as a class.

Section 6.

(1) At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor shall:

(a) Distribute a standard course examination to the students;

(b) Not leave the room in which the examination is being held while the examination is in progress, unless another certified firearms instructor is physically present in the room to supervise the examination; and

(c) Collect examination booklets and answer sheets from each student at the end of the examination period.

(2) At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor may:

(a) Grade the applicant's examination; and

(b) Provide the applicant with his or her score.

Section 7. Except for an instructor, a person shall not:

(1) Make a copy of the applicant training course examination, in whole or in part;

(2) Possess an applicant training course examination, or questions from an examination, unless authorized by the department; or

(3) Divulge the contents of applicant training course examination questions to another person.

Section 8.

(1) A student shall use a safe, functional handgun and factory-loaded ammunition.

(a) An instructor or instructor trainer may choose to provide a safe, functional handgun at the request of the student for use during the class.

(b) An instructor or an instructor trainer shall not advertise that students will be furnished a handgun for use in the class.

(c) A handgun shall not be furnished unless special circumstances dictate the need to do so and the student requests it.

(d) An instructor or instructor trainer shall not charge a fee for furnishing a handgun, but may recover the actual cost of ammunition that is provided at the request of the student.

(2) Prior to conducting range firing, a certified firearms instructor shall:

(a) Inspect each applicant's firearm; and

(b) Not allow the firing of a handgun that the instructor has reason to believe is not in sound mechanical condition or otherwise may pose a safety hazard.

Section 9. A passing grade shall not be given on range work to an applicant who:

(1) Does not follow the orders of a certified firearms instructor;

(2) In the judgment of a certified firearms instructor, handles a firearm in a manner that poses a danger to the applicant or to others; or

(3) Fails to hit the silhouette portion of a target with not less than eleven (11) rounds without assistance in holding, aiming, or firing the firearm from the instructor or another person.

Section 10. In accordance with the requirements of KRS 237.110(22)(g), if the department believes that an instructor has not complied with the requirements for teaching a certified firearms instructor or applicant class, it shall send a "VF-1 Verification Form" to each student who has been listed by the instructor as having successfully completed the class taught by that instructor.

Section 11.

(1) The "Applicant Request for Training for License to Carry Concealed Deadly Weapons" and course fee required by KRS 237.122 shall be sent to the department at the same time as the class roster required by KRS 237.110(22)(d).

(2) A certified firearms instructor may use a "CCDW Training Class Roster Form," CCDW #5, to comply with the class roster requirements of KRS 237.110(22)(d).

Section 12. An applicant training course shall not have more than:

(1) Forty (40) students in the classroom portion; or

(2) Five (5) students per range officer engaged in range firing. Students in a waiting area at a range facility who are not actively engaged in loading, unloading or firing handguns shall not be considered to be engaged in range firing for the purposes of this subsection.

Section 13. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126-A, July 2019, Department of Criminal Justice Training;

(b) "Release of Liability, Agreement to Waive Claims, Express Assumption of Risks, and Indemnity Agreement," Form #126-B, July 2026[2019], Department of Criminal Justice Training;

(c) VF-1 "Verification Form", (6/02 edition), Department of Criminal Justice Training; and

(d) CCDW #5 "CCDW Training Class Roster Form", October 2015, Department of Criminal Justice Training.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Department of Criminal Justice Training, Funderburk Building, 4449 Kit Carson Drive, Richmond, Kentucky 40475-3137, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the department's Web site at <https://www.docjt.ky.gov/forms>.

503 KAR 4:050E. Required content and conduct of applicant training course.

MIKE BOSSE, Commissioner

APPROVED BY AGENCY: July 21, 2026

FILED WITH LRC: July 24, 2026 at 2:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation amendment shall be held Tuesday, September 22, 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 September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Staff Attorney, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky

40601, Justice.RegContact@ky.gov, telephone number (502) 564-8216, facsimile number (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

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

Subject Headings: Criminal Justice Training; Firearms and
Weapons; Licensing; Justice and Public Safety.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the required content and conduct of the concealed deadly weapons applicant training course. It sets the required classroom instruction, live-fire exercise, examination procedures, range requirements, student forms, class-size limits, instructor responsibilities, and incorporated materials for the training course.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement KRS 237.124, which requires the Department of Criminal Justice Training to operate a program for the training of applicants for a concealed deadly weapons license and authorizes the department to promulgate administrative regulations for that program. It is also necessary to maintain uniform training standards for certified firearms instructors and applicants.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 237.124 by establishing the training program required by that statute. It also supports KRS 237.110 and KRS 237.122 by setting the course content, instructor requirements, student documentation, testing process, range requirements, and fee-related submission requirements for the applicant training course.

(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 237.110, KRS 237.122, and KRS 237.124 by providing a uniform structure for applicant training, instructor compliance, student documentation, testing, live-fire qualification, and submission of required forms and fees. It also assists in administering the statutory licensing framework by ensuring that applicants receive consistent training before submitting proof of completion for concealed deadly weapons licensing purposes.

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

(a) How the amendment will change this existing administrative regulation: This amendment changes the minimum age for participation in the concealed deadly weapons applicant training course from twenty-one (21) years of age to eighteen (18) years of age. It also updates incorporated material as needed to conform to that change.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because 2026 Ky. Acts ch. 173, sec. 1, creates provisional concealed deadly weapons licenses for persons who are eighteen (18) years of age but younger than twenty-one (21) years of age. The current version of 503 KAR 4:050 states that an applicant training course is not open to persons under twenty-one (21) years of age. The amendment removes that inconsistency so otherwise eligible provisional-license applicants may complete the required training.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to KRS 237.124 by updating the applicant training program administered by the Department of Criminal Justice Training. It also conforms to KRS 237.110, KRS 237.122, and 2026 Ky. Acts ch. 173, sec. 1, by allowing persons who are eighteen (18) years of age but younger than twenty-one (21) years of age to complete the training needed for provisional concealed deadly weapons licensure.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by aligning the applicant training regulation with the new provisional-license statute. It will allow

certified firearms instructors to provide the existing applicant training course to persons who are eighteen (18) years of age but younger than twenty-one (21) years of age, while leaving the existing course content, testing, live-fire, documentation, and instructor requirements in place.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This amendment implements 2026 Ky. Acts ch. 173, sec. 1, which created provisional concealed deadly weapons licenses for persons who are eighteen (18) years of age but younger than twenty-one (21) years of age.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment affects the Department of Criminal Justice Training, the Department of Kentucky State Police, private certified firearms instructors and instructor trainers who conduct concealed deadly weapons applicant training courses, and applicant training course students. In 2025, there were 3,550 concealed deadly weapons applications. The number of additional students affected by this amendment will depend on how many persons who are eighteen (18) years of age but younger than twenty-one (21) years of age choose to seek a provisional concealed deadly weapons license. The amendment may also affect private certified firearms instructors and instructor trainers who conduct applicant training courses. No local government is directly affected by this amendment.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The Department of Criminal Justice Training will revise the regulation, update any affected incorporated material, update related course materials as needed, and notify private certified firearms instructors and instructor trainers of the change. The Department of Kentucky State Police (KSP) will not be required to take any action to comply with this amendment. KSP's provisional-license application, issuance, expiration, and conversion responsibilities arise from 2026 Ky. Acts ch. 173, sec. 1, not from this administrative regulation. Private certified firearms instructors and instructor trainers who conduct concealed deadly weapons applicant training courses will be required to comply with the amended minimum age requirement and use any revised forms or course materials issued by the department. Applicants who are eighteen (18) years of age but younger than twenty-one (21) years of age and who choose to seek a provisional concealed deadly weapons license will be required to complete the same applicant training course required of other applicants.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The Department of Criminal Justice Training will not need additional staff, funding, equipment, or information technology systems to implement this amendment. Any revisions to forms, course materials, and instructor communications will be completed with existing staff and existing resources. No cost to the Department of Kentucky State Police is attributable to this amendment. Private certified firearms instructors and instructor trainers are not expected to incur additional compliance costs, other than ordinary administrative costs associated with using revised forms or materials. Applicants who are eighteen (18) years of age but younger than twenty-one (21) years of age and who choose to seek a provisional concealed deadly weapons license will pay the existing course fee and any existing allowable course-related costs. This amendment does not create or increase those fees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The Department of Criminal Justice Training will benefit from having its administrative regulation aligned with 2026 Ky. Acts ch. 173, sec. 1. The Department of Kentucky State Police will benefit from receiving proof of completion from applicants who complete training under a regulation that conforms to the provisional-license statute. Private certified firearms instructors and instructor trainers will benefit from clear regulatory authority to train applicants who are eighteen (18) years of age but younger than twenty-one (21) years of age. Applicants who are

eighteen (18) years of age but younger than twenty-one (21) years of age will benefit by being able to complete the required applicant training course for purposes of applying for a provisional concealed deadly weapons license.

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

(a) Initially: No additional cost is anticipated. The Department of Criminal Justice Training will implement this amendment using existing staff, existing resources, and existing systems. Any revisions to forms, course materials, manuals, or instructor communications will be handled as part of routine program administration.

(b) On a continuing basis: No additional continuing cost is anticipated. The amendment does not require additional staff, equipment, contracts, funding, or information technology systems. Any additional student records or remittances resulting from newly eligible applicants will be processed through the existing CCDW training program.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Existing Department of Criminal Justice Training funds and resources will be used to implement and enforce this amendment.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment. The amendment will be implemented with existing staff, existing resources, and existing systems.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish any new fees and does not directly or indirectly increase any fees. Existing fees and remittances required by KRS 237.122 are not changed by this amendment.

(10) TIERING: Is tiering applied? No. Tiering is not applied. This amendment applies uniformly to all private certified firearms instructors and instructor trainers who conduct concealed deadly weapons applicant training courses under 503 KAR 4:050. The amendment does not create different requirements based on the size, type, or location of the instructor or training provider. The amendment only changes the minimum age for participation in the applicant training course from twenty-one (21) years of age to eighteen (18) years of age.

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 237.124(1) requires the Department of Criminal Justice Training to operate a program for the training of applicants for a concealed deadly weapon license, and KRS 237.124(2) authorizes the department to promulgate administrative regulations to implement that program. KRS 237.110 establishes concealed deadly weapon licensing and applicant-training requirements. KRS 237.122 governs the certification of firearms instructors, applicant-course fees, and remittances to the department. 2026 Ky. Acts ch. 173, sec. 1, establishes provisional concealed deadly weapon licenses for persons who are eighteen (18) years of age but younger than twenty-one (21) years of age and generally makes those licenses subject to KRS 237.110. This amendment conforms the applicant training regulation to that enactment.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. KRS 237.124(2), enacted by 2002 Ky. Acts ch. 368, sec. 5, expressly authorizes the Department of Criminal Justice Training to promulgate administrative regulations to implement the applicant training program. This amendment is also necessary to conform the training program to 2026 Ky. Acts ch. 173, sec. 1.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Justice and Public Safety Cabinet, Department of Criminal Justice Training. The Department of Kentucky State Police is also affected to the extent that its provisional-license process will accept proof of

completion of the applicant training course administered by the Department of Criminal Justice Training.

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

1. Expenditures:

For the first year: The Department of Criminal Justice Training may incur one-time costs for staff time, regulatory filing, revision of incorporated forms, revision of course materials, revision of the Instructor and Student Manuals, instructor notification, printing, distribution, and any necessary information-system changes. No separate expenditure attributable solely to this DOCJT amendment has been identified for the Department of Kentucky State Police; costs of establishing the provisional-license application and issuance process arise primarily from 2026 Ky. Acts ch. 173 and KSP's implementing actions. For subsequent years: Ongoing DOCJT expenditures, if any, may include processing additional student records and remittances, maintaining revised materials, and providing guidance to instructors. No separate ongoing KSP expenditure attributable solely to this DOCJT amendment is presently identified.

For subsequent years: DOCJT will continue to receive twenty-five dollars (\$25) for each additional applicant training course student. The amount depends on projected annual enrollment by provisional-license applicants. No KSP revenue change is attributable solely to this DOCJT amendment.

2. Revenues:

For the first year: KRS 237.122(8) requires a certified firearms instructor or instructor trainer to remit twenty-five dollars (\$25) per applicant training course student to the Department of Criminal Justice Training. DOCJT revenue may increase if newly eligible persons enroll in applicant training courses. The estimate may be calculated by multiplying the projected number of additional students by twenty-five dollars (\$25). No KSP revenue change is attributable solely to this DOCJT amendment.

For subsequent years: No cost savings attributable to this amendment are presently identified. Agency verification is required.

3. Cost Savings:

For the first year: No cost savings attributable to this amendment are presently identified. Agency verification is required.

For subsequent years: None anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local governmental entity is directly affected by this DOCJT administrative regulation. County sheriffs have duties under 2026 Ky. Acts ch. 173 relating to paper applications to convert provisional licenses to standard licenses, but this amendment to the applicant training regulation does not impose those duties.

(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: Instructor costs are expected to remain limited to ordinary course-administration costs. Student expenditures will depend on the number of provisional-license applicants who enroll and the fees and allowable costs charged for each course.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Certified firearms instructors and instructor trainers who conduct applicant training courses; applicant training course students; and persons who are eighteen (18) years of age but younger than twenty-one (21) years of age who seek training for a provisional concealed deadly weapon license will be affected by this regulation.

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

1. Expenditures:

For the first year: Instructors may incur minimal administrative costs to use revised forms and materials. The amendment does not

change the existing course duration, live-fire requirements, class-size limits, or instructor-certification structure. Newly eligible students who choose to seek a provisional license will incur the existing applicant-course fee, which shall not exceed seventy-five dollars (\$75), any authorized charge for range use, targets, associated range materials, and classroom rental, which shall not exceed ten dollars (\$10), and any applicable ammunition cost.

For subsequent years: Additional instructor revenue will depend on the annual number of provisional-license applicants who enroll in applicant training courses.

2. Revenues:

For the first year: Certified firearms instructors and instructor trainers may receive additional course-related revenue from newly eligible students, subject to the statutory fee limits and the required twenty-five-dollar (\$25) remittance to DOCJT for each student.

For subsequent years: No cost savings attributable to this amendment are presently identified.

3. Cost Savings:

For the first year: No cost savings attributable to this amendment are presently identified.

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: The amendment will allow DOCJT-certified firearms instructors and instructor trainers to provide applicant training to persons who are eighteen (18) years of age but younger than twenty-one (21) years of age who seek provisional concealed deadly weapon licenses. DOCJT may incur one-time costs to amend the regulation, revise incorporated forms and course materials, revise the Instructor and Student Manuals, notify instructors, and make related administrative changes. DOCJT may receive additional twenty-five dollar (\$25) per-student remittances if applicant-course enrollment increases. KSP is not expected to incur a separate fiscal impact from this DOCJT amendment beyond the costs of implementing 2026 Ky. Acts ch. 173 and any KSP administrative regulations. Instructors may incur minimal administrative costs and may receive additional course revenue. Newly eligible applicants will incur the existing training and related costs if they choose to apply. No direct fiscal impact on local governmental entities is anticipated.

(b) Methodology and resources used to reach this conclusion: The analysis is based on a review of 503 KAR 4:050; KRS 237.110, 237.122, and 237.124; and 2026 Ky. Acts ch. 173, sec. 1. The existing age restriction was compared with the new provisional-license eligibility provisions. The statutory fee structure and the forms and training materials affected by the amendment were also reviewed. Final estimates require DOCJT and KSP staffing and cost data, projected provisional-applicant enrollment, and anticipated form, printing, distribution, technology, and manual-revision costs. However, the costs for the relevant applicant training course are a result of the statutory scheme and not this administrative 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): A major economic impact is not anticipated.

(b) The methodology and resources used to reach this conclusion: The analysis is based on a review of 503 KAR 4:050; KRS 237.110, 237.122, and 237.124; and 2026 Ky. Acts ch. 173, sec. 1. The existing age restriction was compared with the new provisional-license eligibility provisions. The application and course process, statutory fee structure, and forms and training materials affected by the amendment were also reviewed. DOCJT may incur one-time costs to amend the regulation, revise incorporated forms and course materials, revise the Instructor and Student Manuals, notify instructors, and make related administrative changes. DOCJT may receive additional twenty-five dollar (\$25) per-student remittances if applicant-course enrollment increases. KSP is not expected to incur a separate fiscal impact from this DOCJT amendment beyond the costs of implementing 2026 Ky. Acts ch. 173 and any KSP administrative regulations. Instructors may incur minimal administrative costs and may receive additional course revenue. Newly eligible applicants will incur the existing training and related costs if they choose to apply. However, the costs for the

relevant applicant training course are a result of the statutory scheme and not this administrative regulation. 503 KAR 4:050E. Required content and conduct of applicant training course.

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
803 KAR 1:081E.**

This emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a) and is necessary to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. On April 10, 2026, Governor Beshear signed House Bill 185, which under its emergency clause became effective immediately. House Bill 185 amended KRS 337.010 and 337.065 to permit employers to require tipped employees, as defined in KRS 337.010(2)(d), to participate in a mandatory tip pool. The bill requires the Division of Wages and Hours to enforce the newly enacted amendment to KRS 337.065. This emergency administrative regulation is necessary to establish the legally required framework for the creation of definitions to comply with KRS 337.010 and 337.065 as amended by House Bill 185. This emergency administrative regulation is temporary in nature and will be replaced by an ordinary administrative regulation that is also being filed, and the companion ordinary administrative regulation is identical to this emergency regulation.

ANDY BESHEAR, Governor
KIMBERLEE PERRY, Commissioner

**EDUCATION AND LABOR CABINET
Department of Workplace Standards
(Emergency Amendment)**

803 KAR 1:081E. Board, lodging, gratuities, and other allowances.

EFFECTIVE: August 12, 2026

RELATES TO: KRS 337.275, 337.285, 29 C.F.R. 531.31 – 531.58, 29 C.F.R. 10.28(b)(3)(iii)-(iv)(A), 29 C.F.R. 516.28(a), 803 KAR 1:071 Sec. 2-Sec. 3, 803 KAR 1:071 Sec. 5.

STATUTORY AUTHORITY: KRS 337.295

NECESSITY, FUNCTION, AND CONFORMITY: KRS 337.295 authorizes the commissioner to promulgate administrative regulations permitting allowances as part of the wage rates applicable under the statutes for board, lodging, gratuities, and other facilities. This administrative regulation establishes what allowances may be credited toward the payment of wages as required KRS Chapter 337.

Section 1. Definitions.

(1) "Direct Support" is defined by 29 C.F.R. 10.28(b)(3)(iii)-(iv)(A).

(2) "Managers" and Supervisors" are defined by 803 KAR 1:071 Sec.2- Sec. 3 and 803 KAR 1:071 Sec. 5.

(3) "Salaried Employee" is defined by 803 KAR 1:071 Sec. 10(1).

(4) "Tip" means a sum presented by a customer as a gift or gratuity in recognition of some service performed. A tip is distinguished from a payment of a charge made for the service.

(5) [(2)] "Tipped employees" is defined by KRS 337.010(2)(d).

(6) [(3)] "Wages" is defined by KRS 337.010(1)(c).

Section 2. Board, Lodging, and Other Facilities.

(1) In accordance with KRS 337.275 and 337.285, an employer may be permitted to include as wages paid to an employee, the reasonable cost of providing an employee with board, lodging, or

other facilities if they are customarily provided by the employer to employees.

(a) Reasonable cost shall not include a profit to the employer or to any affiliated person.

(b) This section shall not prohibit payment of wages in facilities provided either as additions to a stipulated wage or as items for which deductions from the stipulated wage will be made. The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only if customarily provided to the employee. Not only shall the employee receive the benefits of the facility for which the employee is charged, but acceptance of the facility shall be voluntary and uncoerced.

(2) The criteria for board, lodging, or other facilities being customarily provided as applicable to KRS 337.275 and 337.285 shall be as established in 29 C.F.R. 531.31.

(3) Other facilities.

(a) The criteria for "other facilities", as applicable to KRS 337.275 and 337.285, shall be as established in 29 C.F.R. 531.32(a).

(b) The cost of providing facilities that are primarily for the benefit or convenience of the employer shall not be recognized as reasonable and shall not be included in computing wages. Facilities primarily for the benefit or convenience of the employer shall include, for example:

1. Tools of the trade and other materials and services incidental to carrying on the employer's business;
2. The cost of any construction by or for the employer; and
3. The cost of uniforms and of their laundering, if the nature of the business requires the employees to wear a uniform.

(4) The prohibition of kickbacks, as applicable to KRS 337.275 and 337.285, shall be as established in 29 C.F.R. 531.35.

(5) The criteria for payment if additions or deductions are involved in nonovertime workweeks, as applicable to KRS 337.375 and 337.285, shall be as established in 29 C.F.R. 531.36(a).

(6) Overtime workweeks.

(a) Pursuant to KRS 337.285, an employee shall receive compensation for overtime hours at a rate of not less than one and one-half (1 1/2) times the rate at which the employee is employed. If overtime is worked by an employee who receives the whole or part of his or her wage in facilities and it becomes necessary to determine the portion of wages represented by facilities, all of the facilities shall be measured by the requirements of this administrative regulation.

(b) Deductions may be made on the same basis in an overtime workweek as in non-overtime workweeks, if their purpose and effect are not to evade the overtime requirements of KRS 337.285.

1. The amount deducted shall not exceed the amount that could be deducted if the employee had only worked the maximum number of straight-time hours during the workweek.

2. Deductions in excess of this amount for the items shall be prohibited in overtime workweeks as well as in non-overtime workweeks.

3. There shall not be a limit on the amount that may be deducted for board, lodging, or other facilities in overtime workweeks if these deductions are made only for the reasonable cost of the items provided.

(c) If deductions are made from the stipulated wage of an employee, the regular rate of pay shall be based on the stipulated wage before any deductions have been made. If board, lodging, or other facilities are customarily provided as addition to a cash wage, the reasonable cost of the facilities to the employer shall be considered as part of the employee's regular rate of pay.

Section 3. Payment Made to Person Other than Employee.

(1) Amounts deducted for taxes. Taxes assessed against the employee and collected by the employer and forwarded to the appropriate governmental agency shall be included as wages. This principle shall be applicable to the employee's share of Social Security, as well as other federal, state, or local taxes. A deduction shall not be made for any tax or share of a tax that the law requires to be borne by the employer.

(2) The criteria for payments to third persons pursuant to a court order, as applicable to KRS 337.275 and 337.285, shall be as established in 29 C.F.R. 531.39(a).

(3) The criteria for payments to an employee's assignee, as applicable to KRS 337.275 and 337.285, shall be as established in 29 C.F.R. 531.40.

Section 4. Payment of Wages to Tipped Employees.

(1) Conditions for taking tip credits in making wage payments.

(a) The wage credit permitted on account of tips under KRS 337.275(2) shall be taken only with respect to wage payments made under KRS Chapter 337 to those employees whose occupations in the workweeks for which the payments are made are those of "tipped employees."

(b) To determine if a tip credit may be taken in paying wages to a particular employee, it is necessary to know:

1. What payments constitute tips;

2. If the employee receives more than thirty (30) dollars a month in payments in the occupation in which the employee is engaged; and

3. If in the occupation the employee receives these payments in that amount customarily and regularly.

(2) General characteristics of tips.

(a) To qualify as a tip, the customer shall determine:

1. If a tip is given;

2. The amount of the tip; and

3. Who shall be the recipient of the tip, except where a tip pool is used.

(b) Only tips actually received by an employee as money shall be counted in determining if the employee is a tipped employee within the meaning of the KRS Chapter 337 and in applying the provisions of KRS 337.275(2).

(3) The following shall not be considered tips:

(a) Criteria established in 29 C.F.R. 531.55(a);

(b) If the employment agreement includes that amounts presented by customers as tips belong to the employer and shall be credited or turned over to the employer, the employee is in effect collecting for his or her employer additional income from the operations of the employer's establishment. Even though the amounts are not collected by imposition of any compulsory charge on the customer, the employee is not receiving tips within the meaning of KRS Chapter 337.

(4) More than thirty (30) dollars a month in tips. If an employee employed is not a tipped employee, the employee shall receive the full compensation required by KRS Chapter 337 in cash or allowable facilities without any credit for tips received.

(a) Pursuant to KRS 337.010(2)(d), tipped employee does not require that the calendar month be used in determining if more than thirty (30) dollars a month is customarily and regularly received as tips. A recurring monthly period beginning on the same day of the calendar month may be used.

(b) The fact that an employee is part of a group that has a record of receiving more than thirty (30) dollars a month in tips shall not qualify the employee as a tipped employee.

(5) The criteria for "customarily and regularly", as applicable to KRS 337.010(2)(d), shall be as established in 29 C.F.R. 531.57.

(6) Criteria for the exception of initial and terminal months of employment from the requirement that a tipped employee receive more than thirty (30) dollars a month in tips shall be as established in 29 C.F.R. 531.58.

(7) The tip wage credit. In determining compliance with the wage payment requirements of KRS 337.275(2), the amount paid to a tipped employee by an employer shall be deemed to be increased on account of tips by an amount equal to the formula established in KRS 337.275(2) if the employer satisfies all the requirements in the workweek for which the wage payment is made.

(a) This credit shall be in addition to any credit for board, lodging, or other facilities that may be allowable under this administrative regulation. The actual amount shall be left by KRS 337.275(2) to determination by the employer on the basis of the employer's information taken from his or her records concerning the tipping practices and receipts in the establishment. In order for an employer to take the maximum credit allowed by this special provision, the tipped employee shall receive the maximum in tips.

(b) If the employee is receiving less than the amount credited, the employer shall be required to pay the balance so that the

employee receives at least the minimum wage with the combination of wages and tips.

1. The tip credit shall be taken only for hours worked by the employee in an occupation in which the employee qualifies as a tipped employee.

2. An employer shall not use any part of an employee's tips to pay the minimum wage to any employee; but may only apply credit toward the payment of the minimum wage to the employee who actually received the tip.

3. Under employment agreements requiring tips to be turned over or credited to the employer to be treated as part of the employer's gross receipts, the employer shall pay the employee the full minimum hourly wage.

(8) Overtime payments. If overtime is worked by a tipped employee who is subject to the overtime pay provisions of KRS 337.285, the regular rate of pay shall be determined by dividing the employee's total remuneration for employment in any workweek by the total number of hours actually worked in that workweek for which the compensation was paid. A tipped employee's regular rate of pay includes the amount of tip credit taken by the employer (not in excess of the formula established in KRS 337.275(2)), the reasonable cost of any facilities provided the employee by the employer, and the cash wages including commissions and bonuses paid by the employer. Any tips received by the employee in excess of the tip credit need not be included in the regular rate. The tips shall not constitute payments made by the employer to the employee as remuneration for employment.

(9) Tip pooling.

(a) Tip Pooling Voluntarily Entered into by Employees. Pursuant to KRS 337.275(2), employees may enter into an agreement to divide tips among themselves. If employees enter into this type of agreement, the amounts retained by the employees shall be considered tips of the individuals who retain them.

(b) Tip Pooling Mandated by Employer. Pursuant to KRS 337.065(3), an employer may mandate its employees participate in a tip pool. If the employer mandates the employees participate in a tip pool, the employer shall maintain and preserve payroll records as established in 29 C.F.R. 516.28(a).

Section 5. Records. If an employer uses the reasonable cost of providing an employee with board, lodging, or other facilities in meeting the requirements of KRS 337.275 and 337.285, it shall be necessary to keep the following records, in addition to those required by KRS 337.320:

(1) The facility being provided by the employer to the employee; and

(2) The cost being charged for the facility by the employer.

803 KAR 1:081E. Board, lodging, gratuities and other allowances.
KIMBERLEE C. PERRY, Commissioner

APPROVED BY AGENCY: August 11, 2026

FILED WITH LRC: August 12, 2026 at 11:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 28, 2026, at 9:00 am, at Mayo-Underwood Hearing Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601 in the first-floor hearing room. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. 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 September 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: Duane Hammons, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, Telephone: (502) 564-1507, Facsimile: (502) 564-5484, Email: Kenneth.hammons@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Duane Hammons, Telephone: (502) 564-1507, Facsimile: (502) 564-5484, Email: kenneth.hammons@ky.gov

Subject Headings: Workplace Safety, Wages and Hours, Labor and Industry

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation clarifies what allowances may be credited toward the payment of wages as required in KRS 337.275 and 337.285.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to clarify what allowances may be credited toward the payment of wages as required in the statutes.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 337.295 authorizes the commissioner to promulgate administrative regulations permitting allowances as part of the wages rate applicable under the statutes for board, lodging, gratuities, and other facilities.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides guidance on what allowances may be credited toward payment of wages to ensure that employees receive proper wages. (2) If this is an amendment to an existing regulation, provide a brief summary of: (a) How this amendment will change this existing administrative regulation: This regulation will clarify when and how a tip-pool may be used.

(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: With the enactment of HB 185 RS 26 amending KRS 337.065, an amendment to the regulation was necessary due to a change in the law with respect to tip pooling.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 337.295 authorizes the commissioner to promulgate administrative regulations permitting allowances as part of the wages rate applicable under the statutes for board, lodging, gratuities, and other facilities.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure regulatory clarity with respect to when tip-pooling is allowed.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, HB 185 RS 206

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all subject employers who employ employees in the Commonwealth subject to KRS Chapter 337, as well as their employees.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Organizations that have tipped employees will now be allowed to use a mandatory tip pool.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Improved clarity on when a tip pool is allowed.

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

(a) Initially: This administrative regulation is not anticipated to generate any new or additional costs.

(b) On a continuing basis: This administrative regulation is not anticipated to generate any new or additional costs.

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

this amendment: Current state funding.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation will not require any increase in fees or funding.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not applied. All employers and employees covered by KRS Chapter 337 are treated equally.

by statute.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: HB 185 RS 2026.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 337.295.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Workplace Standards, Education and Labor 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): Most state and local governmental entities are subject to the wage and hour provisions found in KRS Chapter 337.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

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

(b) Methodology and resources used to reach this conclusion: This regulation adds definitions and procedures required by statute.

(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 regulation adds definitions and procedures required

AMENDED IN-PROCESS EMERGENCY ADMINISTRATIVE REGULATIONS

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

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

BOARDS AND COMMISSIONS
Board of Optometric Examiners
(Emergency As Amended At ARRS, August 11, 2026)

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

EFFECTIVE: August 11, 2026

Prior Versions:

Emergency Amendment - 52 Ky.R. 2042

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 prior to[off] 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 prior to[off] 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 prior to[off] 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>.

FILED WITH LRC: August 11, 2026

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.

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

BOARDS AND COMMISSIONS

Board of Optometric Examiners

(Emergency Amended at IJC on Health Services, July 16, 2026)

201 KAR 5:021E. Licensure Compliance Review.

EFFECTIVE: July 16, 2026

Prior Versions:

Emergency Amendment - 52 Ky.R. 1501

Emergency Amended After Comments - 52 Ky.R. 1794

Emergency As Amended at ARRS – 52 Ky.R. 2051

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 /- J2023, 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)

(a) NBEO Part 3 results; or

(b) The results of the American Board of Optometry (ABO) board certification exam if taken between February 5, 2026 and July 17, 2026.

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.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Section 4.~~**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.

FILED WITH LRC: July 16, 2026

CONTACT PERSON: Christi LeMay, Executive Director, 100 Consumer Lane, Frankfort, Kentucky 40601, (502) 234-2114, christi.lemay@ky.gov

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

DEPARTMENT OF TREASURY
State Treasurer's Office
Unclaimed Property Division
(As Amended at ARRS, August 11, 2026)

20 KAR 1:030. Unclaimed property; escheating.

RELATES TO: KRS ~~393A.030, 393A.040-f, 393A.050, 393A.060, 393A.070, 393A.080, 393A.090, 393A.100, 393A.110, 393A.220-f, 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: KRS 393A.030 authorizes the State Treasurer to promulgate administrative regulations necessary to implement KRS Chapter 393A. This administrative regulation establishes[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 establishing[setting-out] specific items that have been returned to the rightful owner.

Section 1. If the rightful owner of unclaimed property claims his or her property between July 1 and August 1, the holder shall not report the[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 or her 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.

FILED WITH LRC: August 11, 2026

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.

DEPARTMENT OF TREASURY
State Treasurer's Office
Unclaimed Property Division
(As Amended at ARRS, August 11, 2026)

20 KAR 1:040. Unclaimed properties; claims.

RELATES TO: KRS ~~393A.010, 393A.030, 393A.040-f, 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)] authorizes[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 at <https://kyholder.unclaimedproperty.com/Account/Login> 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 or in writing and filed with the department.

Section 2. Proof.

(1) Upon receipt of a claim for unclaimed property that[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 that[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 that[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.

(1) 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:

(a) [(1)] Stock certificate in the owner's name;

(b) [(2)] Stock certificate in the name of the Department of the Treasury with an affidavit ready for transfer to the owner;

(c) [(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

(d) [(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.

(2) [(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 or her right to request a hearing on his or her 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 that[which] identifies the proof used to determine that the claimant was entitled to the property. The proof

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

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.

FILED WITH LRC: August 11, 2026

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.

DEPARTMENT OF TREASURY
State Treasurer's Office
Unclaimed Property Division
(As Amended at ARRS, August 11, 2026)

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: KRS 393A.030 authorizes the State Treasurer to promulgate administrative regulations necessary to implement KRS Chapter 393A. 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 shall/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 or her 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 or she 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 establish[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.

FILED WITH LRC: August 11, 2026

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DEPARTMENT OF TREASURY
State Treasurer's Office
Unclaimed Property Division
(As Amended at ARRS, August 11, 2026)

20 KAR 1:060. Unclaimed property; safe deposit boxes or other safekeeping repositories.

RELATES TO: KRS 393A.010, 393A.040-f, 393A.050, 393A.060, 393A.070, 393A.080, 393A.090, 393A.100, 393A.110, 393A.220, 393A.400, 393A.410[393.040, 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: KRS 393A.030 authorizes the State Treasurer to promulgate administrative regulations necessary to implement KRS Chapter 393A. 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 that/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 repository;

(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 at <https://kyholder.unclaimedproperty.com/Account/Login>. [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[box(es)] or other safekeeping repository[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 the holder report[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 (1) of his or her[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 shall[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:[GSH – 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 shall[will] be placed together in a sealed container.

(4) A detailed department inventory statement shall be completed for each safe 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[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 established[stated] in subsection (2) of this section;

(h) The assigned holder identification or serial number; and

(i) The assigned owner identification or serial number.[; and]

[5] [(7)] 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 the[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.]

[6] [(k)] Nothing in this section shall be construed to prevent the Department from effectuating these procedures through an electronic means or format.

[7] [(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 the department deems[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.

[8] [(6)] The department shall maintain an accurate inventory and essential information through entry into the computer.

[9] [(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.]

FILED WITH LRC: August 11, 2026

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**DEPARTMENT OF TREASURY
State Treasurer's Office
Unclaimed Property Division
(As Amended at ARRS, August 11, 2026)**

20 KAR 1:080. Reports to be filed by holders of unclaimed property.

RELATES TO: KRS ~~393A.040, 393A.220, 393A.230, 393A.340, 393A.480, 424.180, 424.190~~[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)] authorizes[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 electronically file, in accordance with KRS ~~393A.220~~[393.140], 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 at <https://kyholder.unclaimedproperty.com/Account/Login>[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[\$400] 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[\$400] or less. The items of value of fifty (50) dollars[\$400] 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 fifty (50) dollars[\$150-][400], 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[\$400] 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) The department 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 that[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.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

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.]

FILED WITH LRC: August 11, 2026

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.

STATE BOARD OF ELECTIONS (As Amended at ARRS, August 11, 2026)

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

RELATES TO: KRS 14.304, 14.312, 116.035, 116.045, 116.0452, 116.155, 117.085, 117.086

STATUTORY AUTHORITY: KRS 14.312, 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) authorizes[gives] the State Board of Elections [the authority] to promulgate administrative regulations to implement KRS 14.312 and

117.085. KRS 14.312(2) authorizes[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) [1B].

(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 program 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. [If/Should] a participant desires[desire] to update his or her[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 program 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 shall[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 program 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, Section [S]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) [1B]. 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.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Section 4. Incorporation by Reference.

(1) ~~[The following material is incorporated by reference: "Commonwealth of Kentucky Voter Registration Application", Form SBE 01, 04/2024, is incorporated by reference.];~~

(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 ~~website~~[Web site] at <https://elect.ky.gov>.

FILED WITH LRC: August 11, 2026

CONTACT PERSON: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov

**GENERAL GOVERNMENT CABINET
Registry of Election Finance
(As Amended at ARRS, August 11, 2026)**

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 121.120(4) requires the registry to promulgate administrative regulations and prescribe forms for the making of reports under KRS Chapter 121.** KRS 121.015(18) defines "form" to mean ~~an~~ [an] online web page ~~or~~[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 requires~~[specifies] the Kentucky Election Finance Management System found on the Registry's web page ~~to~~[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.]~~

FILED WITH LRC: August 11, 2026

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.

BOARDS AND COMMISSIONS

Board of Pharmacy

(As Amended at ARRS, August 11, 2026)

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 administrative 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;

(a) That has received authorization from the board to participate in the legend drug repository program pursuant to Section 2 **of this administrative regulation**; and

(b) Whose authorization has not been revoked by the board pursuant to Section 3 **of this administrative regulation**.

(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 ~~who~~[that] is over the age of **eighteen (18)**~~[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 entities 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 patient;

(a) ~~[An individual]~~ Who is indigent, uninsured, or underinsured; and

(b) ~~With~~[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":

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

(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 established[provided] in Section 1 of this administrative regulation;

(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 of this administrative regulation; and

(d) If applicable, that the donor will:

1.

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

b.[2.] Otherwise maintain patient confidentiality by executing a confidentiality agreement with the authorized recipient; and.

2.[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) of this administrative regulation;

(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 not expired;[.] ~~[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 subsection (1) of this section~~[Section 3(1)]~~ shall be disposed by returning the drugs[it] to the drug donor; [.] destroying the drugs[it] by incinerator, medical waste hauler, or other lawful method; [.] or transferring the drugs[it] to a return processor.

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

1. Disposal method established[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 the drugs[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) of this administrative regulation; and[.]

(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) of this administrative regulation 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:

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

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 **201 KAR Chapter 2[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 **Drug Repository Patient Eligibility Affidavit Form** provided by the board or a substantively similar physical or electronic form **to confirm[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 **included[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 **201 KAR Chapter 2[this chapter]** shall be retained in physical or electronic format, on or off the authorized recipient's premise for a period of **at least** five (5) years.

(a) A donor or authorized recipient may contract with one another or a third-party to create and maintain records on each other's behalf.

(b) 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 **201 KAR Chapter 2 if the identifier[this chapter if it]** allows for this information to be readily retrievable.

1. Upon request by the board, the identifier used for requested records shall be replaced with the original information.

2. An identifier shall not be used on patient labels **in conjunction with[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 **shall be/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 **stated as a change of ownership[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 **(7/20/22)[(12/2021)]**;

(c) "**[Legend]** Drug Repository Patient Eligibility Affidavit Form," Form Rep. 1121B **(7/20/22)[(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>.

FILED WITH LRC: August 11, 2026

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

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

BOARDS AND COMMISSIONS Board of Optometric Examiners (As Amended at ARRS, August 12, 2026)

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) Effective immediately, a[A] person applying for a license to practice optometry shall submit to the board~~[, within]~~ fifteen (15) days ~~prior to [eff]~~ 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 ~~prior to [eff]~~ 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 ~~prior to [eff]~~ 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:

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

(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>.

FILED WITH LRC: August 11, 2026

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.

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 (As Amended at ARRS, August 11, 2026)

201 KAR 5:021. 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 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 25-13₂ in a way best to protect public health and welfare.

Section 1. This administrative regulation shall be in effect until 2/28/2027.

Section 2. For all initial licenses approved by the Board for individuals who graduated optometry school between 2020 ~~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 (NBO) Part 1 results~~[or Optometry Examining Board of Canada (OEBC) Part 1 results]~~;

(2) NBO Part 2 and TMOB results; and

(3)

(a) NBO Part 3 results; or

(b) ~~The~~ results of the American Board of Optometry (ABO) board certification exam if taken between February 5, 2026 and July 17, 2026.

Section 3. A licensee may submit a passing score of the Optometry Examining Board of Canada (OEBC) Part 1 to satisfy the requirements of Section 2(1) of this 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.~~[The ABO board certification exam shall be utilized for this limited purpose and for the specific review of licenses.]~~

Section 4. Any licensee who has not met the requirements of ~~[Section 2 of]~~this administrative regulation shall not perform the following procedures until all required results are submitted, reviewed, and accepted by the Board:

- (1) Argon Laser Trabeculoplasty (ALT);
- (2) Selective Laser Trabeculoplasty (SLT);
- (3) Laser Peripheral Iridotomy (LPI); or
- (4) Yttrium Aluminum Garnet (YAG) capsulotomy.

Section 5. The Board shall provide written notice to the Office of the Attorney General when the investigation and review is complete.

FILED WITH LRC: August 11, 2026

CONTACT PERSON: Christi LeMay, Executive Director, 100 Consumer Lane, Frankfort, Kentucky 40601, (502) 234-2114, christi.lemay@ky.gov

BOARDS AND COMMISSIONS Board of Dentistry (As Amended at ARRS, August 11, 2026)

201 KAR 8:563. Licensure of dental hygienists.

RELATES TO: KRS 304.40 - 075, ~~[343.040(12),]~~313.030, 313.040, 313.060, 313.080, 313.130, 313.254

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

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

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

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

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

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

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

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

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

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

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

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

(9) Hold at least one (1) of the following:

(a) An Associate's degree or Bachelor's degree in a dental hygiene program~~[from a school, college, or department of a university]~~ accredited by the Commission on Dental Accreditation (CODA); or

(b) A degree from a dental school located outside the United States, equivalent to a Doctor of Dental Medicine (DMD) or Doctor of Dental Surgery (DDS), as determined by the board;

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

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

(12) Complete all additional requirements for at least one (1) of the following:

- (a) Licensure by clinical examination; or
- (b) Licensure by credentials.

Section 2. Requirements for Licensure by Clinical Examination.

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

- (a) Complete all requirements in Section 1 of this administrative regulation; and
- (b) Successfully complete all components of at least one (1) of the following clinical examinations within five (5) years preceding the filing of the application:

1. The dental hygiene examination of the American Board of Dental Examiners (ADEX) or its predecessor agencies; ~~or the examination of the Council of Interstate Testing Agencies (CITA);~~

2. The dental hygiene examination of the Central Regional Dental Testing Service (CRDTS) or its predecessor agencies; or

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

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

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

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

(2) An individual applying more than two (2) years after graduating with ~~a[n Associate's degree or Bachelor's]~~ degree in dentistry or dental hygiene, shall:

(a) Hold a license to practice dentistry or dental hygiene in good standing in another state or other U.S. licensing jurisdiction~~or territory of the United States or the District of Columbia~~; or

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

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

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

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

(2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in dental hygiene in a state or other U.S. licensing jurisdiction~~territory of the United States or the District of Columbia~~; and

(3) Be licensed and actively practicing dental hygiene in ~~another[a] state or other U.S. licensing jurisdiction~~~~territory of the United States or the District of Columbia~~ for at least five (5) of the six (6) years preceding the filing of the application.

Section 4. Requirements for Charitable Limited Dental Hygiene Licensure.

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

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

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

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

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

(e) Hold a license to practice dental hygiene in good standing in another state or other U.S. licensing jurisdiction~~territory of the United States or the District of Columbia~~; and

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

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

(a) Work only with charitable entities registered with the Cabinet for Health and Family Services and listed at

<https://www.chfs.ky.gov/agencies/dph/dpqi/hcab/Pages/charitablehc.aspx> that have met the requirements of KRS 313.254 and 201 KAR 8:581. ~~[These registered charitable entities are listed at https://www.chfs.ky.gov/agencies/dph/dpqi/hcab/Pages/charitablehc.aspx;]~~

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

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

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

Section 5. Continuing Education Requirements.

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

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

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

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

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

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

(f) A licensee may be granted a limited practice waiver as established~~provided~~ for in Section 6 of this administrative regulation.

(2) Acceptable continuing education content shall include:

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

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

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

(d) Basic medical and scientific subjects;

(e) Clinical and technological subjects;

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

(g) Mass casualty or mass immunization situations;

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

(i) Business operations and best practices; and

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

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

(a) A minimum of ten (10) hours taken in a live interactive presentation format; ~~and~~

(b) A maximum of ten (10) hours that meet the requirements of subsection (2)(h) - (j) of this section; ~~and~~ ~~[-]~~

(c) A minimum of one-half (1/2) hour in Pediatric Abusive Head Trauma (PAHT) or Child Abuse and Neglect (CAN).

(4) Dental hygienists registered to practice under general supervision shall also meet the continuing education requirements of Section ~~12(8)~~~~14(8)~~ of this administrative regulation.

(5) Dental hygienists registered to practice as public health hygienists shall also meet the continuing education requirements of Section ~~15(11)~~~~16(5)~~~~14(9)~~ of this administrative regulation.

(6) All continuing education hours shall be documented by a certificate of completion or attendance bearing:

(a) A signature or other verification of the provider;

(b) The name of the licensee in attendance;

(c) The title of the course or meeting attended or completed;

(d) The date of attendance or completion;

(e) The number of hours earned; and

(f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(7) The licensee shall be responsible for obtaining the qualifying documentation of continuing education from the provider or organization and to retain those documents for a minimum of five (5) years.

(8) During the license renewal process, licensees shall attest to their compliance with the requirements of this section.

(9) Licensees ~~shall~~may be subject to audit of their~~audited to determine~~ compliance with the requirements of this section.

Section 6. Limited Practice Continuing Education Waivers

(1) A licensee who has practiced in Kentucky for at least twenty (20) years and desires to continue practicing only in a relief or emergency capacity may receive a limited practice waiver of their general continuing education requirements if the request is submitted to and approved by the board.

(2) A licensee who has been granted a limited practice waiver shall:

(a) Not be required to complete continuing education hours if practicing for not more than thirty (30) days in a calendar year;

(b) Only complete **at least** one-half the continuing education hours if practicing more than thirty (30) days but not more than ninety (90) days in a calendar year; or

(c) Complete **at least** the full thirty (30) hours of continuing education if practicing for more than ninety days in a calendar year.

(3) A limited practice waiver shall:

(a) Be issued for a single, **two (2) year[two-year]** cycle per licensee and ~~shall~~may not be repeated; and

(b) Apply to general continuing education requirements only. Licensees shall still be required to complete all required hours for CPR certification or expanded functions beyond general licensure.

Section 7. Renewal of a Dental Hygiene License.

(1) All dental hygienist licenses issued by the board shall expire on December 31 of even-numbered years and ~~shall~~must~~[shall]~~ be renewed to remain active. A licensee desiring renewal of an active dental hygiene license shall:

(a) Submit a completed and signed Application for Renewal of Dental Hygiene Licensure;

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

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

(d) Meet the continuing education requirements as established in Section 5 of this administrative regulation.

(2) A licensee who has not actively practiced dental hygiene in the two (2) years preceding the filing of the renewal application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.

(3) A licensee desiring renewal of a charitable limited dental hygiene license shall repeat the initial licensure process required by Section 4 of this administrative regulation.

Section 8. ~~[Section 7.]~~ Retirement of a Dental Hygiene License.

(1) A licensee desiring to no longer hold an active dental hygiene license shall submit a completed and signed Retirement of License Form.

(2) Upon receipt of this form, the board shall send written confirmation of retirement to the address provided.

(3) A licensee shall not retire a license that has pending disciplinary action against it.

(4) A license that is not properly retired or renewed shall be considered expired for reinstatement purposes.

Section 9. ~~[Section 8.]~~ Reinstatement of a Dental Hygiene License.

(1) A former licensee desiring reinstatement of an expired or properly retired dental hygiene license in Kentucky shall:

(a) Submit a completed and signed Application to Reinstate Dental or Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) months;

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

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

(d) Provide verification of any license to practice dental hygiene obtained in any state or other licensing jurisdiction since the applicant was first licensed in Kentucky;

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

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

(2) An applicant who has not actively practiced dental hygiene in the two (2) years preceding the filing of the reinstatement application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.

(3) A former licensee who applies to reinstate an expired license that was not properly retired shall ~~pay~~be subject to~~[pay]~~:

(a) The expired license reinstatement fee established in 201 KAR 8:520 if applying less than two (2) years from when the license was last active; or

(b) The same reinstatement fees as a properly retired license if applying more than two (2) years from when the license was last active.

~~Section 10. [Section 9.]~~ Verification of Licensure. An individual desiring an official verification of a dental hygiene license held currently or previously in Kentucky shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 11. ~~[Section 10.]~~ Requirements for Local Anesthesia Registration.

(1) A licensed dental hygienist who desires to administer infiltration or block anesthesia shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

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

(c) Complete an educational program from a dental or dental hygiene school accredited by the Commission on Dental Accreditation (CODA) that meets or exceeds the requirements established in KRS 313.060(10).

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to administer local anesthesia.

(3) A dental hygienist shall not administer local anesthesia in Kentucky unless the licensee:

(a) Holds a current board-issued registration in local anesthesia; and

(b) ~~Performs these procedures under the direct supervision of a dentist. [Administers local anesthesia under the direct supervision of a dentist.]~~

(4) A licensed dental hygienist holding a local anesthesia registration from the board and who has not administered block or infiltration anesthesia for one (1) year, shall complete a board-approved continuing education course prior to resuming the practice of that specific technique.

Section 12. ~~[Section 11.]~~ Requirements for General Supervision Registration.

(1) A licensed dental hygienist who desires to practice under general supervision as provided for in KRS 313.040(6) shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Obtain at least ~~two (2) years and~~ 3,000 hours of verifiable work experience in the practice of dental hygiene; and

(c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental

hygienist to provide dental hygiene services pursuant to KRS 313.040(7), shall complete a written order ~~stating~~specifying the dental service or procedure to be performed on a specific patient by the dental hygienist and shall retain the original order in the patient's dental record.

(4) The minimum requirements for the written order shall include:

- (a) Medical history update;
- (b) Radiographic records requested;
- (c) Dental hygiene procedures requested;
- (d) Name of the patient;
- (e) Date of last oral examination;
- (f) Date of the written order; and
- (g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the ~~eleven (11)~~seven (7) months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills necessary to perform dental hygiene services established in KRS 313.040(7) as part of the Application for Dental Hygiene Special Registrations.

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as established in ~~ADA~~Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.

(8) During each biennial license period, a dental hygienist registered in general supervision shall complete a live, three (3) hour course approved by the board in the identification and prevention of potential medical emergencies to maintain registration upon license renewal. These hours may be included in the thirty (30) overall continuing education hours required for license renewal.

(9) A dental hygienist shall not practice under general supervision unless the licensee holds a current board-issued general supervision registration.

Section 13.~~[Section 12.]~~ Requirements for Intravenous Access Line Registration.

(1) A licensed dental hygienist who desires to start intravenous (IV) access lines shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Pay the fee required by 201 KAR 8:520; and
- (c) Complete a board-approved course in starting IV access lines.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to start IV access lines.

(3) A dental hygienist shall not start IV access lines in Kentucky unless the licensee:

- (a) Holds a current board-issued registration to start IV access lines; and
- (b) ~~Works~~Starts IV access lines under the direct supervision of a dentist who holds either a Moderate Sedation Permit or Deep Sedation and General Anesthesia Permit issued pursuant to 201 KAR 8:550.

Section 14.~~[Section 13.]~~ Requirements for Laser Debridement Registration.

(1) A licensed dental hygienist who desires to perform laser debridement shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Pay the fee required by 201 KAR 8:520; and
- (c) Complete a board-approved course in performing laser debridement.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to perform laser debridement.

(3) A dental hygienist shall not perform laser debridement in Kentucky unless the licensee:

- (a) Holds a current board-issued registration to perform laser debridement; and
- (b) ~~Works~~Performs laser debridement under the direct supervision of a dentist.

Section 15.~~[Section 14.]~~ Requirements for Public Health Registration.

(1) A licensed dental hygienist who desires to practice as a public health registered dental hygienist shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Obtain at least ~~two (2) years and~~ 3,000 hours of verifiable work experience in the practice of dental hygiene; and
- (c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to practice as a public health registered dental hygienist.

(3) A public health registered dental hygienist ~~may~~shall only practice public health hygiene in accordance with KRS 313.040(8).

(4) A public health registered dental hygienist shall only treat a patient who is in the ASA Patient Physical Status Classification of ASA I or ASA II as established in the current edition of Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550 except as established~~provided for~~ in subsection (5) of this section.

(5) ~~[Subsection (4) of this section notwithstanding.]~~ A public health registered dental hygienist may provide comprehensive preventive care in nursing facilities as ~~established~~defined by KRS 216B, with no limitation of services on the basis of ASA classification, ~~including~~Additional services may include:

- (a) Gross debridement;
- (b) Silver diamine fluoride application; and
- (c) Atraumatic restorative therapy.

~~(6)~~(5) Pursuant to KRS 313.040(8)(c), a public health registered dental hygienist shall only perform the following services as established~~defined~~ by [the most recent version of] Current Dental Terminology~~[as incorporated by reference]~~:

- (a) Oral assessment;
- (b) Oral Hygiene instruction;
- (c) Nutritional counseling;
- (d) Tobacco counseling; € High-risk~~High-Risk~~ substance counseling;
- (f) Prophylaxis – adult;
- (g) Prophylaxis – child;
- (h) Pit and fissure sealants;
- (i) Fluoride application~~Treatment~~; and
- (j) Unspecified preventative procedure, by report.

(7) A public health registered dental hygienist shall not:

- (a) Restrict care based on a patient's insurance status or ability to pay; or
- (b) Require out-of-pocket payments from patients.

~~(8)~~(6) Informed consent shall be obtained by the patient or legal guardian of the patient prior to providing services and shall include:

- (a) The name of the public health entity, including the name of the dentist, that assumes responsibility and control;
- (b) A request for the patient's current dental provider, if any; and
- (c) A statement that services are provided by a dental hygienist without the direct supervision of a dentist.

~~(9)~~(7) At the conclusion of each patient visit, the treating public health ~~entity~~hygienist shall:

- (a) Provide the patient or legal guardian of the patient with a standardized handout of all available community resources; and
- (b) Document that the referral to a dental home through the patient or legal guardian has begun within fourteen (14) days of the preventive visit for the patient with obvious dental needs.

~~(10)~~~~(8)~~ This administrative regulation shall not preclude a Kentucky-licensed dentist from directly participating in a public health program as referenced in KRS 313.040(8)(c).

~~(11)~~~~(9)~~ During each biennial license period, a dental hygienist registered in public health dental hygiene shall complete at least nine (9) hours of continuing education to maintain public health registration upon license renewal.

(a) These hours shall include:

1. Six (6) hours of continuing education in public health or public dental health; and

2. Three (3) hours of continuing education in the identification and prevention of potential medical emergencies.

(b) The hours of continuing education required by paragraph (a) of this subsection may be included in the thirty (30) overall continuing education hours required for license renewal.

Section 16.~~[Section 15.]~~ Issuance of Initial Licensure. Upon an applicant's completion of all requirements for dental hygiene licensure, within six (6) months of the date the application was received, the board shall:

(1) Issue a license in sequential numerical order; or

(2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

Section 17.~~[Section 16.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Charitable Limited Licensure", January 2024;

(b) "Application for Dental Hygiene Licensure", September 2024;

(c) "Application for Dental Hygiene Special Registrations", September 2024

(d) "Application for Renewal of Dental Hygiene Licensure", September 2024;

(e) "Application to Reinstate Dental or Dental Hygiene Licensure", January 2024;

(f) "Retirement of License Form", January 2024;

(g) "Verification of Licensure or Registration Form", January 2024;

(h) "2020 American Heart Association Guidelines for CPR and ECC", Copyright 2024 American Heart Association"; and

(i) "CDT 2025: Current Dental Terminology, Copyright© 2024 American Dental Association".

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**PUBLIC PROTECTION CABINET
Board of Licensure for Occupational Therapy
(As Amended at ARRS, August 11, 2026)**

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, 29 U.S.C. 794(d)

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.

(1) A credential holder using telehealth to deliver occupational therapy services shall, upon initial contact with the client:

~~[(a)]~~[(1)] Make attempts to verify the identity of the client;

~~[(b)]~~[(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;

~~[(c)]~~[(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;

~~[(d)]~~[(4)] Provide contact methods of alternative communication the credential holder shall use for emergency purposes, such as an emergency on call telephone number;

~~[(e)]~~[(5)] Document if the client has the necessary knowledge and skills to benefit from the type of telehealth provided by the credential holder;

~~[(f)]~~[(6)] Use secure communications with clients, including encrypted text messages via e-mail or secure websites~~[:]; [Web sites]~~ and

2. Not use personal identifying information in non-secure communications~~[- and];~~

~~[(g)]~~[(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

~~[(h)]~~[(8)] Inform the client in writing about:

1.~~[(a)]~~ The limitations of using technology in the provision of telehealth occupational therapy services;

2.~~[(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;

3.~~[(c)]~~ Potential risks of disruption in the use of telehealth occupational therapy services;

4.~~[(d)]~~ When and how the credential holder will respond to routine electronic messages;

5.~~[(e)]~~ In what circumstances the credential holder will use alternative communications for emergency purposes;

6.~~[(f)]~~ Who else may have access to client communications with the credential holder;

7.~~[(g)]~~ How communications can be directed to a specific credential holder;

8.~~[(h)]~~ How the credential holder stores electronic communications from the client; and

9.~~[(i)]~~ How the credential holder may elect to discontinue the provision of services through telehealth.

~~(2)/(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 that the following:

1. That The patient has the right to refuse telehealth consultation or services and 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 present; 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) If 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 by or on behalf of the credential holder;

(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.]

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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

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**BOARDS AND COMMISSIONS
Applied Behavior Analysis Licensing Board
(As Amended at ARRS, August 11, 2026)**

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 last 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", **August 2026[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 website[Web-site] at aba.ky.gov.

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

BOARDS AND COMMISSIONS
Applied Behavior Analysis Licensing Board
(As Amended at ARRS, August 11, 2026)

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 request[application] by a licensee demonstrating financial hardship. The board shall determine financial 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 request[application] by a licensee demonstrating financial hardship. The board shall determine financial 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.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

(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.

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BOARDS AND COMMISSIONS Applied Behavior Analysis Licensing Board (As Amended at ARRS, August 11, 2026)

201 KAR 43:050. Requirements for supervision.

RELATES TO: KRS 319C.010, 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) Certified 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 **ensure[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 **full-time[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 **full-time[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", August 2026[May 2022]; and

(b) Form ABA-003, "Report of Supervision", August 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 website[Web site] at aba.ky.gov.

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**BOARDS AND COMMISSIONS
Applied Behavior Analysis Licensing Board
(As Amended at ARRS, August 11, 2026)**

201 KAR 43:060. Complaint and disciplinary process.

RELATES TO: KRS 319C.010, 319C.020, 319C.050(2), (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 includes[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 transmitted[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.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

(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.

FILED WITH LRC: August 11, 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.

BOARDS AND COMMISSIONS Applied Behavior Analysis Licensing Board (As Amended at ARRS, August 11, 2026)

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 for Renewal or Reinstatement, 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 for Renewal or Reinstatement, Form ABA-004;

(b) Have a current, approved Report of Supervision and Supervisory Plan, as incorporated by reference in 201 KAR 43:050; 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 for Renewal or Reinstatement, 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 for Renewal or Reinstatement", August 2026[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 website[Web site] at aba.ky.gov.

FILED WITH LRC: August 11, 2026

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INDEPENDENT ADMINISTRATIVE BODIES Board of Emergency Medical Services (As Amended at ARRS, August 11, 2026)

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 established[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[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; and[.]

(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 (1) 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, and the equipment shall[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 allow[permit] an exemption to the utilized standard if[when] the equipment for a specific make or model chassis is not yet available and if, if it is determined] the exception does not directly affect the safety of the occupants. The ambulance shall[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, ~~for~~ 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 IIb or IIc 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 as 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 CO₂][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 (IHPS) 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 4] of this administrative regulation, each Class III [IV] 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 **established/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.

- [e)] [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;]
- [f)] [One (1) portable heart rate monitor with visual or audible display and alarm system per patient;]
- [g)] [One (1) portable blood pressure monitor with an assortment of cuff sizes suitable for infants;]
- [h)] [Three (3) battery powered mechanical IV pumps capable of delivering as low as 1cc increments for IV fluids;]
- [i)] [A battery or self-powered oxygen sensor and transcutaneous oxygen monitor or oxygen saturation monitor;]
- [j)] [Oxygen delivery devices and tubing capable of administering high concentrations of oxygen;]
- [k)] [A temperature monitoring device;]
- [l)] [A portable ventilator appropriate for neonatal patients;]
- [m)] [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;]
- [n)] [A laryngoscope handle;]
- [o)] [Laryngoscope Blades in Miller sizes 00, 0, 1, 2, 3;]
- [p)] [Two (2) bulbs;]
- [q)] [Two (2) batteries;]
- [r)] [Endotracheal tubes in various sizes;]
- [s)] [Two (2) stylets;]
- [t)] [Two (2) meconium aspirators;]
- [u)] [Oral airways in various sizes;]
- [v)] [Suction equipment with low suction capabilities of less than eighty (80) mmHg;]
- [w)] [Two (2) suction catheters in sizes 5.0, 6, 6.5, 8, and 10 each;]
- [x)] [Syringes sizes 1 cc through 60 cc in various sizes;]
- [y)] [Two (2) medication access devices;]
- [z)] [23-27 gauge vascular access devices in various sizes;]
- [aa)] [Sterile gloves in various sizes and sufficient quantity for all crewmembers;]
- [ab)] [Medications as required by the master drug list contained in protocols established in accordance with this section;]
- [ac)] [IV extension tubing in sufficient length to administer IV fluids or medications;]
- [ad)] [IV securing devices in various sizes;]
- [ae)] [Two (2) IV filters;]
- [af)] [Two (2) umbilical catheters, sizes 3.5 and 5;]
- [ag)] [Ten (10) antiseptic solution wipes;]
- [ah)] [One (1) blood glucose monitoring device;]
- [ai)] [Five (5) lancets for obtaining a blood glucose sample;]
- [aj)] [One (1) neonatal stethoscope;]
- [ak)] [One (1) flashlight;]
- [al)] [Gauze pads;]
- [am)] [One (1) No. 5 and one (1) No. 8 French feeding tube;]
- [an)] [One (1) high intensity light capable of transillumination;]
- [ao)] [A biomedical waste plastic bag or impervious container;]
- [ap)] [Puncture resistant containers for disposal of sharp objects that shall be secured to the vehicle;]
- [aq)] [Gloves made of nitrile or other suitable materials in sufficient quantity for all crewmembers;]
- [ar)] [Respiratory face masks in sufficient quantity for all crew members;]
- [as)] [Special procedure trays or instruments capable of performing umbilical catheterization, venous cutdown, and thoracostomy in accordance with established protocol;]
- [at)] [One (1) bulb syringe;]
- [au)] [One (1) cord clamp;]
- [av)] [One (1) age appropriate chest tube evacuation device; and]
- [aw)] [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 f; 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)(4) "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.]

FILED WITH LRC: August 11, 2026

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.

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, August 11, 2026)**

301 KAR 2:228. Sandhill crane hunting requirements.

RELATES TO: KRS 150.010, 150.170, 150.305, 150.340, 150.990, 16 U.S.C. 703-712, 50 C.F.R. 20, 21
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 of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150 [~~to~~] establish open seasons for the taking of wildlife, and [~~to~~] regulate bag limits. KRS 150.170[(3), (4)] authorizes the department to promulgate administrative regulations establishing licensing and permit requirements [~~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 if[when] in compliance with the provisions of the Federal Migratory Bird Treaty Act, 16 U.S.C. 703-712, 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; and
 - (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 while:
 - (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)
 1. Calling 800-245-4263 and providing the information requested by the automated check-in system; or
 - 2.[(b)] Completing the check-in process on the department's Web site at fw.ky.gov; and
 - (b)[(e)] 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.

FILED WITH LRC: August 11, 2026

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

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, August 11, 2026)**

301 KAR 2:251. Hunting and trapping seasons and limits for furbearers.

RELATES TO: KRS 150.170, 150.180, 150.370, 150.399, 150.415, 150.416, 150.990, 150.995

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(7), (9), 150.360, 150.400, 150.410

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.175(7), (9) authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals. This administrative

regulation establishes seasons, bag limits, legal methods of take, and checking and recording requirements for hunting and trapping furbearers.

Section 1. Definitions.

(1) "Body-gripping trap" means a commercially manufactured spring-loaded trap designed to kill an animal upon capture.

(2) "Dry land set" means a trap that is placed so that no portion of the trap touches the water of a river, stream, pond, lake, wetland, or other water course.

(3) "Foothold trap" means a commercially manufactured spring-loaded trap with smooth, metallic or rubber soft-catch jaws that close upon an animal's foot.

(4) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, least weasel, long-tailed weasel, river otter, bobcat, coyote, or striped skunk.

(5) "Hunter" means a person legally taking furbearers by means other than trapping.

(6) "Otter Zone 1" means the following counties: Anderson, Ballard, Bath, Boone, Bourbon, Bracken, Breckinridge, Bullitt, Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Daviess, Fayette, Fleming, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Hancock, Hardin, Harrison, Henderson, Henry, Hickman, Hopkins, Jefferson, Kenton, Larue, Livingston, Lyon, Marshall, Mason, McCracken, McLean, Meade, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Spencer, Trigg, Trimble, Union, Webster, and Woodford.

(7) "Otter Zone 2" means all Kentucky counties not included in subsection (6) of this section.

(8) "Snare" means a wire, cable, or string with a knot, loop, or a single piece closing device, the deployment of which is or is not spring-assisted, but any spring-assisted device is not for the purpose of applying tension to the closing device.

(9) "Squaller" means a hand-operated, mouth-operated, or electronic call capable of mimicking the vocalizations of furbearers.

(10) "Trap" means a body-gripping trap, box trap, deadfall, foothold trap, snare, or wire cage trap used to catch furbearers, in the set or unset position.

(11) "Water set" means a trap placed in the water of a river, stream, pond, lake, wetland, or other water course so that a portion of the trap body is underwater.

(12) "Youth" means a person under the age of sixteen (16) by the date of the hunt or the trapping date.

Section 2. License and Permit Requirements. Unless exempted by KRS 150.170, a person shall carry on his or her person a valid:

- (1) Hunting license while hunting furbearers; and
- (2) Bobcat hunting permit while hunting bobcat; or
- (3) Trapping license while trapping furbearers.

Section 3. Furbearer Hunting Seasons. Except as established in 301 KAR 2:049, a person shall only take furbearers by hunting during the seasons established in subsections (1) through (5) of this section:

(1) Bobcat, from one-half (1/2) hour before sunrise on the third Saturday in November through the last day of February;

(2) Coyote, year-round;

(3) Raccoon and opossum, October 1 through the last day of February;

(4) All other furbearers except as established in subsection (5) of this section, from one-half (1/2) hour before sunrise on the third day of modern gun deer season through the last day of February; and

(5) Furbearers taken by falconry, September 1 through March 30.

Section 4. Furbearer Trapping Season. Except as established in 301 KAR 2:049, a person shall only take furbearers by trapping from one-half (1/2) hour before sunrise on the third day of the modern gun deer season through:

- (1) The last day of February; or
- (2) If using a water set, the last day of March.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Section 5. License-Exempt Youth Season. For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may hunt or trap furbearers without a license, but all other statewide requirements shall apply.

Section 6. Legal Hunting Equipment. Except as established in Section 7(8) of this administrative regulation, a hunter shall only use the equipment established in subsections (1) through (7) of this section to hunt furbearers:

- (1) Centerfire gun;
- (2) Rimfire gun;
- (3) Shotgun;
- (4) Muzzleloader;
- (5) Bow and arrow;
- (6) Crossbow; or
- (7) An air gun using pellets at least .22 caliber in size.

Section 7. Hunter Restrictions.

(1) Furbearers may be taken during daylight hours only, except for the following, which may also be taken after daylight hours:

- (a) Beaver;
- (b) Bobcat;
- (c) Coyote;
- (d) ~~(b)~~ Opossum; or
- (e) ~~(c)~~ Raccoon.

(2) A person shall not take a raccoon or opossum during daylight hours during the modern gun deer season, as established in 301 KAR 2:172.

(3) A person hunting from a boat shall not use a light in conjunction with taking a raccoon or opossum.

(4) A person shall not use the following while chasing a raccoon or opossum from noon on March 1 through September 30;

- (a) A firearm;
- (b) Slingshot;
- (c) Tree climber; or

(d) Any device to kill, injure, or force a raccoon or opossum from a tree or den.

(5) A person may use a squaller year-round.

(6) There shall not be a closed season on:

(a) Chasing red and gray foxes during daylight hours for sport and not to kill; or

(b) Chasing raccoons or opossums for sport and not to kill.

(7) A hunter may use a hand or mouth-operated call, electronic call, or any other attracting device during a furbearer hunting season.

(8) A person may take a coyote after daylight hours year-round, except that:

(a) It shall not be allowed in a county or area where a deer or elk firearm season is open;

(b) Artificial light or other means designed to make wildlife visible at night shall only be used from December 1 through March 31, and from May 16 through June 30 on public and private land;

(c) Any artificial light or other means designed to make wildlife visible at night shall not be connected to or cast from a mechanized vehicle;

(d) A holder of a valid Mobility-Impaired Access Permit or Hunting Methods Exemption - Vehicle Permit may use a stationary vehicle as a hunting platform and may cast lights or other means designed to make wildlife visible at night so long as the means used are not connected to the vehicle;

(e) On public land, a person shall not use any equipment other than a bow, crossbow, or shotgun and shall not use a shotgun shell with a single-projectile;

(f) On private land, a person shall not use any equipment other than a bow, crossbow, or shotgun and shall not use a shotgun shell with a single-projectile, except that from December 1 through March 31 and May 16 through June 30 a person may also use a muzzleloader of .54 caliber or less, a shotgun shell with a single projectile, or any modern firearm, including any rifle, pistol, or shotgun loaded from the rear of the barrel.

(9) On private land, a person may take a beaver after daylight hours, from December 1 through the last day of February, subject to the following:

(a) It shall not be allowed in a county or area where a deer or elk firearm season is open;

(b) Individuals shall be permitted to utilize artificial light or other means designed to make wildlife visible at night;

(c) Any artificial light or other means designed to make wildlife visible at night shall not be connected to or cast from a mechanized vehicle;

(d) A holder of a valid Mobility-Impaired Access Permit or Hunting Methods Exemption - Vehicle Permit may use a stationary vehicle as a hunting platform and may cast lights or other means designed to make wildlife visible at night so long as the means used are not connected to the vehicle;

(e) A person shall not use any equipment other than a bow, crossbow, rimfire firearms of any caliber, straight wall cartridge centerfire firearms with a .35 caliber or less bullet that has a shell case no larger than 2.75 inches, or shotgun and shall not use a shotgun shell with a single-projectile.

(10) A person may take a bobcat after daylight hours, from December 1 through the last day of February, subject to the following:

(a) There shall be a bag limit of one (1) bobcat taken after daylight hours.

(b) It shall not be allowed in a county or area where a deer or elk firearm season is open;

(c) Individuals shall be permitted to utilize artificial light or other means designed to make wildlife visible at night;

(d) Any artificial light or other means designed to make wildlife visible at night shall not be connected to or cast from a mechanized vehicle;

(e) A holder of a valid Mobility-Impaired Access Permit or Hunting Methods Exemption - Vehicle Permit may use a stationary vehicle as a hunting platform and may cast lights or other means designed to make wildlife visible at night so long as the means used are not connected to the vehicle;

(f) On private land, a person shall not use any equipment other than a bow, crossbow, shotgun of 12 gauge or less, muzzleloader of .54 caliber or less, and any modern centerfire firearm; and

(g) On public land, a person shall not use any equipment other than a bow, crossbow, or shotgun of 12 gauge or less, and shall not use a shotgun shell with a single-projectile.

Section 8. Legal Traps.

(1) A person who is trapping with a dry land set shall only use traps as established in paragraphs (a) through (e) of this subsection:

- (a) Deadfall;
- (b) Wire cage or box trap;
- (c) Foothold trap with a maximum inside jaw spread of six (6) inches measured perpendicular to the hinges;
- (d) A snare; or
- (e) Except as established in 301 KAR 2:049, a body-gripping trap with a maximum inside jaw spread of seven and one-half (7 1/2) inches measured parallel with the trigger:

1. In the center of the trap; and

2. In the unset position.

(2) There shall be no restrictions on the size or type of trap used as a water set, except that any body-gripping trap greater than twenty (20) inches in width shall be set so that the trap is completely submerged underwater.

Section 9. Trapper Restrictions.

(1) A person trapping on private land shall not place traps used as dry land sets any closer than ten (10) feet apart unless possessing written permission from the landowner or the landowner's designee, except that there shall not be more than three (3) traps placed within any ten (10) foot spacing.

(2) The trap spacing requirement established in subsection (1) of this section shall not apply to:

- (a) Box or cage live traps; or
- (b) Properties of five (5) acres or less.

(3) A trap shall not be set in a trail or path commonly used by a human or a domestic animal.

(4) A trapper may use lights from a boat or a vehicle in conjunction with trapping furbearers.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Section 10. Trap Tags.

(1) Each trap shall have a metal tag attached to it that clearly shows:

(a) The name and address of the person setting, using, or maintaining the trap; or

(b) A FW Customer ID or wildlife identification number issued by the department and the 1-800-25ALERT department hotline phone number.

(2) A person shall:

(a) Not use a trap tag that has an inaccurate or outdated address;

(b) Not use a trap tag that has a FW Customer ID or wildlife identification number that corresponds to an inaccurate or outdated address or phone number; and

(c) Maintain an updated address and phone number in MyProfile on the department website.

(3) A FW Customer ID or wildlife identification number shall be valid for a trap tag for the life of the holder.

Section 11. Bag Limits.

(1) There shall not be a bag limit on furbearers, except as established in subsections (2) through (6) of this section.

(2) A person shall not take more than ~~ten (10)~~~~[five (5)]~~ bobcats per season, no more than three (3) of which shall be taken with a gun, **and no more than one (1) of which shall be taken at night.;** ~~except as established in subsection (3) of this section.]~~

~~[(3)] [Hunters and trappers may increase their bobcat bag limit for the following season, under the following criteria:]~~

~~[(a)] [A hunter or trapper who submits lower jaws from all harvested bobcats in a single season may receive one (1) additional bobcat to the bag limit for the following season for every two (2) jaws submitted.]~~

~~[(b)] [Additions to the bobcat bag limit also increase the allowable number of bobcats that may be taken with a gun.]~~

~~[(c)] [Hunters and trappers shall submit all lower jaws, from bobcats they harvest during a single season, to the department by March 15th the year the season ends to be eligible for bag limit incentives. Instructions][for][how to remove and submit the lower jaws can be obtained from the department's Web site at fw.ky.gov.]~~

~~[(d)] [Additions of bobcats to bag limits are non-transferable.]~~

~~(3)[(4)]~~ A person shall not take more than ~~fifteen (15)~~~~[ten (10)]~~ river otters per season in Otter Zone 1.

~~(4)[(5)]~~ A person shall not take more than ~~ten (10)~~~~[six (6)]~~ river otters per season in Otter Zone 2.

~~(5)[(6)]~~ The total river otter bag limit per season shall be ~~fifteen (15)~~~~[ten (10)]~~ per person, only ~~ten (10)~~~~[six (6)]~~ of which can be taken from Otter Zone 2.

~~(6)[(7)]~~ A falconer hunting within the falconry season, but outside the dates specified in Section 3(3) and (4) of this administrative regulation, shall not take more than two (2) of any furbearer per day.

Section 12. Harvest Recording.

(1) Immediately after harvesting a river otter or bobcat, and prior to moving the carcass, a person shall record in writing the:

(a) Species;

(b) Date;

(c) County where taken; and

(d) Sex of the river otter or bobcat.

(2) The information required by subsection (1)(a) through (d) of this section shall be documented on:

(a) The hunter's log section on the reverse side of a license or permit;

(b) A hunter's log printed from the department's Web site at fw.ky.gov;

(c) A hunter's log available from any KDSS agent; or

(d) An index card or similar card.

(3) A person shall retain and possess the completed hunter's log while hunting or trapping during the current season.

Section 13. Checking a River Otter or Bobcat.

(1) A person who harvests a river otter or bobcat shall check each animal by:

(a) Completing the telecheck process after calling 800-245-4263 or completing the check-in process on the department's Web site at fw.ky.gov:

1. Before midnight on the day the river otter or bobcat is recovered;

2. Prior to processing the carcass; and

3. Prior to transporting the raw fur, pelt, or unskinned carcass out of Kentucky; and

(b) Writing the check-in confirmation number on the hunter's log as established in this section.

(2) A person who intends to sell the raw fur of a river otter or bobcat to a licensed fur processor, fur buyer, or taxidermist or wishing to export a river otter or bobcat pelt outside the United States shall: Request a Convention on International Trade of Endangered Species of Flora and Fauna (CITES) tag by logging into a MyProfile account on the department website.

(3) A person who is transferring a river otter or bobcat that does not have an attached CITES tag shall attach to the carcass a handmade tag that contains the:

(a) Confirmation number;

(b) Hunter or trapper's name; and

(c) Hunter or trapper's phone number.

(4) A person shall not knowingly provide false information when:

(a) Completing the hunter's log;

(b) Checking a river otter or bobcat;

(c) Completing a CITES tag request form; or

(d) Creating a handmade carcass tag.

(5) A CITES tag shall be attached to the raw fur, pelt, or unskinned carcass upon receipt of the tag from the department per the instructions provided by the department and remain attached until it is processed or exported outside the United States.

(6) Possession of an unused CITES tag issued by the department shall be prohibited.

Section 14. Transporting and Processing a River Otter or Bobcat.

(1) A person shall not sell the raw fur of a river otter or bobcat except to a licensed:

(a) Fur buyer;

(b) Fur processor; or

(c) Taxidermist.

(2) A taxidermist, fur buyer, or fur processor shall:

(a) Not accept a river otter or bobcat carcass or any part thereof without a proper carcass tag or CITES tag as established in Section 13 of this administrative regulation; and

(b) Retain the information established in subparagraphs 1. through 4. of this paragraph from a hunter or trapper:

1. Name;

2. Address;

3. Confirmation number or CITES tag number; and

4. Date received for each river otter or bobcat.

FILED WITH LRC: August 11, 2026

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

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

**TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Driver Licensing
(As Amended at ARRS, August 11, 2026)**

601 KAR 12:130. Third-party issuance of identity documents.

RELATES TO: KRS 186.400-~~f to j~~186.640.

STATUTORY AUTHORITY: KRS ~~186.4124(2)]186.400 to 186.640]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186.4124(2) requires the cabinet to promulgate administrative regulations to establish procedures by which third-party entities may apply to the cabinet to serve as application processors for identity documents. This administrative regulation establishes these procedures [by which a third-party entity may apply to the cabinet to serve as application processors for identity documents] pursuant to KRS 186.400-~~f to j~~186.640.

Section 1. Definitions. 1) "Cabinet" is defined by KRS 186.010(1)[means the Transportation Cabinet].

(2) "Identity document" is defined by KRS 186.4124(1)(a)[means an operator's license or personal identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, or 186.4123].

(3) "Third-party entity" is defined by KRS 186.4124(1)(b)[means a person or entity, including a business entity or nonprofit member association, that has received approval from the cabinet to process identity documents. A "third-party entity" does not include any governmental entity other than the Cabinet].

Section 2. Application. Any third-party entity seeking to issue identity documents pursuant to KRS 186.400-~~f to j~~186.640 shall apply by completing Form TC [form] 94-207, Application for Third-Party Issuer of Identity Documents, and submitting it to the Division of Driver Licensing. The Cabinet shall have twenty (20) working days to process and approve or disapprove an application.

Section 3. Approval.

(1) The Cabinet reserves the right to approve or disapprove any application based upon review of properly completed and duly filed Form TC [form] 94-207, Application for Third-Party Issuer[Issuance] of Identity Documents.

(2) If a[the] third-party entity is approved, it[they-] shall comply with all relevant administrative regulations and policies of the cabinet, including[This shall include] collecting all fees as established[set forth] in KRS 186.531.

(3) An approved application shall allow the approved third-party entity to process identity documents for three (3) calendar years starting from the date of approval.

(4) Third-party entities shall enter into an annual lease agreement for necessary equipment and shall agree to perform all KYTC actions on designated KYTC hardware while using KYTC networks. After application approval, KYTC shall work to complete all necessary setup tasks within six (6) months.[Third-party entities shall agree to obtain and maintain all equipment required to perform identity document issuance as well as software application fees. All associated costs shall be the responsibility of the third-party issuer.]

Section 4. Revocation. The Cabinet reserves the right to revoke any approved application for cause. Grounds for cause shall include the following:

(1) Failure to maintain ADA compliant facilities, including first aid stations, parking, reception areas, and restrooms;

(2) Failure to maintain trained personnel and equipment to handle work-flow and customer service needs;

(3) Failure to request and maintain background checks on all employees that access the system;

(4) Failure to follow all requirements for issuance of identity documents;

(5) Improper issuance of identity documents to persons not entitled to receive a legal identity document;

(6) Failure to maintain all necessary business insurances to include liability, workers compensation, unemployment insurance, or other costs of doing business such as failure to deduct and pay all necessary local, state, federal taxes and fees;

(7) Failure to collect all fees as established[set forth] in KRS 186.531 and transmit the same to the Cabinet;

(8) Failure to maintain all requirements for a business in good standing with the Commonwealth;

(9) Failure to report breach of security or improper issuance of identity documents within one (1) hour of actual notice of occurrence;

(10) Failure to suspend and remove an employee who is found to be engaging in breach of security or illegal activities; and

(11) As a condition of participation, each approved third-party issuer shall, prior to activation or issuance authority, maintain cybersecurity liability insurance in the amount of \$500,000, including coverage for data breaches and unauthorized disclosure of information.[Any breach of security]resulting in a release of personal identifiable information to a third party]shall be subject to fines of][\$155][\$1,000][per each individual's record exposed.]

Section 5. Appeals. If an application is denied or a previously approved application is revoked, the Cabinet shall notify the third-party entity in writing of the cause of the denial, or revocation. The third-party entity shall have thirty (30) days to file a[an appeal by] written appeal to the Commissioner of the Department of Vehicle Regulation at 200 Mero Street, Frankfort, Kentucky 40622. Appeals shall be processed pursuant to KRS Chapter 13B.

Section 6. Site Closure or Non-renewal of Certificate. For a site closure or non-renewal of operating certificate, all leased equipment obtained for identity document issuance including any printer, camera, computer hardware or software, or scanner shall be returned within thirty (30) days to the Department of Vehicle Regulation located at 200 Mero Street, Frankfort, Kentucky 40622. A third-party issuer shall notify KYTC immediately of any site closure, including providing a list of all staff associated with the site closure.

Section 7. Incorporation by Reference.

(1) Form TC 94-207, "Application for Third-Party Issuer[Issuance] of Identity Documents", [TC 94-207,][07/2026][02/2026][07/2025][Edition), Transportation Cabinet], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Office Building, Department of Vehicle Regulation, 2nd Floor, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material is also available on Transportation Cabinet's website[Web site] at drive.ky.gov.

FILED WITH LRC: August 11, 2026

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

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

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PUBLIC PROTECTION CABINET Department of Housing, Buildings and Construction (As Amended at ARRS, August 11, 2026)

815 KAR 4:010. Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts.

RELATES TO: KRS 198B.400, 198B.470, 198B.480, 198B.500, 198B.510, 198B.540

STATUTORY AUTHORITY: KRS 198B.060(18), 198B.490

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.490 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations governing the safety and inspection of "elevators," as defined by KRS 198B.400(1) and "fixed guideway systems," as defined by KRS 198B.400(11). KRS 198B.490(1) authorizes the department to promulgate an[prescribe, by] administrative regulation to establish[.] a reasonable fee to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B. This administrative regulation establishes the annual inspection requirements and fees for elevators, chairlifts, fixed guideway systems, and platform lifts within the Commonwealth.

Section 1. Annual Inspection of Elevators, Chairlifts, Fixed Guideway Systems, and Platform Lifts. An annual inspection of an elevator, chairlift, fixed guideway system, or platform lift shall be conducted in accordance with the standards [as established and incorporated by reference in 815 KAR 7:120, Kentucky Building Code.

Section 2. Inspection Fees

(1) The annual inspection fee for the issuance of a certificate of operation shall be as follows:

Elevators	Inspection Fee
Stair Lift, Chairlift, Platform Lift, or Fixed Guideway System	~~\$125~~ [\$100]
Dumbwaiter	~~\$135~~ [\$140]
Limited Use, Limited Access (Lula)	~~\$150~~ [\$125]
Moving Sidewalk	~~\$150~~ [\$125]
Passenger	~~\$150~~ [\$125]
Hydraulic	~~\$150~~ [\$125]
Special Purpose (private residential or vertical reciprocating conveyor)	~~\$150~~ [\$125]
Escalator	~~\$170~~ [\$145]
Freight	~~\$250~~ [\$225]
Traction	~~\$150~~ [\$125] for initial ten (10) stories; plus ~~\$25~~ [\$40] for each additional ten (10) stories or portion thereof
<u>Re-inspections</u>	<u>Additional payment of original inspection fee for each re-inspection</u>

(2) The fee for an inspection conducted at the request of the owner or user of a unit, other than an inspection made pursuant to a

construction, installation, or alteration permit, or annual inspection, shall ~~include[be subject to]~~ the same fee schedule as an annual inspection as established in subsection (1) of this section.

Section 3. Certificate of Approval. The department shall issue a certificate of approval after successful completion of a final inspection and receipt of the inspection fee. The fee for a replacement certificate is \$25.

FILED WITH LRC: August 11, 2026

CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov.

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

PUBLIC PROTECTION CABINET Department of Housing, Buildings and Construction (As Amended at ARRS, August 11, 2026)

815 KAR 4:025. Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts.

RELATES TO: KRS 198B.050, 198B.400-198B.540

STATUTORY AUTHORITY: KRS 198B.060, 198B.4009, 198B.490, 198B.520

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.420 requires the Department of Housing, Buildings and Construction to administer all aspects of the State Elevator and Fixed Guideway System Inspection Program. KRS 198B.520 requires a permit to be obtained prior to the construction, installation, or alteration of an elevator or fixed guideway system. KRS 198B.490 requires the department to promulgate administrative regulations governing the safety and inspection of elevators and fixed guideway systems and authorizes the department to establish reasonable fees to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B. This administrative regulation establishes the permit and inspection fees for passenger elevators, freight elevators, chairlifts, fixed guideway systems, and platform lifts.

Section 1. Definitions.

(1) "Alteration":

(a) Means a change that is made to an elevator, elevator equipment, elevator device, chairlift, fixed guideway system, or platform lift; and

(b) Does not mean maintenance, repair, or replacement of parts in kind.

(2) "Elevator" is defined by KRS 198B.400(1).

(3) "Fixed guideway system" is defined by KRS 198B.400(11).

Section 2. Issuance of Permits.

(1) Permits to construct, install, or alter an elevator, chairlift, fixed guideway system, or platform lift shall only be issued to a Kentucky licensed elevator contractor.

(2) A Kentucky licensed elevator mechanic shall not construct, install, or alter an elevator, chairlift, fixed guideway system, or platform lift unless the work is performed under the supervision of a Kentucky licensed elevator contractor or exempt from supervision under the provisions of KRS 198B.4009(2).

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Section 3. Permit Required.

(1) An application shall be made for a permit prior to construction, installation, or alteration of an elevator, chairlift, fixed guideway system, or platform lift on one (1) of the following:

(a) Form EV-1, Elevator Construction and Installation Permit Application; or

(b) Form EV-2, Elevator Alteration Permit Application.

(2) An application shall be submitted to the department before commencing elevator, chairlift, fixed guideway system, or platform lift work that requires a permit.

Section 4. Construction, Installation, and Alteration Permit Fees.

Permit and inspection fees for passenger and freight elevators, escalators, moving sidewalks, fixed guideway systems, residential and commercial chair lifts and platform lifts, dumb waiters, and limited use limited access elevators~~[for passenger elevators, freight elevators, chairlifts, fixed guideway systems, and platform lifts]~~ shall be as follows:

(1) Passenger and freight elevators: Base fee of \$400, plus \$25 for each floor above the eighth floor (this ~~shall include~~includes all floors or levels above and below grade to which the elevator provides access):

(2) Escalators and moving sidewalks: \$400;

(3) Fixed guideway system: \$150;

(4) Residential and commercial chair lifts and platform lifts: \$150;

(5) Dumb waiter: \$150; and

(6) Limited use limited access elevators: \$150.

[Horsepower (per unit)]	[Permit Fee]
[Zero (0) to five (5)]	[\$85]
[Six (6) to ten (10)]	[\$100]
[More than ten (10)]	[\$100 plus \$10 for each additional horsepower exceeding ten (10)]

Section 5. Inspection Fees.

(1)

[a] Each passenger elevator, freight elevator, chairlift, fixed guideway system, or platform lift permit shall include up to two (2) inspections at no additional cost.

(2)[b] All passenger elevator, freight elevator, chairlift, fixed guideway system, or platform lift inspections in excess of the two (2) provided with the purchase of the permit shall be performed at the rate of the original permit fee per inspection.

(3)[2] Payment for all necessary permits and inspections shall be received by the department prior to final approval of an elevator, chairlift, fixed guideway system, or platform lift construction, installation, or alteration being granted.

Section 6. Elevator Inspection Checklist.

(1) Prior to requesting a final inspection of the constructed, installed, or altered elevator, the elevator contractor shall submit a completed Elevator Inspection Violation Reference List for New and Existing Elevator Devices and Scheduling Checklist, Form EV-3, to the department.

(2) Prior to requesting a final inspection of the constructed, installed, or altered escalator, the elevator contractor shall submit a completed Escalator Inspection Violation Reference List for New and Existing Escalators and Scheduling Checklist, Form EV-6~~EV-4~~, to the department.

(3) Prior to requesting a final inspection of the constructed or installed private residence elevator, the elevator contractor shall submit a completed Private Residence Inspection Violation Reference List for New Elevators and Scheduling Checklist, Form EV-7~~EV-5~~, to the department.

(4) Prior to requesting a final inspection of the constructed or installed private residence chairlift, the elevator contractor shall submit a completed Private Residence Chairlift Inspection Test Form, Form EV-8~~EV-6~~, to the department.

Section 7. Certificate of Approval. Upon the satisfactory completion of final inspection of the constructed, installed, or altered elevator, chairlift, fixed guideway system, or platform lift a certificate of approval shall be issued by the department.

Section 8. Expiration of Permits. An elevator permit issued pursuant to this administrative regulation may be revoked, expired, or extended as established in~~shall be subject to revocation, expiration, or extension pursuant to the provisions of~~ KRS 198B.520.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Elevator Construction and Installation Permit Application", Form EV-1, May 2020;~~and~~

(b) "Elevator Alteration Permit Application", Form EV-2, May 2020;~~and~~

(c) "Elevator Inspection Violation Reference List for New and Existing Elevator Devices and Scheduling Checklist", Form EV-5, April, 2026;~~EV-3, May 2021;~~

(d) "Escalator Inspection Violation Reference List for New and Existing Escalators and Scheduling Checklist", Form EV-6, April 2026;

(e) "Private Residence Inspection Violation Reference List for New Elevators and Scheduling Checklist", Form EV-7, April 2026; and

(f) "Private Residence Chairlift Inspection Test Form", Form EV-8, April 2026.

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

PUBLIC PROTECTION CABINET

Department of Housing, Buildings and Construction
(As Amended at ARRS, August 11, 2026)

815 KAR 7:070. The Kentucky Certified Building Inspector Program.

RELATES TO: KRS 198B.010(6), 198B.040(3), 198B.050(3)(c), (6), 198B.060, 198B.090, 198B.095

STATUTORY AUTHORITY: KRS 198B.050(5), 198B.090(1)(a), (b), 198B.095(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.090(1) requires the department to create and administer a building inspector's certification program and a plans and specifications inspector's certification program with sufficient testing procedures. KRS 198B.050(5) requires the department to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the department to promulgate an administrative regulation to establish a building inspector training program. This administrative regulation establishes the testing, training, continuing education, and enforcement responsibilities for qualifying persons to become inspectors for the enforcement of the Kentucky Building Code and the Kentucky Residential Code.

Section 1. Definitions.

(1) "Enrolled" means an applicant has complied with the requirements established in Section 4(1) of this administrative regulation.

(2) "General supervision" means that the supervising authority manages/oversees the work performed overall, but is not required to be on-site at all times during plan reviews and inspections.

(3) "Certified building inspector" means an individual who has obtained at least one (1) level of certification issued pursuant to this administrative regulation.

(4) "ICC test module" means a test module, from the International Code Council, that is used to meet the module testing requirements established in Section 5 of this administrative regulation.

~~[(4)] ["Limited certificate" means a document establishing that a person:]~~

~~[(a)] [Has passed the test for competency in one (1) or more NCPCCI or ICC test modules; and]~~

~~[(b)] [Is qualified to engage in the type of limited inspections listed on the certificate which represents the level of competency for which the person was tested:]~~

(5) "NCPCCI test module" means a test module, from the National Certification Program for Construction Code Inspectors, developed by the national code enforcement organizations for the purpose of providing nationally recognized evidence of competency and professionalism in construction code enforcement and used to meet the module testing requirements established in Section 5 of this administrative regulation.

(6) "Trainee" means a person who is enrolled in the building inspector program of the department but has not satisfied all requirements ~~completed the NCPCCI or ICC test modules~~ necessary to be a certified building inspector.

Section 2. Inspection Operations.

(1)

(a) Each governmental entity engaged in a building inspection program shall have at least one (1) certified building inspector with the level of credentials required for buildings covered by the governmental entity's program.

(b) The certified building inspector shall be responsible for all:

1. Construction document approvals;
2. Inspections; and
3. Issuance of certificates of occupancy.

(2) A trainee may be used in a building inspection program. If used, the trainee shall:

(a) ~~[The trainee shall]~~ Operate under the general supervision of a certified building inspector; and/:

(b) ~~[A trainee shall]~~ Not issue:

1. Permits;
2. Construction document approval letters;
3. Inspection compliance letters; or
4. Certificates of occupancy.

~~[(c)] [A trainee holding a current limited certificate shall exercise only the duties authorized by that certificate.]~~

(3)

(a) A person making inspections as authorized by this administrative regulation shall not overrule, supplant, or order corrections or alterations that conflict with the approved construction documents.

(b) If an inspector believes construction documents are incorrect or the construction is in violation of the Kentucky Building Code or the Kentucky Residential Code, the inspector shall immediately refer the matter to the certified building inspector responsible for approval of the construction documents for resolution.

(4)

(a) A local building inspector shall not perform the inspections or plan reviews on buildings assigned to the department by KRS 198B.060(4) unless the local governmental entity petitioned and was approved for expanded jurisdiction in accordance with 815 KAR 7:110.

(b) A local building inspector shall only perform inspections or plan reviews as established/outlined in the expanded jurisdiction agreement with the department.

(5) A trainee performing plan review or building ~~[person making]~~ inspections ~~[pursuant to a limited certificate]~~ shall be supervised by a certified building inspector with a level I certification or higher.

~~[(6)] [A person making inspections as a trainee without a certificate shall be supervised by a person with a level of certification equal to or higher than that which the trainee is pursuing.]~~

Section 3. Application for Training and Certification.

(1) An applicant seeking to become a trainee ~~[or a candidate for certification]~~ shall submit to the department:

(a) A completed Trainee Enrollment Form, DHBC – BC/CP 3 ~~[Initial Application Form, DHBC – BC/CP 1];~~

(b) A fifty (50) dollar application fee; and

(c) Written proof that the applicant has~~[:]~~

~~[1.] graduated~~ [Graduated] from high school or earned a general education diploma~~[:]~~; and

~~[a.] [Two (2) years experience in a responsible, directly-related construction position, such as a foreman, which required the ability to effectively read and interpret building plans and specifications; or]~~

~~[b.] [Two (2) years experience in an architect's or engineer's office performing building design or drafting duties;]~~

~~[2.] [Graduated from a college or university with an associate degree in a design, building technology, or construction-related subject; or]~~

~~[3.] [Graduated from a college or university with a bachelor's degree in architecture, engineering, fire science, or building technology;]~~

(2) A person shall not engage in plan review or inspection activities for the enforcement of the Kentucky Building Code or the Kentucky Residential Code unless that person receives certification from the department or is working under the general supervision of a certified building inspector, level I or higher.

Section 4. Training and Testing Requirements. A ~~trainee~~ candidate seeking to become a certified building inspector and all trainees shall:

(1) Attend orientation training provided by or approved by the department, as established in 815 KAR 2:020, within twelve (12) months of enrollment; and

(2) Submit proof of completing a minimum of twelve (12) hours of continuing education training annually. Proof shall/may be submitted by:

(a) A completed Continuing Education Verification Form, DHBC - BC/CE 1; or

(b) A certificate of completion provided by a [pre-approved] ~~training provider~~ pre-approved as established in 815 KAR 2:020.

Section 5. Certification Requirements, Responsibilities, and Jurisdiction for Certified Inspectors.

(1) An applicant seeking certification shall submit to the department:

(a) A completed Initial Application Form, DHBC – BC/CP 1;

(b) Examination results for each examination required for the level of certification being sought; and

(c) Written proof that the applicant has:

1. Graduated from a college or university with an associate degree in a design, building technology, or another building construction-related subject;

2. Graduated from a college or university with a degree in architecture, engineering, fire science, building technology, or another building construction-related subject; or

3. Graduated from high school or earned a general education diploma if the applicant is not already enrolled as a trainee, and accrued two (2) years of any combination of experience in:

a. The building construction industry in a position that required the ability to effectively read and interpret construction documents;

b. An architect's or engineer's office performing building design or drafting duties; or

c. Inspection or plan review as a trainee working under the general supervision of a certified building inspector, level I or higher.

(2) If an applicant seeking certification has not yet completed orientation training provided by or approved by the department as a trainee, the applicant[they] shall complete the training within twelve (12) months of receiving certification.

(3)[(4)] One (1) and two (2) family dwelling inspector.

(a) A person shall be classified as a one (1) and two (2) family dwelling inspector if the person has complied with the requirements of subsection (1) of this section/Section 5(1) of this administrative regulation and has passed the[following]:

1. NCPCCI test modules:

- a. Test 1A Building One- and Two-Family Dwelling; and
- b. Test 4A Mechanical One- and Two-Family Dwelling; or

2. ICC test modules:

- a. Test B1 Residential Building Inspector; and
- b. Test M1 Residential Mechanical Inspector[; and]

[(b)] [Complied with the requirements of this administrative regulation].

(b)[(e)] A one (1) and two (2) family dwelling inspector shall be qualified to perform all functions related to the enforcement of the Kentucky Residential Code. A one (1) and two (2) family dwelling inspector shall be qualified to do the following for the construction of one (1) and two (2) family dwellings and townhouses:

- 1. Issue permits;
- 2. Review and approve construction documents;
- 3. Conduct on-site inspections; and
- 4. Issue compliance letters and certificates of occupancy.

(4)[(2)] Building inspector, level I.

(a) A person shall be classified as a building inspector, level I, if the person has complied with the requirements of subsection (1) of this section/Section 5(1) of this administrative regulation and has passed the[following]:

1. NCPCCI test modules:

- a. Test 1A Building One- and Two-Family Dwelling;
- b. Test 4A Mechanical One- and Two-Family Dwelling;
- c. Test 1B Building General; and
- d. Test 3B Fire Protection General; or

2. ICC test modules:

- a. Test B1 Residential Building Inspector;
- b. Test B2 Commercial Building Inspector; and
- c. Test M1 Residential Mechanical Inspector[; and]

[(b)] [Complied with the requirements of this administrative regulation].

(b)[(e)] A building inspector, level I, shall be qualified to perform all functions related to the enforcement of the Kentucky Building Code and the Kentucky Residential Code. A building inspector, level I, shall be qualified to do the following for buildings of the occupancy, type, and size assigned to local governments by KRS 198B.060(2):

- 1. Issue permits;
- 2. Review and approve construction documents;
- 3. Conduct on-site inspections; and
- 4. Issue compliance letters and certificates of occupancy

(5)[(3)] Building inspector, level II.

(a) A person shall be classified as a building inspector, level II, if the person has complied with the requirements of subsection (1) of this section/Section 5(1) of this administrative regulation and has passed the[following]:

1. NCPCCI test modules:

- a. Test 1A Building One- and Two-Family Dwelling;
- b. Test 4A Mechanical One- and Two-Family Dwelling;
- c. Test 1B Building General;
- d. Test 3B Fire Protection General; and
- e. Test 4B Mechanical General; or

2. ICC test modules:

- a. Test B1 Residential Building Inspector;
- b. Test B2 Commercial Building Inspector;
- c. Test M1 Residential Mechanical Inspector; and
- d. Test M2 Commercial Mechanical Inspector[; and]

(b) A building inspector, level II, shall be qualified to:[Complied with the requirements of this administrative regulation].

1. [(e)] Perform[A building inspector, level II, shall be qualified to perform] the same functions as a building inspector, level I, as established[set out] in subsection (4)(b)[(2)(e)] of this section/administrative regulation; and

2. Conduct[A building inspector, level II, shall be qualified to conduct] on-site inspections of all buildings that[which] were assigned to the department pursuant to KRS 198B.060(4).

(6)[(4)] Building inspector, level III.

(a) A person shall be classified as a building inspector, level III, if the person has complied with the requirements of subsection (1) of this section/Section 5(1) of this administrative regulation and has passed the[following]:

1. NCPCCI test modules:

- a. Test 1A Building One- and Two-Family Dwelling;
- b. Test 4A Mechanical One- and Two-Family Dwelling;
- c. Test 1B Building General;
- d. Test 3B Fire Protection General;
- e. Test 4B Mechanical General;
- f. Test 1C Building Plan Review;
- g. Test 3C Fire Protection Plan Review; and
- h. Test 4C Mechanical Plan Review; or

2. ICC test modules:

- a. Test B1 Residential Building Inspector;
- b. Test B3 Building Plans Examiner;
- c. Test M1 Residential Mechanical Inspector; and
- d. Test M3 Mechanical Plans Examiner[; and]

[(b)] [Complied with the requirements of this administrative regulation].

(b)[(e)] A building inspector, level III, shall be qualified to perform all functions related to the enforcement of the Kentucky Building Code and the Kentucky Residential Code. A building inspector, level III, shall be qualified to do the following for all buildings regardless of size or occupancy type:

- 1. Issue permits;
- 2. Review and approve construction documents;
- 3. Conduct on-site inspections; and
- 4. Issue compliance letters and certificates of occupancy

(7)[(5)] Mechanical inspector, one (1) and two (2) family dwellings.

(a) A person shall be classified as a mechanical inspector of one (1) and two (2) family dwellings if the person has complied with the requirements of subsection (1) of this section/Section 5(1) of this administrative regulation and has passed the[following]:

- 1. NCPCCI Test 4A Mechanical One- and Two-Family Dwelling test module; or
- 2. ICC Test M1 Residential Mechanical Inspector test module[; and]

[(b)] [Complied with the requirements of this administrative regulation].

(b)[(e)] A mechanical inspector of one (1) and two (2) family dwellings shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Kentucky Residential Code including conducting inspections of one (1) and two (2) family dwelling mechanical installations for compliance.

(8)[(6)] Mechanical inspector general (other than one (1) and two (2) family dwellings).

(a) A person shall be classified as a mechanical inspector general if the person has complied with the requirements of subsection (1) of this section/Section 5(1) of this administrative regulation and has passed the[following]:

- 1. NCPCCI Test 4B Mechanical General test module; or
- 2. ICC Test M2 Commercial Mechanical Inspector test module[; and]

[(b)] [Complied with the requirements of this administrative regulation].

(b)[(e)] A mechanical inspector general shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Mechanical Code including management of mechanical code enforcement activity, supervision of mechanical inspectors or plans examination, performing plans examination for compliance, and conducting inspections of structures for compliance.

(9)[(7)] Mechanical inspector and plan reviewer.

(a) A person shall be classified as a mechanical inspector and plan reviewer if the person has complied with the requirements of subsection (1) of this section/Section 5(1) of this administrative regulation and has passed the[following]:

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

1. NCPCCI test modules:

- Test 4A Mechanical One- and Two-Family Dwelling;
- Test 4B Mechanical General; and
- Test 4C Mechanical Plan Review; or

2. ICC test modules:

- Test M1 Residential Mechanical Inspector; and
- Test M3 Mechanical Plans Examiner[; and]

~~[(b)] [Complied with the requirements of this administrative regulation.]~~

~~(b)(e)]~~ A mechanical inspector and plan reviewer shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Kentucky Residential Code and the mechanical requirements, codes, and standards of the Kentucky Building Code~~[Mechanical Code]~~ including management of mechanical code enforcement activity, supervision of mechanical inspectors or plans examination, performing plans examination for compliance and conducting inspections of structures for compliance.

~~(10)(8)]~~ Upon application by a testing agency, a national code group, or by an applicant for certification, the department may recognize other examinations as equivalent to the listed NCPCCI or ICC examinations. The person or group submitting the examination shall demonstrate that the examinations cover the same codes and require the same level of knowledge as the NCPCCI or ICC examinations.

Section 6. Inactive Certification.

(1) A certified inspector or ~~trainee~~~~[an inspector holding a limited certificate]~~ may request that the certification be placed in an inactive status. **An inactive status request shall be accomplished** by notifying the department in writing.

(2) A certified inspector whose certification is inactive shall not:

- Perform an inspection while the certification is inactive; and
- Be required to obtain annual continuing education during the inactive status.

Section 7. Renewal, Reactivation, and Reinstatement.

(1) Renewal.

(a) A certified inspector or ~~a~~~~]~~ trainee seeking to renew his or her certification or trainee designation~~[or an inspector holding a limited certificate]~~ shall submit to the department not later than the last day of the certified inspector or trainee's birth month:

- An annual renewal fee of fifty (50) dollars; ~~and]~~
- Proof of completion of the continuing education requirements pursuant to 815 KAR 2:010; ~~and]~~

3. A completed Renewal **Application** Form, DHBC-BC/CP 2.

(b) A late fee of fifty (50) dollars shall be assessed if renewal is not ~~received~~~~[postmarked]~~ by the last day of the certified inspector or trainee's birth month.

(c) Certification shall terminate if a certified inspector or trainee fails to renew ninety (90) days after the last day of that person's birth month.

(2) Reactivation. A certified inspector or ~~trainee~~~~[inspector holding a limited certificate]~~ whose certification is inactive may reactivate the certification **and shall submit[by submitting]** to the department:

(a) Proof of completion of continuing education pursuant to 815 KAR 2:010 within twelve (12) months prior to the request for reactivation; ~~and]~~

(b) Payment ~~off~~~~[for one-half (1/2) the fee for an active certification in addition to]~~ the renewal fee in subsection (1)(a)1 of this section; ~~and]~~

(c) A completed Renewal **Application** Form, DHBC-BC/CP 2.

(3) Reinstatement.

(a) A certified building inspector or ~~trainee~~ whose certification has been terminated may be reinstated no more than three (3) years of the date of termination **and shall submit[by submitting]** to the department:

1. A reinstatement fee equal of fifty (50) dollars; ~~and]~~

2. The renewal fee in subsection (1)(a)1 of this section; ~~and]~~

3. A completed Renewal **Application** Form, DHBC-BC/CP 2.

(b) Reinstatement after the three (3) year period shall require the applicant to successfully complete the examinations corresponding to the certification level sought for reinstatement.

Section 8. Suspension and Revocation of Certification.

(1) Complaints concerning a certified inspector or trainee shall be submitted to the department in writing for review.

(2) ~~In accordance with~~~~[Subject to]~~ a hearing conducted in accordance with KRS Chapter 13B, the commissioner may suspend or revoke a certified inspector's or trainee's certification if he or she determines after a thorough investigation of the evidence that the certified inspector is:

- Not enforcing the Kentucky Building Code;
- Not enforcing the Kentucky Residential Code;
- Improperly enforcing the Kentucky Building Code;
- Improperly enforcing the Kentucky Residential Code; or
- Violating his or her responsibilities as an inspector.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Initial Application Form", DHBC-BC/CP 1, April 2026~~[May 2020]~~; ~~and]~~

(b) "Continuing Education Verification Form", DHBC-BC/CE 1, August 2018;

(c) "Renewal Form", DHBC-BC/CP 2, April 2026; and

(d) "Trainee Enrollment Form", DHBC-BC/CP 3, April 2026

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PUBLIC PROTECTION CABINET Department of Housing, Buildings and Construction Boiler Inspection Section (As Amended at ARRS, August 11, 2026)

815 KAR 15:010. Definitions for 815 KAR Chapter 15.

RELATES TO: KRS Chapter 236

STATUTORY AUTHORITY: KRS 236.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030 requires the commissioner to promulgate administrative regulations that establish reasonable standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and pressure piping. This administrative regulation establishes the definitions for terms used in 815 KAR Chapter 15.

Section 1. Definitions.

(1) "Accessible" means easily reached, not to exceed thirty (30) inches from a standing space.

~~[(4)]~~ "ASME" is defined by KRS 236.010(5).

(2) "ASME Boiler and Pressure Vessel Code" or "ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Codes as follows, including all cited code cases, appendices, and addenda, which are incorporated by reference in 815 KAR 15:025~~[and 815 KAR 15:026]~~:

- Section I, rules for construction of power boilers;
- Section II, material specifications:
 - Part A specifications for ferrous materials;
 - Part B specifications for nonferrous materials;

3. Part C specifications for welding rods, electrodes, and filler metals; and

4. Part D Properties (Customary);

(c) Section IV, Rules for construction of heating boilers;

(d) Section V, nondestructive examination;

(e) Section VIII, rules for construction of pressure vessels, Division 1, Division 2, and Division 3;

(f) Section IX, welding and brazing qualifications; and

(g) Section X, Fiber-Reinforced Plastic Pressure Vessels.

(3) "Authorized inspector" means an inspector holding the ~~[appropriate endorsement on the]~~ National Board Authorized Inspector (AI) commission ~~[/to perform new construction shop inspections-] [and repair inspections of boilers and pressure vessel]~~.

[(4)] ["Boiler" is defined by KRS 236.010(1).]

(4) [(5)] "Boiler and pressure vessel contractor" means the holder of a boiler and pressure vessel contractor license as issued by the department pursuant to KRS 236 and 815 Chapter 8.

(5) [(6)] "Boiler Inspection Section" means the section within the Division of Plumbing, Department of Housing, Buildings and Construction.

[(7)] ["Boiler inspector" is defined by KRS 236.010(14).]

[(8)] ["Certificate inspection" is defined by KRS 236.010(7).]

[(9)] ["Chief boiler inspector" is defined by KRS 236.010(13).]

(6) [(10)] "Code boiler or pressure vessel" means a boiler or pressure vessel that bears the ASME Code Symbol stamp and designator. (See also "state special.")

[(11)] ["Commission" means the written credential issued by the department to a boiler inspector, special boiler inspector, or owner-user inspector pursuant to KRS 236.070, 236.080, or 236.095.]

[(12)] ["Commissioner" is defined by KRS 236.010(3).]

(7) [(43)] "Deaerator tank" means a pressure vessel in which water is heated, usually by steam, so that any dissolved oxygen is removed from the water.

[(14)] ["Department" is defined by KRS 236.010(4).]

(8) [(15)] "Existing installations" means any boilers and associated piping systems completed and approved for operation prior to July 1, 1970, or pressure vessels and associated piping systems completed and approved for operation prior to July 15, 1980.

(9) [(16)] "External inspection" means an inspection made while a boiler or pressure vessel is in operation and under pressure.

(10) [(17)] "Heat recovery boiler" means a boiler in which the source of heat is from another process.

[(18)] ["Heating boiler" is defined by KRS 236.010(1)(c).]

[(19)] ["High pressure, high temperature water boiler" is defined by KRS 236.010(1)(b).]

(11) "Historic Boiler" means any code boiler or noncode boiler used to supply steam to a stationary, portable, or traction steam engine, steamboat, or a railroad locomotive, including ~~[- This definition shall include]~~ the following two (2) types ~~[- of historic boilers]~~:

(a) Traditional: Any boiler constructed by a professional boiler shop prior to January 1, 1950. A Traditional Boiler can ~~[may]~~ be a code or noncode boiler and includes boilers repaired and restored by National Board "R" Certificate holders; and ~~[-]~~

(b) Non-Traditional: Any noncode boiler constructed on or after January 1, 1950. Non-Traditional boilers include scale models of Traditional Historic Boilers and hobby boilers. Non-Traditional boilers are limited in size to sixteen (16) inch ~~[16"]~~ barrel diameter, 150 psi steam pressure, and 1000 lbs per hour steaming capacity.

(12) [(20)] "Hot water heating boiler" means a boiler from which hot water is circulated for heating purposes and returned to the boiler and that operates at a pressure not exceeding 160 psig or a temperature of 250 degrees Fahrenheit at or near the boiler outlet.

(13) [(21)] "Hot water storage tank" means a pressure vessel, unfired but connected to and subject to the same pressures as a companion hot water supply boiler, the combination being used to heat and store hot water for use externally to itself.

(14) [(22)] "Hot water supply boiler" means a boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or at temperatures not exceeding 210 degrees Fahrenheit at or near the boiler outlet.

(15) [(23)] "Hydrostatic test" means the activity of filling a boiler, pressure vessel, or associated piping with water and raising the pressure within the system to check for tightness or mechanical integrity.

(16) [(24)] "Internal inspection" means an inspection made under circumstances that the boiler or pressure vessel is not operating and hand holes or manways are open for inspection of internal portions of the boiler water side or pressure vessel as construction permits.

(17) [(25)] "Jacketed cooking kettle" means a pressure vessel with inner and outer walls that is subject to water or steam pressure and is used to boil or heat liquids for the final preparation of food ~~[- prior to consumption] [and to cook food]~~.

(18) [(26)] "Lined potable water boiler" means a water boiler with a corrosion resistant lining used to supply potable hot water.

[(27)] ["MAWP" is defined by KRS 236.010(23).]

(19) "Manway" means any opening that is elliptical twelve (12) by sixteen (16) inches ~~[12" x 16"]~~ or larger, or round fifteen (15) inches ~~[15"]~~ diameter or larger.

(20) "Mobile Boiler Unit" means any boiler, pressure vessel, and related pressure piping that is operable on or in a truck trailer or container and transportable.

(21) [(28)] "National Board (NB)" means the National Board of Boiler and Pressure Vessel Inspectors.

(22) [(29)] "Noncode boiler or pressure vessel " means a boiler or pressure vessel that does not bear the ASME code symbol stamp and designator. (See also "state special.")

(23) [(30)] "Owner-user inspector" means an inspector commissioned by the department and employed by a company operating a pressure vessel within the Commonwealth and meeting the requirements established in KRS 236.095(1).

(24) [(31)] "Owner or user" means any person, firm, or corporation owning or operating a boiler or pressure vessel within this Commonwealth.

[(32)] ["Owner's piping inspector" is defined by KRS 236.010(25).]

[(33)] ["Power boiler" is defined by KRS 236.010(1)(a).]

(25) [(34)] "Pressure piping" means the connecting piping emanating from the associated boiler or pressure vessel and includes piping as covered pursuant to KRS 236.040(2) ~~[- the ASME Boiler and Pressure Vessel Code, Sections I and IV; Pressure Vessel Code, Section VIII, Division 1, 2, or 3. These piping codes include:]~~

[(a)] [Power Piping Code ASME B31.1;]

[(b)] [Process Piping Code ASME B31.3;]

[(c)] [Refrigeration Piping and Heat Transfer Components Code ASME B31.5;]

[(d)] [Building Services Piping Code ASME B31.9; and]

[(e)] [Hydrogen Piping and Pipelines Code ASME B31.12.]

[(35)] ["Pressure vessel" is defined by KRS 236.010(2).]

(26) [(36)] "Pressure vessels for human occupancy" or "PVHO" means all pressure vessels that enclose a human within its pressure boundary while under internal or external pressure exceeding a differential pressure of two (2) [2] psi. PVHOs include decompression or recompression chambers, high altitude chambers, hypobaric or hyperbaric chambers, hyperbaric stretchers, medical hyperbaric oxygenation facilities, and personnel transfer capsules.

(27) [(37)] "PSI (psi)" means pounds per square inch.

(28) [(38)] "PSIG (psig)" means pounds per square inch gauge.

(29) [(39)] "Reinstalled boiler or pressure vessel" means a boiler or pressure vessel removed from its original setting and re-erected at the same location or erected at a new location without change of ownership.

(30) [(40)] "Repair" means the work necessary to restore pressure-retaining items to a safe and satisfactory operating condition to comply with the National Board Inspection Code incorporated by reference in 815 KAR 15:026.

(31) [(41)] "Secondhand boiler or pressure vessel" means a boiler or pressure vessel in which both the location and ownership have been changed after initial use.

[(42)] ["Special boiler inspector" is defined by KRS 236.010(15).]

(32) [(43)] "State special" means a boiler or pressure vessel that carries neither the ASME Boiler and Pressure Vessel Code symbol

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

nor National Board registration but has been accepted by the department pursuant to 815 KAR 15:025, Section 4.

(33) "Temporary" means installed for use for a limited time, not to exceed twelve (12) contiguous months.

(34)(44) "V-R stamp holder" means the holder of a certificate issued by the National Board to repair pressure relief valves.

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

PUBLIC PROTECTION CABINET Department of Housing, Buildings and Construction (As Amended at ARRS, August 11, 2026)

815 KAR 15:025. New installations, general design, construction, and inspection criteria for boilers, pressure vessels, and pressure piping.

RELATES TO: KRS Chapter 236

STATUTORY AUTHORITY: KRS 236.030, 236.040, 236.060, 236.110, 236.120, 236.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030 requires the commissioner to promulgate administrative regulations that establish standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping. KRS 236.040 requires all boiler and pressure vessels to conform to the rules and regulations formulated by the commissioner and establishes the standards for pressure piping and pressure vessels for human occupancy. KRS 236.110 ~~requires~~establishes the inspection requirements for boilers, pressure vessels, and pressure piping. This administrative regulation establishes the design, construction, and inspection requirements of the boiler inspection section for all boilers and pressure vessels not exempted by KRS 236.060.

Section 1. Minimum Standards.

(1)

(a) Boilers and pressure vessels. All new boilers and new pressure vessels shall comply with applicable provisions of 815 KAR Chapter 15 and the applicable ASME Boiler and Pressure Vessel Code, as established by KRS 236.040(2)(2025 edition)~~[2013 Edition or subsequent editions, as established by KRS 236.040(2)]~~, except new boilers and new pressure vessels approved as state specials pursuant to Section 4 of this administrative regulation.

(b) All pressure vessels for human occupancy shall comply with the ASME Safety Standard for Pressure Vessels for Human Occupancy, PVHO-1-2023 edition~~[2012 Edition or subsequent editions, as established by KRS 236.040(3)]~~.

(c) All blowdown and blowoff receivers shall comply with the applicable ASME Boiler and Pressure Vessel Code~~[, 2025 edition]~~and be stamped as established in subsection (2) of this section~~[per paragraph (2) below]~~.

(d) All pressurized expansion tanks in closed heating systems that have a MAWP in excess of thirty (30)(30) psi shall comply with the applicable ASME Boiler and Pressure Vessel Code~~[, 2025 edition]~~.

(2) ASME stamping~~[stamps]~~. New boilers and new pressure vessels shall be stamped with the applicable certification mark and designator of the ASME Boiler and Pressure Vessel Code.

(3) Installation standard. Installation of all boilers and pressure vessels shall conform to the National Board Inspection Code Part 1,

2025[2015] edition[or subsequent editions]. Automatically fired boilers at or below 12,500,000[12.5-million] BTU input shall conform to the National Fuel Gas Code NFPA, NFPA 54 2024 edition, as established[adopted] by the Kentucky Building Code and incorporated by reference in 815 KAR 7:120, if gas-fired, or Standard for the Installation of Oil Burning Equipment NFPA 31, 2024 edition, if liquid-fuel burning. If an automatically fired boiler is over 12,500,000[12.5-million] BTU input, then the automatically fired boiler shall conform to the Boiler and Combustion Systems Hazards Code[Standard for Oil Burning Equipment]NFPA 85, 2023 edition.

(4) Pressure piping.

(a) All new pressure piping installations connected to the boiler or pressure vessel shall conform to the National Board Inspection Code Part 1, 2025[2015] edition, and the applicable standards referenced in this subsection, as established by KRS 236.040(2):

[1.] ~~[ASME Code for Power Piping, B31.1, 2012 edition or subsequent editions;]~~

[2.] ~~[ASME Code for Process Piping, B31.3, 2012 edition or subsequent editions;]~~

[3.] ~~[ASME Code for Refrigeration Piping and Heat Transfer Components, B31.5, 2013 edition or subsequent editions;]~~

[4.] ~~[ASME Code for Building Services Piping, B31.9, 2011 edition or subsequent editions; and]~~

[5.] ~~[ASME Code for Hydrogen Piping and Pipelines, B31.12, 2014 edition or subsequent editions.]~~

(b) The maximum allowable design temperature and pressure of the piping system and all of its component parts including flexible joints and hoses shall meet or exceed the operating control settings of the boiler or pressure vessel.

(c) If the maximum allowable design temperature or pressure of the boiler exceeds the maximum design limits of the piping system or any of its component parts including flexible joints and hoses, the pipe and its components shall not be used unless the following conditions are met:

1. The temperature and pressure controls on the boiler are permanently set to prevent operation in excess of the design limits of the piping system; and

2. Safety valve or valves shall be installed on the boiler, pressure vessel, or the piping system to protect the system from excess pressure or temperature.

~~(d)(5)~~ Welded piping joints. Welded joints in pressure piping shall be installed by qualified welders in accordance with the ASME Code, Section IX, as required by the standards referenced in subsection (4) of this section.

Section 2. Manufacturer's Data Report.

(1) A manufacturer's data report on all boilers of steel construction and all pressure vessels constructed in accordance with the ASME Boiler and Pressure Vessel Code shall be registered~~[filed]~~ with the National Board of Boiler and Pressure Vessel Inspectors unless the boiler or pressure vessel is exempted by KRS 236.060 or the pressure vessel has an ASME "UM" certification mark. A pressure vessel with an ASME "UM" certification mark may be registered with the National Board of Boiler and Pressure Vessel Inspectors.

(2) The boilers and pressure vessels required to be filed with the National Board in subsection (1) of this section shall also have~~[include]~~ the National Board registration number stamped on the manufacturer's data~~[date]~~ plate.

Section 3. Installation Inspection or First Inspection and State Registration of New Boilers and Pressure Vessels.

(1) Installation inspection. New installations of boilers, pressure vessels, and associated pressure piping shall be inspected by the department for compliance with applicable ASME Boiler and Pressure Vessel Code requirements, the National Board Inspection Code, and this administrative regulation.

(2) Notification of inspection.

(a) If an inspection is required by this administrative regulation, the boiler and pressure vessel contractor~~[owner or user]~~ shall prepare each boiler, pressure vessel, and pressure piping system for inspection~~[pursuant to this administrative regulation and the National Board Inspection Code, Part I]~~.

(b) The boiler and pressure vessel license holder or the license holder's representative~~[owner or user]~~ shall prepare for and apply a hydrostatic pressure or other pressure~~leak~~ test on the date of inspection if requested by the boiler inspector, special boiler inspector,~~or owner-user inspector~~.

(c) Inspections shall be conducted within seven (7) days of the date of notification or at an agreed-upon time by the boiler and pressure vessel license holder or the license holder's representative~~[contractor]~~ and the inspector.

(3) Inspection times. Except as established in 815 KAR 15:027, inspections made by boiler inspectors shall be conducted during normal business hours of the department between 8:00 a.m. and 4:30 p.m. Monday through Friday.

(4) Contractor availability. The boiler and pressure vessel contractor~~license holder or the license holder's representative~~ shall be available to the boiler inspector, physically or electronically, at the time of the inspections.

(5) State registration. Upon completion of the installation or at the time of first inspection, a Commonwealth of Kentucky registration number shall be assigned to the boiler or pressure vessel and shall be applied to the boiler or pressure vessel with a metal tag showing the registration number. This tag shall be securely affixed near the manufacturer's name plate or data plate.

(6) Non-registered boilers and non-registered pressure vessels. Boiler inspectors, special boiler inspectors, and owner-user inspectors shall notify the department within thirty (30) days of locating any non-registered boiler or non-registered pressure vessel.

(7) General welding.

(a) If welded assembly has been used, the installing boiler and pressure vessel contractor shall produce the following for the boiler inspector's, special boiler inspector's, or owner's piping inspector's review:

1. The welding procedures; and

2. Proof of qualification and continuity records for the welders and welding operators.

(b) The boiler and pressure vessel contractor shall be responsible for the quality of the welding.

(8) Welded piping joints. Welded joints in pressure piping shall be visually inspected for complete and full root penetration, soundness of the weld and freedom from undercutting, cracking, or other surface imperfections in accordance with the requirements of the applicable ASME B31 Code section. If the visual inspection reveals a potential defect, the boiler inspector, special boiler inspector, or owner's piping inspector may require other nondestructive tests, such as radiography, to be performed by the contractor to verify the soundness of the weld. All tests or retests required by the boiler inspector, special boiler inspector, or owner's piping inspector shall be at the owner's or boiler and pressure vessel contractor's expense.

(9) Hydrostatic pressure test for boilers and pressure vessels.

(a) A hydrostatic pressure test, when applied to a boiler or pressure vessel, shall conform to the testing procedures and pressures as specified in the original code of construction. The pressure shall be under proper control so that in no event shall the required test pressure exceed the testing requirements listed in the original code of construction.

(b) During the hydrostatic pressure test, the safety valve or valves shall be removed. If the safety valve or valves cannot be removed, then each valve disc shall be held down by means of a testing clamp and not by screwing down the compression screw upon the spring.

(c) The minimum temperature of the water used to apply a hydrostatic test shall not be less than ambient temperature, but in no case less than seventy (70) degrees Fahrenheit, and the maximum temperature shall not exceed 120 degrees Fahrenheit.

(d) If the only purpose of the test is to determine tightness, the test pressure shall be equal to the relieving pressure of the safety valve having the lowest relief setting.

(10) Inspection of~~Pressure test for~~ pressure piping. Pressure piping systems installed in association with a~~the~~ boiler or pressure vessel shall be inspected for proper materials, adequate pressure, and temperature ranges for the boiler or pressure vessel operation

and for adequate support and tightness as established in this subsection. Pressure piping systems shall be inspected as follows:

~~[(a)] [Hydrostatic and pressure leak tests.]~~

~~[1.] [Except as stated in paragraph (b), hydrostatic or other leak tests shall be performed on the pressure piping system connected to the boiler or pressure vessel and shall conform to the procedures and test pressures outlined in the original code of construction.]~~

~~[2.] [Non-destructive testing shall be used if hydrostatic or leak testing cannot be performed.]~~

~~[3.] [Original mill material stencils and markings used to verify material shall be legible at the time of inspection. Pipe, including welding joints, shall not be painted or covered prior to inspection.]~~

~~[(b)] [Alternative testing:]~~

~~[1.] [The following piping systems shall be inspected visually under in-service conditions:]~~

~~[a.] [Compressed air systems with a MAWP of 200psi or less, a pipe diameter of two (2) inches or less, and no welded joints:]~~

~~[b.] [Hydronic heating or process systems with a MAWP of 100psi or less, a pipe diameter of two (2) inches or less, and no welded joints:]~~

~~[c.] [Steam condensate systems with a MAWP of 50psi or less, a pipe diameter of two (2) inches or less, and no welded joints:]~~

~~[d.] [Non-ammonia refrigeration with a pipe diameter of two (2) inches or less and no welded joints; and]~~

~~[e.] [Cryogenic piping with a pipe diameter of two (2) inches or less and no welded joints.]~~

~~[2.] [Sufficient openings shall be made in any insulation to determine pipe material. Welded piping joints shall not be covered with insulation prior to inspection.]~~

~~[3.] [Pipe may be painted prior to inspection if the owner or user provides documentation of materials that make up the pipe to the inspector. Welded joints shall not be painted prior to inspection.]~~

~~(a) High Pressure Steam (above 15 psi). All boiler external piping shall be installed in compliance with ASME Section I and ASME B31.1. Non-boiler external piping shall/must comply with ASME B31.1.~~

~~1. All boiler external and non-boiler external piping shall not be painted or covered prior to inspection and shall have mill stenciling legible to the inspector.~~

~~2. All welded non-boiler external piping shall be hydrostatically tested with water to one and one half (1.5)~~[1.5]~~ times the MAWP of the piping system as protected by a safety valve. If a hydrostatic test cannot be performed, other non-destructive examination shall be performed on all welds.~~

~~3. Non-welded pipe shall be inspected in service. Small bore tubing 0.375~~[three-eighths (0.375)]~~ inches or less in diameter as used for heat tracing of process piping systems shall not be inspected.~~

~~(b) Low Pressure Steam (fifteen (15)~~[15]~~ psi or less). Boiler external piping and field assembled cast iron boilers shall be hydrostatically tested with water to at least forty-five (45)~~[25]~~ psi. Non-boiler external piping shall be visually inspected at operating pressure and no hydrostatic test or pressure test is required. Welded joints shall remain uncovered until inspected.~~

~~(c) Steam condensate. Steam condensate piping that can be pressurized with live steam above fifteen (15)~~[15]~~ psi or that leads to a pressure vessel shall comply with~~[be subject to]~~ the same inspection requirements as established in paragraph (a)~~[sub-paragraph (3)(a)]~~ of this subsection~~[regulation]~~. Steam condensate piping for low pressure (fifteen (15)~~[15]~~ psi or less) systems and pumped condensate leading to a vented condensate receiver shall/may not be inspected.~~

~~(d) Anhydrous ammonia.~~

~~1. Anhydrous ammonia piping systems shall not have piping or piping joints painted nor covered until inspected.~~

~~2. Original mill stencil markings on piping shall be legible to the inspector. Anhydrous ammonia piping systems that are not connected to an existing live system shall be pressure tested with nitrogen to one and one tenth (1.1) times the MAWP of the system.~~

~~3. Anhydrous ammonia piping systems that are connected to an existing live ammonia system shall be pressure tested with ammonia gas. If an anhydrous ammonia system is tested with ammonia gas,~~

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

the system shall be at working pressure and inspected with the sulfur stick or litmus paper method.

(e) Hot oil/thermal fluid.

1. Hot oil/thermal fluid piping systems shall be visually inspected and shall be pressure tested with nitrogen or thermal fluid. A nitrogen test shall be at least **one and one tenth** (1.1) times the MAWP of the system as protected by a safety valve. A thermal fluid test shall be at least **one and one half** (1.5) times the MAWP of the system as protected by a safety valve.

2. Hot oil/thermal fluid piping systems shall not have piping or piping joints painted nor covered until inspected.

3. Original mill stencil markings on piping shall be legible to the inspector.

(f) Compressed air.

1. Compressed air piping systems that supply air for general utility air, breathing air, instrument air, and similar applications shall be visually inspected.

2. Piping systems that contain pipe that is two (2) inches in diameter or fewer and operate at 200 psi or less may be painted prior to inspection.

3. Welded pipe joints in piping systems that operate above 200 psi and are over two (2) inches in diameter shall be pressure tested with air at **one and one tenth** (1.1) times the MAWP of the system as protected by a safety valve and shall not be painted prior to inspection.

4. Cross linked polyethylene (PEX) and thermoplastic materials, such as PVC, CPVC, and PVDF, that exhibit brittle failure as **established/defined** in ASTM F412 shall not be used for compressed air service. Pipe size one (1) inch in diameter **or less/and fewer** shall not be inspected.

(g) Hydronic heating. Hydronic heating piping systems that operate at 100 psi or less shall be visually inspected while under normal operating pressure. Welded pipe joints in hydronic heating pipe systems that operate in excess of 100 psi shall be hydrostatically tested with water at 1.3 times the MAWP of the system as protected by a safety valve.

(h) Hoses and flexible connectors. All hoses and flexible connectors used in any pressure piping system shall be marked with the maximum allowable pressure and temperature that the hose or connector is rated. In the alternative, the department shall accept supporting documentation if the documentation is positively linked to the hose or flexible connector.

(i) [(e)] Code compliance. All piping systems provided by boiler and pressure vessel fabricators as part of the boiler or pressure vessel assembly, including skid assembled units, shall have supporting documentation from the fabricator that the pressure piping is in compliance with the **applicable/appropriate** ASME B31 Code and **815 KAR Chapter 15/these administrative regulations**. Pressure piping inspections shall include determining compliance with applicable ASME B31 Code including material specifications for the piping and component parts. The boiler and pressure vessel contractor shall provide documentation to the boiler inspector, special boiler inspector, owner's piping inspector, or owner-user inspector showing that:

1. The materials used and method of construction meets the manufacturer's procedures and specifications; and

2. The system is utilizing the materials and equipment specified within the temperature and pressure ranges set forth in the design and as required by this administrative regulation.

(11) Inspection by Owner's Piping Inspector.

(a)

1. Owner's piping inspectors shall inspect all new replacement piping for compliance to the applicable ASME piping code to which the piping is installed.

2. The owner's piping inspector shall sign the permit filed by the boiler and pressure vessel contractor performing the piping installation or repair and forward it to the Boiler Inspection Section.

(b)

1. The owner facility license and the independent inspection agency shall maintain copies of the material mill test reports and pressure test information including type of test, pressure at start and end of test, and duration of test for **at least** five (5) years pursuant to KRS 236.097(1)(h) and (3)(f).

2. If welded joints are utilized, the file shall contain the qualified welder identification, weld procedure, and procedure qualification used.

(c) If there is a disagreement as to the acceptance of any condition of the piping installation or repair by the owner's piping inspector and owner's user facility, the department shall make the final determination in accordance with the standards established in this administrative regulation.

Section 4. State Special.

(1) Boilers and pressure vessels of special design, which are equivalent to but are not eligible to be stamped to the ASME Code, shall meet the requirements of this section. The prospective owner or user who desires approval of the boiler installation or pressure vessel installation as a state special shall comply with the procedures established in this administrative regulation for each case.

(a) Prior to installation and operation of the boiler or pressure vessel, the proposed owner, user, or the owner's authorized agent shall make written application for permission to install the boiler or pressure vessel. The application shall be submitted to the commissioner.

(b) To establish ASME Boiler and Pressure Vessel Code equivalency, the following data, material, and information shall be submitted with the application for state special approval:

1. Detailed shop drawings and welding details of the proposed construction. All materials shall be in the English language and United States units of measurements listed in the ASME Code;

2. Design calculations and supporting data, which shall include pressure (psi), temperature (deg. F.), use, and other service conditions;

3. Specifications for all construction materials shall conform to the applicable ASME Code standards or their suitable equivalent. If reference is made to a standard or specification of a country other than the United States, a copy shall be attached to indicate how the material is considered equivalent;

4. Copies of the welding procedures to be used and welding qualification test reports for each welding operator or welder to be used. The procedures and tests required in this paragraph shall be made in accordance with the ASME Boiler and Pressure Vessel Code, Section IX, "Welding Qualifications;"

5. If the design exceeds ASME Boiler and Pressure Vessel Code limitation, then API 579/ASME FFS-1, 2007 or later edition shall be used to determine equivalency of the submission;

6. Design drawings and calculations shall be certified by a mechanical engineer holding a professional engineer certification with a background in boilers and pressure vessels;

7. The manufacturer of the vessel shall identify the inspection agency responsible for the shop inspections and shall submit an equivalent ASME manufacturer's data report for the proposed vessel; and

8. The shop inspection agency shall furnish the qualifications of the authorized inspector assigned to make the shop inspections.

(2) Upon completion of the boiler or pressure vessel, a manufacturer's data report, signed by the manufacturer and authorized inspector, shall be submitted to the jurisdictional authorities containing the equivalent type data required by the ASME Boiler and Pressure Vessel Code. ASME Boiler and Pressure Vessel Code data report forms shall not be used.

(3) Upon arrival in the Commonwealth of Kentucky, the boiler or pressure vessel shall be inspected before installation by a boiler inspector to verify compliance with this section.

Section 5. General Requirements.

(1) Boilers.

(a) Safety Valves and Safety Relief Valves.

1. Safety valves and safety relief valves **shall/must** carry the **ASME Code and National Board Certification** stamp suitable for the service intended.

2. The resetting of safety valves and safety relief valves shall be done by a National Board "VR" certificate holder.

3. Safety valves and safety relief valves shall be located and installed so that the device is readily accessible for inspection and repair.

4. Stop valves in inlet or discharge piping, and changeover valves shall not be allowed[are not permitted].

5. Discharge Piping:

a. Discharge piping shall[must] be metal and suitable for the pressure and temperature potentially encountered.

b. Discharge Piping outlet for safety valves and safety relief valves shall be located to prevent injury to persons or property.

c. Discharge Piping for steam boilers that exceed 1,500[1500] pounds of steam per hour shall[must] exit the building to the outside or outdoors[outside/outdoors].

d. Discharge piping shall[must] be anchored or secured against movement while[when] discharging.

e. Discharge piping shall have a pipe union or other joint close to the safety valve or safety relief valve to disconnect the discharge piping from the valve if directly connected to valve for maintenance.

f. Discharge piping shall[must] be increased by one (1) pipe size after[per] every three (3)[four (4)] elbows in the piping system.

(b) Boiler external piping.

1. Boiler external piping shall be installed in accordance with ASME Section I and B31.1.

2. If a power boiler with a manway is connected to a common steam or high temperature water main or header supplied by other boilers, all welded external piping from the boiler out to the second stop valve shall be stamped with any one (1) of the ASME Code symbol stamps for pressure piping, power boilers, or assembly stamps.

3. Carbon Monoxide Detector.

a. Each boiler room containing one or more boilers from which carbon monoxide can be produced shall be equipped with a carbon monoxide detector with a manual reset. Boilers installed in open floor spaces without a defined boiler room shall have the carbon monoxide detector installed no more than three (3) feet away from the emergency shutdown switch and no more than six (6) feet above floor level. It is the installer's responsibility to install the carbon monoxide detector.

b. The carbon monoxide detector shall be interlocked with all boilers, audibly signal at fifty (50) ppm, and[to] disable the burners if[when] the measured level of carbon monoxide rises to or above 200[150] ppm.

c. The carbon monoxide detector shall disable the burners upon loss of power to the detector.

d. The carbon monoxide detector shall have an audible alarm[.] and be interlocked with the fire alarm system, if the building is equipped with one.

e. The carbon monoxide detector shall be calibrated in accordance with the manufacturer's recommendations or every two (2) years after installation of the detector. A record of calibration shall be posted at or near the boiler, or be readily accessible to a boiler inspector or special boiler inspector. It is the owner or user's responsibility to maintain the carbon monoxide detector.

f. The requirements of this subsection shall apply to boiler and mechanical rooms where new boilers are installed[.] or existing boiler rooms where boilers are replaced.

(c) Boilers having direct ducted combustion air intakes and combustion discharge vents where birds and wildlife can make nests or obstruct these openings shall[must] have suitable screens or caps to prevent obstructions. Gas fuel train vents shall[must] have screens to prevent obstruction at their terminal point.

(d) Inspection of flue and chimney.

1. When new boilers are installed in existing boiler rooms and ducted into existing masonry chimneys, an inspection of the chimney and flue shall[must] be done by the installing contractor or a company that performs the[such] inspections on behalf of the installing contractor. A letter stating that the chimney is safe and suitable for the service intended shall be given to the inspector[.] and shall[will] be kept on file at the boiler section office.

2. Condensing boilers shall not be ducted into masonry chimneys.

(e) [Manually operated boilers and] Historic Boilers. [Manually operated boilers shall be operated as historic boilers and shall comply with National Board Inspection Code, Part 2, Section 6 "Supplements."]

1. Small scale steam locomotives operating on track gauge less than twenty-four (24) inches[24"] shall be inspected as non-traditional, noncode historic steam boilers.

2. Non-traditional, noncode boilers shall:

a. Be hydrostatically tested to at least one and one half (1.5) times the normal working pressure[.]

b. Have at least one (1) spring type "pop" safety valve set at or below the normal operating pressure, which can relieve all the steam from the boiler during an accumulation test[.]

c. Have at least one (1) water glass to show the water level in the boiler[.]

d. Have at least two (2) means of introducing feedwater to the boiler. The failure of one (1) device shall not cause the disruption of the other device; and[.]

e. Have a blowdown or drain valve.

(2) Pressure vessels[.]

(a) Safety valves, safety relief valves, discharge piping, and rupture discs.

1. Safety valves, safety relief valves, and rupture discs shall[must] carry the ASME Code stamp and NBIC Certification stamp.

2. The resetting of safety valves and safety relief valves shall be done by a National Board "VR" Certificate holder.

3. Safety valves and safety relief valves shall be located and installed so that the device shall be[is] readily accessible for inspection and repair.

4. A safety valve, safety relief valve, or rupture disc shall be placed on a heat exchanger or in the piping connecting to the heat exchanger before the first stop valve in the piping on the side of the heat exchanger receiving heat.

5. Discharge piping:

a. Discharge piping shall[must] be metal[.] and suitable for the service intended.

b. The discharge piping outlet for safety valves and safety relief valves shall be located to prevent injury to persons or property.

c. Discharge piping shall[must] be anchored or secured against movement while[when] discharging. Discharge piping shall have a pipe union or other joint close to the safety valve or safety relief valve to disconnect the discharge piping from the valve. Piping shall[must] be arranged for proper drainage.

d. Discharge piping shall[must] be increased by one (1) pipe size per every four (4) elbows in the piping system.

(b) Omission or removal of a safety relief valve or pressure relieving device.

[1.] If a pressure relieving device is omitted or removed, the device shall be omitted or removed in accordance with ASME Section VIII, Division 1, UG-150 through UG-156.[UG-140, Appendix M and ASME Section VIII, Division 2, Part 9, or Division 3, Part KR.]

[2.] [If a pressure relieving device is omitted or removed pursuant to the standards established in subparagraph 1. of this paragraph, except ASME Section VIII, Division 1, Appendix M., the Boiler Inspection Section shall be notified prior to the omission or removal, and prior to the pressure vessel being placed in service.]

[3.] [The required documentation of calculations pursuant to paragraph (a) in this subsection shall be submitted to the Boiler Inspection Section for review and acceptance or rejection of the proposed omission or removal.]

(c) Leased pressure vessels.

1. Leased pressure vessels shall have the owner's name and telephone number visible to the inspector via paint or label.

2. If a vendor sells a leased vessel to a location where installed, the lessor or installer[lessor/installer] shall apply a label that states that the vessel has been sold to the location, give the new owner's name and date of sale, and this label shall cover the original owner's name.

3. The lessor shall[must] provide a copy of the operating certificate to the location where the vessel is installed, and the operating certificate shall[must] be displayed on or near the vessel or kept in a file at the lessee's office.

(d) DOT Cylinders. DOT cylinders, if/when used in manifolded and in stationary service (not transported) and filled onsite shall/must not be filled or installed indoors.

(3) Clearances. Except for Mobile Boiler Rooms, the following requirements established in paragraphs (a) through (g) of this subsection shall apply.^{f,j}

(a)/[4.] All boilers and pressure vessels in new boiler rooms shall be installed in accordance with the National Board Inspection Code.

(b)/[2.] Replacement boilers and pressure vessels in existing boiler rooms shall have a minimum of two (2) feet clearance horizontally on all service sides.

(c)/[3.] Horizontal manway openings in boilers and pressure vessels shall have at least five (5) feet clearance between the manhole opening and any wall, equipment, piping, or other obstruction that will prevent a person from entering the boiler or pressure vessel. Consideration shall be given for additional clearance for emergency personnel attending to a person who has entered the vessel.

(d)/[4.] A passageway at least twenty-four (24) inches wide by five (5) feet high through the boiler or mechanical room shall be provided and maintained for the free passage of a person to each exit, and around the boilers and pressure vessels within.

(e)/[5.] Boilers installed on stands, or other supports which are over eight (8) feet above floor level shall have platforms and ladders installed to provide access for inspection.

[6.] Autoclaves or sterilizers[Autoclaves/Sterilizers] that have dedicated electric steam boilers attached shall either have at least two (2) feet clearance on both sides of the cabinet or be installed in a cabinet capable of movement to reasonably accommodate inspection^{f,j}.

(f)/[6.]/[7.] Piping, ducts, and vents and their supports shall be arranged so that the clearances required are not compromised.

(g)/[7.]/[8.] The clearances of this subsection[section] shall be maintained for the life of the vessel.

(4)/[3.] Mobile boiler units. Mobile boiler units shall:

(a) Provide for the general inspection and maintenance of the boiler or pressure vessel, including the removal and replacement of tubes.^{f,j}

(b) Include the manufacturer's data plate, which shall have at least two (2) feet of clearance to allow it to be read, or a suitable opening in the enclosure with a door or removable panel.^{f,j}

(c) Have at least eighteen (18) inches clearance between the top manway and roof of enclosure, or if less than eighteen inches, provide an access hatch in the roof of the enclosure centered over the manway. A roof access hatch shall be at least thirty-six (36) inches by thirty-six (36) inches.^{f,j}

(d) Have openings with doors or removable panels in the sides of the enclosure to access handholes if handholes are within twenty-four (24) inches of the enclosure wall. These[Such] openings shall be at least twenty-four (24) inches by twenty-four (24) inches.^{f,j}

(e) Include that all safety valve discharge piping and gas and other vent piping shall exit the enclosure through the roof or sides; and^{f,j}

(f) Mobile Boiler Rooms shall Have an emergency stop switch located on the exterior of the enclosure that shall be^{f,j} easily accessible.

[(1)] [Safety appliances. The safety appliances required by these administrative regulations shall not be removed or tampered with except for the purpose of making repairs. The resetting of safety valves shall be done by a V-R stamp holder.]

[(2)] [Additional Hazards. If an additional hazard is possible by exposure of a pressure vessel to fire or other unexpected sources of external heat, supplemental pressure relieving devices shall be installed capable of protecting against excessive pressure. These supplemental pressure relieving devices shall be capable of preventing the pressure from rising more than twenty-one (21) percent above the MAWP.]

[(3)] [Pressure relieving device.]

[(a)] [A pressure relieving device shall be constructed, located, and installed so that the device is readily accessible for inspection and repair and cannot be readily rendered inoperative; and]

[(b)] [A pressure relieving device shall be selected so that the intended service of the pressure relieving device corresponds with

the boiler or pressure vessel on which the pressure relieving device is installed.]

[(4)] [Relieving capacity. The minimum relieving capacity of the safety valve(s) or safety relief valve(s) shall be equal to or exceed the maximum output of the boiler.]

[(5)] [Omission or removal of pressure relieving device.]

[(a)] [If a pressure relieving device is omitted or removed, the device shall be omitted or removed in accordance with ASME Section VIII, Division 1, UG-140, Appendix M and ASME Section VIII, Division 2, Part 9, or Division 3, Part KR.]

[(b)] [If a pressure relieving device is omitted or removed pursuant to the standards established in subparagraph 1. of this paragraph, except ASME Section VIII, Division 1, Appendix M., the Boiler Inspection Section shall be notified prior to the omission or removal, and prior to the pressure vessel being placed in service.]

[(c)] [The required documentation of calculations pursuant to paragraph (a) in this subsection shall be submitted to the Boiler Inspection Section for review and acceptance or rejection of the proposed omission or removal.]

[(6)] [Location of discharges to atmosphere. The discharge of safety valves, blowoff pipes, and other outlets shall be located to prevent injury to persons and property.]

[(7)] [Boiler external piping.]

[(a)] [Boiler external piping shall be attached in accordance with ASME Section I and B31.1.]

[(b)]

[1.] [If two (2) or more boilers with manholes are connected to a common steam or high temperature water main or header, all welded external piping from the boiler out to the second stop valve shall be installed by a manufacturer or contractor authorized to use any one (1) of the ASME Code symbol stamps for pressure piping, power boilers, or assembly stamps.]

[2.] [The piping or fittings, adjacent to the welded joint farthest from the boiler, shall be stamped with the pressure piping, power boiler, or assembly code symbol stamp of the ASME when approved by the boiler inspector, special inspector, or owner-user inspector.]

[(8)] [Manually fired boilers.]

[(a)] [Gauge cocks. Each manually fired boiler shall comply with ASME Section I, except a manually fired boiler built before the publication of the 1991 Addenda to ASME Section I (1989 Edition), shall have three (3) or more gauge cocks located within the range of the visible length of the water glass, except if the boiler has two (2) water glasses with independent connections to the boiler located on the same horizontal lines and not less than two (2) feet apart. Two (2) gauge cocks shall be sufficient for boilers not over thirty-six (36) inches in diameter in which the heating surface does not exceed 100 square feet.]

[(b)] [Fusible plugs. A fire-actuated fusible plug, if used, shall conform to the requirements of ASME Section I, Paragraphs A-19, A-20 and A-21.]

[(9)] [Clearance.]

[(a)] [If boilers or pressure vessels are replaced or new boilers or new pressure vessels installed in either existing or new buildings, a minimum of two (2) feet shall be provided on all service sides. Boiler and pressure vessels having manholes shall have five (5) feet clearance between the manhole opening and any wall, ceiling, or piping that will prevent a person from entering the boiler or pressure vessel.]

[(b)] [Boilers shall be installed to:]

[1.] [Allow adequate space for their proper operation and their appurtenances;]

[2.] [Allow inspection of all surfaces, tubes, water walls, economizer, piping, valves, and other equipment; and]

[3.] [Allow for necessary maintenance and repair.]

[(c)] [A boiler or pressure vessel subject to external corrosion shall be installed so that there is sufficient access to all parts of the exterior to permit proper inspection of the exterior surfaces, or the boiler or pressure vessel shall have a connection so that the vessel can be readily removed from its location for inspection.]

[(d)] [If a cylindrical vessel is installed in a vertical position and subject to corrosion, the bottom head, if dished, shall be concave to pressure to facilitate proper drainage.]

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

[(e)] [The installed boiler or pressure vessel shall be located so that the data plate shall be accessible to the boiler inspector, special inspector, or owner-user inspector and shall not be obstructed by insulation or other covering not readily removable.]

(5) [(4)] [(40)] Emergency shutdown switches.

(a)

1. Installation of automatically fired power boilers, heating boilers, hot water supply boilers, and fuel-fired or electrically heated pressure vessels shall have a remote boiler shutdown switch located near each boiler room exit door, inside or outside of the boiler room, and marked for easy identification.

2. A boiler room exit door is any door that can be used for personnel to enter and exit the boiler room. If there is more than one (1) exit door to or from the boiler room, a switch shall be located at each door. If access to a boiler room is via a ladder, then the stop switch **shall [must]** be located the end of the ladder first reached **upon [when]** entering the boiler room.

3. Machinery doors **[;]** and doors exiting to rooftops where no rooftop exit exists, or doors opening below grade for machinery access with no access to grade, **shall [do]** not require shutdown switches. A machinery door **shall be [is]** considered an exit if no other exit door exists.

4. Shutdown switches **shall [must]** be no less than thirty (30) inches and no more than forty-eight (48) inches above floor level, and no more than five (5) feet horizontally from the door frame unless obscured by the door in fully open position. Doors spaced no more than ten (10) feet apart **shall not have more than [may have]** one (1) switch, **which shall be** centrally located between **the doors [them]**. Boilers located in large spaces shall have an emergency shutdown switch located no less than twenty (20) feet and no more than fifty (50) feet from the boiler.

5. Shutdown switches **shall [must]** not be obscured by doors in the open position. **If [When]** doors in the open position exceed five (5) feet from the door frame, the shutdown switch shall be placed as close as possible to the edge of the open door.

6. The shutdown **switch or switches shall [switch(es) must]** be marked with a sign that clearly states that the switch is an emergency shutdown switch.

7. The shutdown switch **shall [must]** be a red color pushbutton switch, which **shall be [is]** manually reset by pulling or twisting and pulling.

8. A transparent cover plate that is hinged or easily removable and not lockable may be used to prevent accidental activation of the shutdown switch. The cover plate **shall [must]** allow the switch to be struck with the palm of the hand.

9. The shutdown switch shall cause the control display or indicator lights on a boiler to turn off if so equipped, to indicate that the boiler has been shut down.

10. Activation of the shutdown switch shall cause all new and existing boilers in the room to shut down.

11. If the **boiler or boilers [boiler(s)]** are located within five (5) feet of the boiler room exit door **[;]** and have **on – off [on/off]** switches easily identifiable and accessible, then the remote shutdown switch **shall not be [is not]** required.

12. Any interruption of power to the shutdown switches circuit shall cause the boilers to shut down.

(b) A power boiler or heating boiler installed prior to July 1, 2015 shall be exempt from paragraph (a) of this subsection unless the power boiler or heating boiler installed prior to July 1, 2015 is located in a hospital, rest home, school, day care, jail, health care facilities, or similar institutional facility. The replacement of a boiler in a boiler room containing boilers installed prior to July 1, 2015 **shall trigger the requirements [requires]** that the shutoff switches **shall [required herein]** be installed and connected to all new and existing boilers.

(c) Paragraph (a) of this subsection shall not apply to manufacturing and power generating facilities.

[(a)]

[1.] [Installations of power boilers, heating boilers, or hot water supply boilers shall have a manually operated remote boiler shutdown switch or circuit breaker located near the boiler room door, inside or outside of the boiler room, and marked for easy

identification. Consideration shall also be given to the type and location of the switch to safeguard against tampering.]

[2.] [If there is more than one (1) door to or from the boiler room, a switch shall be located at each door.]

[3.] [A cover plate may be used to prevent accidental activation of the shutdown switch, if the cover plate is easily opened or removed.]

[4.] [If a shutdown switch is activated, the shutdown switch shall require a manual reset.]

[5.] [The shutdown switch shall cause the display or indicator lights on a boiler to turn off, or otherwise indicate that the boiler has been shut down.]

[6.] [If a new boiler is installed in an existing boiler room, all existing boilers shall be connected to the emergency shutdown switch.]

[(b)] [A power boiler or heating boiler installed prior to July 1, 2015 shall be exempt from paragraph (a) of this subsection unless the power boiler or heating boiler installed prior to July 1, 2015 is located in a hospital, rest home, school, day care, jail, mental institution, or similar institutional facility.]

[(e)] [Paragraph (a) of this subsection shall not apply to manufacturing and power generating facilities.]

Section 6. Incorporation by Reference.

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

(a) "National Board Inspection Code Part 1, Installation" **[;]** 2025 [2015] Edition **[;]** ~~is incorporated by reference~~ **[;]**

(b) [(2)] [(The)] "National Board Inspection Code Part 2, Inspection" 2025 Edition **[;]** ~~is incorporated by reference~~ **[;]**

(c) [(3)] [(The)] "National Board Inspection Code Part 3, Repairs and Alterations" 2025 Edition **[;]** ~~is incorporated by reference~~ **[;]**

(d) [(4)] [(The)] "National Board Inspection Code Part 4, Pressure Relief Devices" 2025 Edition **[;]** ~~is incorporated by reference~~ **[;]**

(e) [(5)] [(2)] [(The)] "Standard for the Installation of Oil Burning Equipment NFPA 31," 2024 Edition **[;]** ~~is incorporated by reference~~ **[;]**

(f) [(6)] [(3)] [(The)] "Boiler and Combustion Systems Hazards Code [Standard for Oil Burning Equipment] NFPA 85," 2023 Edition **[;]** ~~is incorporated by reference~~ **[;]**

(2) [(7)] [(2)] This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Plumbing, Boiler Section, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

FILED WITH LRC: August 11, 2026

CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov.

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

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Boiler Inspection Section
(As Amended at ARRS, August 11, 2026)

815 KAR 15:026. Existing boilers and pressure vessels; testing, repairs, inspection, and safety factors.

RELATES TO: KRS 236.010, 236.030, 236.110, 236.240, 236.250, 236.990

STATUTORY AUTHORITY: KRS 236.030, 236.040, 236.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030 requires the commissioner to promulgate administrative regulations that establish reasonable standards for the inspection and repair of boilers and pressure vessels. This administrative regulation establishes the requirements for inspections and safe maintenance of boilers and pressure vessels.

Section 1. Frequency of Inspection of Existing Vessels.

(1) Boiler inspections. Boilers shall be inspected pursuant to KRS 236.110 upon notification by a boiler inspector or special boiler inspector.

(2) Pressure vessel inspections. Pressure vessels shall be reinspected in accordance with this subsection and subsection (3) of this section.

(a) Pressure vessels exceeding 200 psi MAWP shall be inspected every four (4)~~[five (5)]~~ years.

(b) Hot water storage tanks, sterilizers, and autoclaves shall be inspected every four (4) years.

(c) Pressure vessels for human occupancy and hyperbaric chambers shall be inspected every four (4)~~[two (2)]~~ years.

(d) Jacketed cooking kettles shall be inspected every two (2) years.

(e) Deareators shall be inspected externally and internally every six (6) years~~[ten (10) years]~~.

(f) All pressure vessels shall be re-inspected at the time of repair, alteration, or relocation.

(g) Liquid carbon dioxide vessels shall be inspected every three (3) years.

(h) Pressure vessels that have a MAWP of 200 psi or less shall be inspected every ten (10) years.

(3) Inspection times. Except as established in 815 KAR 15:027, inspections made by boiler inspectors shall be conducted during normal business hours of the department between 8:00 a.m. and 4:30 p.m. Monday through Friday.

(4) All existing boiler and existing pressure vessels shall be inspected in accordance with NBIC Part 2, 2025 edition, ~~as adopted and~~ incorporated by reference in 815 KAR 15:025.

Section 2. Preparation for Inspections and Tests.

(1) The owner or user shall prepare the boiler or pressure vessel for inspection if requested by the boiler inspector, special boiler inspector, or owner-user inspector.

(2) Inspections shall be conducted within seven (7) days of the date of notification by the boiler inspector, special boiler inspector, or owner-user inspector or at a date agreed upon between the user and the inspector.

(3) The owner or user shall prepare a boiler or pressure vessel for inspection by ensuring that:

(a) Water shall be drawn off and the boiler thoroughly washed;

(b) The manhole and handhole plates, washout plugs, tubular type sight glass, water column float and the plugs in water column connections, and water level probes~~[and the plugs in water column connections]~~ shall be removed and the furnace and combustion chambers shall be thoroughly cooled and cleaned;

(c) The grate of an internally fired boiler, and turbulators if present, shall be removed;

(d) Brickwork and other refractory shall be removed as required by the boiler inspector or special boiler inspector to determine the condition of the boiler, header, furnace, supports, or other parts;~~[and]~~

(e) Leakage of steam or hot water into the boiler shall be cut off by disconnecting or blocking off the pipe or valve at the most convenient point;~~[f.]~~

(f) All valves installed on boilers, pressure vessels, and related piping shall have handles attached if designed to accept handles and shall~~[the same and must]~~ be operable.

1. The inspector shall witness that these valves can be fully opened and fully closed.

2. Valves that shall be inspected include main steam, hot water, or hot oil supply valves, steam boiler trycocks and water glass valves, blowdown and blowoff valves and drain valves, main steam bleed lines, and pressure gauge and pressure control valves; and~~;~~[All valves, including main steam, bleed, feedwater, blowoff, water column, and others shall be operable

as witnessed by the inspector. Valves shall be exercised to the full open and full closed positions. Missing valve handles shall be replaced.]

(g) Fuel fired boilers shall have operable gas or fuel line shutoff valves.

(4) If the boiler or pressure vessel is jacketed, enough of the jacketing shall be removed upon the request of the boiler inspector, special boiler inspector, or owner-user inspector so that the safety of the boiler or pressure vessel can be determined.

(a) If the covering cannot be removed at that time, the boiler inspector, special boiler inspector, or owner-user inspector shall order the boiler or pressure vessel out of service until the covering can be removed and a proper examination made.

(b) Jacketing and insulation shall be maintained in operable condition.

(5) If a boiler has not been prepared for an inspection in accordance with the requirements of this section or the owner or user fails to comply with the requirements for the hydrostatic or other leak test established in this administrative regulation, the boiler inspector or special boiler inspector may decline to make the inspection or test, in which case~~and~~ the inspection certificate shall be withheld until the owner or user complies with the requirements.

(6) Hydrostatic pressure tests. If a hydrostatic test is applied to an existing installation, the pressure shall be as established in paragraphs (a) through (c)~~[(d)]~~ of this subsection.

(a) For determining tightness, the pressure shall be no less than ninety (90) percent~~[90%]~~[equal to the release pressure] of the lowest safety valve ~~[or valves having the lowest release]~~ setting.

(b)

1.

a. For determining safety or the strength of a vessel and associated piping~~[as well as tightness]~~, the test shall conform to ~~[the procedures and the pressure shall conform to]~~ the test pressures established in the original code of construction but not exceed one and one-half (1 1/2) times the MAWP for power boilers, except for a locomotive type boiler, in which case the pressure shall be one and one-fourth (1 1/4) times the MAWP.

b. The test pressure for heating boilers shall not exceed one and one-third (1 1/3) times the MAWP.

2. The pressure shall be under ~~[proper]~~ control to prevent the required test pressure from exceeding testing requirements ~~[listed]~~ in the original code of construction.

(c) The temperature of the water used for the hydrostatic test shall not be less than ambient temperature and shall not be less than seventy (70) degrees Fahrenheit for boilers or thirty (30) degrees Fahrenheit above the minimum design metal temperature for pressure vessels, nor high enough to allow the metal temperature to exceed 120 degrees Fahrenheit.

(7) Inspection of flues, chimneys, and smokestacks.

(a) The owner or user shall ensure chimneys, smokestacks, and flues attached to boilers shall be~~[are]~~ maintained in a safe operating condition.

(b) All chimneys, smokestacks, and flues attached to boilers shall be inspected by a licensed boiler contractor or a company that provides these~~[such]~~ services in the intervals and as established~~[manner found]~~ in subparagraphs 1. through 3. of this paragraph.

1. Heating boilers shall be inspected every four (4) years. The inspection shall be performed in accordance with the manufacturer's recommendations or national recognized standards.

2. Power boilers with a steaming capacity less than or equal to 200,000 pounds per hour shall be inspected every two (2) years. The inspection shall be performed in accordance with the manufacturer's recommendations or nationally recognized standards.

3. Power boilers with a steaming capacity greater than 200,000 pounds per hour shall be inspected at intervals consistent with nationally recognized standards. The inspection shall be performed in accordance with the owner or user's written inspection program and nationally recognized standards.

(c) The owner or user shall retain documentation of the most recent inspection, testing, repairs, and corrective actions. The/Such/ documentation shall be made available to the inspector or department upon request.

(d) [Chimneys, smokestacks, and flues shall be inspected by a licensed boiler contractor or a company that provides such services at every other inspection cycle. A letter stating that the chimney, smokestack, or flue is in safe and suitable condition for the service intended shall be presented to the inspector and retained by the department.]

(8)[(e)] Emergency shutdown switches shall be tested at [the time of] inspection and shall be witnessed by the inspector to ascertain that all boilers can shut down.

(9)[(f)] Carbon monoxide detectors shall be maintained to ensure that the carbon monoxide detectors[they/] are in operable condition.

[(d)] [Minimum test pressure shall not be less than eighty (80) percent of the MAWP or the set pressure of the pressure-relieving device, whichever is greater.]

Section 3. Maximum Working Pressure;[f.] Notice of Accident or Unsafe Conditions[Safety Factors in Existing Boilers and Pressure Vessels].

(1) Maximum pressure and temperature.

(a) Code boilers. The MAWP and temperature for standard pressure vessels and boilers shall be determined in accordance with the original code of construction.

(b) Noncode high pressure boilers. The MAWP of a noncode high pressure boiler shall be calculated in accordance with Section I of the ASME Boiler and Pressure Vessel Code.

(c) Noncode welded heating boilers.

1. The MAWP of a noncode steel or wrought iron heating boiler of welded construction shall not exceed fifteen (15) psi.

2. For other than steam service, the MAWP shall be calculated in accordance with Section IV of the ASME Boiler and Pressure Vessel Code as established by KRS 236.040(2).

(d) Noncode cast iron heating boilers. The MAWP of a noncode boiler, composed principally of cast iron, shall not exceed fifteen (15) psi for steam service or thirty (30) psi for hot water service.

(2) Notice of accident or malfunction.

(a) If an accident or malfunction renders a boiler or pressure vessel inoperative, the owner, user, or insurer shall immediately notify the Boiler Inspection Section and submit a detailed report of the accident or malfunction.

(b)

1. For any accident, including an explosion, resulting in property damage, injury to a person, or loss of life, the owner, user, or insurer shall give notice immediately by phone or electronic mail to the Boiler Inspection Section.

2. **In the event of an accident or malfunction,** the boiler, pressure vessel, or any of the parts shall not be removed or disturbed before an inspection has been made by a boiler inspector or special boiler inspector, except for the purpose of saving human life **or preventing injury or further injury.**

(3) Unsafe boilers and pressure vessels. A boiler or pressure vessel inspected by a boiler inspector or a special boiler inspector and found unsafe for further use shall be removed from service[.] until the boiler or pressure vessel has been sufficiently repaired and **passed inspection[inspected]** by a boiler inspector or a special boiler inspector.

(4) Removal of safety appliances.

(a) A person shall not attempt to remove or work on a safety appliance while a boiler or pressure vessel is in operation unless under the direction of a boiler inspector or special boiler inspector[.] **or as established in 815 KAR Chapter 15[permitted by these administrative regulations].**

(b) If a safety appliance is repaired during an outage of a boiler or pressure vessel, the appliance shall be reinstalled and in proper working order before the vessel is returned to service.

(5) Maintenance. The boiler, pressure vessel, and pressure piping shall be maintained in accordance with the minimum requirements of the edition of the ASME Code that was in effect at

the time the boiler, pressure vessel, and pressure piping was constructed and installed.

Section 4. Used Vessels.

(1) Used vessel inspections. Before a used boiler or pressure vessel is placed into service, **the used boiler or pressure vessel[it]** shall be inspected by a boiler inspector, and the inspection may include an internal and external visual inspection, a hydrostatic test, or other non-destructive examination.

(2) Reinstalled boilers or pressure vessels.

(a) If a boiler or pressure vessel is moved and reinstalled, the fittings and appliances shall comply with 815 KAR 15:025[the ASME Boiler and Pressure Vessel Code, 2013 Edition or subsequent editions, as established by KRS 236.040(2), and 815 KAR Chapter 15].

(b) All pressure vessels for human occupancy shall comply with 815 KAR 15:025[the ASME Safety Standard for Pressure Vessels for Human Occupancy, 2012 Edition or subsequent editions, as established by KRS 236.040(3), and 815 KAR Chapter 15].

(3) Appeal of an inspection decision.

(a) If the owner or user does not concur with the boiler inspector's decision regarding the condition of the boiler or pressure vessel, the owner or user may appeal to the commissioner who shall request a joint inspection by the chief boiler inspector and the boiler inspector.

(b) The chief boiler inspector and the boiler inspector shall render a report to the commissioner, who shall render the final decision, based upon the data contained in all the inspectors' reports.

Section 5. Repairs and Alterations.

(1) **The permit as required by KRS 236.240 shall be signed and returned to the department upon completion of the repair or alteration. The National Board R-1 or R-2 form, incorporated by reference in 815 KAR 15:025,** shall be attached to the completed repair permit.

(2) Repair or alteration to a boiler, pressure vessel, **boiler external piping, or[and]** the appurtenances shall conform to the requirements of the National Board Inspection Code Part 3, 2025 edition **as incorporated by reference in 815 KAR 15:025[2015 Edition, or subsequent editions].**

(3)[(2)] Repairs or alterations to pressure relieving devices shall be made by a firm possessing the National Board Certificate of Authorization for Use of the Valve Repair (VR[V-R]) Stamp and the valve shall be stamped with the VR[V-R] stamp upon completion of the repair.

(4)[(3)] An owner-user inspector may inspect repairs and alterations to pressure vessels that the owner-user inspector's company owns or operates.

Section 6. Inspection by Special Boiler Inspectors.

(1) A special boiler inspector shall submit an inspection report to the Boiler Inspection Section on the applicable National Board Inspection Code Report of Inspection standard form, **incorporated by reference in 815 KAR 15:025,** or its electronic equivalent.

(2) An insurance company shall notify the Boiler Inspection Section of a new or a cancelled policy for a boiler or pressure vessel within thirty (30) days of the effective date of the policy.

(3) If a special boiler inspector finds, upon inspection of a boiler or pressure vessel, a condition causing the special boiler inspector's company to refuse or suspend insurance of the boiler or pressure vessel, the company shall immediately notify the Boiler Inspection Section and submit a report of the defect.

Section 7. Inspection by Owner-User Inspectors.

(1) An owner-user inspector shall submit an inspection report to the Boiler Inspection Section on the applicable National Board Inspection Code Report of Inspection standard form, or its electronic equivalent.

(2) An owner-user company shall immediately notify the Boiler Inspection Section of a defective pressure vessel and submit a report of the defect using the applicable National Board Inspection Code Report of Inspection standard form or its electronic equivalent.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

(3) If there is a disagreement as to the acceptance of any condition of a pressure vessel or repair by the owner-user inspector and owner-user company, the department shall make the final determination in accordance with the standards established in this administrative regulation.

[Section 8-] [Inspection by Owner's Piping Inspector.]

[(1)]

[(a)] [Owner's piping inspectors shall inspect all new, replacement, and repaired piping for compliance to the applicable ASME piping code to which the piping is installed.]

[(b)] [The owner's piping inspector shall sign the permit filed by the boiler and pressure vessel contractor performing the piping installation or repair and forward it to the Boiler Inspection Section.]

[(2)]

[(a)] [The owner facility license and the independent inspection agency shall maintain copies of the material mill test reports and pressure test information including type of test, pressure at start and end of test, and duration of test for five (5) years pursuant to KRS 236.097(1)(h) and (3)(f).]

[(b)] [If welded joints are utilized, the file shall contain the qualified welder identification, weld procedure, and procedure qualification used.]

[(3)] [If there is a disagreement as to the acceptance of any condition of the piping installation or repair by the owner's piping inspector and owner's user facility, the department shall make the final determination in accordance with the standards established in this administrative regulation.]

[Section 9-] [Incorporation by Reference.]

[(1)] [The "National Board Inspection Code", 2015 Edition, is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Plumbing, Boiler Section, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

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CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov.

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**PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Boiler Inspection Division
(As Amended at ARRS, August 11, 2026)**

815 KAR 15:027. Fees and certificates for boiler and pressure vessel inspection.

RELATES TO: KRS Chapter 236

STATUTORY AUTHORITY: KRS 236.030, 236.120, 236.130, 236.240, 236.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030 and 236.130 require the commissioner to promulgate administrative regulations that establish reasonable inspection fees for boilers, pressure vessels, and pressure piping. This administrative regulation establishes the fees for permits and inspections for boilers, pressure vessels, and pressure piping.

Section 1. Fees.

(1) Permit and repair fees.

(a) Permits for new installations of boilers, pressure vessels, and pressure piping shall be based upon the total dollar value of each installation, either actual or estimated. The installing boiler and pressure vessel contractor shall identify the applicable cost range, which shall include both labor and material costs, but the boiler and pressure vessel contractor shall not be required to identify the exact cost.

(b) The fees for permits for new installations shall be paid prior to installation.

(c) The permit fees for boilers, pressure vessels, or pressure piping **shall be as established in the table in this paragraph.**~~are as follows:~~

Cost of Inspected Item	Fee
\$2,000 or less	\$70
\$2,001 to \$10,000	\$130
\$10,001 to \$25,000	\$200
\$25,001 to \$50,000	\$250
\$50,001 to \$75,000	\$300
\$75,001 to \$100,000	\$410
\$100,001 to \$150,000	\$520
\$150,001 to \$200,000	\$630
\$200,001 to \$250,000	\$740
\$250,001 to \$300,000	\$850
\$300,001 to \$400,000	\$960
\$400,001 to \$500,000	\$1,350
\$500,001 to \$600,000	\$1,500
\$600,001 to \$700,000	\$1,650
\$700,001 and over	\$1,850

(d)

1. If a boiler and pressure vessel contractor is unable to complete the work after a permit has been issued and work has begun, the permit may be taken over and responsibility assumed by a different boiler and pressure vessel contractor.

2. The new boiler and pressure vessel contractor shall pay a fee of seventy (70) dollars for a transferred permit~~as outlined in subparagraph 1. of this paragraph~~.

(2) Fees for reinspection.

(a) Fees for the annual reinspection of power boilers pursuant to KRS 236.110(1)(a) shall be charged at the rates established in this **paragraph**~~subsection~~.

1. INTERNAL INSPECTIONS OF POWER BOILERS	
Heating Surface (Square Feet)	Fee
100 or less	\$35
101 to 1,000	\$50
1,001 to 4,000	\$90
4,001 to 10,000	\$120
10,001 and over	\$200
2. EXTERNAL INSPECTIONS OF POWER BOILERS	
Heating Surface (Square Feet)	Fee
100 or less	\$30
101 and over	\$35

(b) Fees for the biennial reinspection of heating boilers pursuant to KRS 236.110(1)(b) shall be charged at the rates established in this **paragraph**~~subsection~~.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Boilers with manway where internal inspection required	\$55
Other heating boilers	\$35
Hot water supply boilers	\$25
Miniature boilers	\$25

(c)

1. The fee for the initial inspection of an existing pressure vessel that has been in service for at least five (5) years and has not received a certificate of inspection shall be twenty-five (25) dollars.

2. The fee for the initial inspection of an existing pressure vessel that has been in service for less than five (5) years shall be the same as the permit fees in subsection (1)(1) of this section.

(d) The fee for a reinspection of a pressure vessel pursuant to 815 KAR 15:026 Section 1(2) shall be twenty-five (25) dollars.

(3)

(a) An inspection made by boiler inspectors at the request of a boiler manufacturer, installer, engineering contractor, or owner conducted outside of normal business hours as established in 815 KAR 15:025 and 815 KAR 15:026 shall be charged at the rates established in subparagraphs 1. through 4. of this paragraph. [this subsection:]

1. \$450 for one-half (1/2) day of four (4) hours or less. [;]

2. \$600 for one (1) day of more than four (4) hours to eight (8) hours. [;]

3. \$600 for any part of a Saturday, Sunday, or state holiday. [; and]

4. Forty (40) dollars per hour for overtime in excess of eight (8) hours in any one (1) day.

(b) In addition to the fees listed in this subsection, the manufacturer, installer, engineering contractor, or owner shall be charged for mileage at the current state rate. The manufacturer, installer, engineering contractor, or owner may be charged for lodging, meals, and incidentals of the boiler inspector if the inspection requires more than eight (8) hours.

(c) The fees established in this subsection shall be in addition to the regular fees for permits, inspections, and certificates of inspection.

(4) Charges for inspection of a used boiler or used pressure vessel shall be at the rates established in subsection (1)(c)(4) paragraph (c)] of this section.

(5) Inspections of a manufacturing facility at the request of the manufacturer for the issuance of ASME or National Board Certificates of Authorization shall be charged at the rates established in paragraphs (a) through (c) this subsection. [;]

(a) Initial inspection for ASME certificates - \$1,200. [;]

(b) Renewal of ASME certificates - \$950. [; and]

(c) Initial inspections and renewals for National Board R or V-R certificate - \$400.

Section 2. Certificates of Inspection. If the owner or user of the boiler or pressure vessel required to be inspected refuses to allow an inspection to be made, or refuses to pay the required fee, the certificate of inspection shall be suspended by the commissioner until the owner or user complies with the requirements in KRS 236 and 815 KAR Chapter 15.

Section 3. Operating Certificate Extension. The fee for an operating certificate extension shall be [is set at] \$5,000 per month of extension.

Section 4. Administrative Fees. The fee for issuing a commission to a special boiler inspector shall be [is set at] twenty five dollars (\$25) per commission.

FILED WITH LRC: August 11, 2026

CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov.

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

**PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Boiler Inspection Division
(As Amended at ARRS, August 11, 2026)**

815 KAR 15:080. Boiler and pressure vessel licenses.

RELATES TO: KRS 236.097, 236.210

STATUTORY AUTHORITY: KRS 236.030, 236.097, 236.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 236.030

requires the commissioner to promulgate administrative regulations that establish reasonable standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping in Kentucky. KRS 236.210 requires the commissioner to establish reasonable fees for the licensing of all boiler and pressure vessel contractors. KRS 236.097 establishes criteria and fees for the issuance of owner facility, owner's piping inspector, and independent inspection agency licenses, and requires the department to develop the applications required for the issuance and renewal of these licenses. This administrative regulation establishes the fees, standards, and forms incident to the licensing of boiler and pressure vessel contractors, owner facilities, owner's piping inspectors, and independent inspection agencies.

Section 1. Boiler and Pressure Vessel Contractors.

(1) The boiler and pressure vessel contractor licenses shall be [are] offered in the following classes, with the scope of work permitted in each class accordingly:

(a) Class A license: Unlimited scope. [;]

(b) Class B license: Low pressure steam boilers and piping, hot water heating boilers and piping, hot water supply boilers, pool heaters, hot water storage tanks, pressure vessels up to 200 psi that do not contain steam or anhydrous ammonia; and [;]

(c) Class C license: Pressure vessels only. Limited to cryogenic bulk tanks, CO2 beverage tanks, compressed air receivers 200 psi or less and piping, and jacketed steam cooking kettles.

(2) Examinations.

(a) Each [All] examination applicant [applicants] shall submit to the department:

1. A completed Boiler and Pressure Vessel Contractor Examination Registration Form, Form PLB-BPV-5; [;]

2. A non-refundable examination fee payable to the Kentucky State Treasurer [; as follows]:

a. Class A license: \$150;

b. Class B license: \$100; and

c. Class C license: fifty (\$50) dollars;

3. A passport-sized, color [passport size] [facial] photograph of the applicant, taken within the past six (6) months; and

4. Proof that the applicant is eighteen (18) years of age or older.

(b) All examinations shall cover [the following topics]:

1. KRS Chapter 236;

2. 815 KAR Chapter 15; and

3. National Board Inspection Code, Part I, as incorporated by reference in 815 KAR 15:025.

(c) Examination Schedule.

1. Regular examination of applicants for a boiler contractor license shall be conducted pursuant to KRS 236.090 [once a month].

2. [Other examination dates may be conducted as the department directs.]

[3.] The department shall give notice to the examinees of the date, time, and place of the examination at least one (1) week prior to the date of the examination.

(d) Passing Score. To pass a Class A, B, or C examination, the examinee shall have a score of at least seventy (70) percent [70%]. A passing score shall be valid for three (3) years.

(e) Examination retakes. An applicant may retake the examination at any scheduled date. An applicant shall pay the full fee for an examination retake.

(f) The Class A, B, and C examination requirements in this administrative regulation shall not apply to those boiler and pressure vessel contractors who are already licensed as boiler and pressure vessel contractors, as of December 2, 2026/the date that this regulatory revision becomes effective.

(3) Boiler Contractor License Application.

(a) An applicant for a boiler contractor license shall submit to the department the following:

1. A completed Boiler and Pressure Vessel Contractor License Application, Form PLB-BPV-1;

2. A passport-sized, color/passport-size/facial photograph of the applicant, taken within the past six (6) months;

3. Proof that the applicant is eighteen (18) years of age or older;

4. Proof that the applicant passed the related examination for the class of license applied for; and

5. A non-refundable initial license fee payable to the Kentucky State Treasurer for the class applied for:

a. Class A license: \$250;

b. Class B license: \$200; and

c. Class C license: \$100.

(b) If the initial license is for a period of less than twelve (12) months, the initial license fee shall be reduced on a pro rata basis. The initial license fee shall not be prorated for less/fewer than seven (7) months.

(4) Termination of application. The initial application shall remain pending until all of the requirements are met or for a period of up to twelve (12) contiguous months after the date the application is submitted to the department. If the application requirements are not met after twelve (12) contiguous months, the application shall be void.

(5) License Renewal.

(a) A boiler and pressure vessel contractor license shall expire annually on the last day of the licensee's birth month/months unless renewed in accordance with this subsection.

(b) An applicant for the renewal of a boiler and pressure vessel contractor license shall submit to the department on or before the expiration of the license:

1. A completed Boiler and Pressure Vessel Contractor License Application, Form PLB-BPV-1;f, and

2. A non-refundable annual renewal fee for the class of license renewed, payable to the Kentucky State Treasurer for:f

a. Class A license: \$250;

b. Class B license: \$200; and

c. Class C license: \$100.

(6) Representation.

(a) A boiler and pressure vessel contractor shall only represent one (1) company or individual at a time, unless he or she owns at least twenty-five (25) percent of each business entity.

(b) A company or individual principal may engage in the business of installing, erecting, or repairing boilers, pressure vessels, or pressure piping within the Commonwealth if either one (1) person connected with such a company or an individual principal responsible for the boiler, pressure vessel, or pressure piping work is a boiler and pressure vessel contractor. The boiler and pressure vessel contractor shall be/is responsible for the work done by the company.

(c) If a boiler and pressure vessel contractor is responsible for the boiler, pressure vessel, or pressure piping work for a company or individual engaged in the boiler, pressure vessel, or pressure piping business, then he or she shall notify the department at any time that he or she commences or severs his or her connection with the company or individual.

[(1)] [Application. An applicant for an initial boiler and pressure vessel contractor license shall submit to the department:]

[(a)] [Proof that the applicant is eighteen (18) years of age or older:]

[(b)] [A completed Boiler and Pressure Vessel Contractor License Application on Form PLB-BPV-1:]

[(c)] [A passport-sized color photograph of the applicant taken within the past six (6) months; and]

[(d)] [A nonrefundable license fee of \$250 payable to the Kentucky State Treasurer. If an initial license is for a period of less than twelve (12) months, the initial license fee shall be reduced on a pro rata basis. The initial license fee shall not be prorated for less than seven (7) months.]

[(2)] [Examination:]

[(a)] [An applicant for a boiler and pressure vessel contractor license shall take and pass the examination required by KRS 236.210 before an initial license may be issued under this section.]

[(b)] [The applicant shall successfully complete the examination with a passing score of at least seventy (70) percent.]

[(c)] [A passing score on the examination shall be valid for a period of three (3) years.]

[(3)] [Termination of an application:]

[(a)] [The initial application shall remain pending until all requirements are met or for a period of up to one (1) year after the date the application is submitted to the department.]

[(b)] [At the end of one (1) year, the application shall be void.]

[(4)] [License Renewal]

[(a)] [A boiler and pressure vessel contractor license shall expire annually on the last day of the licensee's birth month unless renewed in accordance with this subsection.]

[(b)] [An applicant for renewal of a boiler and pressure vessel contractor license shall submit to the department on or before the expiration of the license:]

1. [A completed Boiler and Pressure Vessel Contractor License Application on Form PLB-BPV-1; and]

2. [A nonrefundable annual renewal fee of \$175 payable to the Kentucky State Treasurer.]

[(5)] [Representation:]

[(a)] [A boiler or pressure vessel contractor shall provide general supervision to and be primarily responsible for all work performed by the licensee's employees:]

[(b)] [A company or individual may engage in the business of installing, erecting, or repairing boilers, pressure vessels, or pressure piping within the Commonwealth if one person connected with such a company or individual responsible for the boiler, pressure vessel, or pressure piping work is a boiler and pressure vessel contractor.]

[(c)] [Any boiler and pressure vessel contractor, responsible for the boiler, pressure vessel, or pressure piping work for a company or individual engaged in the boiler, pressure vessel, or pressure piping business, shall notify the department at any time he commences or severs his connection with the company or individual.]

[(d)] [A boiler and pressure vessel contractor shall only represent one (1) company or individual at a time:]

Section 2. Owner Facilities.

(1) Application. An applicant for an owner facility license shall submit to the department:

(a) A completed Owner Facility License Application on Form PLB-BPV-2;

(b) The fee required by KRS 236.097(1)(d), payable to the Kentucky State Treasurer;

(c) Proof of employee or contractor who holds a license pursuant to KRS 236.210; and

(d) Proof that the facility has general liability insurance through a company permitted to transact insurance in Kentucky.

(2) License Renewal.

(a) An owner facility license shall expire after a period of two (2) years, on the last day of the month in which the license was initially issued, unless renewed in accordance with this subsection.

(b) An applicant for renewal of an owner facility license issued in accordance with this section shall, by no later than sixty (60) days prior to the expiration of the license, submit to the department:

1. A completed Owner Facility License Application on Form PLB-BPV-2; and

2. The fee required by KRS 236.097(1)(f), payable to the Kentucky State Treasurer.

(3) Inspection prohibition. An owner facility shall not conduct, or allow to be conducted, any piping inspections under the owner facility's license unless the inspector performing the inspection is

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

licensed pursuant to Section 3 or Section 4 of this administrative regulation.

Section 3. Owner's Piping Inspectors.

(1) Application. An applicant for an initial owner's piping inspector license shall submit to the department:

(a) Proof that the applicant is eighteen (18) years of age or older;

(b) A completed Owner's Piping Inspector License Application on Form PLB-BPV-3;

(c) A passport-sized color photograph of the applicant taken within the past six (6) months;

(d) Proof that the applicant is a United States citizen or authorized to work in the United States; and

(e)[(d)] The nonrefundable fee required by KRS 236.097(2)(c), payable to the Kentucky State Treasurer. If an initial license is for a period of less than twenty-four (24) months, the initial license fee shall be prorated in accordance with KRS 236.097(2)(d).

(2) License renewal.

(a) An owner's piping inspector license shall expire on the last day of the licensee's birth month in the second year following the issue date.

(b) An applicant for renewal of an owner's piping inspector license shall, on or before the expiration of the license, submit to the department:

1. A completed Owner's Piping Inspector License Application on Form PLB-BPV-3; and

2. The fee required by KRS 236.097(2)(f), payable to the Kentucky State Treasurer.

Section 4. Independent Inspection Agencies.

(1) Application. An applicant for an initial independent inspection agency license shall submit to the department:

(a) A completed Independent Inspection Agency License Application on Form PLB-BPV-4; and

(b) The fee required by KRS 236.097(3)(b), payable to the Kentucky State Treasurer.

(2) License renewal.

(a) An independent inspection agency license shall expire after a period of two (2) years, on the last day of the month in which the license was initially issued.

(b) An applicant for renewal of an independent inspection agency license shall, on or before the expiration of the license, submit to the department:

1. A completed Independent Inspection Agency License Application on Form PLB-BPV-4; and

2. The fee required by KRS 236.097(3)(e), payable to the Kentucky State Treasurer.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form PLB-BPV-1, "Boiler and Pressure Vessel Contractor License Application", August 2026~~April 2025~~^{May 2020};

(b) Form PLB-BPV-2, "Owner Facility License Application", May 2020;

(c) Form PLB-BPV-3, "Owner's Piping Inspector License Application", May 2020; ~~and~~

(d) Form PLB-BPV-4, "Independent Inspection Agency License Application", May 2020; ~~and~~;

(e) Form PLB-BPV-5, "Boiler and Pressure Vessel Contractor Examination Registration Form", April 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Boiler Section, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov/Pages/default.aspx>.

FILED WITH LRC: August 11, 2026

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PUBLIC PROTECTION CABINET

Department of Housing, Buildings and Construction

Manufactured Homes and Recreational Vehicles

(As Amended at ARRS, August 11, 2026)

815 KAR 25:020. Recreational vehicles.

RELATES TO: KRS 227.550 - 227.665

STATUTORY AUTHORITY: KRS 227.570, 227.590, 227.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.590(1) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660. KRS 227.570(1)(a) requires the department to promulgate administrative regulations establishing a process for licensing retailers and issuing certificates of acceptability to qualifying manufacturers. KRS 227.620(2) requires the department to ~~establish~~^[to promulgate administrative regulations establishing] application and fee requirements for a retailer's license. KRS 227.620(4)(a) requires the department to establish fees for a retailer's license, a manufacturer's certificate of acceptability, and Class B, Class B1, and Class B2 seals, in accordance with KRS 227.620(4)(a), 1. to 4^[in accordance with KRS 227.620(4)(a), 1. to 4]. This administrative regulation establishes the requirements for retailers to obtain a license to sell recreational vehicles and the standards for issuing a certificate of acceptability to manufacturers of recreational vehicles.

Section 1. Standard for Recreational Vehicles. All recreational vehicles manufactured for sale within the Commonwealth of Kentucky shall comply with the applicable ANSI standard in accordance with KRS 227.665, including the standards set forth in NFPA 1192 Standard on Recreational Vehicles^[standards set forth in the NFPA 1192 Standard on Recreational Vehicles].

Section 2. Licensed Retailers.

(1) Application. An applicant for a recreational vehicle retailer license shall submit to the department:

(a) A completed Form HBC RV-2 Recreational Vehicle Retailer Application;

(b) A fee in the amount of \$200 for one (1) full year, or a reduced amount prorated on a monthly basis for a period of less than a full year, payable to the Kentucky State Treasurer; and

(c) Proof of liability insurance naming the department as the certificate holder in the minimum amount of at least:

1. \$200,000 bodily injury or death for each person;
2. \$300,000 bodily injury or death for each accident; and
3. \$100,000 property damage.

(2) Application review period. All licenses shall be granted or denied in accordance with KRS 227.620(3).

(3) Certified Retailer. A licensed retailer may complete inspections for the public if the retailer qualifies as a certified retailer.

(a) An applicant to become a certified retailer shall complete and submit to the department Form HBC MH/RV-2 Request for Approval to Inspect.

(b) A certified retailer shall not:

1. Perform negligent inspections or repairs on a unit; or
2. Apply the wrong seal to a unit.

(4) Out-of-state retailers. To inspect and apply Kentucky seals for used recreational vehicles that are sold by out-of-state retailers for delivery into Kentucky, an out-of-state retailer shall be a Kentucky certified retailer.

(5) Periodic reports.

(a) A retailer shall maintain a record of all new or used units sold to include the:

1. Serial numbers;
2. B seal numbers;

3. Date manufactured;
4. Make of recreational vehicle; and
5. Name and address of the purchaser.

(b) The retailer shall make the report available to any department employee upon request.

Section 3. Certificate of Acceptability.

(1) Certificate of acceptability requirement. A manufacturer shall not manufacture, import, or sell any recreational vehicle in the Commonwealth unless the manufacturer has received a certificate of acceptability issued by the department.

(2) Requirements for issuance. An applicant for a certificate of acceptability shall submit to the department:

(a) A completed Form HBC MH/RV-1 Application of Certificate of Acceptability;

(b) Its in-plant quality control systems;

(c) An affidavit certifying compliance with the applicable ANSI standard in accordance with KRS 227.665, such as NFPA 1192 as adopted through REVA~~[standards, such as][NFPA 1192 as adopted through REVA]~~;

(d) A \$500 certification of acceptability fee for a full year, or a reduced amount prorated on a monthly basis for a period of less than a full year, by check or money order, made payable to the Kentucky State Treasurer; and

(e) Proof of general liability insurance to include lot and completed operations insurance in the minimum amount of at least:

1. \$300,000 bodily injury or death for each person;
2. \$400,000 bodily injury or death for each accident; and
3. \$100,000 property damage.

~~[(3)] [In-plant quality control. To obtain in-plant quality control approval, a manufacturer shall submit to an inspection by the department for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain:]~~

~~[(a)] [A certified copy of the plans and specifications of a model or model group for electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half (8 1/2) inches by eleven (11) inches, and the maximum possible size of which is twenty-four (24) inches by thirty (30) inches.]~~

~~[(b)] [The manufacturer's certification that the systems comply with:]~~

~~[1.] [NFPA 1192 Standards on Recreational Vehicles; or]~~

~~[2.] [ANSI A119.5 Park Trailers.]~~

~~[(c)] [A copy of the procedure that directs the manufacturer to construct recreational vehicles in accordance with the plans, specifying:]~~

~~[1.] [Scope and purpose;]~~

~~[2.] [Receiving and inspection procedure for basic materials;]~~

~~[3.] [Material storage and stock rotation procedure;]~~

~~[4.] [Types and frequency of product inspection;]~~

~~[5.] [Sample of inspection control form used;]~~

~~[6.] [Responsibility for quality control programs, indicating personnel, their assignments, experience, and qualifications;]~~

~~[7.] [Test equipment;]~~

~~[8.] [Control of drawings and material specifications; and]~~

~~[9.] [Test procedures.]~~

~~(3) [(4)]~~ Manufacturer and retailer. If the manufacturer is also a retailer, the manufacturer shall comply with retailer licensing provisions pursuant to Section 1 of this administrative regulation.

~~(4) [(5)]~~ Trade show. A certificate of acceptability shall not be required for manufacturers attending a recreational vehicle trade show within the Commonwealth of Kentucky if they do not sell recreational vehicles to Kentucky licensed retailers.

~~(5) [(6)]~~ Incorrect or incomplete applications.

(a) If the department receives an incorrect or incomplete application, the department shall issue a correction notice specifying the defect to the applicant within thirty (30) days of receiving the application. If no corrected application is filed within thirty (30) days, the department shall deem the application abandoned and the fee forfeited.

(b) A corrected application submitted after the thirty (30) day period shall be processed as a new application.

~~(6) [(7)]~~ Proprietary information.

(a) The manufacturer shall label as proprietary any information relating to building systems or in-plant quality control systems that the manufacturer considers proprietary.

(b) The department, the inspection and evaluation personnel, and local enforcement agencies shall maintain and treat the designated information as proprietary unless the department determines that disclosure is necessary to carry out the purposes of KRS 227.550 through ~~[KRS]~~227.665 and 815 KAR Chapter 25.

~~(7) [(8)]~~ Alternative standards. A manufacturer may submit an alternative standard for recreational vehicles established by another state, federal government, or other independent third party for review by the department. If the department finds that the alternative standard for recreational vehicles is equivalent~~[applicable]~~ to the standard adopted by this administrative regulation, then a certificate of acceptability~~[accessibility]~~ shall be issued for those recreational vehicles.

Section 4. License and Certificate Renewals.

(1) Expiration of a license and certificate. A license and a certificate of acceptability shall expire on:

(a) For individuals, the last day of the licensee's or certificate holder's birth month in the following year; or

(b) For business entities:

1. The last day of the licensee's or certificate holder's month of incorporation in the following year; or

2. The last day of the birth month of the principal officer of the firm.

(2) Renewal procedure. A retailer and a manufacturer holding a certificate of acceptability wishing to renew a license or certificate shall submit to the department:

(a) A completed Form HBC MH/RV-3 License and Certification Renewal Application;

(b) Proof of continuing general liability insurance coverage; and

(c) A check or money order for the annual license fee payable to the Kentucky State Treasurer, in the amount of:

1. \$200 for a licensed retailer; or
2. \$500 for a certificate of acceptability.

Section 5. Recreational Vehicles in Manufacturers' or Retailers' Possession.

(1) Used recreational vehicle inspection.

(a) Prior to the offering for sale of any used recreational vehicle, or a recreational vehicle taken in trade, the retailer shall first certify that the electric, heating, plumbing, and fire and life safety systems are in a safe working condition.

(b) The retailer shall make any necessary repairs prior to offering the recreational vehicle for sale.

(c) The retailer shall affix a B seal to the recreational vehicle once any repairs have been made.

(d) If a seal is on the recreational vehicle prior to the inspection, the existing seal shall be removed and a new B seal placed on the recreational vehicle.

(2) Salvage units.

(a) A B2 seal shall be required if the retailer submits to the department an affidavit that the unit is a salvage unit.

(b) A salvage unit shall not be sold until it has been authorized, in writing, by the department to be labeled "salvage only" and the label has been affixed to the unit by the retailer.

(3) Sales between retailers.

(a) A seal shall not be required if a licensed retailer sells any unit to another licensed retailer.

(b) The retailer selling the unit shall submit prior notice of the sale to the department.

(4) All used recreational vehicles purchased outside the Commonwealth not bearing a Kentucky B seal shall be inspected as a used recreational vehicle by a certified retailer or the department.

(5)

(a) A recreational vehicle that is not in compliance with the requirements of this administrative regulation shall be:

1. Corrected prior to the retailer certifying the recreational vehicle or offering the recreational vehicle for sale; or
2. Classified as a salvage unit and issued a salvage label in accordance with this administrative regulation.

(b) All recreational vehicles requiring repairs or corrections prior to recreational vehicle certification shall be reported to the department specifying the repairs required to correct the deficiencies.

(6) A retailer shall submit a completed Form HBC RV-7 Recreational Vehicle Unit Certification Format to the department no later than the first week of each month.

(7) Fees for inspections. The fees for the inspection of recreational vehicles shall be:

(a) If performed by a certified retailer:

1. ~~One hundred twenty-five (\$125) dollars~~ Twenty (20) dollars per hour;

2. ~~Thirty-two (32) Twenty-two (22)~~ cents per mile, measured from the place of the certified retailer's place of business; and

3. Twenty-five (25) dollars for the seal.

(b) If performed by the department:

1. ~~One hundred twenty-five (\$125) Thirty-five (35)~~ dollars; and

2. Twenty-five (25) dollars for the seal.

Section 6. Serial Numbers, Model Numbers, and Date Manufactured. A clearly designated serial number, model number, and date manufactured shall be stamped into the tongue or front cross member of the frame at the lower ~~left-hand~~ side (while facing the unit), and if there is no tongue or cross member, then a data plate with this information shall be affixed on the outside in a conspicuous place.

Section 7. Change of Information.

(1) Manufacturers or retailers shall notify the department in writing within thirty (30) days of a change in the:

(a) Company or corporate name;

(b) Address of the company;

(c) Ownership interest of twenty-five (25) percent or more of the company within a twelve (12) month period; or

(d) Principal officers of the company.

(2) Manufacturers shall notify the department in writing within thirty (30) days of a change in the:

(a) Location of any manufacturing facility; or

(b) Location of a new manufacturing facility.

(3) If the business location of a retailer is changed, the department shall reissue the license to reflect the change of location without charge if it is located within the same county or adjacent county. A change of location to another county, which is not adjacent to the initial county, shall require a new license.

Section 8. Temporary Licenses.

(1) An unlicensed retailer may offer for sale recreational vehicles within the Commonwealth of Kentucky if the retailer purchases a temporary license from the department.

(2) Temporary license requirements. An out-of-state applicant for a temporary license shall:

(a) Be a duly licensed retailer in a state other than Kentucky;

(b) Furnish to the department proof of liability insurance in the minimum amount of at least:

1. \$200,000 bodily injury or death for each person;

2. \$300,000 bodily injury or death for each accident; and

3. \$100,000 property damage;

(c) Provide documentation to the department of a physical inspection by an authorized representative of the department that confirms that a B seal is attached to each new unit the retailer proposes to display, show, or offer for sale;

(d) Submit to the department Form HBC RV-6 Temporary RV Retailer's License;

(e) Provide the department with the name, location, and time of the proposed event;

(f) Pay by check or money order a temporary license fee of \$100 made payable to the Kentucky State Treasurer;

(g) Certify to the department that the event shall comply with the Standards of Safety [Kentucky Fire code], 815 KAR 10:060;

(h) Possess a valid Kentucky sales tax certificate; and

(i) Be licensed in a state that has reciprocal provisions for temporary licensing of Kentucky retailers.

(3) An application for a temporary license shall be submitted to the department at least thirty (30) days prior to an event at which the retailer intends to offer for sale or sell recreational vehicles.

(4) A retailer shall not be issued more than two (2) temporary licenses per calendar year.

(5) Used recreational vehicles. A temporary license retailer shall not display, show, or offer for sale within the Commonwealth any used recreational vehicles except for used recreational vehicles with a Kentucky seal.

(6) Duration of temporary license. A temporary license shall not exceed fifteen (15) days.

(7) Temporary licenses shall be prominently displayed at the location where the applicant is transacting business. The license shall be valid only for the location stated on the application.

Section 9. Seals.

(1) Application for seals. For B seals, a licensed retailer shall submit to the department:

(a) A completed Form HBC MH-12, Application for Purchasing B Seals; and

(b) A fee of twenty-five (25) dollars for each B Seal requested, payable by check or money order to the Kentucky State Treasurer.

(2) Alteration or conversion of a unit bearing a seal.

(a) Any alteration of the plumbing, heat-producing equipment, electrical equipment installations or fire and life safety in a recreational vehicle which bears a seal, shall void the approval and the seal shall be returned to the department.

(b) The following shall not constitute an alteration or conversion:

1. Repairs with approved component parts by the manufacturer;

2. Conversion of listed fuel-burning appliances in accordance with the terms of the manufacturer's listing;

3. Adjustment and maintenance of equipment;

4. Replacement of equipment in kind; or

5. Any change that does [shall] not deviate from [affect] the standard under which the recreational vehicle was manufactured in accordance with KRS 227.665, including ANSI A119.5 and those areas regulated by NFPA 1192 [those areas regulated by the NFPA 1192].

(c) Any retailer proposing an alteration to a recreational vehicle bearing a seal shall apply to the department. The application shall include:

1. The make and model of the recreational vehicle;

2. The serial number;

3. The state seal number;

4. A complete description of the work to be performed together with plans and specifications if required; and

5. The location of the recreational vehicle where work is to be performed.

(d) Upon completion of the alteration, the applicant shall request the department to make an inspection.

(e) Based on inspection of the alteration, the applicant shall purchase a replacement seal for a fee of twenty-five (25) dollars.

(3) Placement of B seals.

(a) Each B seal shall be assigned and affixed to a specific recreational vehicle.

(b) Assigned B seals shall not be transferable except upon prior approval of the department.

(c) A B seal that is not affixed as assigned shall be void, and the B seal shall be returned to or confiscated by the department.

(d) A B seal shall remain the property of the department and shall be seized by the department if there is a violation of KRS 227.550 to 227.665 or this administrative regulation.

(e) A B seal shall be securely affixed by the door on the handle side at approximately handle height.

(f) Other seals, stamps, covers, or other markings shall not be placed within two (2) inches of the B seal.

(4) Lost or damaged seals.

(a) If a B seal becomes lost or damaged, the owner shall immediately notify the department in writing, specifying:

1. The manufacturer;

2. The recreational vehicle serial number; and

3. When possible, the B seal number.

(b) All damaged B seals shall be returned to the department.

(c) Damaged and lost B seals shall be replaced by the department after an inspection and payment of the appropriate fee under Section ~~5(7)(3(10))~~ of this administrative regulation.

(5) Denial and repossession of seals.

(a) If the department discovers that a retailer fails to repair a used recreational vehicle under the standards and procedures set forth in KRS 227.550 to 227.665 and this administrative regulation or fails to comply with any provision for placement of B seals, the department shall provide notice to the retailer of the violations.

(b) The retailer shall fix the violations, and the retailer shall submit proof to the department that the violations were fixed.

(c) If the retailer continues to offer for sale recreational vehicles in violation of KRS 227.550 to 227.665 or this administrative regulation, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated. The department shall reimburse the retailer for the price of the confiscated unused seals.

(d) After the retailer submits proof that the violations have been fixed, the retailer shall resubmit an application for B seals.

(6) Red Tagging.

(a) If any recreational vehicle bearing a B seal is found to be in violation of KRS 227.550 to 227.665 or this administrative regulation, the department shall attach to the vehicle a red tag and furnish the retailer a copy of same.

(b) The department, a retailer, or a manufacturer shall not remove the red tag until the necessary corrections have been made and approved by an inspection conducted by the department or a certified retailer.

Section 10. Incorporation by reference.

(1) The following material is incorporated by reference:

(a) "Form HBC MH/RV-1, Application of Certificate of Acceptability", April 2023;

(b) "Form HBC MH/RV-2, Request for Approval to Inspect", May 2020;

(c) "Form HBC MH/RV-3, License and Certification Renewal Application", April 2023;

(d) "Form RV-2, Recreational Vehicle Retailer Application", April 2023;

(e) "Form HBC RV-6, Temporary RV Retailer's License", May 2020;

(f) "Form HBC MH-12, Application for Purchasing Seals", May 2020; ~~and~~

(g) "Form HBC RV-7, Recreational Vehicle Unit Certification Format", November 2018;

~~(h) "NFPA 1192, Standard on Recreational Vehicles", 2018; and~~

~~(i) "ANSI A119.5, Park Trailers", 2015;~~

~~[(h)] ["NFPA 1192, Standard on Recreational Vehicles", 2018; and]~~

~~[(i)] ["ANSI A119.5, Park Trailers", 2015].~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Branch, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov>.

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CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction 500 Mero Street, 1st Floor Frankfort, Kentucky 40601. Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

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

PUBLIC PROTECTION CABINET

Department of Housing, Buildings and Construction
Manufactured Homes and Recreational Vehicles
(As Amended at ARRS, August 11, 2026)

815 KAR 25:050. Administration and enforcement of manufactured housing construction standards.

RELATES TO: KRS 227.550 - 227.665, 227.990, 227.992, 42 U.S.C. Chapter 70

STATUTORY AUTHORITY: KRS 227.590, 227.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.590 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations governing the standards for the manufacture and sale of manufactured homes and mobile homes. KRS 227.600 requires the department to establish forms for application for seals of approval for previously owned manufactured homes or mobile homes which are not covered by the National Manufactured Housing Construction and Safety Standards Act and for previously owned recreational vehicles. This administrative regulation establishes standards for the design, manufacture, installation, and sale of new and used manufactured homes and mobile homes, and for B seal application requirements.

Section 1. Limitations on the Conversion or Alteration of a Home.

(1) Retailer repairs. A retailer shall not make any of the following changes to a manufactured home or mobile home without the written approval of the manufacturer or the manufacturer's agent:

(a) The addition or deletion of a window, door, or partition;

(b) The addition of an electrical circuit to accommodate a washer or dryer;

(c) The conversion of a heating, cooling, or fuel burning system from one (1) fuel to another, such as electric to gas, or gas to electric or oil;

(d) The use of improperly listed materials for the repair of a unit; or

(e) The installation of an unlisted heating, cooling, or fuel burning appliance.

(2) Certified retailer repairs. A certified retailer may alter or convert equipment and make repairs associated with the sale of a used manufactured home or mobile home in accordance with this administrative regulation.

(3) Changes requested by the purchaser. A change to the equipment, an appliance, or the interior or exterior furnishings of the home shall be made only with the written agreement of the purchaser.

(4) Other changes. The following actions shall be consistent with the sales contract in quality and quantity:

(a) Replacement or removal of equipment or an appliance listed on the data plate;

(b) Change or removal of furniture; or

(c) Other cosmetic changes.

Section 2. Retailer Lot Inspections. An employee of the department may enter a retailer's place of business to inspect:

(1) Each manufactured home or mobile home to ensure compliance with state and federal law; and

(2) All records a retailer is required to maintain in accordance with Section 3(1) through (3) of this administrative regulation.

Section 3. Required Records. The following records shall be maintained on the business premises from which the manufactured home or mobile home was sold or at corporate headquarters, if the headquarters are located in the Commonwealth, for at least three (3) years:

- (1) Sales or purchase agreements, including Forms HBC MH-10, HBC MH-11, and HBC MH-8;
- (2) Unit Inspection, Form HBC MH-16; and
- (3) Monthly Manufactured Home Dealer Certification Form, Form HBC MH-7.

Section 4. Consumer Complaints.

(1) Upon written complaint and request by an owner or occupant, and to determine compliance with applicable law, a state inspector from the department may enter a privately-owned manufactured home or mobile home sold by a retailer.

(2) The department shall instruct the responsible party, either retailer, certified installer, or manufacturer, to correct a violation if the state inspector determines that:

- (a) The home is in violation of construction standards contained in the federal act;
- (b) The home has been damaged in transit; or
- (c) The installation violates installation standards contained in the federal act.

(3) Failure of the retailer, certified installer, or manufacturer to correct a violation of safety standards shall subject the responsible licensee or certificate holder to the penalties established in KRS 227.630.

Section 5. Installation Inspections for used homes. The department may make random inspections, prior to or after installation of a used home, to:

- (1) Determine compliance with the minimum installation requirements contained in the federal act;
 - (2) Ensure the used home is properly sealed;
 - (3) Ensure that the used home has not been damaged in transit;
- or
- (4) Ensure the used home is correctly installed.

Section 6. Certified Retailer.

(1) A certified retailer shall meet the following requirements:

(a) Employ at least one (1) installer certified in accordance with 815 KAR ~~25:060(25:080)~~;

(b) Certify to the department that the dealership is capable of performing minor maintenance to the following systems of manufactured homes:

1. Plumbing;
2. Heating;
3. Cooling;
4. Fuel-burning; and
5. Electrical; and

(c) Complete and submit Form HBC MH/RV-2 to the department.

(2) A certified retailer shall not:

- (a) Perform negligent inspection or repair of a unit; or
- (b) Apply the wrong seal to a unit.

(3) The department shall maintain a list of certified retailers qualified to practice in Kentucky.

Section 7. Inspection of Used Manufactured Homes or Mobile Homes.

(1) A used manufactured home or mobile home requiring a new seal shall be inspected by a state inspector or a certified retailer. The state inspector or certified retailer shall affix a B1 seal indicating the manufactured home's or mobile home's compliance or noncompliance with the federal act under which the home was constructed. A state inspector or certified retailer shall inspect:

- (a) The plumbing and waste systems to determine if the systems are operable and free of leaks;
- (b) The cooling system and heating or fuel-burning system to determine if they are operational;
- (c) The electrical system, including the main circuit box, each outlet, and each switch to detect:

1. A damaged covering;

2. A missing screw; or
3. Improper installation;
- (d) The presence of adequate and operable smoke detection equipment;
- (e) The doors, windows, and general structural integrity of the unit;
- (f) The existence of two (2) exits;
- (g) Storm windows in a manufactured home, but not in a mobile home; and
- (h) The sealing of all exterior holes to prevent the entry of rodents.

(2) A unit that is not in compliance with the applicable federal standards under which it was constructed shall be issued a B2 seal unless brought into compliance.

Section 8. Application for Seals.

(1) A retailer who possesses a used manufactured home or mobile home without a B seal, shall apply to the department for a B seal prior to offering the manufactured home or mobile home for resale. The application shall be:

- (a) Filed on Form HBC MH-12; and
- (b)
 1. Accompanied by a request for an inspection; or
 2. Accompanied by notification that a certified retailer will conduct the inspection.

(2) Placement of B seals.

(a) Each B seal shall remain the property of the department and be:

1. Assigned and affixed to a specific manufactured home or mobile home;
2. Transferable only if assigned between retailers;
3. Void if not affixed as assigned;
4. Returned to the department if unused; and
5. Seized for a violation of KRS 227.550 to 227.665 or this administrative regulation.

(b) The B seal shall be securely affixed on or next to the main entry door on the handle side at approximately handle height.

(c) Other seals, stamps, covers, or other markings shall not be placed within two (2) inches of the seal.

(3) Lost or damaged B seals.

(a) If a B seal is lost or damaged, the owner shall notify the department immediately, in writing, specifying:

1. The manufacturer;
2. The manufactured home serial number; and
3. The seal number, if known.

(b) A damaged B seal shall be promptly returned to the department.

(c) A lost or damaged B seal shall be replaced by the department after an inspection and payment of the appropriate fee under Section 10 of this administrative regulation.

Section 9. Inspection of Used Homes in Manufacturer's or Retailer's Possession.

(1) A retailer or manufacturer shall re-inspect and place a new B seal on a repossessed home or a home taken in trade or purchased by a retailer or manufacturer before the manufactured home or mobile home is offered for sale.

(2) A retailer or manufacturer shall submit to the department on a completed Form HBC MH-16 prior to placing a B seal on the used manufactured home or mobile home to certify compliance with Section 7(1)(a) through (h) of this administrative regulation.

(3) A retailer shall remove any existing B seal upon taking possession of a used home.

Section 10. Fees for inspections of used homes.

(1) The fee for an inspection of a used home shall be:

(a) If performed by a certified retailer:

1. ~~One hundred twenty-five (\$125)]~~ ~~Seventy-five (75)]~~ ~~dollars]~~;

2. Thirty-two (32) cents per mile traveled, measured from the place of the certified retailer's place of business; and

3. Twenty-five (25) dollars for the seal; and

(b) If performed by the department:

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

1. ~~One hundred twenty-five (125)~~ [Seventy-five (75)] [dollars]; and

2. Twenty-five (25) dollars for the seal.

(2) The department shall charge no fee for random inspections conducted pursuant to Section 5 of this administrative regulation.

Section 11. Prohibition of Sales.

(1) A home shall not be sold or transferred for use as human habitation or occupancy without:

- (a) A current, valid, marketable title; and
- (b) A HUD label or a B1 seal.

(2) A used home with a B2 seal shall not be resold unless the purchaser executes Form HBC MH-8.

(3) Sales between retailers. The requirement that a retailer inspect and apply B seals to each home before it is sold shall not apply if the resale is between retailers.

(4) As a condition of continued licensure, a retailer shall:

- (a) Not sell or offer for sale a manufactured home or mobile home for which marketable title cannot be conveyed to the purchaser;
- (b) Provide an application for title as soon as possible; and
- (c) Demonstrate good cause for delay in providing an application for title, upon purchaser complaint.

Section 12. Red Tagging.

(1) The department shall:

(a) Attach a red tag to a manufactured home or mobile home found in violation of KRS 227.550 to 227.665 or this administrative regulation; and

(b) Furnish the retailer with a copy of the red tag.

(2) The red tag shall not be removed and the home shall not be sold unless:

(a) The department approves the correction of each violation and the red tag removal; or

(b) The sale is from an unlicensed retailer to a certified retailer, who applies a B seal and resells the manufactured home or mobile home.

Section 13. Incorporation by Reference.

(1) The following material is incorporated by reference:

~~[(a)]~~ ["ANSI A225.1, Manufactured Home Installations", 1994 Edition];

~~[(a)]~~ [(b)] "Form HBC MH-7, Monthly Manufactured Home Retailer Certification Form", May 2020;

~~[(b)]~~ [(e)] "Form HBC MH-8, Affidavit of Sale (Salvage Only)", May 2020;

~~[(c)]~~ [(d)] "Form HBC MH-10, Consumer Protection Notice", May 2020;

~~[(d)]~~ [(e)] "Form HBC MH-11, Release for Delivery", August 2018;

~~[(e)]~~ [(f)] "Form HBC MH-12, Application Form for Purchasing Seals", May 2020;

~~[(f)]~~ [(g)] "Form HBC MH/RV-2, Request for Approval to Inspect", May 2020; and

~~[(g)]~~ [(h)] "Form HBC MH-16, Unit Inspection for B-Seal", May 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Section, 500 Mero St., First Floor, Frankfort, Kentucky 40601 [~~401 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5442~~], Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov>.

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PUBLIC PROTECTION CABINET

Department of Housing, Buildings and Construction
Manufactured Homes and Recreational Vehicles
(As Amended at ARRS, August 11, 2026)

815 KAR 25:060. Licensing and certifications with manufactured homes and mobile homes.

RELATES TO: KRS 227.550, 227.570, 227.580, 227.590, 227.600, 227.610, 227.620, 227.630, 227.990, 24 C.F.R. 3286.201-3286.211

STATUTORY AUTHORITY: KRS 227.570(1)(a), (2), (3), 227.580, 227.590, 227.620(4)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.590(1) requires the department of Housing, Buildings and Construction to promulgate administrative regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660. KRS 227.580 makes it unlawful for a manufacturer to manufacture, import, or sell manufactured homes in Kentucky without a certificate of acceptability. KRS 227.570(3) requires the department to promulgate administrative regulations to establish standards for the certified installer seal program. KRS 227.570(1)(a) requires the department to promulgate administrative regulations establishing a process for licensing retailers and issuing certificates of acceptability. KRS 227.620(4)(a) requires the department to establish fees for a retailer's license, manufacturer's certificate of acceptability, and Class B, Class B1, and Class B2 seals, in accordance with KRS 227.620(4)(a) 1. to 4. This administrative regulation establishes the standards for licensing persons and companies engaged in the sale of manufactured homes and mobile homes, establishes the standards for certificate of acceptability for manufacturers of manufactured homes, and establishes the requirements for certified installer seals and certification of manufactured home installers.

Section 1. Licensed Retailer.

(1) License application.

(a) Except as provided in subsection (2) of this section, a person shall not engage in the business of selling manufactured homes or mobile homes within this state without holding a valid license issued by the department for each location.

(b) Before engaging in business, an applicant shall submit to the department:

1. The completed Form HBC MH-2;

2. A copy of a valid Kentucky sales tax certificate;

3. A check or money order for the annual license fee, in the amount of \$250 for a full year, or a reduced amount prorated on a monthly basis for a period of less than a full year, payable to the Kentucky State Treasurer; and

4. Proof of insurance for general liability coverage that complies with KRS 227.610 in the amount of at least:

a. \$200,000 bodily injury or death for each person;

b. \$300,000 bodily injury or death for each accident; and

c. \$100,000 for damage to property.

(c) An applicant whose place of business is in another state and who possesses a valid retailer license in another state shall:

1. Comply with this section;

2. Not be required to maintain an established place of business within Kentucky, if the applicant is not offering a home for sale within Kentucky; and

3. Provide a Kentucky B seal for a used manufactured home or mobile home unit sold for delivery into Kentucky.

(2) Exemptions from Licensure as Retailer.

(a) A manufactured home shall be exempt from seal requirements and a retailer shall be exempt from licensing if the unit:

1. Is brought into Kentucky for exhibition purposes only;

2. Is not sold in Kentucky; and

3. Inspection does not reveal a condition hazardous to health or safety.

(b) Real estate developer and retailer venture. A retail license shall not be required of a developer who purchases new HUD homes from a licensed Kentucky retailer, places the homes on a parcel of land, and offers the homes for sale to ultimate consumers, if:

1. The developer receives prior written approval from the department;

2. The home was installed by a certified installer;

3. The developer owns the homes and the lots upon which the homes are installed;

4. The manufacturer's warranty period begins upon possession and shall be transferred from the developer to the consumer-occupant;

5. The manufacturer's warranty support shall be performed in accordance with generally accepted standards for retail transactions;

6. The developer's documentation contains the name and location of the:

- a. Developer;
- b. Development; and
- c. Retailer; and

7. The retailer and installer provide the required services as warranted and as required by laws governing retailer and installer license or certification.

(3) Retailer's satellite location.

(a) An additional license shall not be required for a fully licensed retailer for the display or sale of a manufactured home located on an individual lot, in a subdivision, land-lease community, or manufactured home or mobile home park.

(b) A suitable sign identifying the name and business location of the retailer licensee shall be posted at the location.

(4) Qualified personnel required.

(a) Education requirements. A new retailer license or a renewal of an existing retailer license shall not be issued unless the retailer employs at least one (1) person in a management position who has successfully completed the educational training and departmental testing program administered as part of the Certified Installer Program under Section 3 of this administrative regulation. The proof of experience in Section 3(1)(a)7. shall not be required.

(b) Certification. The department shall classify a person qualifying under subsection (1) of this section as a certified manager.

(c) Exception. A certified manager shall not be required at each licensed location for a retailer with more than one (1) in-state location if:

1. The retailer has only one (1) set-up, installation, and delivery system located in Kentucky;

2. A certified manager supervises the work of the system; and

3. The arrangement is approved, in writing, by the department.

(5) Notification by Licensees.

(a) A retailer shall notify the department, in writing, within thirty (30) days of a change in:

- 1. Dealership name;
- 2. Address of business;

3. Retailer ownership interest of twenty-five (25) percent or more within a twelve (12) month period; or

4. Principal officer or chief managing officer of the firm.

(b) A change in ownership interest of less than twenty-five (25) percent of the company within a twelve (12) month period shall be reported at the time of the renewal of the license.

(c) A new license shall be required if an established business changes location to a different county.

(6) Maintenance of Records. A retailer shall:

(a) Complete and maintain Form HBC MH-7 for each new or used manufactured home or mobile home sold;

(b) Retain the completed Form HBC MH-7, for three (3) years; and

(c) Keep the form available for a field inspector upon request.

Section 2. Manufacturer's Certificate of Acceptability.

(1) Requirements for issuance. An applicant for a manufacturer's certificate of acceptability shall submit to the department:

(a) A completed Form HBC MH/RV-1;

(b) Proof of insurance for general liability coverage that complies with KRS 227.610 in the amount of at least:

- 1. \$300,000 bodily injury or death for each person;
- 2. \$400,000 bodily or injury or death for each accident; and
- 3. \$100,000 for damage to property; and

(c) A certificate of acceptability fee in the amount of \$500 for a full year, or a reduced amount prorated on a monthly basis for a period of less than a full year, by a check or money order made payable to the Kentucky State Treasurer.

(2) A manufacturer who is also a retailer shall comply with retailer licensing provisions in Section 1 of this administrative regulation.

(3) A manufacturer shall notify the department in writing, within thirty (30) days of a change in:

- (a) Business name;
- (b) Company address;

(c) Ownership interest of twenty-five (25) percent or more of the company within a twelve (12) month period;

(d) Location of the manufacturing facility;

(e) The number of facilities by virtue of the establishment of a new manufacturing facility; or

(f) Principal officer of the firm.

(4) A change in ownership interest of less than twenty-five (25) percent of the company within a twelve (12) month period shall be reported at the time of the renewal of the certificate of acceptability.

(5)

(a) A manufacturer who considers information relating to a building or in-plant quality control system to be proprietary shall designate the information as proprietary at the time of plan submission.

(b) The designated information shall be maintained and treated as proprietary by:

- 1. The department;
- 2. Inspection and evaluation personnel; and
- 3. Local enforcement agencies.

Section 3. Certified Installers.

(1) Initial application.

(a) An applicant for installer certification shall submit to the department:

1. A completed Form HBC MH-3[~~Certified Installer Application~~];

2. An application fee of \$100;

3. Proof of successful completion of a fifteen (15) hour approved course of education;

4. A passing score on the certified installer examination administered by the department;

5. A certificate verifying current worker's compensation insurance coverage or a notarized waiver of exemption;

6. Proof of general liability insurance coverage in an amount not less than \$250,000; and

7. Proof of experience in the form of:

a. A completed Form HBC MH-3A documenting the applicant's experience assisting in site preparation and installation of manufactured homes under the supervision of a certified installer for at least sixty (60) days and on at least five (5) homes; or

b. An affidavit documenting the applicant's experience assisting in site preparation and installation of manufactured homes under the supervision of a certified installer for at least one (1) year, as attested to by three (3) individuals who are licensed retailers, manufacturers, manufactured home community managers, manufactured home design professionals, or certified installers.

(b) An applicant who possesses an active installation license issued by the United States Department of Housing and Urban Development pursuant to 24 C.F.R. § 3286.201 through 24 C.F.R. § 3286.211 shall be exempt from the requirements of subparagraphs 4. and 7. of paragraph (a) of this subsection.

(c) An applicant who possesses an active installation license or certification in good standing from a jurisdiction with which the department has reciprocity shall be exempt from the requirements of subparagraphs 4. and 7. of paragraph (a) of this subsection.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

(d) If an initial certificate is for a period of less than twelve (12) months, the fee shall be prorated pursuant to the schedule provided in Form HBC MH-3.

(2) An installer certification shall be issued in the name of the individual qualified under subsection (1) of this section. The individual may request that the certificate also bear the name of the employing company.

(3)

(a) If the certified installer changes his or her business name or is no longer associated with the company whose name appears upon the certificate, the certified installer shall inform the department and request an amended certificate reflecting the individual's status.

(b) If the certified installer is no longer associated with a company, that company shall not hold itself out as a certified installer or as having in its employ a certified installer until another certified person has become associated with that company.

(4) Certified Installer Seal. A certified installer who installs a manufactured home or mobile home in accordance with KRS 227.570(3) and this administrative regulation shall place a certified installer seal on the home.

(a) Certified installer seals shall be obtained from the department.

(b) The application shall be:

1. Filed on Form HBC MH-12[~~Application for Purchasing Seals~~]; and

2. Accompanied by a fee of twenty-five (25) dollars for each seal.

(5) Application and placement of certified installer seals.

(a) Each certified installer seal consists of two (2) parts that shall be affixed as follows:

1. One (1) part shall be placed two (2) inches above the HUD label on the outside left corner of a manufactured home or on the outside left corner of a mobile home if a HUD label is not required; and

2. One (1) part shall be placed on the inside of the electrical panel in the manufactured home.

(b) Other seals, stamps, covers, or other markings shall not be placed within two (2) inches of the certified installer seal.

(6) Lost or damaged seals.

(a) If a certified installer seal becomes lost or damaged, the owner shall notify the department immediately, in writing, specifying:

1. The manufacturer;
2. The manufactured or mobile home serial number; and
3. The certified installer seal number, if known.

(b) A damaged seal shall be:

1. Promptly returned to the department; and
2. Replaced by the department for a fee of twenty-five (25) dollars.

(7) Recordkeeping. A certified installer shall:

(a) Complete and maintain Form HBC MH 40-30[~~Monthly Certified Installer Certification~~], for each certified installation;

(b) Retain the completed Form HBC MH 40-30[~~Monthly Certified Installer Certification~~], for three (3) years;

(c) Make a copy of the form available to a state inspector upon request; and

(d) Send the department a monthly report of the information found in Form HBC MH 40-30 by mail, electronic mail, or facsimile.

Section 4. Renewals.

(1) Expiration of licenses and certificates. A license, a certificate of acceptability, and an installer certification, unless renewed, revoked, or suspended, shall expire on:

(a) For individuals, the last day of the licensee's birth month in the following year; or

(b) For business organizations:

1. The last day of the licensee's month of incorporation in the following year; or
2. The last day of the licensee's birth month in the following year.

(2) Renewal of licenses and certificates.

(a) A retailer, manufacturer, or certified installer, wishing to renew a license or certification, shall submit:

1. A completed [~~License and Certification Renewal~~] Form HBC MH/RV-3;

2. Proof of continuing general liability insurance coverage; and

3. A check or money order for the renewal fee, in the amount of:

- a. \$250 for a licensed retailer;
- b. \$500 for a certificate of acceptability; or
- c. Fifty (50) dollars for an installer certification.

(b) A retailer, manufacturer, or certified installer shall renew a license or certificate before the license or certificate expires pursuant to subsection (1) of this section.

(c) A certified installer shall submit proof of completion of the continuing education requirements established in 815 KAR 2:010(1-030).

(d) A retailer and manufacturer shall maintain at least minimum general liability insurance and shall notify the department if there is a change in insurance coverage.

(3) A certified installer may place his or her certification in inactive status.

(a) To place an installer certification in inactive status, a certified installer shall pay an inactive fee of fifty (50) dollars.

(b) An inactive certified installer shall return any unused certified installer seals to the department within thirty (30) days of his or her certification becoming inactive.

(c) An inactive certified installer shall not install manufactured or mobile homes, represent him or herself as a certified installer, or otherwise engage in the work of a certified installer.

(d) To reactivate an inactive installer certification, the certificate holder shall complete all renewal requirements of subsection (2) of this section and pay a fifty (50) dollar renewal fee.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form HBC MH/RV-1, "Application of Certificate of Acceptability", April 2023;

(b) Form HBC MH-2, "Application for Manufactured Home Retailer[~~Retailer's~~] License", April 2026[April 2023];

(c) Form HBC MH-3, "Certified Installer Application", April 2023;

(d) Form HBC MH-3A, "Installer Training Verification Form", April 2023;

(e) Form HBC MH/RV-3, "License and Certification Renewal", April 2023;

(f) Form HBC MH-12, "Application for Purchasing Seals", May 2020;

(g) Form HBC MH-7, "Monthly Manufactured Home Retailer Certification Form", May 2020; and

(h) Form HBC MH 40-30, "Monthly Certified Installer Certification", May 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Branch, 500 Mero Street, First Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. through 4:30 p.m. and is available online at <https://dhbc.ky.gov>.

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CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction. 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601. Phone: (502) 782-0617, Fax: (502) 573-1057, Email: max.fuller@ky.gov

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

**PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Manufactured Housing Branch
(As Amended at ARRS, August 11, 2026)**

815 KAR 25:090. Site preparation, installation, and inspection requirements.

RELATES TO: KRS 227.550, 227.570, 227.590, 227.660, 227.990, 24 C.F.R. 3282, 3285, [24 C.F.R.] 3286.7

STATUTORY AUTHORITY: KRS 227.570, 227.590(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.570 requires the Department of Housing, Buildings and Construction to establish and enforce standards and requirements for installation of plumbing, heating, and electrical systems in manufactured homes or mobile homes as it determines are reasonably necessary to protect public health and safety. KRS 227.570(4) requires the installation of new manufactured homes to be inspected in accordance with KRS 227.570(3). KRS 227.570(4) requires the department to establish a new manufactured home installation inspection fee not to exceed \$150. KRS 227.590(1) requires the department to establish administrative regulations reasonably necessary to effectuate the provisions of KRS 227.550 to 227.660. This administrative regulation establishes minimum requirements for the installation and inspection of manufactured homes or mobile homes on permanent foundations.

Section 1. Minimum Site Preparation and Installation Standards.

(1) Site preparation, installation, and ground anchoring shall be performed for:

(a) A new manufactured home in accordance with the manufacturer's instructions, if available, or 24 C.F.R. Part 3285; and
(b) A used manufactured home or a mobile home in accordance with the manufacturer's instructions, if available, or ANSI A225.1, Manufactured Home Installation, as established by KRS 227.570(2)[227.570(3)].

(2) The permanent foundation shall be installed:

(a) In accordance with the manufacturer's installation instructions;

(b) In accordance with the following methods and materials designed to protect from the effects of frost heave:

1. With conventional footings below the frost line depth;

2. As a monolithic slab system in accordance with accepted engineering practice and approved by the manufacturer and its associated Design Approval Primary Inspection Agency (DAPIA) as used in 24 C.F.R. Part 3282; or

3. As an insulated foundation system in accordance with accepted engineering practice and approved by the manufacturer and its associated DAPIA; and

(c) Using the following materials and methods:

1. Piers set partially or completely below grade;

2. Footers and perimeter blocking, if required;

3. ABS footing pads;

4. Ground anchors, concrete anchors, or other anchoring systems approved by the manufacturer and its associated DAPIA;

5. Concrete block;

6. Concrete slab;

7. Continuous and spot footings;

8. Pile or post systems;

9. Steel supports;

10. Concrete, concrete block, or other load bearing perimeter walls; or

11. Another foundation system approved by a licensed engineer as well as the manufacturer and its associated DAPIA.

(3) The following parts of the chassis of a manufactured home shall be removed after the on-site construction of a permanent foundation:

(a) Towing hitch;

(b) Running gear;

(c) Axles;

(d) Brakes;

(e) Wheels; and

(f) Other parts that operate only during transport.

(4) Only a certified installer shall install a manufactured home or mobile home.

(5) All exterior electric, water, and sewer connections and additions to a manufactured home or mobile home shall be performed in accordance with the Kentucky Residential Code, as incorporated by reference in 815 KAR 7:125.

(6)

(a) Underpinning shall be installed on a manufactured home or mobile home if required by the manufacturer's instructions.

(b) If underpinning is installed on a manufactured home or mobile home, the underpinning shall include at least one (1) access panel or door that shall:

1. Be at least eighteen (18) inches in width and twenty-four (24) inches in height;

2. Be at least three (3) square feet in dimension;

3. Be located so that all utility connections under the home are accessible;

4. Be clearly labeled for identification; and

5. Not be obstructed.

(c) An access panel required by this subsection shall not be permanently secured to the home.

Section 2. Site Preparation and Installation Responsibility.

(1) Responsibility for site preparation. A retailer shall:

(a) Perform site preparation;

(b) Contract with an independent certified installer to perform site preparation; or

(c) Assist a requesting purchaser in documenting the purchaser's voluntary responsibility, if any, to perform site preparation functions specified in Form HBC MH-10 and the contract by:

1. Providing, explaining, and assisting in the completion of Form HBC MH-10; and

2. Determining the readiness of the site.

(2) Responsibility for installation services. A retailer shall:

(a) Perform installation services, if the retailer is a certified installer or employs a certified installer; or

(b) Contract with an independent certified installer to perform installation services.

(3) Responsibilities upon the execution of a contract of sale of a new manufactured home. A retailer shall:

(a) Submit a completed Form HBC MH-9, Manufactured Home Foundation Installation Application [an application] to the department [that contains the following information:]

[1.] [Name, address, and telephone number of the purchaser;]

[2.] [Address of the manufactured home, if different from the purchaser's address;]

[3.] [Date of purchase;]

[4.] [United States Department of Housing and Urban Development certification label (HUD tag) number;]

[5.] [Serial number of the new manufactured home;]

[6.] [Date of installation; and]

[7.] [Name and certification number of the certified installer;]

(b) Supply the purchaser with Form HBC MH-17; and

(c) Include in its closing documents for the sale of a new manufactured home the following:

1. A notice, on a form provided by the department, advising the purchaser that inspection of the new manufactured home's installation is required; and

2. The consumer disclosure as required by 24 C.F.R. Part 3286.7.

(4) Unlicensed retailers.

(a) An unlicensed retailer shall not sell or offer for sale more than one (1) manufactured home or mobile home in any consecutive twelve (12) month period.

(b) By no later than ten (10) days after the sale of a manufactured home or mobile home by an unlicensed retailer, the

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

unlicensed retailer shall notify the department in writing of the following:

1. Name, address, and telephone number of the unlicensed retailer;
2. Name, address, and telephone number of the purchaser;
3. Date of purchase;
4. United States Department of Housing and Urban Development certification label (HUD tag) number, if any;
5. Serial number of the new manufactured home; and
6. Date of installation.

Section 3. Inspections of New Manufactured Home Installations.

(1) Site and footer inspection.

(a) The retailer shall do the following:

1. Submit a completed Form HBC MH-9 [Manufactured Home Foundation Installation Application] to the department; and

2. Coordinate with the department to schedule the site and footer inspection; and

3. Provide the manufacturer's footing design to the department for review at least five (5) working days prior to the department's inspection of the site and footer location; and

4. Not commence, or cause to commence, any installation services other than the site and footer location preparation until the department has completed its inspection and issued approval of the site preparation and footer location preparation.

(b) Before the new manufactured home is set, the department shall inspect:

1. The site preparation; and
2. The location intended for the methods and materials used to protect against frost heave in accordance with the manufacturer's installation instructions and this administrative regulation.

(c) The site and footer inspection shall be made by a state inspector.

(d) The site and footer inspection may be completed by a physical inspection or an electronic inspection.

(e) A site and footer inspection shall be scheduled with the retailer, certified installer, or property owner at least one (1) business day in advance and shall be completed by the department within three (3) business days of the scheduled inspection.

(2) Installation inspection.

(a) The certified installer or retailer shall request an installation inspection at least one (1) business day in advance of the installation, and the inspection shall be completed by the department within three (3) business days of the scheduled inspection. The department shall inform the installer, purchaser, and, if applicable, the retailer, at least one (1) day prior to the intended inspection of the installation of a new manufactured home.

(b) A person shall not obstruct, hinder, or delay a state inspector in the performance of his or her duty.

(c)

1. Upon completion of the inspection of a new manufactured home, the state inspector shall:

a. Issue a report to the installer, purchaser, and, if applicable, the retailer verifying that the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation; or

b. Issue a report to the installer and, if applicable, the retailer identifying all deficiencies and the corrective action required to ensure the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation.

2.

a. The installer shall correct all deficiencies ~~and take all corrective action~~ identified by the state inspector's report of deficiency within thirty (30) days of the date of issuance of the report.

b. If all required corrections have been made within the period established in clause [paragraph] [(c)2.] a. [(b)2.a.] of this subparagraph [subsection], the state inspector shall issue a report to the installer, purchaser, and if applicable, the retailer verifying that the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation.

c. If any of the required corrections have not been made within the period established in clause [paragraph] [(c)2.] a. [(b)2.a.] of this

subparagraph [subsection], the state inspector shall issue a report to the installer, purchaser, and if applicable, the retailer identifying:

(i) All deficiencies that were corrected in compliance with the report established in subparagraph [paragraph] [(c)1.b.] 1.b. [(b)1.b.] of this paragraph [subsection]; and

(ii) All remaining deficiencies and the remaining corrective action required to ensure the installation complies with the minimum installation requirements of Section 2(1) of this administrative regulation.

Section 4. Inspection Fees.

(1) Installation inspection fee.

(a) The retailer shall pay the department an installation inspection fee of \$125[\$150] [\$140] prior to the site and footer inspection conducted by the department.

(b) One (1) site and footer inspection and one (1) installation inspection shall be included by the payment of the installation inspection fee.

(2) Re-Inspection fees.

(a) A retailer shall pay a \$150[\$400] re-inspection fee to the department for additional inspections needed to determine if deficiencies found during the site and footer inspection or the installation inspection were corrected.

(b) The re-inspection fee shall be paid before or at the time of any subsequent inspection.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "ANSI A225.1, Manufactured Home Installations", 1994 Edition; [(a)] ["ANSI A225.1, Manufactured Home Installations", 1994 Edition;]

(b) [(a)] [(b)] "Form HBC MH-10, Consumer Protection Notice", May 2020; and

(c) [(b)] [(c)] "Form HBC MH-17, Site Preparation and Post Installation Guidelines", May 2020; and

(d) [(c)] "Form HBC MH-9, Manufactured Home Foundation Installation Application," April 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Manufactured Housing Section, 500 Mero St., First Floor, Frankfort, Kentucky 40601 [401 Sea Hero Road, Suite 400, Frankfort, Kentucky 40601-5442], Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov>.

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CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction. 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601 Phone: (502) 782-0617 Fax: (502) 573-1057 Email: max.fuller@ky.gov

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**PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Electrical Division
(As Amended at ARRS, August 11, 2026)**

815 KAR 35:015. Certification of electrical inspectors.

RELATES TO: KRS 198B.060, 198B.090, 211.350, 227.450, 227.480, **227.487**, 227.489, 227.491, 227.492, 227.495

STATUTORY AUTHORITY: KRS 227.489

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.489 requires the commissioner of the Department of Housing, Buildings and Construction to require electrical inspectors to be certified based

on standards of the National Electrical Code. This administrative regulation establishes the procedures for achieving and maintaining certification as an electrical inspector.

Section 1. Applicability. This administrative regulation shall apply to electrical inspectors in Kentucky and applicants for certification as an electrical inspector in Kentucky.

Section 2. Classifications of Electrical Inspectors.

(1) An electrical inspector shall be classified as either:

(a) An electrical inspector one (1) and two (2) family shall be a person who has:

1. Passed an examination focused on electrical installations in one (1) or two (2) family dwellings with a score of seventy (70) percent or greater by a test provider approved by the department; and

2. At least four (4) years of experience immediately preceding the application in the installation and design of residential wiring systems installed in accordance with the National Electrical Code, NFPA 70 incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125; or

(b) An electrical inspector general shall be a person who has:

1. Passed an examination focused on electrical installations in residential, commercial, and industrial buildings with a score of seventy (70) percent or greater by a test provider approved by the department; and

2. At least eight (8) years of experience immediately preceding the application in the installation and design of residential, commercial, and industrial wiring systems installed in accordance with the National Electrical Code, NFPA 70, incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125.

(2) The requirements in subsections (1)(a) and (b) of this section shall be satisfied if the person is:

(a) A registered professional electrical engineer engaged in that profession for at least three (3) years immediately preceding the application; or

(b) Currently licensed as a master electrician, having obtained his or her license after successful passage of an exam in accordance~~with~~ with 815 KAR 35:060, Section 4, and actively engaged in the electrical trade in that capacity immediately preceding the application.

(3)

(a) An electrical inspector one (1) and two (2) family shall be certified to inspect and approve an electrical installation related to a:

1. One (1) or two (2) family dwelling; or

2. Manufactured home or mobile home.

(b) An electrical inspector general shall be certified to inspect and approve an electrical installation related to any type of residential, commercial, industrial, or any other property that requires electrical inspection.

(4) A passing score as established in subsection (1)(a)1. and (1)(b)1. of this section shall be valid for a period of three (3) years.

Section 3. Application Requirements for Certification.

(1) An applicant for certification as an electrical inspector shall submit to the department:

(a) A completed Application for Electrical Inspector Certification on Form EL-11;

(b) Proof of successful completion of the examination applicable to the certification sought pursuant to Section 2(1)(a) and (b) of this administrative regulation;

(c) Except for electrical inspectors employed by the department, a fee of \$100 ~~[dollars]~~ payable to the Kentucky State Treasurer; ~~[f]~~

(d) Proof of the applicant's experience as required by Section 2(1)(a)2. and 2(1)(b)2. of this administrative regulation; ~~[f]~~

(e) A passport-sized, color photograph of the applicant taken within the past six (6) months; and

(f) Proof of a bond in the amount of \$5,000 in compliance with KRS 227.487(4), unless employed by the department or a local government rules otherwise.

(2) An applicant shall possess:

(a) The ability to read and write the English language; and

(b) A general educational level at least adequate to perform his or her duties.

(3) Proof of listed experience shall be provided by:

(a) A federal or state tax form; or

(b) An affidavit by another license holder who worked with the applicant.

(4) An applicant shall receive credit for an electrical course satisfactorily completed from an accredited vocational school or college on a year-for-year basis. Credit for education to replace an applicant's experience requirements shall be limited to a total of two (2) years.

(5) The department shall issue a certification for an electrical inspector only to an individual. A corporation, partnership, company, or other entity shall not be issued a certification.

Section 4. Certificate Renewal.

(1) Certification period.

(a) Each electrical inspector's certification shall expire on the last day of the electrical inspector's birth month each year.

(b) The department shall send each electrical inspector a renewal application form prior to the date of expiration.

(2) Filing for renewal. Each electrical inspector seeking certification renewal shall submit to the department:

(a) A completed Application for Electrical Inspector Certification on Form EL-11;

(b) A renewal fee off fifty (50) dollars;

(c) Proof of compliance with the continuing education requirements established in 815 KAR 2:010;

(d) If the electrical inspector is employed by a local government, documented proof of continued employment signed by the hiring authority responsible for administering the local jurisdiction's inspection and code enforcement program;

(e) For each local jurisdiction with which the applicant is contracted to act as an electrical inspector, a copy of the current contract naming the applicant and establishing the terms and conditions of his or her authority; ~~[and]~~

(f) For each local jurisdiction with which the applicant is contracted to act as an electrical inspector, a copy of the ordinance fixing the schedule of fees authorized to be charged for electrical inspections within that jurisdiction; ~~and~~ ~~[-]~~

(g) If the applicant is an employee of a business entity that contracts with a local jurisdiction:

1. ~~[f]~~ Documented proof of continued employment signed by the owner or human resources administrator of the company as well as a copy of contracts between the company and each local jurisdiction naming the company; and

2. A copy of the ordinance fixing the schedule of fees the company ~~may~~~~[is authorized to]~~ charge for electrical inspections within that jurisdiction.

(3) Current information. An applicant who has previously submitted a document required by subsection (2)(e), ~~(f)~~, and ~~(g)~~~~(f)~~ of this section for a prior renewal shall not be required to resubmit that document if it remains current and effective at the time of the current renewal.

(4) Change of information. Within ten (10) days of the occurrence, an electrical inspector shall provide the department:

(a) Notice of any establishment, change, or termination of the electrical inspector's contract or employment with a local jurisdiction;

(b) A copy of any new or revised contract entered into with a local jurisdiction; and

(c) For any local jurisdiction with which the electrical inspector is employed or contracted, a copy of any ordinance amending the schedule of fees authorized to be charged for electrical inspections within that jurisdiction.

(5) Late renewal.

(a) An electrical inspector who fails to submit the renewal application and renewal fee on or before the last day of his or her birth month shall be a late renewal fee of fifty (50) dollars in addition to the renewal fee.

(b) If both fees are not paid or all required continuing education is not completed within sixty (60) days after the last day of the electrical inspector's birth month, the certification shall be terminated.

(6) Reinstatement.

(a) A certificate that has been terminated may be reinstated at the discretion of the commissioner upon a petition in writing, demonstrating just cause why the petitioner failed to comply with the renewal requirements established by this section.

(b) An ~~applicant~~**[application]** for reinstatement shall:

1. Pay a reinstatement fee of \$100 in addition to the late renewal fee required by subsection (5) of this section;

2. Comply with the requirements established by subsection (2) of this section; ~~and~~

3.

a. Submit proof of required continuing education pursuant to 815 KAR 2:010 for the number of hours required in one (1) year; or

b. Submit proof of having passed the examination applicable to the certification to be reinstated, as established by Section 2(1)(a) and (b) of this administrative regulation, within the current year.

(7) The requirements of this section shall not apply to a state-employed electrical inspector.

Section 5. Duties and Responsibilities.

(1) In addition to the National Electrical Code, the electrical inspector shall be familiar with all applicable building codes and fire safety codes governing buildings in the area in which the electrical inspector performs an inspection.

(2) Record retention.

(a) Each electrical inspector shall make a complete record of each inspection. The record shall contain, as a minimum:

1. Sufficient information to identify the location of the structure inspected;

2. The date of the inspection;

3. The type of structure, whether residential, commercial, industrial, or other;

4. The designation of a required permit and the agency granting the permit;

5. The size and complexity of the structure; and

6. Any deficiencies in meeting code requirements and the actions required to comply.

(b) If the electrical inspector is employed by a local government, the electrical inspector or the local government shall maintain the records in compliance with 725 KAR 1:061.

(c) If the electrical inspector contracts with a local government, the local government shall maintain the records in compliance with 725 KAR 1:061.

(d) If the electrical inspector is an employee of the department, the electrical inspector shall submit the reports to the department in compliance with KRS 227.487(1).

Section 6. Complaints and Grievance Procedures.

(1) A person may file a complaint against an electrical inspector if the person believes that an act or omission of the electrical inspector in the performance of his or her duties is in violation of the administrative regulation or other law or has caused an undue hardship to the person.

(2) A complaint or allegation of misconduct shall be submitted in writing to the department and shall:

(a) Include the nature of the alleged misconduct, with specific details as to acts, names, dates, and witnesses; and

(b) Specify the action requested of the department.

(3) Following an investigation, the department shall:

(a) Set the matter for public hearing; or

(b) Take other appropriate action in accordance with KRS 227.495 to resolve or correct the matter.

Section 7. Suspension and Revocation of Certification. The commissioner shall revoke, suspend, or refuse to renew the certificate of an electrical inspector who is determined, by the commissioner after having afforded the opportunity for a KRS Chapter 13B administrative hearing, to have:

(1) Engaged in an activity that constitutes a conflict of interest, including:

(a) Work as an electrical contractor, master electrician, or electrician;

(b) Involvement in an activity in the electrical industry; or

(c) Having a pecuniary or associational interest in a business or other venture involved in an activity in the electrical industry.

(2) Engaged in fraud, deceit, or misrepresentation in obtaining certification;

(3) Demonstrated negligence, incompetence, or misconduct in the field of electrical inspection;

(4) Affixed or caused to be affixed a seal of approval or issued a certificate of approval for an electrical installation subject to inspection if he or she has not personally inspected the installation and found it to be satisfactory in accordance with the National Electrical Code, NFPA 70 incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125;

(5) Operated as an electrical inspector in a locality in conflict with state or local laws, ordinances, or regulations;

(6) Knowingly overruled the proper findings of another electrical inspector or attempted to supplant, overrule, or otherwise invalidate the judgment of another electrical inspector without first obtaining express written consent from the designated electrical inspector's office supervising the original electrical inspector;

(7) Failed to maintain accurate and adequate recordkeeping as required by Section ~~5~~**[6]** of this administrative regulation;

(8) Violated KRS 211.350(8); or

(9) Violated any provision of KRS 227.491 or this administrative regulation.

Section 8. Incorporation by Reference.

(1) Form EL-11, "Application for Electrical Inspector Certification", ~~August~~**[April]** 2026~~[May 2020]~~ is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at dhbc.ky.gov.

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CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601. Phone: (502) 782-0617 Fax: (502) 573-1057 Email: max.fuller@ky.gov

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CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

Division of Administration and Financial Management

(As Amended at IJC on Health Services, July 16, 2026)

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

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

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

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

Section 1. Salary Upon Appointment.

(1) The entrance salary of an employee entering employment shall be at the minimum of the range established for the class to which the employee is appointed, unless otherwise approved by the

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

department, based on the criteria established in subsections (2) and (3) of this section.

(2)

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

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

(c)

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

2. The adjustment shall be a fixed amount provided to each employee in the classification and shall not exceed the amount of increase applied to the newly established minimum.

3. In fixing salaries for this adjustment, an appointing authority shall afford equitable treatment to all employees affected by the adjustment.

(3)

(a) An appointment of an applicant who meets the minimum requirements for a position may be above minimum salary within the salary range applicable to the class, if:

1. The newly appointed employee has previous, relevant experience above the minimum requirements of the job;

2. It is necessary to attract qualified applicants; and

3. The newly appointed employee's hire rate does not exceed the salary of a present employee in the same classification with the comparable years of relevant experience, education, and training.

(b) ~~If the individual possesses qualifications in training and experience in addition to the minimum requirements for the class, the rate of pay may be between the classification minimum and midpoint for appointment [newly appointed employee may receive a two (2) percent salary adjustment, not to exceed the midpoint, for each year of appropriate experience and education or training in excess of the minimum requirements for the respective classification].~~

(c) An employee possessing the same qualifications, in the same class of positions, in the same agency, and who is paid below the entrance salary level as adjusted for the newly appointed employee, shall have his or her salary adjusted to the approved entrance salary level plus five (5) percent.

Section 2. Initial Probationary Salary Adjustment.

(1) The appointing authority shall grant an employee a five (5) percent increase in salary upon successful completion of the required initial employment probationary period as established [specified] in 902 KAR 8:080 Section 9(2). The salary adjustment shall take effect the first pay period following completion of the probationary period.

(2) Except as established [provided] for in 902 KAR 8:080, Section 3(2)(a), an employee shall not be given an original probationary increment more than once for successful completion of the probationary period in the same classification.

Section 3. In-Range Salary Adjustment.

(1) An appointing authority may request a salary adjustment not to exceed five (5) percent if an employee is assigned permanent job duties and responsibilities that are more complex and difficult than current job duties and grade level, but are less than those indicated through a reclassification.

(2) Only one (1) in-range salary adjustment shall be allowed for an employee per classification.

(3) The appointing authority may request to remove the in-range salary adjustment if the in-range duties are removed. The salary shall be decreased by the equivalent dollar amount of the increase at the time of [revert to the previous amount prior to] the in-range adjustment.

Section 4. Reclassification.

(1) A position shall be reclassified if the duties and responsibilities of a position have materially changed.

(2) An agency may request a reclassification of a regular status employee to a different position:

(a) Within the same classification series that has more complex nonsupervisory job duties and responsibilities and has a higher grade level; or

(b) In a different classification series that has the same or higher grade level.

(3) A regular status employee to be reclassified shall:

(a) Meet the minimum requirements of the new classification; and

(b) Have not previously performed the primary duties of the new classification.

(4) An employee who [that] is reclassified with or without probation to a position having a higher pay grade shall receive a salary increase that is the higher of:

(a) Five (5) percent of the employee's current salary;

(b) Three (3) percent for each grade increase to the new position, not to exceed ten (10) percent; or

(c) The minimum salary of the grade assigned to the new position.

(5) A reclassified employee shall serve a probationary period of thirteen (13) pay periods if the reclassification is to a supervisory position or a different classification series within the same grade. If the employee has performed satisfactorily, as determined by the employee's supervisor, the employee shall receive a five (5) [three (3)] percent salary increase at the end of the probationary period.

Section 5. Promotion of an Employee to a Vacant Position.

(1) An employee may be promoted upon the request of an appointing authority if the employee meets the minimum requirements of the vacant position having a higher salary determined by the department to have more extensive and complex job duties and responsibilities.

(2) An employee who is advanced to a higher pay grade through a promotion shall receive a salary increase that is the higher of:

(a) Five (5) percent;

(b) Three (3) percent for each grade increase to the new position not to exceed ten (10) percent; or

(c) The minimum salary of the new position.

(3)

(a) The employee shall serve a promotional probationary period of thirteen (13) pay periods and, except as established in [provided by] paragraph

(b) [(b)] of this subsection, shall receive a five (5) [three (3)] percent salary increase following satisfactory completion of the probationary period, as documented by the performance evaluation; or

(c) [(b)] If the employee was promoted while serving an initial probation, this shall be considered a new initial probation, and the probation timeline shall start again from the date of promotion [the employee shall receive a five (5) percent increment in salary instead of a three (3) percent increase].

Section 6. Demotion. If an employee is demoted, the appointing authority shall determine the salary in one (1) of the following ways:

(1) If an employee requests a voluntary demotion:

(a)

1. The employee's salary shall be reduced by five (5) percent for one (1) grade; or

2. For multiple grades, three (3) percent for each grade decrease not to exceed ten (10) percent; and

(b) The employee's salary shall be reduced by an additional three (3) percent if the voluntary demotion is to a position that no longer requires supervisory responsibilities;

(2)

(a) If the demotion is due to reorganization by the agency, the employee may retain the salary received prior to demotion. If the employee's salary is not reduced upon demotion [;] and funding is sufficient, the appointing authority shall explain the reason in writing and place the explanation in the employee's personnel files; or

(b) The salary of an employee who is demoted because of a documented disciplinary problem or inability to perform a duty or responsibility required of the position shall be reduced by ten (10) percent of their current salary or to the minimum of the new grade; and

(3) The salary of an employee demoted as a result of documented unsatisfactory performance during the promotional probationary period shall be reduced to the level prior to promotion.

Section 7. Salary Upon Reinstatement of a Former Employee.

(1) A former employee may be reinstated to a position for which the employee was previously employed.

(2) The salary of an employee who[that] is reinstated shall be at the higher of:

(a) The same pay rate the employee had been paid at the termination of service, if the time period between separation and reinstatement does not exceed three (3) years;

(b) The current established minimum entrance salary above the former salary; or

(c) Compensation plan changes.

Section 8. Salary Upon Re-employment.

(1) A former employee may be re-employed to a position for which the employee was previously employed up to one (1) year after separation.

(2) The salary of an employee who[that] is re-employed shall be:

(a) At the same pay rate the employee had been paid at the termination of service, if the period between separation and re-employment does not exceed one (1) year; or

(b) In accordance with Section 6(1) of this administrative regulation if re-employed to a lower classification.

Section 9. Lump Sum Merit Payment.

(1) The appointing authority, with the approval of the department and as established in this section, may award a regular status, full-time, part-time 100 hour, or part-time employee an individual[a] merit lump sum payment.

(2) The appointing authority may grant an individual[a] lump sum merit payment to an employee meeting the eligibility criteria of this section in an amount not to exceed eight (8) percent of the employee's current salary or established minimum of the employee's classification grade during the annual evaluation period of twenty-six (26) pay periods.

(3) A lump sum merit payment may be granted by the appointing authority with the approval of the department, to an employee meeting the following eligibility criteria:

(a) The employee has completed the initial probationary period required on appointment; and

(b)

1. The employee's job performance is consistently above what is normally expected or required by the job duties and responsibilities; or

2. The employee has successfully completed a special project of significant importance to warrant special attention.

(4) The appointing authority shall prepare and submit written documentation to the department that shall substantiate that the employee satisfies the eligibility criteria in this section for the lump sum merit payment to be effective.

(5) The appointing authority shall inform the Board of Health of the number of lump sum merit payments granted during the fiscal year that exceed \$2,000 per payment unless the payment is based on the 902 KAR 8:096 annual evaluation.

(6) An agency may grant a one (1) time across the board lump sum [merit] payment on a designated payroll[across the board] during the fiscal year to all regular status employees in recognition of the agency exceeding expectations.

(a) The flat amount per employee shall not exceed \$1,500[\$4,000]; and

(b) The appointing authority shall receive prior approval from the Board of Health and the department.

Section 10. Detail to Special Duty.

(1) A regular status[An] employee may be detailed to special duty on a temporary basis, not to exceed twenty-six (26) pay periods, to:

(a) Occupy a position and assume the job duties and responsibilities of an employee on an approved leave of absence or an employee who[that] has separated from the agency; or

(b) To undertake a special project assigned by the appointing authority in addition to the employee's regular duties and responsibilities.

(2) An employee who is approved for detail to special duty shall receive a salary increase of five (5) percent during the detail to special duty.

(3) After completion of the special assignment, the employee shall be transferred to the classification or resume normal duties with the employee's salary reduced by an equivalent dollar amount of the increase at the time of the appointment to special duty[five (5) percent].

(4) An employee shall be entitled to salary increases provided by the agency during the special assignment.

Section 11. Educational Achievement and Skill Enhancement Pay.

(1) The job-related skill enhancement pay shall be granted to recognize and reward an employee who takes the initiative through his or her own efforts to increase job worth and significantly enhance his or her value to the agency by achieving a higher level of performance through a [prescribed] course of study in the employee's job field.

(2) An agency may elect not to participate in the educational achievement program if sufficient funds are not available.

(3) An employee shall not receive more than one (1) educational achievement salary increase.

(4) An appointing authority may grant a five (5) percent increase to an employee's salary for obtaining a high school diploma, high school equivalency certificate, or a passing score on the GED test:

(a) Outside of work hours; and

(b) While in the employment of the agency.

(5) An appointing authority may grant a five (5) percent increase to an employee's salary for postsecondary education or training if:

(a) The department has determined the employee has completed 260 hours of job-related classroom instruction;

(b) The employee began the course work after becoming an employee of the agency and completed the course work after establishing an increment date;

(c) The employee has completed the course work within five (5) years of the date on which it began;

(d) The course work has not previously been applied toward an educational achievement award;

(e) The agency has not paid for the course work or costs associated with it; and

(f) The employee was not on educational or extended sick leave when the courses were taken.

(6) An appointing authority may grant, with the approval of the department, an employee a lump sum merit payment not to exceed three (3) percent of the employee's grade minimum to an employee that presents a certificate, license, or other evidence of mastering a body of knowledge obtained through a [prescribed] course of study that is directly related to the position held and based on this evidence is identified as an approved program by the department.

(7) The salary adjustment for educational achievement shall not include on-the-job[on-the-job] training provided by or required by the agency as part of the assigned job duties and responsibilities.

Section 12. Other Salary Adjustments.

(1)

(a) An agency may submit a request to the department substantiating the need for a specific salary adjustment for a regular status employee in classified service to address:

1. Compensation issues of the agency that negated the ability of the agency to commit available financial resources to salary adjustments based on the most recent compensation plan changes;

2. Special working conditions;

3. After hours adjustment if working hours cannot be adjusted;

4. Internal or external equity issues among individual employees or groups of employees; or

5. Other specific circumstances.

(b) The request shall address:

1. The nature of the salary issue;

2. The consequences of the salary issue;

3. Recommendation of an equitable resolution; and

4. Other pertinent information substantiating the need for the salary adjustment.

(c) The department may undertake a review of the request to determine the validity of the request, the impact on the submitting agency, and the impact on other agencies.

(2)

(a) An agency may grant a one (1) time salary adjustment for all employees during the fiscal year to:

1. Respond to retention and recruitment needs and issues of the agency based on the inability of the agency to attract and maintain a qualified workforce in order to provide services; or

2. Place the agency in a more favorable competitive market and equity position based on an assessment of comparable agencies.

(b) The salary adjustment shall be a set[prescribed] amount given to an employee determined by:

1. Applying an amount not to exceed five (5) percent to the employee's grade minimum;

2. Applying an amount not to exceed five (5) percent to the employee's grade midpoint; or

3. Specifying a fixed hourly amount that would be provided to an employee.

Section 13. Discretionary Salary Increases.

(1) The appointing authority may grant, with the approval of the department, a salary increase not to exceed five (5) percent for a regular status employee or employees who have demonstrated, based on the current performance evaluation, excellent performance and achievement. This increase shall be limited to one (1) increase per evaluation year[annually].

(2) The Board of Health may grant a salary increase for a regular status public health director or administrator who has demonstrated, based on the current performance evaluation, excellent performance and achievement. The increase shall be limited to one (1) increase per evaluation[perevaluation]year[annually].

FILED WITH LRC: July 16, 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.

**COUNCIL ON POSTSECONDARY EDUCATION
(Amended After Comments)**

13 KAR 2:140. Research consortiums.

RELATES TO: KRS 164.038, KRS 273.600

STATUTORY AUTHORITY: KRS 164.038

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.038 requires the Council on Postsecondary Education to promulgate administrative regulations to administer the provisions of the statute. KRS 164.038(6) requires the Council to include in administrative regulation the metrics to evaluate joint funding applications submitted by two (2) or more Kentucky public universities to receive funding from a consortium account. This administrative regulation establishes the process by which requests for joint funding proposals will be advertised, what proposals shall include, how proposals will be evaluated, and how funding awards will be made.

Section 1. Definitions.

(1) "Council" is defined by KRS 164.001(8).

(2) "Eligible postsecondary institution" means any public university in Kentucky.

(3) "Endowed research fund" means the endowed research fund as established by KRS 273.600.

(4) "Peer reviewer" means an individual with demonstrated research expertise who is selected to evaluate applications.

(5) "Peer review panel" means a panel of three (3) or more peer reviewers convened by Council staff to conduct the review of joint funding applications described in Section 5 of this administrative regulation.

(6) [(4)] "Research consortium" means two (2) or more eligible postsecondary institutions to receive joint funding from a consortium account through the endowed research fund administered by the Council.

Section 2. Notice of Funding Opportunities.

(1) Once funds are available for distribution through the endowed research fund, the Council shall publish notice of availability of funding opportunities for research consortia and issue a request for joint funding applications.

(2) The notice and request for joint funding applications shall include:

(a) [(4)] The funding period;

(b) [(2)] The date by which to submit a joint funding application;

(c) [(3)] The application evaluation metrics and relative weighting of each metric;

(d) [(4)] How to submit a joint funding application; and

(e) [(5)] The targeted date for making awards.

Section 3. Metrics to Evaluate Joint Funding Applications.

(1) The Council shall evaluate joint funding applications using the following metrics describing the research consortium's:

(a) [(4)] Planned area of research and its impact on human quality of life advancements;

(b) [(2)] Ability to innovate in the areas of medicine, health, or economic development;

(c) [(3)] Ability to obtain other sources of funding to perform initial research;

(d) [(4)] Potential to seek grant money from other sources in larger amounts;

(e) [(5)] Potential future funding sources and amounts; and

(f) [(6)] Implementation plan, including:

1. [(a)] The total proposed budget for the use of funds received through the endowed research fund for the initial five (5) year term;

2. [(b)] The total proposed budget for use of funds from other sources dedicated to the work of the research consortium for the initial five (5) year term; and

3. [(c)] Operations of the consortium, including a description of how the research consortium partners would collaborate to conduct the planned research.

Section 4. Funding Proposals.

(1) To be eligible for funding, a joint funding application proposal shall include:

(a) [(1)] The participation in the research consortium certified by the signature of the respective chief executive officers and a designated point of contact and contact information for each participating eligible postsecondary institution;

(b) [(2)] A narrative addressing each metric set forth in Section 3 of this administrative regulation.

(c) [(3)] A response to any other funding proposal criteria as determined by the Council;

(d) [(4)] A statement of assurances that statutory requirements shall be satisfied as set forth in KRS 164.038; and

(e) The names of the key personnel assigned to the proposed research consortium.

Section 5. Evaluation Process.

(1) Council staff shall convene a peer review panel to conduct a review of each completed and timely submitted joint funding application.

(2) A peer reviewer shall not have a conflict of interest that would impair the reviewer's impartiality for any application reviewed by the peer review panel.

(3) The peer review panel shall review, score and rank each application on the extent to which the application meets the metrics set forth in Section 3 of this administrative regulation.

(4) The peer review panel shall submit to the Council its ranking of the applications and a narrative to support that ranking.

(5) The Council shall review the submission of the peer review panel and

[(4)] [The Council shall review and rank each completed and timely submitted funding application on the extent to which the application meets the metrics set forth in Section 3 of this administrative regulation.]

[(2)] [Once the funding applications are evaluated and ranked, the Council] shall select up to five (5) high-quality research consortiums to receive funding from a consortium account.

(6) [(3)] Once award distributions are finalized and approved by the Council, the Council shall notify the designated points of contact of the award.

Section 6. Awards.

(1) Upon award, the Council and research consortium partners shall enter into an agreement outlining the responsibilities of the parties, including but not limited to the estimated funding amount, the permissible uses of funds, and the reporting requirements.

(2) Once the agreement is finalized, the Council shall disburse money from the research consortium's designated consortium account in accordance with KRS 164.038(1)(e) for a term of five (5) years.

(3) The term of eligibility of the research consortium may be renewed for up to five (5) additional years in accordance with KRS 164.038(4).

MADISON SILVERT, Chair
TRAVIS POWELL, General Counsel

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APPROVED BY AGENCY: August 14, 2026
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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Cassie Trueblood, Phone: 502.892.3696, Email: cassie.trueblood@ky.gov

Subject Headings: Council on Postsecondary Education, Education, Education: Higher and Postsecondary.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the process by which requests for joint funding proposals will be advertised, what proposals shall include, how proposals will be evaluated and how funding awards will be made for the endowed research fund established in KRS 164.038.

(b) The necessity of this administrative regulation: KRS 164.038 requires the Council on Postsecondary Education to promulgate administrative regulations to administer the endowed research fund. KRS 164.038 requires the Council to set forth the requirements for joint funding applications submitted by two (2) or more Kentucky public universities to receive funding from a consortium account.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms explicitly to the requirements of KRS 164.038.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation creates a process for issuing notice of funding opportunities, sets requirements for funding proposals, creates an evaluation process, and creates a process for making awards as required by KRS 164.038.

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

(a) How the amendment will change this existing administrative regulation: This amendment will incorporate a peer review process into the evaluation of joint funding applications. It adds definitions for peer reviewer and peer review panel, requires applications to identify key personnel, and outlines the role of the peer review panel in evaluating joint funding applications.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to incorporate comments received during the public comment period and adopt a peer review process in the evaluation of joint funding applications. It is also necessary to correct some numbering issues.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 164.038 requires the Council on Postsecondary Education to promulgate administrative regulations to administer the endowed research fund. KRS 164.038 requires the Council to set forth the requirements for joint funding applications submitted by two (2) or more Kentucky public universities to receive funding from a consortium account. This amendment incorporates a peer review process for the evaluation of the joint funding applications.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statute by incorporating a peer review process into the evaluation of the joint funding applications. The peer review panel shall review, score, and rank each application on the extent to which the application meets the established metrics. The panel will submit this information to the Council. The Council will review the submission and select up to five high-quality research consortiums to receive funding from a consortium account in accordance with KRS 164.038(2).

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation implements Senate Bill 1 from the 2024 legislative session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects the public postsecondary universities in the state, totaling eight entities, but none are required to participate.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: To be considered for funding, two (2) or more eligible postsecondary institutions must submit a joint funding application. Upon evaluation of the proposal and subsequent award, the Council and the participating institutions will enter into a contract in accordance with the terms set forth in this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no fees established by this administrative regulation. There will be some administrative costs to the public universities to create and submit a proposal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Once the partnership contract is finalized, the Council shall disburse money from the fund to a consortium account as seed money to perform initial research and to prepare proposals to seek grant money from public and private sources in larger funding amounts.

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

(a) Initially: There will be some administrative costs to the Council to solicit and review applications and make awards, but KRS 164.038(7) provides that the council may expend up to four percent (4%) of all interest earning of the endowed research fund on the costs of managing and administering the fund.

(b) On a continuing basis: There will be some administrative costs to the Council to solicit and review applications and make awards, but KRS 164.038(7) provides that the council may expend up to four percent (4%) of all interest earning of the endowed research fund on the costs of managing and administering the fund.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Awards will be made from the endowed research fund which is created by KRS 164.038 and endowed in accordance with KRS 273.600 to 273.645. The fund shall contain money received from the general fund, federal funds, and any other proceeds from contributions, gifts or grants made available for the purposes of the fund. KRS 164.038(7) provides that the Council may expend up to four percent (4%) of all interest earnings on the costs of managing and administering the endowed research fund.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not assess fees.

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

(10) TIERING: Is tiering applied? Tiering is not applicable because similarly situated entities are treated similarly under this administrative regulation.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164.038, KRS 273.600

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This regulation is expressly authorized by KRS 164.038.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Council on Postsecondary Education and any public university in Kentucky that chooses to submit a proposal.

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

1. Expenditures:

For the first year: There will be some administrative costs to universities to develop and submit the application. There will be some administrative costs to the Council to solicit and review applications and make awards.

For subsequent years: Any expenditures in subsequent years

are expected the covered by the endowed research fund.

2. Revenues:

For the first year: Universities selected will receive funding from a consortium account within the endowed research fund.

For subsequent years: The term of eligibility to receive funding from a consortium account is five (5) years.

3. Cost Savings:

For the first year: This regulation does not create any cost savings.

For subsequent years: This regulation does not create any cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

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

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.

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

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

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

(a) Fiscal impact of this administrative regulation: Duties related to this administrative regulation are generally assumed by the Council staff members as part of their many other responsibilities. KRS 164.038(7) provides that the council may expend up to four percent (4%) of all interest earning of the endowed research fund on the costs of managing and administering the fund. University participation is voluntary. Universities who are successful in their joint funding application will receive funding from a consortium account as seed money for initial research and to seek grant money.

(b) Methodology and resources used to reach this conclusion: General analysis of the requirements of the statute and the workload of staff.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation is not anticipated to have a major economic impact, as implementation and compliance costs are minimum. Costs to the Council of managing and administering the endowed research fund can be covered by interest earnings of the fund in accordance with KRS 164.038(7). Participation by the universities is voluntary and funding will be used to bring about innovation that advances medicine, health, or economic development which will provide a positive impact on the Commonwealth.

(b) The methodology and resources used to reach this conclusion: General analysis.

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

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections

(Amended After Comments)

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 American with Disabilities Act 14-03-01 (Amended 8/14/26[Added 4/28/26]) LSCC 15-01-01 Drug Abuse Testing (Amended 6/28/17)

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

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 LSCC 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 4/28/26[6/28/17]) LSCC 21-01-01 Library Services (Added 4/28/26) 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 (Amended 4/28/26[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>.

501 KAR 6:230. Little Sandy Correctional Complex.
SCOTT JORDAN, Deputy Commissioner, on behalf of:
COOKIE CREWS, Commissioner

APPROVED BY AGENCY: August 13, 2026
FILED WITH LRC: August 13, 2026 at 2:40 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens, Assistant General Counsel
Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort,
Kentucky 40601, Phone: (502) 564-3279, Email:
Justice.RegContact@ky.gov

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.

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

2. Revenues:

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

For subsequent years: Cost savings are not anticipated.

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. 501 KAR 6:230. Little Sandy Correctional Complex.

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](#).

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

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology
(Amendment)

201 KAR 17:011. Education, experience, and application requirements[Requirements] for interim licensure as a speech language pathologist.

RELATES TO: KRS 334A.035, 334A.050

STATUTORY AUTHORITY: KRS 334A.055, 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080

requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.035 and 334A.050 require the board to promulgate administrative regulations concerning licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes criteria for interim licensure for speech-language pathologists.

Section 1. Education and Experience.

(1) ~~[In addition to the citizenship requirements of KRS 334A.050,]~~~~Each~~~~[each]~~ applicant for interim licensure in speech-language pathology in Kentucky shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or possess equivalent education.

(2) An applicant shall have "equivalent" education if the applicant holds:

(a) A doctoral degree in speech-language pathology or communication disorders or a related area from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or

(b) A bachelor's degree from a regionally accredited college or university, and has completed all coursework and clinical practicum requirements leading to a doctorate or master's degree from a university program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.

Section 2. Application for Licensure.

~~[(3)] Each~~~~[The]~~ applicant for Interim SLP licensure shall submit the following to the board:

(1) A completed "Application for Interim License", form DPL-SLPA-01, containing a written description verifying completion of the required academic coursework and supervised clinical experience;~~[on the Application for Interim License.]~~

(2) Pay the fee as established in 201 KAR 17:030;

~~(3) Submit an~~~~[with]~~ official transcript or letter, which shall be sent directly from the academic institution~~[university]~~ verifying satisfactory completion of degree requirements. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. The applicant receiving academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the academic~~[training]~~ institution shall constitute satisfactory completion.

~~(4) The results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board after payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph.~~

~~[(4)] [Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and shall be due within thirty (30) days after the professional postgraduate experience is begun.]~~

~~[(5)] [A written plan for the postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience.]~~

Section 3. Postgraduate professional experience and supervision.

~~(1) After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience~~~~[The applicant shall.]~~~~[proceed to]~~~~[obtain postgraduate professional experience]~~ under a supervisor who~~[is a speech-language pathologist who]~~ holds a valid Kentucky speech language pathology license or Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders. ~~[An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.]~~

~~[(6)] [Postgraduate professional experience.]~~

~~[(a)] [After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.]~~

~~(2)~~~~[(b)]~~ The experience shall consist of at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours per week or its part-time equivalent as follows:

~~(a)~~~~[4-]~~ At least eighty (80) percent of the major responsibilities during postgraduate professional experience shall be in direct contact with clients or patients, consultations, recordkeeping, and administrative duties.

~~(b)~~~~[2-]~~ The postgraduate professional experience shall not total less than 1,260 hours accumulated within twenty-four (24) months of the beginning date of the experience.

~~(c)~~~~[3-]~~ Professional experience of less than five (5) hours per week shall not meet the requirement and shall not be counted toward the postgraduate professional experience.

~~(d)~~~~[4-]~~ Experience of more than thirty-five (35) hours per week shall not be used to reduce the postgraduate professional experience to less than thirty-six (36) weeks.

~~(e)~~~~[5-]~~ Once initiated, the postgraduate professional experience shall be completed within twenty-four (24) months.

~~(f)~~~~[6-]~~ An extension~~[Extension]~~ of the postgraduate professional experience may be requested utilizing the "Application for Extension of Interim License", form DPL-SLPA-02. An extension may be granted by the board in the event of:

1.~~[a-]~~ Illness;

2.~~[b-]~~ Change in employment status;

3.[e-] Family care issue; or
4.[d-] Other extraordinary occurrence impacting one's ability to complete the postgraduate experience.

(3) Any change in the written plan for the postgraduate professional experience, or any change in supervision, shall be submitted to the board on the "Change in PPE or Supervision for Interim SLP" form, DPL-SLPA-03.

Section 4. Supervision requirements for Interim SLP.

(1)[4-] The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.

(2)[2-] This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

(a)[a-] One (1) hour shall equal one (1) on-site observation.

(b)[b-] A maximum of six (6) on-site observations may be accrued in one (1) day.

(c)[c-] At least six (6) on-site observations shall be accrued during each third of the experience.

(d)[d-] These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, and rehabilitation.

(3)[3-] The supervision shall include eighteen (18) other monitoring activities.

(a)[a-] At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

(b)[b-] These other monitoring activities may be executed by correspondence, review of video tapes or audio tapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

(4)[4-] The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

Section 5. Examination requirements.

(1)[5-] A person with an interim license shall take and pass a national PRAXIS examination in speech-language pathology within twenty-four (24) months.

(2) Official documentation of scores shall be sent to the board directly from Educational Testing Services. ~~[A person with an interim license shall continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty (24) months, they shall seek board approval to continue to practice. The applicant shall: a. Submit a written, signed letter to the board requesting board approval; and b. Appear before the board.]~~

Section 6. [Section 2-] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) The "Application for Interim Licensure", DPL-SLPA-01, July 2026; [January 2012, is incorporated by reference.]

(b) The "Application for Extension of Interim License", DPL-SLPA-02, July 2026; and

(c) The "Change in PPE or Supervision for Interim SLP", DPL-SLPA- 03, July 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, [2SC32-]Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:011

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon, Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior

to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation to the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes, Phone Number: (502) 782-2709 (office), Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for interim licensure as a speech language pathologist

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.035.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying the requirements for interim licensure as a speech language pathologist.

(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 incorporates the requirement that all applicants for licensure by the board obtain a national and state criminal background investigation from the KSP and FBI pursuant to KRS 334A.055; reorganizes provisions to clarify application and postgraduate professional experience requirements and the appropriate forms incorporated by reference; strikes legal requirements that duplicate the statutes; strikes regulations that are inconsistent with KRS 334A.030(2) and which appear to authorize unlicensed practice for thirty (30) days; clarifies postgraduate professional experience requirements; reorganizes supervision and examination requirements for clarification; repeals the provision allowing an interim licensee to continue to practice after failing to obtain a passing score within twenty-four (24) months; and, incorporates materials not previously incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to comply with KRS 334A.055 and KRS 334A.188, the Audiology and Speech-Language Pathology Interstate Compact, relating to criminal background investigations, to ensure the regulations are consistent with the enabling statutes, to clarify requirements for interim licensure, and to incorporate necessary forms by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the licensee, and properly incorporate material referenced.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6,

Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will not affect 4179 active and 85 inactive licensees' existing interim licensees, but will affect new applicants for interim licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for interim licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for interim licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 334A.055.

(3)(a) Identify the promulgating agency and any other affected

state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology (Amendment)

201 KAR 17:012. Application, education, and requirements[Requirements] for licensure as a speech-language pathologist.

RELATES TO: KRS 334A.033, 334.035(1)(c), 334A.050, 334A.187

STATUTORY AUTHORITY: KRS 334A.033, 334A.050, 334A.055, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033 and 334A.050 require the board to promulgate administrative regulations concerning licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes criteria for licensure for speech-language pathologists.

Section 1. Application for Licensure. Each applicant for licensure as an SLP shall:

(1) Submit an "Application for Licensure", form DLP-LPC-04;

(2) Pay the fee as established in 201 KAR 17:030;

(3) Have official academic transcripts sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

Section 2. Education and Experience.[In addition to the citizenship requirements of KRS 334A.050,]Each[each] applicant for licensure in speech-language pathology in Kentucky shall meet the requirements established in this section.

(1)

(a) An applicant shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or possess equivalent education.

(b) An applicant shall have equivalent education if the applicant holds a doctoral degree in speech-language pathology, communication disorders, or a related area from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association.

(2) The applicant shall have passed a national PRAXIS examination in speech-language pathology.

(3) In accordance with KRS 334A.035(1)(c), within thirty (30) days after completion of the postgraduate professional experience, the applicant shall submit a complete application for licensure under this section. The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the application, or the applicant may submit their American Speech-Language-Hearing Association (ASHA) certification number as proof of successful completion of the postgraduate professional experience.[Application for License.]

(4) In addition to fulfilling the requirements of this administrative regulation and paying the requisite fees established in 201 KAR 17:030, Section 1, an applicant licensed in another state shall comply with the provisions of KRS 334A.187.

Section 3. Incorporation by Reference.

(1) "Application for Licensure", DPL-SLPA-4, July 2026.["Application for License", July 2013,] is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, [2SC32,]Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:012

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon, Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 32, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for licensure as a speech language pathologist

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.030.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

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

requirements for licensure as a speech language pathologist.

(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 retitles the administrative regulation to identify all included regulatory topics; incorporates the requirement that all applicants for licensure by the board obtain a national and state criminal background investigation from the KSP and FBI pursuant to KRS 334A.055; reorganizes provisions to clarify application requirements; strikes legal requirements that duplicate the statutes; authorizes the applicant to submit their ASHA certification number as proof of successful completion of the postgraduate professional experience; updates the application for licensure to meet new requirements and ADA compliance, and incorporates necessary forms by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify application requirements, to comply with KRS 334A.055 and KRS 334A.188, the Audiology and Speech-Language Pathology Interstate Compact, relating to criminal background investigations, to update existing MIR for ADA compliance and to incorporate necessary forms not previously incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the licensee, and properly incorporate material referenced.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will not affect the 4179 active and 85 inactive existing speech-language pathologist licensees, but will affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for licensure will have no new fees for application to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the only affected state unit, part or division.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology (Amendment)

201 KAR 17:014. Temporary licensure for speech-language pathologist, speech-language pathology assistant, and audiologist.

RELATES TO: KRS 334A.033, 334A.050, 334A.181, 334A.183, 334A.185

STATUTORY AUTHORITY: KRS 334A.055, 334A.080(3), 334.181(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.181 authorizes the board to provide temporary licensure by promulgating administrative regulations. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation provides requirements for the issuance of temporary licenses.

Section 1. [Definition. "Board administrator" means the Director of the Division of Occupations and Professions.]

[Section 2.] Application requirements[Requirements.]

(1) Upon receipt of an "Application for Licensure", DPL-SLPA-04, incorporated by reference in 201 KAR 17:012; or, an Application for Speech-Language Pathology Assistant, DPL-SLPA-09, incorporated by reference in 201 KAR 17:034, [application] showing an[that] applicant meets the requirements set forth in KRS 334A.033, 334A.050, 334A.055, 334A.183, 334A.185, and 201 KAR 17:012, the Board Administrator shall issue a temporary license to the applicant[;] by sending a letter to the applicant on Board letterhead.

(2) The temporary license shall entitle the applicant to practice as a speech-language pathologist, speech-language pathology assistant, or audiologist until the application[applicant] is reviewed by the Kentucky Board of Speech Language Pathology and Audiology.

(3) A temporary license shall not be effective for more than 180 days as provided by KRS 334A.181(3).

Section 2.[Section 3.] Unprofessional Conduct. If the application shows evidence of unprofessional conduct per KRS 334A.180(1) or (4), the applicant shall not be granted temporary licensure, and the application shall be held pending review by the board.201 KAR 17:014

201 KAR 017:014

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a process for issuing temporary licenses per KRS 334A.181.

(b) The necessity of this administrative regulation: The necessity of this regulation is to provide guidance to applicants who wish to request temporary licensure and to provide guidance to the Division of Occupations and Professions when processing applications.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The board is given the authority to promulgate regulations per KRS 13A.100 and 334A.010.

(d) How this administrative regulation currently assists or will

assist in the effective administration of the statutes: This administrative regulation allows the board to temporarily grant licensure between board meetings.

(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 incorporates the requirement that all applicants for licensure by the board obtain a national and state criminal background investigation from the KSP and FBI pursuant to KRS 334A.055; and updates the material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to require all applicants for licensure by the board obtain a national and state criminal background investigation from the KSP and FBI pursuant to KRS 334A.055; and updates the material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant, and update the material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will not affect the 4179 active and 85 inactive licensees, but will affect new applicants who apply for temporary licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for initial licensure, which may include a temporary license, must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for temporary licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicant.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

**Board of Speech-Language Pathology and Audiology
(Amendment)**

201 KAR 17:025. Application, education, and requirements[Requirements] for an interim license as a speech-language pathology assistant.

RELATES TO: KRS 334A.035(2), 334A.033

STATUTORY AUTHORITY: KRS 334A.035(2), 334A.055, 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.035(2) requires the board to promulgate administrative regulations concerning application for an interim license as a speech-language pathology assistant. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes the requirements for interim licensure.

Section 1. Application for Licensure. Each applicant for licensure as an Interim SLP-A shall:

(1) Submit an "Application for Interim Speech-Language Pathology Assistant", form DPL-SLPA-05, to the board;

(2) Pay the fee as established in 201 KAR 17:030;

(3) Submit an official academic transcript sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

Section 2.[Section 4.] Education.

(1) In order to receive an interim license to become an SLP-A[a speech-language pathology assistant], the applicant shall possess a bachelor's degree in speech-language pathology or communication disorders, or possess equivalent education from a regionally accredited institution, such as one (1) accredited by the Southern Association of Colleges and Schools.

(2) An applicant shall have equivalent education if the applicant has obtained a bachelor's degree and a minimum of twenty-seven (27) hours in the core areas of communication sciences or disorders including the following:

(a) Anatomy and physiology;

(b) Phonetics and speech science;

(c) Speech and language development;

(d) Communication disorders in children;

(e) Audiology;

(f) Aural rehabilitation; and

(g) Intervention for children with communication disorders.

Section 3.[Section 2.] Supervision.

(1) The interim licensee shall function under the supervision of an appropriate supervisor as defined by KRS 334A.020(11) during the period of interim licensure.

(2) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(3) The supervisor may require additional supervision based on the experience of the interim speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(4) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

(5) Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

(6) Each Interim SLP-A[interim speech-language pathology assistant] shall be required to receive no less than three (3) hours per full-time week of documented direct supervision. Supervision shall be adjusted proportionally for less than full-time employment. The supervisor shall have direct contact time with the interim speech-language pathology assistant as well as with the pupil.

(7) Direct supervision shall consist of on-site, in-view observation and guidance as a clinical activity is performed. An Interim SLP-A[interim speech-language pathology assistant] shall be supervised by either:

(a) An SLP-A[A speech-language pathologist] who holds a Kentucky license in speech-language pathology; or

(b) An Interim SLP-A[interim speech-language pathologist] who holds an Education Professional Standards Board Master's level certification as a teacher of exceptional children in areas of speech and communication disorders.

(8) Supervision shall provide information about the quality of the Interim SLP-A's[interim speech-language pathology assistant's] performance with assigned tasks and verify that clinical activity is

limited to tasks specified in the Interim SLP-A's~~[interim speech-language pathology assistant's]~~ scope of responsibilities.

(9) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on correct or incorrect judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

(10) Indirect supervision shall be required no less than three (3) hours per full-time week. Supervision shall be adjusted proportionally for less than full-time employment. Indirect supervision may include:

(a) Demonstration;

(b) Record review;

(c) Review and evaluation of audio or videotaped sessions; or

(d) Supervisory conferences that may be conducted by telephone.

(11) A minimum total of six (6) hours of direct and indirect supervision per full-time week shall be required for each interim speech-language pathology assistant and shall be documented. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

(12) An Interim SLP-A~~[interim speech-language pathology assistant]~~ shall not provide direct services if a supervising SLP~~[speech-language pathologist]~~ cannot be reached ~~[by personal contact, phone, pager, or some other immediate means]~~.

(13) If, for any reason (including maternity leave, illness, or a change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the Interim SLP-A~~[interim speech-language pathology assistant]~~ shall not provide service until a fully qualified SLP~~[speech-language pathologist]~~ has been designated as the Interim SLP-A's~~[speech-language pathology assistant's]~~ supervisor.

(14) The supervisor shall complete the "Postgraduate Professional Experience Report and Evaluation", form DPL-SLPA-06, for submission when the postgraduate professional experience is completed.

(15) Although more than one (1) supervisor may provide supervision of an Interim SLP-A~~[interim speech-language pathology assistant]~~, a supervisor shall not be listed as the supervisor of record for more than two (2) Interim SLP-A's~~[interim speech-language pathology assistants]~~.

(16) If an Interim SLP-A has multiple supervisors~~[are used]~~, each supervisor shall be responsible for ~~the~~~~[that]~~ portion of the caseload ~~the Interim SLP-A performed under their supervision~~~~[that is theirs]~~ and each supervisor shall sign the "Application for Licensure", form DPL-SLPA-04, incorporated by reference in 201 KAR 17:012~~[license application]~~ and ~~[postgraduate professional experience report]~~ also complete the "Postgraduate Professional Experience Report and Evaluation", form DPL-SLPA-06, upon the Interim SLP-A's request.

(17) A "Change in Supervision", form DPL-SLPA-07, shall be submitted to the board for any change in the supervision listed in the initial application.

Section 4.~~[Section 3.]~~ Postgraduate Professional Experience.

(1) A written plan for postgraduate professional experience shall be submitted with the "Application for Interim Speech-Language Pathology Assistant", form DPL-SLPA-05~~[application for interim licensure within thirty (30) days after initiating the postgraduate professional experience.]~~

(2) The applicant shall ~~[proceed to]~~ obtain postgraduate professional experience under a supervisor who is a speech-language pathologist who holds a Kentucky license in speech-language pathology or Education Professional Standards Board Masters level certification as a teacher of exceptional children in the areas of speech and communication disorders. ~~[An applicant for interim licensure shall submit a completed application to the board.]~~

~~(3)~~~~(2)~~ The applicant shall obtain the equivalent of not less than nine (9) months of full-time professional experience with full-time

employment, which shall be a minimum of thirty-five (35) clock hours of work a week.

(a) At least eighty (80) percent of the major responsibilities during postgraduate professional experience shall be in direct contact with clients or patients, consultations, record-keeping, and administrative duties.

(b) The postgraduate professional experience shall total no less than 1,260 hours accumulated within twenty-four (24) months of the beginning date of the experience.

(c) Professional experience of less than five (5) hours per week shall not meet the requirement and shall not be counted toward the postgraduate professional experience.

(d) Experience of more than thirty-five (35) hours per week shall not be used to reduce the postgraduate professional experience to less than thirty-six (36) weeks.

(e) Once initiated, the postgraduate professional experience shall be completed within twenty-four (24) months.

(f) Any request for an extension~~[Extension]~~ of the postgraduate professional experience shall be made on the "Application for Extension of Interim License", form DPL-SLPA-03, which is incorporated by reference in 201 KAR 17:011. An extension may be granted in the event of:

1. Illness;

2. Change in employment status;

3. Family care issue; or

4. Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience.

Section 5.~~[Section 4.]~~ Evaluation and Recommendation. Within thirty (30) days after completion of the postgraduate professional experience, the applicant and ~~their~~~~[his]~~ supervisor shall submit a written report to the board verifying the successful completion of postgraduate professional experience.

Section 6. Material Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Interim Speech-Language Pathology Assistant", DPL-SLPA-05, July 2026;

(b) "Postgraduate Professional Experience Report and Evaluation", DPL-SLPA-06, July 2026; and

(c) "Change in Supervision for Interim SLP-A", DPL-SLPA-07, July 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:025

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2025

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the requirements for licensure as an interim speech language pathologist assistant.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.035.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute which gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying the requirements for licensure as an interim speech language pathologist assistant.

(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 changes the title to clarify the contents of the regulation; adds statutory authority and language relating to the requirement that applicants seeking an initial license obtain a national and state criminal background investigation by the KSP and FBI; clarifies the application process requirements; incorporates required material that has not been previously incorporated by reference; uses abbreviations to break down lengthy sentences to reduce confusion and clarify meaning; and clarifies requirements relating to licensee and supervisor duties to provide notice to the board for changes in PPE or supervision.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary due to the enactment of KRS 334A.055 for background checks for licensure, and to clarify and streamline the process.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant and update the material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for initial licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in

question (4): Applicants for interim licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the

revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

**Board of Speech-Language Pathology and Audiology
(Amendment)**

201 KAR 17:027. Supervision requirements and caseload limitations of Speech-Language Pathology Assistants.

RELATES TO: KRS 334A.033

STATUTORY AUTHORITY: KRS 334A.033(1)(b), 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033(1)(b) requires the board to promulgate administrative regulations to set forth supervision requirements for speech-language pathology assistants (SLP-As). This administrative regulation establishes those requirements.

Section 1. The supervision requirements specified in this administrative regulation shall be the minimum requirements.

(1) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(2) The supervisor may require additional supervision based on the experience of the speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(3) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease. However, in no event shall direct service responsibilities be less than the hours required by KRS 334A.033(1)(b)2., 3. and 4.

Section 2. Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the [minimum] level necessary for the supervisor to retain direct contact with the pupils.

Section 3. Each ~~SLP-A[speech-language pathology assistant]~~ shall be required to have direct supervision in accordance with their years of experience as defined in KRS 334A.033(1)(b)2., 3., and 4. Specifically, an SLP-A with less than three (3) years of full-time experience shall receive no less than two (2) hours per week of documented direct supervision and two (2) hours per week of indirect supervision from an appropriate supervisor; and, an SLP-A with three (3) or more years of full-time experience shall receive no less than one (1) hour per week of documented direct supervision and one (1) hour per week of indirect supervision from an appropriate supervisor, unless in the professional judgment of the supervisor, a higher level of supervision is necessary to avoid compromising the quality of services provided to students. The direct and indirect hours of supervision delineated above may be adjusted proportionately for less than full-time employment, but in no event shall supervision be less than one (1) hour per week of documented direct or indirect supervision from an appropriate supervisor during any week worked. [This ensures that the supervisor shall have direct contact time with the speech-language pathology assistant as well as with the pupil.]

(1) Direct supervision shall be considered to be on-site, in-view observation and guidance as a clinical activity is performed. A speech-language pathology assistant shall be supervised by either:

(a) A speech-language pathologist licensed by the Kentucky Board of Speech-Language Pathology and Audiology; or

(b) An Education Professional Standards Board master's level certification as a teacher of exceptional children in the areas of speech and communication disorders.

(2) Supervision shall provide information about the quality of the ~~SLP-A's[speech-language pathology assistant's]~~ performance with assigned tasks and verify that clinical activity is limited to tasks specified in the speech-language pathology assistant's scope of responsibilities.

(3) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

Section 4. Each ~~SLP-A[speech-language pathology assistant]~~ shall also be required to receive indirect supervision in accordance with their years of experience as defined in KRS 334A.033(1)(b)2., 3. and 4. Indirect supervision may include:

(1) Demonstration;

(2) Record review;

(3) Review and evaluation of audio or videotaped sessions; or

(4) Supervisory conferences that may be conducted by telephone or other audio or audio-video technology.

Section 5. Direct and indirect supervision shall be required for each speech-language pathology assistant and shall be documented on a weekly basis. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

Section 6. ~~An SLP-A[A speech-language pathology assistant]~~ shall not provide direct services when a supervising speech-language pathologist cannot be reached by personal contact, phone, or some other immediate means.

Section 7. If, for any reason, including maternity leave, illness, or a change of jobs, the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the ~~SLP-A's[speech-language pathology assistant's]~~ supervisor.

Section 8. Although more than one (1) supervisor may provide supervision of a speech-language pathology assistant, a supervisor shall not be listed as the supervisor of record for more than two (2) ~~SLP-As[speech-language pathology assistants]~~, in accordance with KRS 334A.033(1)(c). If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload specifically assigned to the supervisor~~[that is theirs.]~~

Section 9. The maximum number of pupils served by the ~~SLP-A[speech-language pathology assistant]~~ shall not exceed the caseload established for a speech-language pathologist by administrative regulation.

Section 10.

(1)

(a) The caseload for a speech-language pathologist who works four (4) days a week, or the equivalent number of hours, in the public school system shall not exceed fifty-two (52) pupils.

(b) The caseload of a speech-language pathologist who supervises ~~SLP-As[speech-language pathology assistants]~~, and works four (4) days a week, or the equivalent number of hours, in the public school system may be increased by no more than one-half (1/2) of the amount established in subsection (1)(a) of this section.[according to the provisions set forth in KRS 334A.190(2).]

(2)

(a) The caseload for a speech-language pathologist who works three (3) days a week, or the equivalent number of hours, in the public school system shall not exceed thirty-nine (39) pupils.

(b) The caseload of a speech-language pathologist who supervises ~~SLP-As[speech-language pathology assistants]~~, and works three (3) days a week, or the equivalent number of hours, in the public school system may be increased by no more than one-half (1/2) of the amount established in subsection (1)(a) of this section.[according to the provisions set forth in KRS 334A.190(2).]

(3)

(a) The caseload for a speech-language pathologist who works two and one-half (2 1/2) days a week, or the equivalent number of hours, in the public school system shall not exceed thirty-two (32) pupils.

(b) The caseload of a speech-language pathologist who supervises ~~SLP-As[speech-language pathology assistants]~~, and works two and one-half (2 1/2) days a week, or the equivalent number of hours, in the public school system may be increased by no more than one-half (1/2) of the amount established in subsection (1)(a) of this section.[according to the provisions set forth in KRS 334A.190(2).]

(4)

(a) The caseload for a speech-language pathologist who works two (2) days a week, or the equivalent number of hours, in the public school system shall not exceed twenty-six (26) pupils.

(b) The caseload of a speech-language pathologist who supervises ~~SLP-As[speech-language pathology assistants]~~, and works two (2) days a week, or the equivalent number of hours, in the public school system may be increased by no more than one-half (1/2) of the amount established in subsection (1)(a) of this section.[according to the provisions set forth in KRS 334A.190(2).]

(5)

(a) The caseload for a speech-language pathologist who works one (1) day a week, or the equivalent number of hours, in the public school system shall not exceed thirteen (13) pupils.

(b) The caseload of a speech-language pathologist who supervises ~~SLP-As[speech-language pathology assistants]~~, and works one (1) day a week, or the equivalent number of hours[,] in the public school system may be increased by no more than one-half (1/2) of the amount established in subsection (1)(a) of this section.[according to the provisions set forth in KRS 334A.190(2).]

Section 11. Any change in supervision for an SLP-A shall be reported to the board utilizing the "Change in Supervision", form DPL-SLPA-07, incorporated by reference in 201 KAR 17:025.

201 KAR 17:027

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes caseload and supervision requirements for speech language pathology assistants.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.033.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering the program by identifying the caseload and supervision requirements for speech-language pathology assistants.

(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 replaces "speech-language pathology assistant" with the acronym "SLP-A" which is known in the profession in an effort to reduce distraction by the repetition of words; clarifies certain provisions to ensure the enabling statutes are fortified; more clearly defines direct and indirect supervision requirements; includes appropriate statutory references where appropriate; adds language from statutes rather than references in an effort to assist the regulated entity in understanding the requirements; and, adds the required form for a change in supervision incorporated by reference in 201 KAR 17:012.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to clarify and streamline caseload limitations and supervision requirements, and to incorporate the form for change in supervision.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program by clarifying supervision and caseload requirements for licensees, and add the required form for material incorporated by reference accordingly.

(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 the SLP-As in some capacity, and will also affect new applicants for SLP-A licensure, as well as their supervisors.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No new actions are required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no new costs associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The entities will benefit from the clarification of the supervision and caseload requirements for compliance with licensure requirements.

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

(a) Initially: There are no new costs initially.

(b) On a continuing basis: There are no new costs on a continuing basis.

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

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There is no establishment of any fees directly or indirectly.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 334A.080(3).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the only affected state unit, part or division.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: There is no fiscal impact.

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

Licensing.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact.

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

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

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology (Amendment)

201 KAR 17:030. License fees, [and] renewal, reinstatement, and inactive license requirements.

RELATES TO: KRS 334A.130, 334A.160, 334A.170, 334A.189

STATUTORY AUTHORITY: KRS 334A.055, 334A.080(3), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.080(6) requires the board to establish fees for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist, in accordance with the maximum limits established in KRS 334A.160 and 334A.170. KRS 334A.170 authorizes the renewal and reinstatement of a license. KRS 334A.189 establishes an inactive licensure status. KRS 334A.188. Section 3.J. authorizes Member states to charge a fee for granting a compact privilege to practice as a speech-language pathologist or audiologist in Kentucky. KRS 334A.055 requires applicants seeking license reinstatement to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes the required fees and the requirements for renewal, reinstatement, and inactive status.

Section 1. Fee Schedule.

(1) Application Fee. The application fee is a one-time fee paid in addition to the initial licensure fee in subsection (2) of this section, as follows:

(a) Fifty (50) dollars for an SLP, Interim SLP, SLP-A, Interim SLP-A, AUD, and Interim AUD;

(b) \$100 for dual licensure as an SLP and AUD, or Interim SLP and Interim AUD; and

(c) The fifty (50) dollar application fee for an SLP, SLP-A, or AUD license shall be waived for a person holding an interim license.

(2) Initial Licensure Fee. The initial licensure fee shall be as follows:

(a) \$100 for an SLP and AUD;

(b) Seventy-five (75) dollars for an SLP-A; and

(c) \$200 for dual licensure as an SLP and AUD

(3) Biennial Renewal Fee. The biennial renewal fee shall be:

(a) \$100 for an SLP, SLP-A, and AUD;

(b) \$200 for dual licensure as an SLP and AUD;

(c) Twenty (20) dollars for an inactive license as an SLP, SLP-A, AUD, and dual licensure as a SLP and AUD; and

(d) There is no renewal for interim licenses.

(4) Grace Period Fee. If the license is renewed after January 31 but before the thirty (30) day grace period expires, the following grace period fee shall be paid in addition to the biennial renewal fee:

(a) Fifty (50) dollars for an SLP, SLP-A and AUD; and

(b) \$100 for dual licensure as an SLP and AUD.

(5) Delinquency Fee for Renewal by Reinstatement. Upon expiration of a license for failure to timely renew, the following delinquency fee shall be paid in addition to the biennial renewal fee:

(a) \$150 for an SLP, SLP-A, and AUD; and

(b) \$300 for dual licensure as an SLP and AUD.

(6) Audiology and Speech-Language Pathology Interstate Compact Biennial Fee. The state fee for the initial privilege to practice audiology and speech-language pathology in Kentucky shall be \$170. The state fee for any renewal shall be \$120 biennially.

Section 2. Renewal Requirements.

(1) A license shall be renewed biennially on or before the due date of January 31 and no later than the grace period ending on March 2 of that year. Any license not timely renewed will expire on March 3;

(2) To apply for renewal, a licensee shall submit a completed "Renewal Application", DPL-SLPA-07; and

(3) The licensee shall pay the appropriate renewal fee as established in Section 1 of this administrative regulation.

(4)

(a) After the thirty (30) day grace period, to apply for renewal by reinstatement, an individual whose license has expired shall:

1. Submit a completed "Application for Renewal by Reinstatement", DPL-SLPA-08;

2. Submit proof of completion of thirty (30) hours of board-approved continuing education in accordance with the requirements of 201 KAR 17:090;

3. Complete a criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be sent directly to the Board. The applicant is responsible for the payment of any fee to the KSP and FBI;

4. Pay the renewal fee as established in Section 1(3) of this administrative regulation; and

5. Pay the delinquency fee as established in Section 1(5) of this administrative regulation.

(b) A person who fails to apply for renewal by reinstatement within five (5) years of expiration or revocation of the license shall meet current licensure standards for the application of a new license.

Section 3. Inactive Licenses.

(1) To apply for inactive license status, a licensee shall submit a completed "Renewal Application", DPL-SLPA-07, prior to the expiration of the grace period for the current biennial renewal cycle.

(2) To remain on inactive status, an inactive licensee shall apply to renew the inactive status biennially, and in accordance with 201 KAR 17:090. Failure to annually renew before expiration of the grace period shall result in the expiration of the inactive license.

(3) To reactivate an inactive license as an SLP, SLP-A, AUD, or a dual license as an SLP and AUD, an applicant shall:

(a) File a completed "Renewal Application", DPL-SLPA-07;

(b) Payment of the current renewal fee as set forth in Section 1 of this administrative regulation; and

(c) Provide proof of compliance with the continuing education requirements established in 201 KAR 17:090, Sections 10 and 11.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Renewal Application", DPL-SLPA-08, July 2026; and

(b) "Application for Renewal by Reinstatement", DPL-SLPA-09, July 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

[(1)] [The following fees shall be paid in connection with speech-language pathologist—or audiologist—applications, renewals,—or penalties:]

[(a)] [Application fee for a speech-language pathologist license: fifty (50) dollars;]

[(b)] [Application for an audiologist license: fifty (50) dollars;]

[(c)] [Combined application fee for a speech-language pathologist and audiologist license: \$100;]

[(d)] [Application fee for a speech-language pathology assistant license: fifty (50) dollars;]

[(e)] [Application fee for interim licensure for a speech-language pathologist: fifty (50) dollars;]

[(f)] [Application fee for interim licensure for an audiologist: fifty (50) dollars;]

[(g)] [Combined fee for speech-language pathologist and audiologist interim licensure: \$100;]

[(h)] [Application fee for interim licensure for a speech-language pathology assistant: fifty (50) dollars;]

[(i)] [Initial speech-language pathologist license fee:]

[1.] [\$100 if issued for one (1) year; or]

[2.] [\$150 if issued for the biennium;]

[(j)] [Initial audiologist license fee:]

[1.] [\$100 if issued for one (1) year; or]

[2.] [\$150 if issued for the biennium;]

[(k)] [Combined speech-language pathologist and audiologist license fee: \$200 if issued for the biennium;]

[(l)] [Initial speech-language pathology assistant license fee:]

[1.] [Seventy-five (75) dollars if issued for one (1) year; or]

[2.] [\$125 if issued for the biennium;]

[(m)] [Biennial renewal fee for speech-language pathologist license: \$100;]

[(n)] [Biennial renewal fee for audiologist license: \$100;]

[(o)] [Biennial combined renewal fee for speech-language pathologist and audiologist license: \$200;]

[(p)] [Biennial renewal fee for speech-language pathology assistant: \$100; or]

[(q)] [Biennial renewal fee for grace period extending from January 31 to March 2:]

[1.] [For speech-language pathologist license: \$150;]

[2.] [For audiologist license: \$150;]

[3.] [For a combined speech-language pathologist and audiologist license: \$300; or]

[4.] [For speech-language pathology assistant: \$150;]

[(2)] [In addition to the biennial renewal fees provided for in subsection (1)(m) through (p) of this section, delinquency fees after March 2 shall be:]

[(a)] [For a speech-language pathologist license: \$150;]

[(b)] [For an audiologist license: \$150;]

[(c)] [For a biennial combined speech pathologist and audiologist license: \$300;]

[(d)] [For a speech-language pathology assistant: \$150; or]

[(e)] [For an initial speech-language pathologist license: \$100;]

[(3)] [There shall not be a renewal fee for interim licensure. The application fee of fifty (50) dollars for full licensure shall be waived for a person who has been duly licensed as an interim licensee.]

[Section 2-]

[(1)] [A completed Renewal Application or Renewal Application for Speech-Language Pathology Assistants, whichever is appropriate, shall be submitted if the licensee wants to:]

[(a)] [Renew his license;]

[(b)] [Request to return to an active status from an inactive status;]

[(c)] [Request, or remain on, an inactive status; or]

[(d)] [Terminate licensure;]

[(2)] [Schedule of Licensure Renewals;]

[(a)] [A licensee shall renew his or her license biennially;]

[(b)] [The licensee shall pay the appropriate renewal fee as established in Section 1(1)(m)-(p) of this administrative regulation;]

[Section 3-] [If an application is filed during the period of December 1 to January 30 and a license is issued, the board shall waive the renewal of the license for the ensuing licensing year.]

[Section 4-] [Inactive Licenses;]

[(1)] [Fees;]

[(a)] [The inactive license fee for a speech-language pathologist for a biennial licensing period shall be twenty (20) dollars;]

[(b)] [The inactive license fee for an audiologist for a biennial licensing period shall be twenty (20) dollars;]

[(c)] [The combined inactive license fee for a speech-language pathologist and audiologist for a biennial licensing period shall be twenty (20) dollars;]

[(d)] [The inactive license fee for a speech-language pathology assistant for a biennial licensing period shall be twenty (20) dollars;]

[(2)] [Reactivation of an inactive license to practice speech-language pathology or audiology shall be obtained by:]

[(a)] [Filing a completed Renewal Application or Renewal Application for Speech-Language Pathology Assistants, whichever is appropriate;]

[(b)] [Payment of the current renewal fee as set forth in Section 4 of this administrative regulation; and]

[(c)] [Compliance with the continuing education requirements established in 201 KAR 17:090, Sections 10 and 11;]

[(3)] [Application for an inactive license shall be made to the board prior to March 2 and shall be accompanied by the appropriate fee for the licensing year.]

[Section 5-] [Incorporation by Reference;]

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

[(a)] ["Renewal Application", July 2013; and]

[(b)] ["Renewal Application for Speech-Language Pathology Assistants", July 2013;]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

201 KAR 17:030

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, Phone Number: (502) 782-2709 (office), Fax: (502) 564-4818, Email: Sara.Janes@ky.gov, Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Board and Commissions, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes license fees, and renewal, reinstatement and inactive license requirements for speech language pathologists, audiologists, and speech-language pathology assistants.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.010 through KRS 334A.990.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate

regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying the licensing fees, and renewal, reinstatement and inactive license requirements for speech-language pathologists, audiologists, and speech-language pathology assistants.

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

(a) How the amendment will change this existing administrative regulation: The amendment does not change any fees but reorganizes the regulation to provide greater clarity to the regulation. The prior version was disorganized and unnecessarily long and confusing. The amendment streamlines the fee structure; adds the State Fee for the privilege to practice by out-of-state licensees under the Audiology and Speech-Language Pathology Interstate Compact ("ASLP-IC"); adds the requirements for a KSP and FBI criminal background check for reinstatements as is now required by KRS 334A.055 and 2026 Ky. Acts. ch. 6, Section 3; clarifies the requirements for inactive license status; and updates the material incorporated by reference, as well as incorporates a necessary form not previously incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to simplify and add clarity to the fee structure for multiple license types, to implement a State Fee for the privilege to practice in Kentucky under the ASLP-IC, and to require a KSP and FBI background check for reinstatement for compliance with KRS 334A.055; and to update and add forms in the material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of fees and the necessary information submitted by the applicant for reinstatement and inactive status, and will update the material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants will be pay the required application fees for initial licensure and applicants for reinstatement must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI; and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees and the Board will benefit from a more clarified fee schedule and streamlined regulation and Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential

holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech-language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology (Amendment)

201 KAR 17:032. Requirements for interim licensure as an audiologist.

RELATES TO: KRS 334A.185(2)

STATUTORY AUTHORITY: KRS 334A.055, 334A.080(3), 334A.185(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the

Federal Bureau of Investigation. This administrative regulation establishes requirements for interim licensure as an audiologist.

Section 1. Application for Licensure. Each applicant for licensure as an interim audiologist shall:

(1) Submit an "Application for Interim License", form DPL-SLPA-01, which is incorporated by reference in 201 KAR 17:011;

(2) Pay the fee as established in 201 KAR 17:030;

(3) Submit an official academic transcript sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

Section 2. [Section 4.] Education and Experience.

(1) Each applicant for interim licensure in audiology in Kentucky shall provide a certified transcript confirming attainment of a Doctorate degree in audiology or a related field, or possess equivalent education as described in subsection (2) of this section, excluding the Au.D. or substantive equivalent from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(2) An applicant shall have equivalent education if the applicant holds a doctoral degree in audiology, excluding the Au.D., from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

~~[(3)] [The applicant shall submit to the board a written description verifying completion of the required academic coursework and supervised clinical experience on the Application for Interim License, with required supporting documentation. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. Satisfactory completion shall exist if the applicant has received academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.]~~

~~[(4)] [Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and either before or within thirty (30) days after the postgraduate professional experience is begun.]~~

Section 3. Supervision.

(1) The interim licensee shall function under the supervision of an appropriate supervisor as defined in KRS 334A.185(2).

(2) Application for interim licensure shall be made within thirty (30) days of securing a supervisor and shall be completed under the supervision of a licensed audiologist.

(3) Supervision shall be completed under an individual who holds a valid Kentucky audiology license.

(4) Supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

(a) One (1) hour shall equal one (1) on-site supervision.

(b) A maximum of six (6) on-site observations may be accrued in one (1) day.

(c) At least six (6) on-site observations shall be accrued during each third of the experience.

(d) These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, or rehabilitation.

(5) The supervision shall include eighteen (18) other monitoring activities.

(a) At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

(b) These other monitoring activities may be executed by correspondence, review of videotapes or audiotapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

(6) The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

Section 4. Postgraduate professional experience.

(1) An interim audiologist shall successfully complete a period of postgraduate professional experience.

(2)[(5)] A written plan for postgraduate professional experience shall be submitted with the application for interim licensure [within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate professional experience under a supervisor who is a licensed audiologist. An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.]

[(6)] [Postgraduate professional experience.]

[(a)] [After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.]

[(3)][(b)] The postgraduate professional experience shall consist of the following: [at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours a week or its part-time equivalent as follows:]

[(a)][1-] At least eighty (80) percent of the major responsibilities during the postgraduate professional experience shall be in direct client contact consultations, recordkeeping, and administrative duties;

[(b)][2-] Postgraduate professional experience shall not total less than 1,260 hours;

[(c)][3-] Once initiated, postgraduate professional experience shall be accumulated within twenty-four (24) months. An extension of the postgraduate professional experience may be requested utilizing the "Application for Extension of Interim License", DPL-SLPA-03, which is incorporated by reference in 201 KAR 17:011. An extension may be granted by the board [This may be extended] in the event of:

1.[a.] Illness;

2.[b.] Change in employment status;

3.[c.] Family care issue; or

4.[d.] Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience;

[(d)][4-] Professional experience of less than five hours per week shall not meet the requirement and shall not be counted toward postgraduate professional experience; and

[(5-)] [Experience of more than thirty-five (35) hours per week shall not be used to shorten the postgraduate professional experience to less than thirty-six (36) weeks; and]

[(6-)] [Extension of the postgraduate professional experience may be granted in the event of:]

[(a-)] [Illness;]

[(b-)] [Change in employment status;]

[(c-)] [Family care issue; or]

[(d-)] [Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience.]

[(7)] [Supervision shall be completed under the supervision of an individual who holds a valid license in audiology issued by Kentucky or a state that borders Kentucky.]

[(a)] [The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.]

[(b)] [This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.]

[1-] [One (1) hour shall equal one (1) on-site supervision.]

[2-] [A maximum of six (6) on-site observations may be accrued in one (1) day.]

[3-] [At least six (6) on-site observations shall be accrued during each third of the experience.]

[4-] [These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, or rehabilitation.]

[(c-)] [The supervision shall include eighteen (18) other monitoring activities.]

[1-] [At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.]

[2-] [These other monitoring activities may be executed by correspondence, review of videotapes or audiotapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.]

[(d)] [The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.]

[(4)][(8)] A person with an interim license shall take and pass a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services. A person with an interim license shall continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty-four (24) months, the applicant shall seek board approval to continue to practice.

[Section 2-] [Incorporation by Reference:]

[(1)] ["Application for Interim Licensure", January 2012, is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

201 KAR 17:032

MARGARET ADKINS, Au.D, CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for interim licensure as an audiologist.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.185(2).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the

authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating application procedures for those who seek to obtain an interim license as an audiologist.

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

(a) How the amendment will change this existing administrative regulation: The amendment adds statutory authority and language relating to the requirement that applicants seeking an initial license obtain a national and state criminal background investigation by the KSP and FBI; clarifies the application process requirements; reorganizes and clarifies requirements for interim licensure; delineates material incorporated by reference in another administrative regulation; and strikes material incorporated by reference in a prior regulation.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary due to the enactment of KRS 334A.055 for background checks for licensure, and to clarify and streamline the process.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant and update the material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect one (1) interim audiologist and also affect new applicants for interim audiology licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for initial licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for interim licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology (Amendment)

201 KAR 17:034. Requirements for licensure as a Speech-Language Pathology Assistant.

RELATES TO: KRS 334A.030, 334A.033

STATUTORY AUTHORITY: KRS 334A.033, 334A.055, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033 requires the board to promulgate administrative regulations to set forth requirements for supervision, education and postgraduate professional experience for speech-language pathology assistants. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State

Police and the Federal Bureau of Investigation. This administrative regulation establishes criteria for licensure for speech-language pathology assistants.

Section 1. Application for Licensure. Each applicant for licensure as a speech-language pathology assistant shall:

(1) Submit an "Application for Speech-Language Pathology Assistant", form DPL-SLPA-10, to the board;

(2) Pay the fee as established in 201 KAR 17:030;

(3) Submit an official academic transcript sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

Section 2.[Section 4.] Education and Experience. Each applicant for licensure as an SLP-A[a speech-language pathology assistant] in Kentucky shall meet the requirements established by this section.

(1) In order to receive a license to become an SLP-A[a speech-language pathology assistant], the applicant shall possess a bachelor's degree in speech-language pathology or communication disorders, or possess equivalent education, as described in subsection (2) of this section, from a regionally accredited institution, such as the Southern Association of Colleges and Schools.

(2) An applicant shall have equivalent education if the applicant has obtained a bachelor's degree and a minimum of twenty-seven (27) hours in the core areas of communication sciences or disorders including the following:

(a) Anatomy and physiology;

(b) Phonetics and speech science;

(c) Speech and language development;

(d) Communication disorders in children;

(e) Audiology;

(f) Aural rehabilitation; and

(g) Intervention for children with communication disorders.

Section 3.[Section 2.] Supervision requirements.

(1) The SLP-A[licensee] shall function under the supervision of an appropriate supervisor during the period of licensure.

(2) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(3) The supervisor may require additional supervision based on the experience of the SLP-A[speech-language pathology assistant], the pupils served, and the physical or geographic proximity to the supervisor.

(4) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

(5) Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

(6) Each SLP-A[speech-language pathology assistant] shall be required to receive direct supervision as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. The supervisor shall have direct contact time with the speech-language pathology assistant as well as with the pupil.

(7)

(a) Direct supervision shall consist of on-site, in-view observation and guidance as a clinical activity is performed.

(b) An SLP-A[A speech-language pathology assistant] shall be supervised by either:

1. A speech-language pathologist who holds a Kentucky license;

or

2. A speech-language pathologist who holds Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders.

(8) The supervisor shall provide information about the quality of the ~~SLP-A's[speech-language pathology assistant's]~~ performance with assigned tasks and verify that clinical activity is limited to tasks specified in the ~~SLP-A's[speech-language pathology assistant's]~~ scope of responsibilities.

(9) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on correct or incorrect judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

(10) Indirect supervision shall be required as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. Indirect supervision may include:

(a) Demonstration;

(b) Record review;

(c) Review and evaluation of audio or videotaped sessions; or

(d) Supervisory conferences that may be conducted by telephone.

(11) The minimum total of direct and indirect supervision as stated in KRS 334A.033 shall be required for each ~~SLP-A[speech-language pathology assistant]~~ and shall be documented. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

(12) ~~An SLP-A[A speech-language pathology assistant]~~ shall not provide direct services if a supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or some other immediate means.

(13) If, for any reason (including maternity leave, illness, or a change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the ~~SLP-A's[speech-language pathology assistant's]~~ supervisor.

(14) Although more than one (1) supervisor may provide supervision of ~~an SLP-A[a speech-language pathology assistant]~~, a supervisor shall not be listed as the supervisor of record for more than two (2) ~~SLP-As[speech-language pathology assistants]~~. If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload that is theirs and each shall sign the "Application for Licensure Speech-Language Pathology Assistant", form DPL-SLPA-10 and "Postgraduate Professional Experience Report and Evaluation for Interim Speech-Language Pathology Assistant", form DPL-SLPA-06, incorporated by reference in 201 KAR 17:025.~~[license application and postgraduate professional experience report.]~~

Section 4.[Section 3.] Within thirty (30) days after completion of postgraduate professional experience, the applicant shall submit a complete "Application for Licensure Speech-Language Pathology Assistant", form DPL-SLPA-10.~~[application for licensure under this section.]~~ The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the application and by submitting the "Postgraduate Professional Experience Report and Evaluation for Interim Speech-Language Pathology Assistant", form DPL-SLPA-06, incorporated by reference in 201 KAR 17:025.~~[Application for License.]~~

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

(1) The following material is incorporated by reference: "Application for Licensure Speech-Language Pathology Assistant", form DPL-SLPA-10, July 2026["Application for Licensure", July 2013, is incorporated by reference.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street,~~[2SC32,]~~ Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:034

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for licensure are a speech-language pathology assistant.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 334A.030 and KRS 334A.033.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating application procedures and requirements for those seeking to become licensed as a speech-language pathology assistant.

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

(a) How the amendment will change this existing administrative regulation: The amendment adds the statutory authority and language relating to the requirement that applicants seeking an initial license obtain a national and state criminal background investigation by the KSP and FBI; clarifies the application process requirements; incorporate required material that has not been previously incorporated by reference; uses abbreviations to breakdown lengthy sentences to reduce confusion and clarify meaning; clarifies requirements relating to licensee and supervisor duties regarding the evaluation of PPE and supervision; and, updates and incorporates required material.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary due to the enactment of KRS 334A.055 for background checks for licensure, and to clarify and streamline the process, as well as to update or incorporate required material not previously incorporated.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant and

update or add material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for initial licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within

the Public Protection Cabinet, Department of Professional Licensing.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology (Amendment)

201 KAR 17:036. Requirements for licensure for an audiologist.

RELATES TO: KRS 334A.030, 334A.050, 334A.185, 334A.187
STATUTORY AUTHORITY: KRS 334A.050, 334A.055, 334A.080(3), 334A.185

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.050 and 334A.185 require the board to promulgate administrative regulations delineating education and experience criteria for licensure for audiologists. KRS 334A.055 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes requirements for licensure for an audiologist.

Section 1. Application for Licensure. Each applicant for licensure as an audiologist shall:

(1) Submit an "Application for Licensure", form DPL-SLPA-04, incorporated by reference in 201 KAR 17:012;

(2) Pay the fee as established in 201 KAR 17:030;

(3) Submit an official academic transcript sent directly by the academic institution to the board; and

(4) Have the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph.

Section 2.[Section—1.] Education and Experience. Each applicant for licensure as an audiologist (AUD) in Kentucky shall meet the requirements established by this section.

(1)

(a) An applicant shall provide a certified transcript confirming attainment of a doctorate degree in the area of audiology or substantive equivalent as described in paragraph (b) of this subsection, from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(b) An applicant shall have equivalent education if the applicant holds:

1. A doctoral degree in audiology from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or

2. A master's degree from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association conferred before January 1, 2007.

(2) The applicant shall have passed a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services.

~~(3) [Within thirty (30) days of obtaining employment, the applicant shall apply for full licensure.]~~

~~[(4)] An[In addition to fulfilling the requirements of this administrative regulation and paying the fees specified in 201 KAR 17:030, an] applicant licensed in another state shall submit a letter of good standing from each state where the applicant is licensed.~~

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

~~[(1)] ["Application for Licensure", July 2013, is incorporated by reference.]~~

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

201 KAR 17:036

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for licensure as an audiologist.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 334A.030, KRS 334A.050, and KRS 334A.185.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

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

application procedures and requirements for those seeking to become licensed as an audiologist.

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

(a) How the amendment will change this existing administrative regulation: The amendment adds the statutory authority and language relating to the requirement that applicants seeking an initial license obtain a national and state criminal background investigation by the KSP and FBI; clarifies the application process requirements; and removes material incorporated by reference in another administrative regulation.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary due to the enactment of KRS 334A.055 for background checks for licensure, and to clarify and streamline the process, as well as to update references to amended material incorporated by reference in another administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant and update material incorporated by reference accordingly.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An applicant for initial licensure must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for licensure will have no increase in application fees to the board, but will have to pay additional fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 334A.188 and the Audiology and Speech-Language Pathology Interstate Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing certain Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of speech language pathology and audiology services with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Additionally, the amendments will clarify licensure requirements and identify the necessary forms.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a

continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by applicants, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

(5)(a):

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology (Amendment)

201 KAR 17:070. Complaint procedure.

RELATES TO: KRS 334A.080(1), 334A.180

STATUTORY AUTHORITY: KRS 334A.055, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.180 establishes the causes for which disciplinary action may be taken against a licensee. KRS 334A.055 authorizes the board to require a criminal background check for any person licensed to engage in a profession authorized by the board who is the subject of a complaint alleging prohibited conducts as described in KRS 334A.175. This administrative regulation establishes procedures for the filing, evaluation, and disposition of an administrative complaint.

Section 1. [Definitions.]

[(1)] ["Chairman" means the chairman or vice-chairman of the board.]

[(2)] ["Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 334A; the administrative regulations promulgated thereunder; or any other state or federal statute or regulation.]

[(3)] ["Complaint" means a written allegation of misconduct by a credentialed individual or other person which might constitute a violation of KRS Chapter 334A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.]

[(4)] ["Complaint screening committee" means a committee consisting of three (3) persons appointed by the chairman of the board to review complaints, investigate reports, and to participate in informal proceedings to resolve a formal complaint, and may include the executive director of the board or another staff member.]

[(5)] ["Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.]

[(6)] ["Informal proceedings" means the proceedings instituted at a stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.]

[(7)] ["Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.]

[Section 2.] Receipt of Complaints.

(1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity;

(b) Shall be:

1. In writing utilizing the "Complaint Form – Information Sheet – Authorization for Release of Medical and Client Records", form DPL-SLPA-11; and

2. The Complaint form shall be signed[Signed] by the person making[offering] the complaint; and

(c) May be filed by the board based upon information in its possession.

(2)

(a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(b) Upon receipt of a[his] copy of the written response of the individual named in the complaint, a copy of the[his] response shall be sent to the complainant. The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 2.[Section 3.] Initial Review.

(1) After the receipt of a complaint and the expiration of the period identified in Section 2(2) of this administrative regulation[for the individual's response], the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, the board shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, the board shall:

(a) Authorize an investigation into the matter; and

(b) Order a report to be made to the complaint screening committee at the earliest opportunity.

Section 3.[Section 4.] Results of Formal Investigation; Board Decision on Hearing.

(1)

(a) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint.

(b) The committee shall review the investigative report and make a recommendation to the board.

(c) The board shall determine whether:

1. There has been a prima facie violation of KRS Chapter 334A or the administrative regulations promulgated thereunder; and
2. A complaint shall be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, the board shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3)

(a) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee.

(b) A copy of the written admonishment shall be placed in the permanent file of the licensee.

(c) The licensee shall have the right to:

1. File a response in writing to the admonishment within thirty (30) days of its receipt and have the response placed in their[his] permanent file; or

2. File a request for a hearing with the board within thirty (30) days of the admonishment.

(d) Upon receipt of a[the] request for a hearing pursuant to subsection (c)2. above, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chair[chairman] and served upon the individual as required by KRS Chapter 13B.

(5) If the board determines that a person may be in violation of KRS 334A.030(2), the board shall:

(a) Order the individual to cease and desist from further violations of KRS 334A.030(2), and may:

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 334A.030(2) with a request that appropriate action be taken under KRS 334A.990; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 334A.030(2) pursuant to KRS 334A.990(2).

(6) The board may require a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) for any licensee who is the subject of a complaint alleging prohibited conduct as described in KRS 334A.175. The results shall be submitted directly to the board.

Section 4.[Section 5-] Settlement by Informal Proceedings.

(1) The board, through counsel and the complaint screening committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair[chairman].

(3) The board may employ mediation as a method of resolving the matter informally.

Section 5.[Section 6-] Notice and Service Process. A notice required by KRS Chapter 334A or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 6.[Section 7-] Notification. The board shall make public:

(1) Its final order in a disciplinary action under KRS 334A.180 with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation; and

(2) An action to restrain or enjoin a violation of KRS 334A.030(2).

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference: The "Complaint Form – Information Sheet – Authorization for Release of Medical and Client Records", DPL-SLPA-11, July 2026; is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:070

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: sara.janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes complaint procedures for the board's administration of violations of statutes and regulations.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.180.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating complaint procedures for licensees who are alleged to have violated KRS Chapter 334A and 201 KAR Title 17.

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

(a) How the amendment will change this existing administrative regulation: The amendment adds language relating to the board's authority to require a licensee who is the subject of a complaint alleging prohibited conduct to obtain a national and state criminal background investigation by the KSP and FBI; strikes definitions which have been re-promulgated in a new administrative regulation on definitions and abbreviations; and incorporates the complaint form by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to give licensees notice of the board's authority to require a criminal background check, to place definitions in a central location, and to incorporate the

complaint form by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information for processing a complaint and to incorporate material not previously incorporated by reference.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: A licensee who is the subject of a complaint may be required to have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): A licensee who is the subject of a complaint may be required to pay fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The board will have access to necessary information for processing a complaint against a licensee which promotes public safety; and the amendments will identify the necessary complaint form.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by a licensee who is the subject of a complaint, however, payment will be to the Kentucky State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2026 Ky. Acts ch. 6, Section 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology (Amendment)

201 KAR 17:090. Continuing education requirements.

RELATES TO: KRS 334A.170(4)

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.170(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.170(4) requires the board to promulgate administrative regulations to set forth requirements concerning continuing professional education. This administrative regulation establishes the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. [Definitions.]

[(1)] ["Academic courses—offered—by—an—accredited postsecondary institution" means:]

[(a)] [A—speech-language—pathology—or—audiology—course, designated—by—a—speech-language—pathology—or—audiology—title—or—content; or]

[(b)] [An—academic—course, relevant—to—speech-language—pathology—or—audiology.]

[(2)] ["Approved" means recognized by the Kentucky Board of Speech-Language Pathology and Audiology.]

[(3)] ["Continuing education hour" means sixty (60) clock minutes of participating in continuing educational experiences.]

[(4)] ["Program" means an organized learning experience:]

[(a)] [Planned and evaluated to meet behavioral objectives; and]

[(b)] [Presented in one (1) session or a series.]

[(5)] ["Provider" means an organization approved by the Kentucky Board of Speech-Language Pathology and Audiology for providing a continuing education program.]

[(6)] ["Related" means having content that is not directly linked to the practice of speech-language pathology or audiology, but expands or augments clinical practice.]

[(7)] ["Relevant" means having content applicable to the practice of speech-language pathology or audiology.]

[Section 2.] Accrual of Continuing Education Units[Hours].

(1) A minimum of thirty (30) CEUs[continuing education hours] shall be accrued by each licensee[each person holding licensure as a—speech-language—pathologist,—speech-language—pathology assistant,—or—audiologist] during the biennial period for renewal. Two (2) of these hours shall be focused on ethics.

(2) A dual license holder in both speech-language pathology and audiology shall complete a minimum of fifty (50) CEUs during the biennial period for renewal which shall include CEUs in both areas of licensure and two (2) hours of ethics.

[(2)] [A person who holds a license in both speech-language pathology and audiology shall complete a minimum of fifty (50) continuing education hours during the biennial period for renewal. This person shall obtain continuing education hours in both areas of licensure. Two (2) of these hours shall be focused on ethics.]

(3) [All continuing education hours shall be in the field in which the person is licensed.] The licensee may use up to a maximum of four (4) hours in a related area for each biennial period.

(4) A person newly licensed during the license renewal period shall not be required to complete continuing education as a prerequisite for the first renewal of their[his] license.

(5) A person who fails to reinstate a license within five (5) years of its expiration shall apply for a new license and meet current licensure standards. Additionally, the applicant shall provide proof they have worked in the field as a licensee in another state during that time period; or shall provide proof of the successful completion of thirty (30) CEUs within the last twenty-four (24) months for a single license application or fifty (50) CEUs for a dual license application.

[(5)] [A person failing to renew the license within the five (5) year period after its expiration shall obtain a license only after meeting the initial licensure requirements of 201 KAR Chapter 17. In addition, the applicant shall provide proof of the successful completion of thirty (30) hours of continuing education within the last two (2) years for a—speech-language—pathology,—speech-language—pathology assistant,—or—audiology—license—or—fifty (50) hours of continuing education for a license in both speech-language pathology and audiology.]

(6) Continuing education shall be completed during the renewal period ending[by] January 31.[of the renewal period] For late renewal, CEUs may be earned during the grace period ending March 3, however those CEUs shall not be used for the next renewal period, and licensees who earn CEUs during the grace period may be subject to audit during the next renewal period.

Section 2.[Section—3.] [.] Methods of Acquiring Continuing Education Units[Hours]. CEUs[Continuing education hours] applicable to the renewal of the license shall be directly related to the profession[professional growth and development of a speech-language—pathologist,—speech-language—pathology assistant,—or—audiologist.]

(1) The hours shall be earned by completing any of the following educational activities:

(a) Pre-approved programs[Programs] not requiring board review[and approval]. An educational program from any of the following providers shall be deemed to be relevant to the profession[practice of speech-language pathology or audiology] and shall be approved without further review.[by the board if the program is:]

1. Programs sponsored[Spensored] or approved by the[:]

[a.] [The] American Speech-Language-Hearing Association (ASHA); or

2. An academic course offered by an accredited postsecondary institution directly related to speech-language pathology or audiology. Academic credit equivalency for CEUs[continuing education hours] shall be based on one (1) university credit hour equivalency of[equals] fifteen (15) CEUs[continuing education hours]. Programs designated to meet degree requirements shall not be acceptable;

(b) Programs requiring board review and approval. The board shall issue an approval number upon receipt of the documentation required by Section 4 of this administrative regulation. A program from any of the following sources shall be reviewed for a determination of relevancy prior to board approval.[and determined

if the program is relevant and therefore subsequently approved by the board:]

1. A program, including a home study course or in-service training provided by another organization, educational institution, or service provider approved by the board in accordance with Section 5 of this administrative regulation;

2. A program or academic course presented by the licensee. A presenter of a relevant program or academic course shall earn full CEU[continuing education credit] for each contact hour of instruction, not to exceed one-half (1/2) of the CEU[continuing education] renewal requirements. Credit shall not be issued for repeated instruction of the same course; or

3. Authoring an article in a relevant, professionally recognized or juried publication. Credit shall [not] be granted for first authorship of an article[unless the article was] published within the two (2) year period immediately preceding the renewal date. A[and a] licensee shall not earn more than one-half (1/2) of the CEUs[continuing education hours] required for renewal. More than one (1) publication shall not be accepted[ounted] during a renewal period.

4. Online coursework shall not exceed ten (10) hours per day.

(2) A general education course, elective course, or a course designated to meet degree requirements shall not be acceptable.

(3) Related CEU topics[continuing education subjects which are] not specifically a part of the field of speech-language pathology or audiology may be approved for up to four (4) CEUs[continuing education hours] if the board determines[believes that] the related topics will[areas serve to] enhance the licensee's ability to practice. The four (4) hour maximum credit for related topics[areas] of study by a dual[the] licensee shall be applicable to only one (1) license (speech-language pathology or audiology)[for these individuals who hold dual licensure].

Section 3.[Section 4.] Procedures for Approval of Continuing Education Programs. A course[.] which has not been preapproved by the board pursuant to Section 3(1) of this administrative regulation[.] may be used for CEUs upon board approval of the course.[continuing education if approval is secured from the board for the course. The board may consider for approval a Continuing Education program if one (1) or more of the following items have been submitted. In order for the board to adequately review a program, the following information shall be submitted:]

(1) The following information shall be submitted for board review and approval:

(a)[(1)] A published course or seminar description, including course learning objectives;

(b)[(2)] Names and qualifications of all instructors[the instructors];

(c)[(3)] A copy of the program agenda indicating hours of education, registration, and coffee and lunch breaks;

(d)[(4)] Number of CEUs[continuing education hours] requested;

(e) A copy of the certificate of completion for distribution to attendees; and

(f)[(5)] Application to the board for CEU[continuing education credits] approval using the "Application for Continuing Education Program Approval", form DPL-SLPA-12.

(2) A CEU activity shall be qualified for approval if the board determines the activity being presented:

(a) Is an organized program of learning;

(b) Pertains to subject matters which integrally relate to the practice of speech language pathology or audiology;

(c) Contributes to the professional competence of the licensee; and

(d) Is conducted by individuals who have relevant training or experience.

(3) CEU providers shall provide attendees with a certificate of completion, including the course approval number provided by the board.

Section 4.[Section 5.] Procedures for Approval[Preapproval] of Continuing Education Sponsors[and Programs].

[(1)] Sponsor approval. An entity seeking to obtain approval of a continuing education program prior to its offering shall:

(1)[(a)] Apply[Of a continuing education program prior to its offering shall apply] to the board at least thirty (30) days in

advance[of the commencement] of the program, and shall provide the information required in Section 4(1) of this administrative regulation; or

(2)[(b)] A[As a] prior-authorized CEU[continuing education] provider under Section 3(1)(a) of this administrative regulation shall satisfy the board that the entity seeking this status:

(a)[4.] Consistently offers programs which meet or exceed all the requirements set forth in subsection (2) of this section; and

(b)[2.] Does not exclude a licensee from its programs.

(3) A sponsor may apply for approval less than thirty (30) days before, or any time after, a program is conducted, however, the sponsor may not advertise the program has been board-approved.

[(2)] A continuing education activity shall be qualified for approval if the board determines the activity being presented:]

[(a)] [Is an organized program of learning:]

[(b)] [Pertains to subject matters which integrally relate to the practice of speech-language pathology or audiology:]

[(c)] [Contributes to the professional competency of the licensee; and]

[(d)] [Is conducted by individuals who have relevant educational training or experience:]

[(3)] [Providers of continuing education shall provide attendees with a certificate of completion including the course approval number provided by the board.]

Section 5.[Section 6.] Licensee Responsibilities and Reporting Requirements[of a Licensee].

(1) During the licensure renewal period, up to fifteen (15) percent of all licensees shall be selected at random by the board or include those licensees who earned CEUs during the late renewal period, and required to furnish documentation of the completion of the appropriate number of CEUs[continuing education hours]. Verification of CEUs[continuing education hours] shall not otherwise be reported to the board;

(2) A licensee shall:

(a) Be responsible for obtaining required CEUs[continuing education hours];

(b) Identify their[his] own continuing education needs and seek activities that meet those needs;

(c) Seek ways to integrate new knowledge, skills and attitudes;

(d) Select approved activities by which to earn CEUs[continuing education hours];

(e) Submit to the board, if applicable, a request for approval for CEUs[continuing education activities] not approved as required in Section 3(1) of this administrative regulation;

(f) At the time of renewal, list the CEUs[continuing education hours] obtained during that licensure renewal period;

(g) Document attendance, participation in, and successful completion of CEUs[continuing education activity] for a period of two (2) years from the date of the renewal; and

(h) Maintain records of CEUs[continuing education hours].

(3) If audited, the following items are required to document CEUs[continuing education activity]:

(a) A signed transcript or tracking sheet issued by a professional association; or

(b) A transcript, official certificate of completion, or affidavit signed by the instructor for each CEU course or session;

(4) Failure to comply with the provisions of this administrative regulation shall constitute a violation of KRS 334A.170(4) and shall result in:

(a) Refusal or denial of license renewal;[to renew licensure;]

(b) Suspension of licensure; or

(c) Revocation of licensure;

[(5)] [Documentation sent to the board prior to renewal shall be returned to the licensee by regular mail.]

Section 6.[Section 7.] Responsibilities and Reporting Requirements of Providers and Sponsors.

(1) A provider of CEUs[continuing education] not requiring board approval shall be responsible for providing documentation, as established in Section 4(2)[5(2)] of this administrative regulation, directly to the licensee.

(2) A sponsor of CEUs[continuing education] requiring board approval shall be responsible for submitting a course offering to the

board for review and approval before listing or advertising that offering as approved by the board. The board shall provide an identifying number for the sponsor to use in identifying the course.

Section 7.~~[Section 8.]~~ [Board to Approve Continuing Education Hours;] Appeal of Denial of Continuing Education Units.

(1) If an application for approval of CEUs~~[continuing education hours]~~ is denied, in whole or part, the applicant or licensee shall have the right to appeal the board's decision.

(2) An appeal shall be:

(a) In writing, including a basis for the appeal and with additional supporting documentation as needed for reconsideration;

(b) Received by the board within thirty (30) days after the date of receipt of the decision denying approval of CEUs~~[continuing education hours]~~; and

(c) Conducted in accordance with KRS Chapter 13B.

Section 8.~~[Section 9.]~~ Waiver or Extensions of Continuing Education.

(1) On application, the board may grant a waiver or extension of the continuing education requirements~~[or an extension of time within which to fulfill the requirements]~~ in the following cases:

(a) Medical disability of the licensee;

(b) Illness of the licensee or an immediate family member; or

(c) Death or serious injury of an immediate family member.

(2) A written request for waiver or extension of time involving medical disability or illness shall be:

(a) Submitted by the licensee~~[person holding licensure]~~; and

(b) Accompanied by a verifying document signed by a licensed physician which includes the NPI number.

(3) A board approved~~[A]~~ waiver ~~[of]~~ or extension of time ~~[within which]~~ to fulfill the minimum CEU~~[continuing education]~~ requirements shall not exceed one (1) year.

Section 9.~~[Section 10.]~~ Continuing Education Requirements for~~[a Person on]~~ Inactive Status or~~[Holding]~~ Interim Licensure.

(1) Except as provided by subsection (3) of this section, the CEU~~[continuing education]~~ requirements established in Section 2 of this administrative regulation shall be waived for a licensee on inactive status during the ~~[time]~~ period the licensee remains inactive. A licensee~~[person]~~ on inactive status who requests reactivation shall meet the requirements of Section 10~~[Section 11]~~ of this administrative regulation.

(2) The CEU~~[continuing education]~~ requirements established in Section 2 of this administrative regulation shall not apply to an~~[a person holding]~~ interim licensee~~[licensure]~~.

(3) A licensee on inactive status shall submit proof of thirty (30) CEUs, including two (2) hours of ethics~~[hours of continuing education]~~ if applying for a third consecutive biennial renewal under inactive status. For subsequent renewals, an inactive licensee shall obtain thirty (30) CEUs~~[hours of continuing education]~~ for every six (6) years on inactive status. These hours shall be obtained within the twenty-four (24) months preceding~~[no more than two (2) years prior to]~~ the six (6) year deadline.~~[Two (2) of these hours shall be focused on ethics.]~~

Section 10.~~[Section 11.]~~ Continuing Education Requirements for Reinstatement or Reactivation of Licensure.

(1) A person requesting licensure reinstatement or reactivation ~~[of licensure]~~ shall submit evidence of thirty (30) CEUs~~[hours of continuing education]~~ within the twenty-four (24) month period immediately preceding the application submittal~~[date on which the request for reinstatement or reactivation is submitted to the board.]~~

~~[(2)]~~ ~~[If the person seeking reinstatement or reactivation does not meet the requirement established in subsection (1) of this section, the board shall reinstate or reactivate licensure, and the person shall obtain thirty (30) hours of continuing education within twelve (12) months of the date on which licensure is reinstated.]~~

~~[(2)]~~~~[(3)]~~ The CEUs~~[continuing education hours]~~ received in compliance with this section shall be in addition to the CEU~~[continuing education]~~ requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference: "Application for Continuing Education Program Approval", form DPL-SLPA-12, July 2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 17:090

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes continuing education requirements for speech language pathologists, audiologists, and speech-language pathology assistants.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.170(4).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying continuing education requirements for speech-language pathologists, audiologist, and speech-language pathology assistants.

(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 strikes the definitions which have been re-promulgated in a new administrative regulation on definitions and abbreviations; reorganizes the regulation to promote clarity; authorizes that CEUs may be earned during the grace period to eliminate the confusion relating to staggered deadlines for licensure renewal and clarifies that CEUs earned during the grace period can only be used once and may be subject to audit; adds form incorporated by reference; adds requirement that applicant for a board approved CEU program must submit a certificate of

completion in the application material and that attendees shall be provided the certificate upon completion; and includes other housekeeping amendments.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to eliminate confusion on earning CEUs during the renewal grace period, to streamline and reorganize the regulation to make more sense, and to incorporate the CEU application form that was not previously incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information submitted by the applicant, eliminate confusion regarding earning CEUs during the grace period and eliminate having two (2) different deadlines relating to renewal, and add material incorporated by reference that was not previously incorporated.

(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 the 4179 active and 85 inactive licensees in some capacity.

(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 changes to the number of CEUs a licensee must have for renewal, however, the licensee may not earn CEUs for renewal during the grace period, and an applicant for a board approved CEU program must use the form and include a copy of the certificate of completion, which they shall be required to provide to an applicant upon completion of the program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost for the application for CEU approval and the board is unaware of what costs third party CEU providers charge for a CEU program.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation has been streamlined and simplified, and the grace period will now coincide for renewal and CEUs, which will benefit licensees and promote more efficient administration.

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

(a) Initially: No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding 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: This administrative regulation does not establish any fees directly or indirectly.

(10) TIERING: Is tiering applied? Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. KRS 334A.170(4). Effective: July 15, 2008 History: Amended 2008 Ky. Acts Ch. 165, sec. 11, effective July 15, 2008. - - Amended 1994 Ky. Acts Ch. 32, sec. 7, effective July 15, 1994. -- Amended 1988 Ky. Acts Ch. 152, sec. 7, effective March 31, 1988. -- Amended 1986 Ky. Acts Ch. 423, sec. 192, effective July 1, 1987. -- Amended 1980 Ky. Acts Ch. 280, sec. 15, effective July 1, 1982. -- Created 1976 Ky. Acts Ch. 305, sec. 7

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the only affected state unit, part or division.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: There is no fiscal impact.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact.

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

BOARDS AND COMMISSIONS
Board of Physical Therapy
(Amendment)

201 KAR 22:001. Definitions for 201 KAR Chapter 22.

RELATES TO: KRS 327.010, 327.050, 327.200

STATUTORY AUTHORITY: KRS 327.040 ~~12~~(44)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040 ~~(13)~~ ~~(44)~~ authorizes the Kentucky Board of Physical Therapy to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327 pertaining to the practice and credentialing of physical therapists and physical therapist assistants. This administrative regulation establishes the definitions for 201 KAR Chapter 22.

Section 1. Definitions.

(1) "Board" is defined by KRS 327.010(3).

(2) "CAPTE" means Commission on Accreditation in Physical Therapy Education.

(3) "Credential" means the license or certificate issued by the board authorizing a person to practice physical therapy.

(4) "Credential holder" means a licensed physical therapist or certified physical therapist assistant who has met all requirements for credentialing in 201 KAR 22:020 and has been credentialed by the board.

(5) "Credentialing" means the process of licensing or certifying an applicant by the board.

(6) "Direct supervision" means:

(a) The physical therapist or physical therapist assistant:

1. Is immediately available to direct and supervise tasks that are related to direct patient care; and

2. Provides line of sight direction and supervision the majority of the time per visit for each patient when these tasks are performed; and

(b) Supervision is not provided by electronic communication.

(7) "Electronic communication" means:

(a) Any transfer of signs, signals, writing, images, sounds, data, information, or intelligence of any nature transmitted by computer or via the internet in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system; and

(b) The science and technology of the exchanging of information over any distance by electronic transmission of impulses including activities that involve using electronic communications to store, organize, send, retrieve, or convey information.

(8) "Endorsement" means a method of application which is utilized by an applicant credentialed by another jurisdiction.

(9) "Examination" means a board-approved examination that an applicant successfully passes as a requirement for credentialing.

(10) "Expungement" means to remove a disciplinary action from public record.

~~(11)~~(40) "Full time" means employment for forty (40) hours a week.

~~(12)~~(44) "Inactive status" means a credential that is inactive and the credential holder is not engaged in the practice of physical therapy.

~~(13)~~(42) "Jurisdiction" means a licensing authority in a state or territory of the U.S.

~~(14) "Minor Violation" means a violation that is procedural or technical in nature violations classified as minor include CEU violations under 201 KAR 22:045, untimely renewal, or others unrelated to the practice of physical therapy.~~

~~(15)~~(43) "NPTE" means the National Physical Therapy Examination for physical therapists and physical therapist assistants.

~~(16)~~(44) "On-site supervision" means immediate physical accessibility within the same building.

~~(17)~~(45) "Patient" means any person for whom physical therapy is provided.

~~(18)~~(46) "Physical therapist" is defined by KRS 327.010(2).

~~(19)~~(47) "Physical therapist assistant" means a skilled health care worker certified by the board who performs physical therapy and related duties as assigned by the supervising physical therapist.

~~(20)~~(48) "Physical therapist student" or "physical therapist assistant student" means a person who meets the requirements of KRS 327.050(10)(a).

~~(21)~~(49) "Physical therapy" is defined by KRS 327.010(1).

~~(22)~~(20) "Physical therapy student services" means services provided by a physical therapist student or physical therapist assistant student, as part of the student's educational program, and are considered as provided by the supervising physical therapist or physical therapist assistant.

~~(23)~~(24) "Reinstatement of a credential" means a renewal of a license that has lapsed.

~~(24)~~(22) "Sexual Misconduct" includes but is not limited to:

(a) engaging in sexual conduct, sexual contact, or soliciting a sexual relationship with a current patient, whether consensual or nonconsensual; or

(b) intentionally exposing or viewing a completely or partially disrobed patient in the course of treatment if the exposure or viewing is not related to patient diagnosis or treatment under current practice standards.

~~(25)~~(23) "Sexual Harassment" means behavior characterized by the making of unwelcome and inappropriate sexual remarks, communications (whether in person or via any electronic or other means), or physical advances.

~~(26)~~(24) "Supervising physical therapist" means the physical therapist who is supervising the care of a patient who is being treated by a physical therapist assistant or supportive personnel.

~~(27)~~(25) "Supportive personnel" means a person assisting in the provision of direct physical therapy patient care who is not credentialed by the board and is not a physical therapist student or physical therapist assistant student.

~~(28)~~(26) "Telehealth" is defined by KRS 327.200(3).

~~(29)~~(27) "Telephysical therapy" means physical therapy between the credential holder and the patient who are not at the same physical location using interactive, secure, synchronous audio, and synchronous videoconferencing technology.

~~(30)~~(28) "Verification" means the process of verifying a lawful credential.

STEPHEN CURLEY, Executive Director

APPROVED BY AGENCY: July 23, 2026

FILED WITH LRC: August 12, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 28, 2026, at 3:00 p.m. (ET) at 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, (502) 429-7140 and Fax (502) 429-7142, Stephen.Curley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen Curley, Executive Director, (502) 429-7140, Stephen.curley@ky.gov.

Subject Headings: Physical Therapy, Occupations and Professions, Boards and Commissions,

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation outlines definitions for 201 KAR 22.
 - (b) The necessity of this administrative regulation: This administrative regulation was necessary for understanding of 201 KAR 22.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: It provides the definitions for the authorized regulations.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: definitions for the authorized regulations under KRS 327.040.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: This amendment would update definitions in accordance with KRS 327 updates and the required promulgation of regulations under 327.040 and 070.
 - (b) The necessity of the amendment to this administrative regulation: This update is required according to the update to the statute KRS 327.040 and 070.
 - (c) How the amendment conforms to the content of the authorizing statutes: This update is required according to the update to the statute KRS 327.040 and 070.
 - (d) How the amendment will assist in the effective administration of the statutes: This update is required to comply with KRS 327.
- (3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 7,500
- (5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
 - (a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: None.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional cost.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Assist with understand of regulations.
 - (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: Nothing
 - (b) On a continuing basis: Nothing
 - (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Agency Revenue Fund.
 - (8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding.
 - (9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
 - (10) TIERING: Is tiering applied? Tiering was not used in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 327.040 and 070.
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 327.040 and 070.
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Physical Therapy
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:
 - For the first year: Nothing
 - For subsequent years: Nothing
2. Revenues:
 - For the first year: None
 - For subsequent years: None
3. Cost Savings:
 - For the first year: None
 - For subsequent years: None
- (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
- (b) Estimate the following for each affected local entity identified in (4)(a):
 1. Expenditures:
 - For the first year: None
 - For subsequent years: None
 2. Revenues:
 - For the first year: None
 - For subsequent years: None
 3. Cost Savings:
 - For the first year: None
 - For subsequent years: None
- (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Physical Therapist and Physical Therapist Assistants
- (b) Estimate the following for each regulated entity identified in (5)(a):
 1. Expenditures:
 - For the first year: None
 - For subsequent years: None
 2. Revenues:
 - For the first year: None
 - For subsequent years: None
 3. Cost Savings:
 - For the first year: None
 - For subsequent years: None
- (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
 - (a) Fiscal impact of this administrative regulation: Nothing
 - (b) Methodology and resources used to reach this conclusion: No costs or fees in 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): No
 - (b) The methodology and resources used to reach this conclusion: No costs or fees in this regulation.

BOARDS AND COMMISSIONS Board of Physical Therapy (Amendment)

201 KAR 22:020. Eligibility and credentialing procedure.

RELATES TO: KRS 327.010, 327.050, 327.060, 327.075, 327.080, 327.310

STATUTORY AUTHORITY: KRS 327.040(1), (12)(14), (13)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040 (1)(14) authorizes the Board of Physical Therapy to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327. KRS 327.040(1) requires the board to determine if physical therapist applicants meet the qualifications and standards required by KRS Chapter 327. KRS 327.040 (1) and (12) (13) authorizes the board to promulgate administrative regulations regarding the qualifications for physical therapist assistants. This administrative regulation establishes the criteria for eligibility, methods, and procedures of qualifying for a credential to practice physical therapy in Kentucky.

Section 1. An application shall be accepted for credentialing as a physical therapist or physical therapist assistant based on successful completion by the applicant of one (1) of the following processes:

- (1) Examination;
- (2) Endorsement; or
- (3) Reinstatement.

Section 2. Examination Candidate.

(1) To be eligible for the examination, the applicant for licensure as a physical therapist shall:

- (a) Have successfully completed the academic and clinical requirements of a physical therapist program accredited by CAPTE;
- (b) Submit certification of completion by the educational administrator of that program;
- (c) Have successfully completed the Jurisprudence Exam;
- (d) Submit a complete Application for Credentialing that includes a photo taken within one (1) year;
- (e) Submit the correct, nonrefundable fee as required in 201 KAR 22:135;

(f) Submit to the board a completed nationwide criminal background check as required by KRS 327.310 with the background investigation completed no later than six (6) months prior to the date of the filing of the application;

(g) If applicable, submit on an Applicant Special Accommodations Request Form a request for a reasonable accommodation in testing due to a documented disability; and

(h) Register for the NPTE examination.

(2) To be eligible for the examination, the applicant for licensure[certification] as a physical therapist assistant shall:

(a) Have successfully completed the academic and clinical requirements of a physical therapist or physical therapist assistant program accredited by CAPTE; and

(b) Complete the requirements of subsection (1)(b) through (h) of this section.

(3) After six (6) failed attempts at the physical therapist or physical therapist assistant examination, per exam level, in any jurisdiction, an applicant for licensure [~~or certification~~] shall not be eligible to register for any additional examinations.

Section 3. An applicant for credentialing who is registered for the examination in another jurisdiction shall:

(1) Meet the eligibility requirements of Section 2 of this administrative regulation; and

(2) Register with the FSBPT Score Transfer Service to have results submitted to Kentucky.

Section 4. To be eligible for a provisional license[temporary permit], the candidate shall:

(1) Meet the qualifications of Section 2 or 3 of this administrative regulation, except for the retake provisions in Section 2(3) of this administrative regulation;

(2) Complete a Supervisory Agreement for Applicant with Provisional License[Temporary Permit] with one (1) or more physical therapists; and

(3) Have not failed either the physical therapist or physical therapist assistant examination in any jurisdiction.

Section 5.

(1) Upon issuance of a provisional license[temporary permit], the physical therapist or physical therapist assistant applicant shall practice only under the supervision of a physical therapist currently engaged in the practice of physical therapy in Kentucky who:

- (a) Has practiced in Kentucky for more than one (1) year; and
- (b) Has an unrestricted license.

(2) A supervising physical therapist:

(a) Shall be on-site at all times during the practice of the applicant with a provisional license[temporary permit];

(b) Shall be responsible for the practice of physical therapy by the applicant with a provisional license[temporary permit];

(c) Shall review, approve, date, and co-sign all physical therapy documentation by the applicant with a provisional license[temporary permit];

(d) May designate an alternate supervising physical therapist who meets the qualifications of subsection (1)(a) and (b) of this section. The alternate supervising physical therapist shall sign and date written documentation of the acceptance of the responsibility as identified in paragraph (a) through (c) of this subsection; and

(e) Shall notify the board immediately if the supervisory relationship is terminated.

(3) The applicant with a provisional license[~~temporary permit~~] shall:

(a) Disclose the applicant's provisional[~~temporary~~] credential status to all patients prior to initiating treatment;

(b) Sign documentation with provisional license[~~temporary permit~~] number and designation as required in 201 KAR 22:053, Section 5(5)(a) or (b); and

(c) Notify the board immediately if the supervisory relationship is terminated.

(4) The provisional license[~~temporary permit~~] shall expire the earlier of:

(a) Six (6) months from the date of issuance; or

(b) Notice of exam results by the board. A provisional license[~~temporary permit~~] holder who is registered for the examination in another jurisdiction shall register with the FSBPT Score Transfer Service to have results submitted to Kentucky within forty-eight (48) hours of the release of the exam results.

Section 6. A physical therapist applicant who meets the qualifications for physical therapy licensure by examination may become a special candidate for physical therapist assistant licensure[certification] by examination.

Section 7. To be eligible for credentialing by endorsement, the applicant shall:

(1) Have successfully completed the academic and clinical requirements of a physical therapist or physical therapist assistant program accredited by CAPTE;

(2) Meet the requirements established in Section 2(1)(b) through (f) of this administrative regulation;

(3) Have successfully completed the NPTE [~~or its equivalent~~], predecessor examination and register with the FSBPT Score Transfer Service to have results submitted to Kentucky;

(a) For any applicant who took the NPTE prior to July 1, 1993, the board may issue a credential to a physical therapist or physical therapist assistant who has a current unrestricted credential from another jurisdiction if that person meets all qualifications under KRS 327.050, 327.060, and this administrative regulation at the time of the applicant's initial credentialing; or

(b) After July 1, 1993, a passing score shall be the criterion referenced passing point recommended by the FSBPT set equal to a scaled score of 600;

(4) Have an active credential in this profession in another jurisdiction; and

(5) Have verification of credentials showing the credential has never been revoked, suspended, placed on probation, or is not under disciplinary review in another jurisdiction upon application.

Section 8. To be eligible for reinstatement, the applicant shall meet the requirements in 201 KAR 22:040.

Section 9. A credential issued by the board shall be in effect until March 31 of the next odd-numbered year.

Section 10. [A]Internationally educated[~~foreign-educated~~] physical therapists and physical therapist assistants shall comply with the provisions of 201 KAR 22:070.

Section 11. The Board shall review prospective applicants with criminal convictions in a pre-application process to determine if a prior criminal conviction would disqualify them from future licensure.

(1) A prospective applicant shall request a review from the Board and provide all relevant information requested by the Board to make a proper determination. This includes the following:

(a) the prospective applicant's complete criminal history;

(b) a written explanation of the offenses, including the nature and seriousness of the crime, the prospective applicant's age at the time of the crime, and the applicant's involvement;

(c) any evidence of rehabilitation, and;

(d) any other information the Board needs to make a determination.

(2) The Board will hold an in-person or video conference hearing at the next regularly-scheduled Board meeting at which time the Board may review the prospective applicant's documentation, any additional documentation, and the applicant's testimony.

(3) The prospective applicant will be notified, in writing, of the Board's decision in a reasonable timeline not to exceed ten (10) business days from the date of the Board's review.

(4) The prospective applicant may appeal in accordance with KRS 13B.

(5) If denied, the prospective applicant may request an additional review after three (3) years following such denial pursuant to 201 KAR 22.040 Section 11.

Section 12.[Section 14.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Credentialing", December 2011;

(b) "Supervisory Agreement for Applicant with Provisional License[Temporary Permit]", September 2026[January 2017]; and

(c) "Applicant Special Accommodations Request Form", February 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Physical Therapy, 312 Whittington Parkway Suite 102, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's website at pt.ky.gov.

STEPHEN CURLEY, Executive Director

APPROVED BY AGENCY: July 23, 2026

FILED WITH LRC: August 12, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 28, 2026, at 4:00 p.m. (ET) at 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, (502) 429-7140 and Fax (502) 429-7142, Stephen.Curley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen Curley, Executive Director, (502) 429-7140, Stephen.curley@ky.gov.

Subject Headings: Physical Therapy, Occupations and Professions, Boards and Commissions,

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation outlines Eligibility and credentialing procedure.

(b) The necessity of this administrative regulation: This administrative regulation was necessary to implement provisions of KRS 327.010, 327.050, 327.060, 327.075, 327.080, 327.310

(c) How this administrative regulation conforms to the content of the authorizing statutes: It provides the updates after 26 HB48 and

HB 185.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides the updates after 26 HB48 and HB 185

(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 update is required according to the update to the statute under HB 48 and HB185.

(b) The necessity of the amendment to this administrative regulation: This update is required according to the update to the statute under HB 48 and HB185.

(c) How the amendment conforms to the content of the authorizing statutes: This update is required according to the update to the statute under HB 48 and HB185.

(d) How the amendment will assist in the effective administration of the statutes: This update is required to comply with KRS 327, HB 48 and HB185..

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 7,500 (5) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: None

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): None

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): can receive a predetermination as required under HB185.

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

(a) Initially: None

(b) On a continuing basis: None

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.

(10) TIERING: Is tiering applied? Tiering was not used in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 327.010, 327.050, 327.060, 327.075, 327.080, 327.310.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 327.010, 327.050, 327.060, 327.075, 327.080, 327.310.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Physical Therapy

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None
 For subsequent years: None
 3. Cost Savings:
 For the first year: None
 For subsequent years: None
 (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
 (b) Estimate the following for each affected local entity identified in (4)(a):
 1. Expenditures:
 For the first year: None
 For subsequent years: None
 2. Revenues:
 For the first year: None
 For subsequent years: None
 3. Cost Savings:
 For the first year: None
 For subsequent years: None
 (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Physical Therapist and Physical Therapist Assistants
 (b) Estimate the following for each regulated entity identified in (5)(a):
 1. Expenditures:
 For the first year: None
 For subsequent years: None
 2. Revenues:
 For the first year: None
 For subsequent years: None
 3. Cost Savings:
 For the first year: None
 For subsequent years: None
 (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
 (a) Fiscal impact of this administrative regulation: None
 (b) Methodology and resources used to reach this conclusion: there are no fees regulated in 020.
 (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
 (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No
 (b) The methodology and resources used to reach this conclusion: there are no fees regulated in 020.

BOARDS AND COMMISSIONS
Board of Physical Therapy
(Amendment)

201 KAR 22:052. Complaint procedure and disciplinary action of a credential holder or applicant.

RELATES TO: KRS 327.020, 327.040, 327.070
 STATUTORY AUTHORITY: KRS 327.040 (1), (2), [(14)], [(14)](13)
 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(1), (2) [(14)] authorizes the board to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327. KRS 327.040(13) [(14)] authorizes promulgation of administrative regulations governing the physical and mental examination of credential holders or applicants who may be impaired by reason of a mental, physical, or other condition that impedes his or her ability to practice competently. KRS 327.040(2) authorizes the board to investigate every alleged violation and take action, as appropriate. This administrative regulation is necessary to establish the procedure for filing a complaint and the action to be taken by the board on a complaint and disciplinary action against a credential holder or applicant in violation of KRS 327.020.

Section 1. Definitions.
 (1) "Complaint Committee" means a committee of the board that:
 (a) Reviews an initiating complaint;
 (b) Determines whether an investigation should be conducted; and
 (c) Directs and reviews an investigation of the respondent.
 (2) "Formal complaint" means a formal administrative pleading authorized by the board that sets forth a charge against a credential holder or applicant and commences a formal disciplinary proceeding under KRS Chapter 13B.
 (3) "Initiating complaint" means any complaint that a person has allegedly violated the requirements of KRS Chapter 327 or the administrative regulations of the board.
 (4) "Respondent" means the person against whom an initiating complaint or formal complaint has been made.

Section 2. Initiating Complaint.
 (1) A complaint may be initiated by:
 (a) A member of the public;
 (b) or government agency; or
 (c) The board.
 (2) An initiating complaint shall:
 (a) Be made in writing to the board and signed by the complainant unless the nature of the initiating complaint alleges an immediate danger to the health, safety and welfare of the public; and
 (b) Bear the date of the complaint.
 (3) The board may, at any time, conduct an investigation on its own initiative without receipt of a written complaint if the board has reason to believe that there may be a violation of KRS Chapter 327 or the administrative regulations of the board.
 (4) A certified copy of a court record for conviction of a misdemeanor or felony shall be considered a valid initiating complaint.
 (5) An initiating complaint may be received by:
 (a) A board member;
 (b) The Office of the Attorney General; or
 (c) A staff member.

Section 3. Consideration of Initiating Complaint.
 (1) Review of an initiating complaint shall take place:
 (a) At the next regularly-scheduled meeting of the complaint committee; or
 (b) As soon as practicable.
 (2) The Complaint Committee:
 (a) Shall:
 1. Review the initiating complaint;
 2. Determine if an investigation is warranted; and
 3. If investigation is warranted, appoint one (1) of its members or an agent or representative of the board to conduct an investigation of the respondent.
 (b) May be assisted by:
 1. Board staff;
 2. A board agent; or
 3. The Office of the Attorney General.

(3) If there is reasonable cause to believe that a credential holder or applicant may be physically or mentally incapable of practicing physical therapy or is a danger to the public [with reasonable skill and safety to clients]:

(a) The Executive Director, General Counsel, Board Chair, and Director of the IPTPC or their appointed designee, may determine that immediate temporary suspension of a license or privilege is necessary in order to stop, prevent, or avoid immediate danger to the public health, safety, or welfare. When it appears that this action may be necessary, the Executive Director or the Executive Director's designee shall issue an Immediate Temporary Suspension (ITS), suspending the license or privilege. Upon appeal of an ITS, an emergency hearing shall be conducted in accordance with KRS 13B.125.

(b) The board may order the credential holder or applicant to submit to an examination by a psychologist, physician, or certified alcohol and drug counselor designated by the board to determine the credential holder's or applicant's psychological or physical status to practice physical therapy.

(c)(b)] The expense of this examination may be incurred by the board.

(d)(e)] The board shall then consider the findings and conclusion of the examination and the final investigative report at its next regularly-scheduled meeting or soon thereafter.

(4) Notice to respondent.

(a) The board shall notify the respondent of the receipt of the initiating complaint and the essential contents of the initiating complaint. The board may keep the complainant's name confidential until completion of any board investigation.

(b) Respondent shall file a reply to the initiating complaint with the board within twenty (20) days after receipt of notice of the initiating complaint.

(c) Failure of the respondent to file a timely reply to the initiating complaint shall constitute a violation of a board order or administrative regulation and shall be grounds for disciplinary action under KRS 327.070(2)(k).

(5) If the Board office receives an allegation of sexual misconduct against a physical therapist or physical therapist assistant, the following shall apply:

(a) Upon receipt, the complaint shall be reviewed, and an investigation may be opened by the Executive Director and General Counsel;

(b) the complaint shall also be reviewed by the Board at the next regularly-scheduled meeting or a Special Meeting of the Board;

(c) the Respondent shall file a reply to the initiating complaint with the Board within ten (10) days after receipt of notice of the initiating complaint;

(d) The investigation shall be conducted in an expedited manner as determined by the Executive Director;

(e) If the Board determines there was a violation by a preponderance of the evidence, the Board shall begin the hearing process outlined under KRS Chapter 13b utilizing a hearing officer of its choice to expedite the process; and

(f) the Board, staff and agents shall utilize a trauma informed approach when conducting sexual misconduct investigations.

(6)(5)] Based on consideration of the initiating complaint and the investigative report, the board shall determine if there has been a prima facie violation upon summary and recommendation by the complaint committee. The members of the complaint committee shall not vote on this determination.

(7)(6)] If it is determined that the facts alleged constitute a prima facie violation, the board:

(a)

1. Shall issue a formal complaint, in accordance with KRS Chapter 13B, against the credential holder or applicant; and

2. May order that a written response be filed with the board; or

(b) If it is determined that there is a prima facie violation of KRS 327.020, shall proceed under KRS 327.040(2).

Section 4. Procedures for Disciplinary Hearings.

(1) All procedures for disciplinary hearings shall conform to KRS Chapter 13B.

(2) Testimony to be considered by the board, hearing panel, or hearing officer, if any, may be taken by deposition. A party or witness may be allowed to testify by deposition, rather than attend the hearing, upon a showing of inability to attend and a showing that other parties shall have an opportunity to cross-examine at said deposition. The presiding officer or hearing officer, if any, shall rule upon motions to allow testimony to be considered by deposition. Other depositions shall not be allowed.

(3) The presiding officer or hearing officer, if any, may order that at least five (5) days prior to the hearing, each party shall file a summary of each witness' expected testimony.

(4) The Board may impose fines on individuals for violations of KRS Chapter 327 not to exceed \$5,000 per violation under KRS Chapter 327:070 Section 11.

(5) The Board may also impose on individual, fees in an amount equal to the cost of investigative and legal fees incurred by the board in processing the case.

Section 5. Final Disposition.

(1) Upon reaching a decision, the board shall notify, in writing by certified mail, the complainant and respondent of its final disposition of the matter.

(2) The board shall make public:

(a) Its final order in a disciplinary action under KRS 327.070(1)(a)-(e) and (g).

(b) An action to restrain or enjoin the noncredentialed practice of physical therapy.

Section 6. Settlement by Informal Proceedings.

(1) The board through counsel and the complaint committee may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 7. Expungement of disciplinary actions. The Board may expunge Minor Violations of KRS Chapter 327 after 5 years of a licensee or applicant who is in good standing with the Board. Each expungement applicant will be reviewed on a case-by-case basis, and it is left to the discretion of the Board to determine which applicants qualify for expungement.

(1) Any applicant requesting expungement must file an application for expungement with the Board office;

(a) At the next regularly-scheduled meeting of the Board; or

(b) As soon as practicable.

(2) Licensees must have the following to be eligible for consideration of expungement:

(a) 5 years must have passed since the final resolution of the disciplinary action, which includes completion of any required terms and probation of any Agreements or Orders;

(b) no subsequent violations, disciplinary actions or is not currently under investigation during this period; and

(c) the license is currently in good standing.

(3) The Board shall respond in writing of their determination.

(4) The applicant may appeal the decision of the Board if they have additional information for consideration.

STEPHEN CURLEY, Executive Director

APPROVED BY AGENCY: July 23, 2026

FILED WITH LRC: August 12, 2026 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 28, 2026, at 3:30 p.m. (ET) at 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, (502) 429-7140 and Fax (502) 429-7142, Stephen.Curley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen Curley, Executive Director, (502) 429-7140, Stephen.curley@ky.gov.

Subject Headings: Physical Therapy, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation outlines Complaint procedure and disciplinary action of a credential holder.

(b) The necessity of this administrative regulation: This administrative regulation is a necessity for Complaint procedure and disciplinary action of a credential holder.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is a necessity to comply with KRS 327 020, 040 and 070.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is a necessity to comply with KRS 327 020, 040 and 070.

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

(a) How the amendment will change this existing administrative regulation: This amendment would update the regulation as required by updates to KRS 327 for Complaint procedure and Disciplinary action of a credential holder.

(b) The necessity of the amendment to this administrative regulation: This update is required according to the update to the statute KRS 327 040 and 070.

(c) How the amendment conforms to the content of the authorizing statutes: This update is required according to the update to the statute KRS 327 040 and 070.

(d) How the amendment will assist in the effective administration of the statutes: This update is required to comply with KRS 327.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 7,500

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: None

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): further public protection

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

(a) Initially: Nothing

(b) On a continuing basis: Nothing

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

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.

(10) TIERING: Is tiering applied? Tiering was not used in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 327.040 and 070.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 327.040 and 070.

(3)(a) Identify the promulgating agency and any other affected

state units, parts, or divisions: Kentucky Board of Physical Therapy

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

1. Expenditures:

For the first year: Nothing

For subsequent years: Nothing

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Physical Therapist and Physical Therapist Assistants

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: Nothing

(b) Methodology and resources used to reach this conclusion: no additional costs or fee. Moves disciplinary fine caps into 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): No

(b) The methodology and resources used to reach this conclusion: no additional costs or fee. Moves disciplinary fine caps into regulation.

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

BOARDS AND COMMISSIONS Board of Examiners of Psychology (Amendment)

201 KAR 26:118. Psychology interjurisdictional compact.

RELATES TO: KRS 319.054

STATUTORY AUTHORITY: KRS 319.032, 319.054

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.054, Article XV.B.1. requires the Board of Examiners of Psychology to review any rule adopted by the Psychology Interjurisdictional Compact pursuant to Article XI of KRS 319.054 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the

rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Psychology Interjurisdictional Compact Administrators and the bylaws.

Section 1. The Board of Examiners of Psychology shall comply with all bylaws, rules, and administrative regulations of the Psychology Interjurisdictional Compact Administrators, which includes The Psychology Interjurisdictional Compact Rules as of October 9, 2019, and as amended and updated July 17, 2026~~[November 16, 2023]~~, and Bylaws as of July 22, 2019, and as amended November 16, 2023.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference.

(a) "The Psychology Interjurisdictional Compact (PSYPACT) Rules, PSYPACT Rules", October 9, 2019 through July 17, 2026~~[November 16, 2023]~~; and

(b) "The Psychology Interjurisdictional Compact (PSYPACT Bylaws)", Adopted July 22, 2019 and as revised on November 16, 2023;

(2)

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

(b) This material may also be obtained on the Board of Examiners of Psychology's Web site at <https://psy.ky.gov/>.

(3) This material may also be obtained at:

(a) The Psychology Interjurisdictional Compact Commission, 210 Market Road, Tyrone, GA 30290;

(b) <https://psypact.gov/page/governance>.

201 KAR 26.118

LISA BOND, M.S., Chair

APPROVED BY AGENCY: August 3, 2026

FILED WITH LRC: August 12, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on October 28, 2026, at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on October 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: Mark R. Brengelman, Board Counsel, Kentucky Board of Examiners of Psychology, 306 West Main Street, The McClure Building Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman, Phone Number: (502) 696-3992, Email: Mark@MarkRBrengelmanPLLC.attorney

Subject Headings: Licensing, Occupations and Professions, and Psychological Services.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements provisions of KRS 319.054, the Psychology Interjurisdictional Compact.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the statutory directive of KRS 319.054, Article XV B 1.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 319.054, Article XV B 1, which requires rules adopted by the Psychology Interjurisdictional Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by implementing the provisions of KRS 319.054, Article XV B 1.

(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 change the existing regulation by adopting amendments made to the PSYPACT Rules.

(b) The necessity of the amendment to this administrative regulation: KRS 319.054, Article XV B 1 requires the board to promulgate an emergency regulation adopting changes to the PSYPACT Rules.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statute by adopting changes to the PSYPACT Rules.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by complying with the requirements of KRS 319.054.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. 2021 KY. Acts Ch. 46, sec. 1.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the approximately 1,630 licensees regulated by the board and new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action is necessary by those impacted.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will remain in compliance with the Psychology Interjurisdictional Compact, which will allow those impacted to continue to receive the benefits thereof as it relates to multistate practice.

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

(a) Initially: There is no additional cost to the board to implement this regulation.

(b) On a continuing basis: There will be no additional cost to the board to implement this regulation on a continuing basis.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required to implement 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 was not applied as the compact applies to all impacted individuals and entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 319.032, 319.054.

(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 319.054, Article XV.B.1.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology 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: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

2. Revenues:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

3. Cost Savings:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

(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):

(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 costs to the promulgating agency for adopting PSYPACT rules and no other entities are identified.

(b) Methodology and resources used to reach this conclusion: There are no administrative costs to the promulgating agency that are associated with adopting 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): This administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The promulgating agency will incur no costs and no other entities are identified.

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 Examiners of Psychology
(Amendment)

201 KAR 26:155. Licensed psychologist: application procedures and temporary license.

RELATES TO: KRS 319.050

STATUTORY AUTHORITY: KRS 319.032(1) (a), (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychologist. This administrative regulation establishes the requirements for applicants for licensure and the conditions for a temporary license.

Section 1. Application.

(1) After the requirements established in KRS 319.050(2) are met, an application for a credential as a licensed psychologist or a temporarily licensed psychologist may be submitted to the board, to an online application management system contracted by the board for the purposes of application screening, or as the board directs.

(2) The application made to the board or to the online application management system shall include:

(a) A certification by the applicant that the:

1. Information in the application is true, correct, and complete to the best of their knowledge and belief; and

2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification.[:]

(b) Payment of the application fee established in 201 KAR 26:160, Section 1, which shall be:

1. Made payable to the Kentucky State Treasurer if the application is processed through the board; or

2. Made to the online application management system as directed by the board.[:]

(c) Three (3) recommendations from persons qualified to evaluate the applicant's professional ability within five (5) years from the date of application, including two (2) persons who have received a doctorate in psychology (Ph.D., PsyD., Ed.D.). The recommendations shall be submitted on the Recommendation Form for Licensure as a Psychologist; and

(d) An official transcript for all levels of education required for licensure. Transcripts shall be received in sealed envelopes or electronically directly from the school or a third-party clearinghouse.

Section 2. Temporary Licensure.

(1) Pending successful completion of required examinations, an applicant may request permission to practice psychology at the doctoral level on a temporary basis pursuant to KRS 319.050(3). The request for a temporary credential shall be cosigned by the candidate and the proposed supervisor, who shall be a licensed psychologist with health service provider certification approved by the board.

(2) Supervision during the period of temporary licensure shall be a minimum of one (1) hour of individual, face-to-face supervision on a weekly basis.

(3) A report of supervision shall be submitted on a regular basis as required by 201 KAR 26:171, Section 6.

(4) The candidate shall take the national Examination for Professional Practice in Psychology (EPPP) within one (1) year of the board's written approval of temporary licensure.

(5)

(a) A temporary license shall be valid for one (1) year from the date of the notice of approval by the board.

(b) During the period of temporary licensure, a candidate shall:
1. Successfully complete all credentials and examination procedures;

2. Pass the EPPP; and

3. Pass the Kentucky examinations as outlined in 201 KAR 26:230, Section 1(2), within one (1) year of the date of the notice of approval by the board for a temporary license.

(6)

(a) Under exceptional circumstances and upon written request cosigned by the board-approved supervisor, the board may approve an extension of the period of temporary licensure.

1. Exceptional circumstances include unforeseen events beyond the control of the temporary licensee that have a significant impact upon the temporary licensee's ability to complete the requirements in subsection (5)(b) of this section.

2. Some examples of exceptional circumstances include instances such as natural disasters, or illness or disability of the temporary licensee, or that of a family member of the temporary licensee.

(b) If a temporary licensee requires an extension after one (1) year, the licensee may request a six (6) month extension.

(c) After the six (6) months, a second extension may be requested for an additional six (6) months.

(d) After a total of two (2) years of temporary licensure, the licensee may request a second temporary license.

(e) If after two (2) years on the second temporary license another extension is requested, the licensee may request a third temporary license following the steps in this section.

(f) Licensees shall not exceed a total of six (6) years of extensions for all temporary licenses nor hold a temporary license for longer than six (6) years.

(g) A licensee shall submit a completed Request for Extension of Temporary Licensure as a Psychologist to request an extension [under this subsection].

Section 3.

(1) An individual who submits an Application for Licensure as a Psychologist and has been approved by another state to take the EPPP shall submit:

(a) The official notice of the results of the EPPP from the state psychology regulatory board that approved the applicant to take the EPPP; or

(b) A request to the Association of State and Provincial Psychology Boards (ASPPB) to release the results of the EPPP to the board and notify the board of the submission of the request.

(2) The applicant shall submit the official notice or notification of the request to the ASPPB to the board within thirty (30) days of taking the examination.

Section 4. Grace Period for Submission of Credentials. To allow for processing of the candidate's materials by the board, there shall be a grace period not to exceed ninety (90) days within which candidates who have completed their degree requirements may begin to practice psychology under supervision of a board-approved supervisor, as established in 201 KAR 26:190. For purposes of this section, an agency is any employer within the state of Kentucky which also employs or has otherwise arranged for supervision by a qualified supervisor.

(1) Upon acceptance of employment or the beginning of the required period of supervision, the candidate and the licensed psychologist who shall serve as his or her supervisor shall immediately submit a letter of notice to the board indicating that he or she has begun to practice in Kentucky and that application materials are forthcoming. Failure to submit this notice shall be deemed as grounds for disciplinary action against the candidate and the supervisor.

(2) The candidate shall ensure that all materials are forwarded to the board within thirty (30) days from the date of employment or supervision. Once the application is complete, the board shall review the material at its next scheduled meeting and, if appropriate, issue either a temporary or permanent credential. If the candidate does not meet the requirements for the credential, or if the application material is insufficient to take any action, he or she shall be notified

by the board and directed to cease practice until the requirements are met or the necessary documentation has been submitted.

(3) The grace period shall not be extended beyond ninety (90) days. Candidates who fail to achieve approval within this timeframe shall not practice psychology until credentialed by the board.

(4) Upon filing the notice set forth in Section 3(1) of this administrative regulation, the candidate is deemed to be practicing psychology under the jurisdiction of the board, and shall comply with KRS Chapter 319 and 201 KAR Chapter 26.

Section 5. Incomplete Application. An incomplete application shall be determined to be expired one (1) year from the date of filing[.] and may be destroyed.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Licensure as a Psychologist", August 2026~~[October 2025]~~;

(b) "Recommendation Form for Licensure as a Psychologist", August 2026~~[October 2025]~~; and

(c) "Request for Extension of Temporary Licensure as a Psychologist", August 2026~~[October 2025]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the Board's Web site and the address is: <https://psy.ky.gov>.

201 KAR 26.155

LISA BOND, M.S., Chair

APPROVED BY AGENCY: August 3, 2026

FILED WITH LRC: August 12, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on October 28, 2026, at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on October 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: Mark R. Brengelman, Board Counsel, Kentucky Board of Examiners of Psychology, 306 W. Main St., Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman, Phone Number: (502) 696-3992, Email: Mark@MarkRBrengelmanPLLC.attorney

Subject Headings: Licensing, Occupations and Professions, and Psychological Services.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for applicants for licensure as a licensed psychologist and the conditions for a temporary license.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the provisions of 319.032(1)(a) and (c).

(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 requirements for applicants for licensure as a licensed psychologist and the conditions for a temporary license.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by effectuating the requirements of KRS 319.032(1)(a) and (c).

(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 change the administrative regulation by establishing exceptional circumstances that justify extension of a temporary licensure period and defining "agency" for purposes of the grace period for submission of credentials.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to clarify what constitutes exceptional circumstances that would allow extension of a temporary licensure period.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the requirements for applicants for licensure as a licensed psychologist and the conditions for a temporary license.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by clarifying what exceptional circumstances justify extending a temporary license.

(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 applicants for licensure as a licensed psychologist.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Affected individuals will have to state specific exceptional circumstances when seeking to extend a temporary licensure period.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no costs for the affected individuals.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants will be benefitted by clarification of what exceptional circumstances will justify extension of a temporary license period.

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

(a) Initially: There is no additional cost to implement this regulation.

(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.

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

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

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

(10) TIERING: Is tiering applied? Tiering is not applied as the regulation applies equally to all regulated individuals.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 319.032(1)(a) and (c).

(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 319.032(1)(a) and (c).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology 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: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

2. Revenues:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

3. Cost Savings:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

(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):

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

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

(b) Methodology and resources used to reach this conclusion:

This administrative regulation amendment does not establish fees, does not raise or lower fees, and has no costs associated with it.

(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 amendment does not establish fees, raise or lower fees, and has no costs associated with it.

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 Examiners of Psychology (Amendment)

201 KAR 26:175. Continuing education.

RELATES TO: KRS 210.366, 319.032(1)(f), 319.050, 319.053, 319.064, 319.071

STATUTORY AUTHORITY: KRS 319.032(1)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(f) requires the board to promulgate an administrative regulation establishing a requirement for continuing education as a

condition for renewal of a license. This administrative regulation establishes the continuing education requirements for renewal of a license.

Section 1. Definitions.

(1) "Continuing education" means participation in an approved program of professional education beyond the basic educational requirements that meets the requirements established in Section 2(1) of this administrative regulation.

(2) "Continuing education hour" means a fifty-five (55) minute clock hour of instruction.

Section 2.

(1) Each credential holder shall document the completion of at least thirty-nine (39) continuing education hours approved by the board pursuant to this administrative regulation within each three (3) year renewal period.

(2) A credential holder shall complete a minimum of six (6) hours of continuing education in suicide assessment, treatment, and management within the first year of licensure and every six (6) years thereafter as required by KRS 210.366. A training program that includes only screening and referral elements shall be at least three (3) hours in length. All other training programs shall be at least six (6) hours in length.

(a) A credential holder applying for initial licensure may delay completion of the first required training for six (6) years after initial licensure if he or she can demonstrate successful completion of a six (6) hour academic training program in suicide assessment, treatment, and management that was completed no more than six (6) years prior to the initial application for licensure and is listed on the best practices registry of the American Foundation for Suicide Prevention and the Suicide Prevention Resource Center. [A credential holder shall be exempted from the requirement to complete a continuing education course in suicide assessment, treatment, and management for the credential holder's first six (6) years of licensure if the credential holder completes a three (3) semester hour graduate course in suicide and crisis assessment, prevention, and intervention during the course of the credential holder's graduate education.]

(b) A credential holder shall be exempted from the requirement to complete a continuing education course in suicide assessment, treatment, and management from the six (6) year continuing education if, during the six (6) year period, the credential holder:

1. Is primarily employed in a clinical setting accredited by the Joint Commission or another nationally accrediting healthcare entity that requires the completion of a suicide risk assessment with each patient being seen within the setting;

2. Teaches a graduate-level psychology course in suicide assessment, training, and management; or

3. Teaches a continuing education course in suicide assessment, training, and management at least once during the six (6) year period.

(c) The continuing education course in suicide assessment, treatment, and management shall be approved in accordance with Section 5 of this administrative regulation.

(3) The continuing education shall:

(a) Provide specific content planned and evaluated to improve the credential holder's professional competence;

(b) Make possible the acquisition of new skills and knowledge required to maintain competence;

(c) Strengthen the habits of critical inquiry and balanced judgment;

(d) Include a minimum of three (3) hours in either ethical practice or risk management with each three (3) year renewal period; and

(e) Include a minimum of three (3) hours on the topic of social and cultural factors that affect health, functioning, and quality of life with each three (3) year renewal period.

(4)

(a) Except as provided in paragraph (b) of this subsection, a licensed psychologist with the health service provider designation who provides supervision to an applicant for licensure, or a certified psychologist or a licensed psychological associate shall include as part of the thirty-nine (39) hours of continuing education required by subsection (1) of this section a minimum of three (3) continuing

education hours in the area of supervision theory or techniques for each three (3) year renewal period.

(b) The requirement established in paragraph (a) of this subsection shall begin with the renewal period immediately following the period in which the original supervisory training required by 201 KAR 26:171, Section 4(1) and (2), is received.

Section 3. Clinical and Supervision Requirements.

(1) Hours required to satisfy the continuing education requirement shall be completed prior to the renewal date of a license.

(2) The credential holder shall:

(a) Maintain and provide adequate records including certificates of attendance and documentation of completion of the required continuing education hours; or

(b) Provide documentation through a board-approved registry, which shall certify the name and license number of the license holder, date and title of each program and the number of hours earned, and confirmation that the programs were given by a board-approved provider.

Section 4. Only continuing education activities approved by the board shall be accepted toward the continuing education requirements for renewal of a license.

Section 5. Approved Sponsoring Organizations and Approved Programs.

(1) Participation in a continuing education program that is approved, offered, or sponsored by an organization listed in this subsection shall be accepted toward the requirement for continuing education established in Section 2(1) of this administrative regulation:

(a) An affiliated state chapter of the American Psychological Association, American Medical Association, American Psychiatric Association, or National Association of Social Workers;

(b) A recognized state, regional, national, or international psychological association;

(c) A state or provincial psychology licensure board; and

(d) A course for graduate-level academic credit in psychology or psychiatry offered by a national, regional, or state accredited academic institution.

(2)

(a) The board may approve an organization that is not listed in subsection (1) of this section as a sponsor of continuing education for a twelve (12) month period if the organization:

1. Files a completed Continuing Education Sponsorship Application;

2. Pays an initial application fee of \$250; and

3. Proposes to sponsor continuing education programs that meet the requirements established in Sections 2(1) and 6 of this administrative regulation.

(b) An approved sponsor shall submit an annual report of the continuing education programs offered during that year.

(c) A sponsor that is approved pursuant to paragraph (a) of this subsection may request renewal of its approval for subsequent years by filing a \$150 renewal fee annually.

(d) A workshop in psychology or psychiatry offered by a national, regional, or state accredited academic institution's medical center or affiliated hospital shall comply with paragraph (a)1 of this subsection. The fees required under paragraphs (a)2 and (c) of this subsection are waived.

(3)

(a) The board may approve a specific continuing education program that is not approved, offered, or sponsored by an organization listed in subsection (1) of this section or an approved organization under subsection (2) of this section if the sponsor or a participant of the program:

1. Files a completed Continuing Education Program Application at least thirty (30) days before the program. The failure to abide by this deadline may be a reason for denial of the application;

2. Pays an application fee of fifty (50) dollars; and

3. Provides information about a continuing education program that it proposes to sponsor which meets the requirements established in Sections 2(1) and 6 of this administrative regulation.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

(b) The approval of a program pursuant to paragraph (a) of this subsection shall permit the sponsor to offer the program one (1) time. The sponsor shall submit a request for renewal and a ten (10) dollar renewal fee for each subsequent request to offer the same approved program.

Section 6.

(1) A continuing education program that satisfies the requirements for license renewal shall be:

(a) Approved, offered, or sponsored by an organization that has been approved by the board; or

(b) A specific program approved by the board;

(2)

(a) Have a clearly stated purpose and defined content area; and

(b) Be consistent with the overall goals of continuing education as defined in Section 1 of this administrative regulation;

(3) Have a presenter who is a professional qualified in the defined content area;

(4) Clearly state the program's time. Actual contact time shall be a minimum of one (1) continuing education hour;

(5) Include attendance recorded by the program's sponsor;

(6) Documentation of completion shall be provided to the participant only after approval is granted; and

(7) Include each participant's evaluation of the program.

Section 7. Equivalencies.

(1) A graduate-level psychology course taken at an accredited academic institution shall earn continuing education hours pursuant to paragraphs (a) and (b) of this subsection.

(a) Each one (1) hour semester course shall be the equivalent of fifteen (15) continuing education hours for the purposes of meeting the requirements of this administrative regulation.

(b) Each one (1) hour quarter course shall be the equivalent of nine (9) continuing education hours for the purposes of meeting the requirements of this administrative regulation.

(2) A person who teaches a three (3) hour semester or quarter graduate-level course in psychology at an accredited academic institution shall:

(a) Earn six (6) continuing education hours for teaching the course; and

(b) Not receive:

1. Credit more than once for teaching a particular workshop or program during a renewal period; and

2. More than nine (9) total continuing education hours for these teaching activities.

(3) A person who teaches an approved continuing education workshop or program shall:

(a) Earn continuing education hours on a one (1) to one (1) basis; and

(b) Not receive:

1. Credit more than once for teaching a particular workshop or program during a renewal period; and

2. More than nine (9) total continuing education hours for these teaching activities.

(4) A person who completes home study or internet-based courses approved, offered, or sponsored by an organization listed in Section 5(1) shall not receive credit~~[receive credit]~~ for repeating a specific study course during a renewal period.

(5) A person who participates in videoconferencing in an interactive setting shall earn~~[shall Earn]~~ one (1) continuing education hour for each clock hour of participation.[:]

Section 8. Carry-over of Continuing Education Hours, Prohibited. There shall not be a carry-over of continuing education hours earned in excess of those required under Section 2 of this administrative regulation into the immediately following renewal period.

Section 9. The board shall audit a minimum of ten (10) percent of all credential holders' documentation supporting the completion of the appropriate number of continuing education hours through a random audit process.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Continuing Education Program Application", August 2026~~[October 2025]~~; and

(b) "Continuing Education Sponsorship Application", August 2026~~[October 2025]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the board's Web site and the address is: <https://psy.ky.gov>.

201 KAR 26.175

LISA BOND, M.S., Chair

APPROVED BY AGENCY: August 3, 2026

FILED WITH LRC: August 12, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on October 28, 2026 at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on October 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: Mark R. Brengelman, Board Counsel, Kentucky Board of Examiners of Psychology, 306 W. Main St., Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman, Phone Number: (502) 696-3992, Email: Mark@MarkRBrengelmanPLLC.attorney

Subject Headings: Licensing, Occupations and Professions, and Psychological Services.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes continuing education requirements for renewal of a license.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the provisions of 319.032(1)(f).

(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 requirements for continuing education as a condition for renewal.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by effectuating the requirements of KRS 319.032(1)(f).

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

(a) How the amendment will change this existing administrative regulation: This amendment clarifies the requirements for continuing education in suicide assessment, treatment, and management.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to comply with statutory requirements in KRS 210.366

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by specifying the length of classes that will qualify for continuing education in suicide assessment, treatment, and management.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the

effective administration of the statutes by complying with specific statutory requirements placed upon the board.

(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 the approximately 1,600 current licensees upon renewal of licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Renewing licensees will have to complete six (6) hours of suicide assessment, treatment, and management at least every six (6) years.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Renewing credential holders should have minimal costs associated with compliance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees will be benefitted by complying with statutory requirements to receive continuing education in suicide assessment, treatment, and management.

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

(a) Initially: There is no additional cost to implement this regulation.

(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.

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

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

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

(10) TIERING: Is tiering applied? Tiering is not applied as the regulation applies equally to all regulated individuals.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 319.032(1)(f) and 319.032(2).

(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 319.032(1)(f).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology 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: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

2. Revenues:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

3. Cost Savings:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

(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. No entities are identified.

For subsequent years: None. No entities are identified.

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):

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

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

(b) Methodology and resources used to reach this conclusion: This administrative regulation does not establish fees, does not raise or lower fees, and has no costs associated with it.

(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 does not establish fees, raise or lower fees, and has no costs associated with it.

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 Examiners of Psychology (Amendment)

201 KAR 26:225. Renewal and reinstatement.

RELATES TO: KRS 319.071

STATUTORY AUTHORITY: KRS 319.032(1)(c), 319.032(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(c) requires the Board of Examiners of Psychology to promulgate an administrative regulation setting the requirements for issuing and denying an applicant for licensure. KRS 319.032(2) authorizes the board to promulgate administrative regulations as it deems necessary for the proper administration of KRS Chapter 319. This administrative regulation establishes the renewal and reinstatement processes.

Section 1.

(1) To apply for renewal, a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall:

(a) Submit a completed Renewal Application to the board;

(b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(5); and

(c) Have completed thirty-nine (39) continuing education hours established in 201 KAR 26:175, Section 2(1).

(2) After the renewal date but during the three (3) month grace period, a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall:

(a) Submit a completed Renewal Application to the board;

(b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(5);

(c) Pay to the board a late fee established in 201 KAR 26:160, Section 2; and

(d) Have completed thirty-nine (39) continuing education hours established in 201 KAR 26:175, Section 2(1).

(3) After the three (3) month grace period but less than three (3) years of cancelation, a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall:

(a) Submit a completed Renewal Application to the board;

(b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(5);

(c) Pay to the board a late fee established in 201 KAR 26:160, Section 2;

(d) Pay to the board a reinstatement fee established in 201 KAR 26:160, Section 3; and

(e) Complete thirty-nine (39) continuing education hours obtained within the three (3) years prior to the date of application for reinstatement.

(4) After three (3) years of cancelation, a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall:

(a) Submit a new completed application to the board;

(b) Pay to the board the appropriate fee established in 201 KAR 26:160, Section 1; and

(c) Successfully complete the oral and structured examinations on Kentucky mental health law, ethical principles, and professional practice established in 201 KAR 26:230, Section 3(1)(b) and (4).

Section 2.

(1) To apply for renewal, a certified psychologist or licensed psychological associate shall:

(a) Submit a completed Renewal Application to the board;

(b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(6); and

(c) Have completed thirty-nine (39) continuing education hours established in 201 KAR 26:175, Section 2(1).

(2) After the renewal date but during the three (3) month grace period, a certified psychologist or licensed psychological associate shall:

(a) Submit a completed Renewal Application to the board;

(b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(6);

(c) Pay to the board a late fee established in 201 KAR 26:160, Section 2;

(d) Complete thirty-nine (39) continuing education hours established in 201 KAR 26:175, Section 2(1).

(3) After the three (3) month grace period but less than three (3) years of cancelation, a certified psychologist or licensed psychological associate shall:

(a) Submit a completed Renewal Application to the board;

(b) Pay to the board the appropriate renewal fee established in 201 KAR 26:160, Section 1(6);

(c) Pay to the board a late fee established in 201 KAR 26:160, Section 2;

(d) Pay to the board a reinstatement fee established in 201 KAR 26:160, Section 3; and

(e) Complete thirty-nine (39) continuing education hours obtained within the three (3) years prior to the date of application for reinstatement.

(4) After three (3) years of cancelation, a certified psychologist or licensed psychological associate shall:

(a) Submit a new completed application to the board; and

(b) Pay to the board the appropriate fee established in 201 KAR 26:160, Section 1.

Section 3. A person who previously held a credential issued by the board and applies three (3) years or more beyond the date of cancelation shall be required to meet current initial licensure requirements.

Section 4. A credential holder may continue to practice during the grace period.

Section 5. A person shall not engage in the practice of psychology after a license has been canceled.

Section 6. Incorporation by Reference.

(1) "Renewal Application", August 2026~~[October 2024]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the Board's website and the address is: <https://psy.ky.gov>.

201 KAR 26.230

LISA BOND, M.S., Chair

APPROVED BY AGENCY: August 3, 2026

FILED WITH LRC: August 12, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on October 28, 2026, at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on October 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: Mark R. Brengelman, Board Counsel, Kentucky Board of Examiners of Psychology, 306 W. Main St., Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman, Phone Number: (502) 696-3992, Email: Mark@MarkRBrengelmanPLLC.attorney

Subject Headings: Licensing, Occupations and Professions, and Psychological Services.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes renewal and reinstatement requirements for credential holders.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the provisions of KRS 319.032(1)(c) and KRS 319.032(2).

(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 renewal and reinstatement requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by effectuating the requirements of KRS 319.032.

(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 change the administrative regulation by making a technical amendment and updating the material incorporated by reference.

(b) The necessity of the amendment to this administrative

regulation: The amendment is necessary to update the material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing renewal and reinstatement requirements. (d) How this amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by changing an incorrect technical reference and incorporating an updated form.

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

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect renewal applicants. The board has approximately 1,600 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: Applicants for renewal and reinstatement will have to use an updated form.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants will have pay the fees referenced in 201 KAR 26:160 in order to renew or reinstate.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants will be benefitted by having an established and consistent renewal and reinstatement process.

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

(a) Initially: There is no cost to implement this regulation.

(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.

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

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

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

(10) TIERING: Is tiering applied? Tiering is applied as requirements are modified for specific licensure tiers.

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 319.032(1)(c) and KRS 319.032(2),

(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 319.032(1)(c) and KRS 319.032(2).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology 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: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

2. Revenues:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

3. Cost Savings:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

(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):

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

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

(b) Methodology and resources used to reach this conclusion: This administrative regulation amendment does not establish fees, does not raise or lower fees, and has no costs associated with it.

(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 amendment does not establish fees, raise or lower fees, and has no costs associated with it.

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 Examiners of Psychology (Amendment)

201 KAR 26:230. Examinations and applications.

RELATES TO: KRS 319.032(1)(a), 319.050, 319.053, 319.064
STATUTORY AUTHORITY: KRS 319.032(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) requires the board to promulgate an administrative regulation establishing the examination requirements for an applicant for licensure. KRS 319.050(1) and 319.064(2)(c), (3) require an applicant to successfully complete the required examination prior to licensure. This administrative regulation establishes the examination and application requirements.

Section 1.

(1) The national examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards (ASPPB) examination contractor and owned by the ASPPB.

(a) The EPPP shall be taken by computer administration.

(b) The board shall submit to the ASPPB examination contractor a list of applicants eligible to sit for the examination.

(2) The Kentucky examinations shall consist of a jurisprudence examination of Kentucky mental health law, and a competency examination of ethical principles and professional practice.

(a) A candidate shall score at least an eighty (80) percent to pass the jurisprudence examinations.

(b) A candidate shall score a 100 percent to pass the competency examination.

Section 2. General Requirements.

(1) An applicant for licensure shall:

(a)

1. Submit a completed application as required by 201 KAR 26:155, Section 1; 201 KAR 26:280, Section 1; 201 KAR 26:180, Section 2; 201 KAR 26:185, Section 2; or 201 KAR 26:290, Section 1; and

2. Pay the applicable fee established in 201 KAR 26:160; or

(b) Submit the application required by subsection (1) of this section to the online application management system designated by the board that shall:

1. Include a certification by the applicant that the:

a. Information in the application is true, correct, and complete to the best of their knowledge and belief; and

b. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification; and

2. Be accompanied by payment of the application fee that shall:

a. Be made payable directly to the Kentucky State Treasurer if the application is processed through the board; or

b. Be made to the online application management system as directed by the board.

(2) Once the Licensed Psychologist Applicant has completed all items, including sending supplemental materials, the online application management system completes a primary source verification process then forwards the application to the board for final review.

(3) The Credentialing Committee of the Board reviews the application and determines the applicant's eligibility for licensure.

(4) The applicant shall sit for the national [EPPP] examination within one (1) year of the notice of the application being approved by the board. An applicant may sit for the national [EPPP] examination at any approved ASPPB examination contractor testing center in the United States, U.S. Territories, or Canada.

(5) If an applicant loses eligibility to sit for the national [EPPP] examination because of failure to reschedule, cancel, or appear to take the examination as stated in subsection (4) of this section:

(a) The applicant shall forfeit all fees paid; and

(b) Any temporary license issued to the applicant shall be terminated.

Section 3. Examination for Licensure as a Licensed Psychologist.

(1) The applicant shall pass:

(a) The national [EPPP] examination in accordance with subsection (2) of this section; and

(b) The Kentucky examinations as outlined in Section 1(2) of this administrative regulation. The competency examination shall be administered by two (2) licensed psychologists approved by the board.

(2) The applicant shall obtain an EPPP scaled score of 500 or greater or shall have obtained a previous national EPPP passing score which satisfied the doctoral licensure requirement as to criterion level at the time of that examination. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.

(3) If an applicant for licensure as a licensed psychologist fails the national [EPPP] examination, the candidate may reapply with a detailed remediation plan, including the process by which the

applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction and any other information requested by the board. Upon completion of the remediation plan approved by the board, and the appropriate fee to the ASPPB examination contractor is paid, the applicant shall be deemed eligible by the board to be permitted to sit again for the national [EPPP] examination.

(a) The candidate shall continue to function under the supervision of the board-approved supervisor until:

1. The national [EPPP] examination and Kentucky examinations are successfully completed; or

2. The temporary license is terminated.

(b) The applicant for licensure as a licensed psychologist shall not be scheduled for the Kentucky examinations until the national [EPPP] examination has been successfully passed, and the board has determined that the requirements for supervised experience for licensure as a licensed psychologist have been met.

(4) The competency examination shall not be required for an applicant who is board-certified by the [American Board of Professional Psychology (ABPP)] or a successor organization or holds a current license in good standing from a jurisdiction with a reciprocity agreement with this board.

(5) If the applicant does not pass either of the Kentucky examinations on the first attempt, the applicant may reapply with a detailed remediation plan, including the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction and any other information requested by the board. Upon completion of the remediation plan approved by the board, the applicant shall be administered a second examination.

(6) If the applicant does not pass either of the Kentucky examinations on the second attempt, the applicant may reapply with an additional remediation plan. Upon completion of the remediation plan approved by the board, the applicant shall be administered a third examination.

(7) An applicant may only take each of the structured examinations on three (3) occasions. If an applicant for licensure as a licensed psychologist does not pass on the third attempt, they may apply to be credentialed as a licensed psychological associate by completing an application and paying the appropriate fee, as required by 201 KAR 26:160. The board shall accept the applicant's previous examination results to satisfy the requirements for the licensed psychological associate application.

Section 4. Examination for Licensure as a Licensed Psychological Practitioner.

(1) The applicant shall pass:

(a) ~~The~~[A] national [EPPP] examination unless the applicant's previous examination results for the national [EPPP] examination satisfied the doctoral licensure requirement as to criterion level at the time of that examination; or

(b) The applicant shall obtain a computerized national [EPPP] scaled score of 500 or greater. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.

(2) Pursuant to KRS 319.050(3), an applicant for licensure as a licensed psychological practitioner who has been approved to sit for the national [EPPP] examination shall continue to be supervised until all requirements for licensure as a licensed psychological practitioner have been completed.

(3) If an applicant for licensure as a licensed psychological practitioner fails to obtain a scaled score of 500 or greater on the EPPP examination, the candidate may reapply to the board, pay the appropriate fee to the ASPPB examination contractor and be permitted to sit for the national [EPPP] examination again.

(4) The applicant for licensure as a licensed psychological practitioner shall not be scheduled for the Kentucky examinations until the national [EPPP] examination has been successfully passed and the required ~~two~~[five](2)(5) years of supervised experience or its equivalent have been approved by the board.

(5) An applicant for licensure as a licensed psychological practitioner shall submit to a competency examination as outlined in Section 1(2) of this administrative regulation administered by an at

least one (1) licensed psychologist and either a certified psychologist with autonomous functioning or a licensed psychological practitioner. The applicant for licensure as a licensed psychological practitioner shall also complete a jurisprudence examination as outlined in Section 1(2) of this administrative regulation.

(6) If the applicant does not pass either of the Kentucky examinations on the first attempt, the applicant may reapply with a remediation plan that includes the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and how the applicant proposes to study or obtain further instruction and any other information requested by the board. Upon completion of a remediation plan approved by the board, the applicant shall be administered a second examination.

(7) If the applicant does not pass either of the Kentucky examinations on the second attempt, the applicant may reapply with an additional remediation plan. Upon completion of a remediation plan approved by the board, the applicant shall be administered a third examination.

(8) An applicant may only take each examination three (3) times, and would have to remain as a Psychological Associate under board approved supervision if either examination is failed three (3) times.

Section 5. Examination for Licensure as a Psychological Associate.

(1) The applicant shall:

(a) Obtain a national (EPPP) scaled score of 400 or greater; or

(b) Have obtained an EPPP passing score for licensure at the master's level in effect at the time of the applicant's previous national [EPPP] examination; and

(c) Be notified by the board of the score, as well as of passing or failing the examination.

(2) Pursuant to KRS 319.064(3), an applicant for licensure as a licensed psychological associate who has been approved to sit for the national [EPPP] examination and whose supervisory arrangement has been approved by the board shall be considered to be functioning under a temporary license.

(3) If an applicant for licensure as a psychological associate fails the national [EPPP] examination, the applicant shall:

(a) File a detailed remediation plan, cosigned by the supervisor within thirty (30) days of notice of failure; and

(b) Be eligible to retake the national [EPPP] examination upon approval of the plan by the board.

201 KAR 26.230

LISA BOND, M.S., Chair

APPROVED BY AGENCY: August 3, 2026

FILED WITH LRC: August 12, 2026 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on October 28, 2026 at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on October 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: Mark R. Brengelman, Board Counsel, Kentucky Board of Examiners of Psychology, 306 W. Main St., Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman, Phone Number: (502) 696-3992, Email: Mark@MarkRBrengelmanPLLC.attorney

Subject Headings: Licensing, Occupations and Professions, and Psychological Services.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes examination and application requirements for applicants for licensure.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the provisions of KRS 319.032(1)(a), KRS 319.050(1), and KRS 319.064(2)(c), (3).

(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 examination and application requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by effectuating the requirements of KRS 319.032(1)(a), KRS 319.050(1), and KRS 319.064(2)(c), (3).

(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 change the administrative regulation by modifying the years of supervised experience required for an applicant for licensure as a licensed psychological practitioner.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to conform to 201 KAR 26:190, Section 5.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing examination and application requirements. (d) How this amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing consistent administrative regulations.

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

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

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

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants for licensure as a licensed psychological practitioner will have to obtain two years of supervision prior to examination.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no costs for the affected individuals.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants will be benefitted by having supervised experience reduced from five years to two years.

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

(a) Initially: There is no cost to implement this regulation.

(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.

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

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

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

administrative regulation amendment does not establish new fees or increase any existing fees, directly or indirectly.

(10) TIERING: Is tiering applied? Tiering is applied as requirements are modified for specific licensure tiers.

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 319.032(1)(a), KRS 319.050(1), KRS 319.064(2)(c)(3).

(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 319.032(1)(a).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology 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: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

2. Revenues:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

3. Cost Savings:

For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.

(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):

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

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

(b) Methodology and resources used to reach this conclusion: This administrative regulation amendment does not establish fees, does not raise or lower fees, and has no costs associated with it.

(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 amendment does not establish fees, raise or lower fees, and has no costs associated with it.

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 28:060. Licensure, renewals, and reinstatements.

RELATES TO: KRS 319A.075, 319A.080, 319A.100, 319A.110, 319A.120, 319A.140, 319A.150, 319A.160, 319A.170

STATUTORY AUTHORITY: KRS 319A.070(1), 319A.075, (3)(a), 319A.100, 319A.160, 319A.170

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.070(3)(a) authorizes the board to promulgate administrative regulations and administer the provisions of KRS Chapter 319A. KRS 319A.100 authorizes the board to issue a temporary permit to certain applicants for licensure. KRS 319A.170 requires the board to determine and collect licensure fees. KRS 319A.160 authorizes the board to set fees for renewal, late renewal, reinstatement, and activation of an inactive license. KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2, requires applicants seeking an initial license and to reinstate a license to obtain a national and state criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation sets forth the procedure by which applicants shall apply for, renew, or reinstate a temporary permit or license administered by the board under the provisions of KRS Chapter 319A.

Section 1. Initial Licensure. An applicant for licensure administered by the board who has not previously been licensed, certified, or registered in any state shall submit:

(1) A completed Application Form, DPL-OT-01, July 2026, ~~Form OTB-1~~;

(2)

(a) A certified copy of an official academic transcript from an occupational therapy or occupational therapy assistant program accredited by the ACOTE or its equivalent indicating that the applicant successfully completed educational and fieldwork requirements; or

(b) For applicants trained at an educational facility outside the United States, evidence of legal permission, as furnished by the U.S. Department of Immigration and Naturalization, for employment in the United States;

(3) Electronic or other verification by the NBCOT that the applicant has been certified as an OTR or COTA.;

~~[(a)] [Meets the requirements of certification as an OTR or COTA.;~~

~~[(b)] [Is authorized to take the NBCOT or equivalent exam required by KRS 319A.120; or]~~

~~[(c)] [Has requested an official NBCOT Score Transfer Report be sent to the board.;~~

(4) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigations (FBI), and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph; and

(5) The appropriate fee for licensure:

(a) Fifty (50) dollars for an OT/L; or

(b) Thirty-five (35) dollars for an OTA/L; and

(6) [(5)] Evidence of successful[sucessful] completion of the jurisprudence exam.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Section 2. Temporary Permit[Licensure].

(1) A temporary permit to practice may be issued to an applicant for licensure. An applicant for licensure may request a temporary permit by:

(a) Submitting[submitting] the materials and fee required in Section 1(1), (2), (4), and (5)[through 4(5)] of this administrative regulation and a completed Supervision Temporary Permit Form, DPL-OT-02, July 2026[Form OTB-2], signed by a licensed occupational therapist in good standing with the board.

(b) Providing electronic or other verification by the NBCOT that the applicant:

1. Meets the requirements for certification as an OTR or COTA;
2. Is authorized to take the NBCOT or equivalent exam required by KRS 319A.120; or

3. Has requested an official NBCOT Score Transfer Report be sent to the board.

(c) Providing evidence of successful completion of the jurisprudence exam.

(2) A temporary permit shall be valid for ninety (90) days, and shall be revoked by the Board upon notice that the temporary permit holder has had two (2) unsuccessful attempts to pass the NBCOT exam.[A temporary permit holder shall be licensed by the board upon successful completion of the jurisprudence exam.]

[(3)] [A temporary permit holder shall have the permit revoked upon two (2) unsuccessful attempts to pass the NBCOT exam.]

Section 3. Reciprocal Licensure. An applicant for licensure administered by the board that is or has been licensed, certified, or registered in another state shall submit:

(1) A completed Application Form, DPL-OT-01, July 2026[Form OTB-1];

(2) An official statement from the body responsible for licensure of occupational therapists in every jurisdiction in which the applicant has held a license or credential that the individual is in good standing in that jurisdiction;

(3) A current copy of the certificate issued by the NBCOT stating that the individual met the initial requirements for certification as an OTR or a COTA;

(4) Evidence of successful completion of the jurisprudence exam; and

(5) The appropriate fee for licensure:

- (a) Fifty (50) dollars for an OT/L; or
- (b) Thirty-five (35) dollars for an OTA/L.

Section 4. License Renewal and Grace Period.

(1) An individual licensed by the board shall submit annually, on or before October 31:

(a) A completed Annual OT/OTA Renewal Application, DPL-OT-03, July 2026[Form OTB-3];

(b) The appropriate fee for renewal:

- 1. Fifty (50) dollars for an OT/L;
- 2. Thirty-five (35) dollars for an OTA/L; and

(c) Evidence of completion of twelve (12) continuing competence units.

(2) An individual licensed by the board fewer than (90) days prior to the annual renewal date shall not be required to renew during the first year of licensure.

(3) An individual licensed by the board who has failed to renew as required by subsection (1) of this section shall be granted a sixty (60) day grace period to submit:

- (a) All items required by subsection (1) of this section; and
- (b) A late renewal fee of twenty-five (25) dollars.

Section 5. Expired and Inactive Licenses.

(1) A license not renewed by the conclusion of the grace period shall expire.

(2) The board shall send the individual holding a terminated license a notice of expiration with instructions to cease and desist the practice of occupational therapy.

(3) Pursuant to KRS 319A.160(10), a license may be placed in inactive status for up to three (3) years upon petition to the board on the Annual OT/OTA Renewal Application, DPL-OT-03, July 2026[Form OTB-3]. An individual holding an inactive license shall submit annually on or before October 31:

(a) The Annual OT/OTA Renewal Application, DPL-OT-03, July 2026[Form OTB-3]; and

(b) An inactive renewal fee of ten (10) dollars.

Section 6. License Reinstatement and Activation.

(1) An expired license shall be reinstated upon submission of:

(a) Completed Reinstatement Application, DPL-OT-04, July 2026[Form OTB-4];

(b) Late renewal fee of twenty-five (25) dollars;

(c) Reinstatement fee of seventy-five (75) dollars;

(d) Documentation of employment from time of expiration to present;

(e) Documentation of current or initial certification by NBCOT or its equivalent;

(f) Completion of NBCOT or equivalent exam;~~and~~

(g) Evidence of completion of continuing competence requirements pursuant to 201 KAR 28:200, Section 2(3)~~;~~~~and~~

(h) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigations (FBI), and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph.

(2) An inactive license shall be reactivated upon submission of:

(a) Written notification to the board of the licensee's intent to return to active status;

(b) Identification of the licensee's proposed place of employment;

(c) Reinstatement fee of seventy-five (75) dollars; and

(d) Evidence of completion of continuing competence requirements pursuant to 201 KAR 28:200, Section 2(3).

Section 7. License Termination.

(1) A license not reinstated within five (5) years of expiration shall terminate.

(2) Terminated licenses shall not be eligible for reinstatement.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application Form", DPL-OT-01, July 2026[Form OTB-1, (December 2018)];

(b) "Supervision Temporary Permit Form[.]" DPL-OT-02, July 2026[Form OTB-2, (September 2018)];

(c) "Annual OT/OTA Renewal Application[.]" DPL-OT-03, July 2026[Form OTB-3 (September 2018)];

(d) "Reinstatement Application", DPL-OT-04, July 2026[Form OTB-4; (September 2018).]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure of Occupational Therapy, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and located on the board's website at www.bot.ky.gov.

201 KAR 28:060

JILL PHELPS, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026 at 10:00 AM, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 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: Catherine Falconer, Title: General Counsel, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2735 (office) Fax: (502) 564-4818 Email: catherine.falconer@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Catherine Falconer, General Counsel Phone: 502-782-2735 Email: catherine.falconer@ky.gov

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

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the procedure by which applicants shall apply for, renew, or reinstate a temporary permit or license administered by the board under the provisions of KRS Chapter 319A.

(b) The necessity of this administrative regulation: This amendment is necessary to ensure compliance with the requirements of KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authorizing statute in KRS 319A.070(1)(a) to promulgate administrative regulations to carry out the provisions of KRS Chapter 319A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists licensees and the Board by providing specific guidance for the licensure 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: This amendment will incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Occupational Therapy Licensure Compact for licensees to obtain the privilege to practice in Kentucky and other Member States. This amendment also moves and adds necessary language to promote clarity, clarifies the length of a temporary permit as prescribed by statute, includes a reference to the Board's website, and updates the forms incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment will incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Occupational Therapy Licensure Compact for licensees to obtain the privilege to practice in Kentucky and other Member States. The other amendments are necessary to promote clarity.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authorizing statute in KRS 319A.070(1)(a) to promulgate administrative regulations to carry out the provisions of KRS Chapter 319A. This amendment is also in conformity with KRS 319A.070(3)(a), KRS 319A.100, KRS 319A.160, KRS 319A.170, and KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statutes by ensuring Kentucky is in compliance with KRS 319A.310 and KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 319A.310. Counseling Compact. Created 2022 Ky. Acts Ch. 127, sec. 1, effective July 14, 2022, and KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.

(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 all

new applicants for licensure as well as the 4,310 active licensees who must renew annually and the 88 inactive licensees who may apply for reinstatement.

(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: An applicant must have a criminal background investigation rereport by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(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 a cost to obtain a criminal background investigation report, which the Board understands to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00 for each applicant.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 319A.310 and the Occupational Therapy Licensure Compact, thus allowing Kentucky to advance toward its participation in the Compact that will allow Kentucky credential holders to obtain the privilege to practice in Member States.

(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 administrative regulation.

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

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

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

(10) TIERING: Is tiering applied? Tiering is not applied because this regulation applies to all applicants equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 319A.070(1)(a), KRS 319A.070(1)(c), and KRS 319A.310. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3 (the "Compacts Clause")) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1. and KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 319A.075 2026 Ky. Acts Ch. 6, Section 2.

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

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

1. Expenditures:

For the first year: No new expenditures are anticipated for the first year for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated for subsequent years for the Board. Expenditures for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No revenues are anticipated in the first year for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year. Based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 for the first year.

For subsequent years: No revenues are anticipated in subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years. Based on the average number of applicants paying a projected fee of \$40, the revenue is anticipated to be less than \$10,00 for subsequent years.

3. Cost Savings:

For the first year: Cost savings for the first year are unknown.

For subsequent years: Cost savings for subsequent years are unknown.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement is an affected local identity.

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

1. Expenditures:

For the first year: Expenditures for the first year are unknown.

For subsequent years: Expenditures for the subsequent years are unknown.

2. Revenues:

For the first year: Revenues for the first year are unknown.

For subsequent years: Revenues for subsequent years are unknown.

3. Cost Savings:

For the first year: Cost savings for the first year are unknown.

For subsequent years: Cost savings for subsequent years are unknown.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigations is an affected local entity.

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

1. Expenditures:

For the first year: Expenditures for the first year are unknown.

For subsequent years: Expenditures for subsequent years are unknown.

2. Revenues:

For the first year: No revenues are anticipated in the first year for the Board. This administrative regulation will generate revenue for the Federal Bureau of Investigations in the first year. Based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 for the first year.

For subsequent years: No revenues are anticipated in subsequent years for the Board. This administrative regulation will generate revenue for the Federal Bureau of Investigations in subsequent years. Based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 for subsequent years.

3. Cost Savings:

For the first year: Cost savings for the first year are unknown.

For subsequent years: Cost savings for subsequent years are unknown.

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants, is less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major

economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 and Certification for Dietitians and Nutritionists
(Amendment)**

201 KAR 33:015. Application; approved programs.

RELATES TO: KRS 310.021, 310.031(1), (2)

STATUTORY AUTHORITY: KRS 310.041(1), (2), (6), 310.095

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041

requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. KRS 310.095 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes the procedure for submitting an application for licensure, certification, or dual licensure as a nutritionist and as a dietitian; and establishes requirements for programs of study to be approved by the board.

Section 1. Application Requirements.

(1)

(a) For licensure to practice as a dietitian, an "Application for Credential", Form DPL-DN-001, shall be submitted the requirements established in KRS 310.021 are met.[An Application for Licensure, Certification, or Dual Licensure shall be submitted for licensure to practice dietetics after the requirements established in KRS 310.021 are met.]

(b)[(2)] For certification to practice as a nutritionist, an "Application for Credential", Form DPL-DN-001,[An Application for Licensure, Certification, or Dual Licensure] shall be submitted[for certification to practice nutrition] after the requirements established in KRS 310.031 are met.

(c)[(3)] For a dual credential to practice as a dietitian and nutritionist, an "Application for Credential", Form DPL-DN-001,[An Application for Licensure, Certification, or Dual Licensure] shall be submitted[for dual licensure to practice dietetics and nutrition] after the requirements established in KRS 310.021 and 310.031 are met.

(2)[(4)] Each application[Application for Licensure, Certification, or Dual Licensure] shall be accompanied by the nonrefundable application fee, established in 201 KAR 33:010.

(3)[(5)] Each application shall be signed by the applicant.

(4)[(6)]

(a) Each application to practice as a dietitian[dietetics] and each application for a dual credential under KRS 310.021[licensure] shall include:

(a)[4-] A copy of the applicant's current dietitian registration card issued by the Commission on Dietetic Registration; or

(b)[2-] A letter from the Commission on Dietetic Registration indicating successful completion of the registration examination; or

(c)[3-] A registered dietitian Credential Verification Statement from the Commission on Dietetic Registration.

~~[(b)] [An Academy of Nutrition and Dietetics membership card shall not constitute compliance with paragraph (a)1. of this subsection.]~~

(5) Each application to practice as a dietitian, including an application for a dual credential, shall include the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

~~(6) [(7)] Each application to practice as a nutritionist [nutrition and each application for dual licensure] shall include:~~

(a) A [a] certified copy of the applicant's official baccalaureate transcript and master's transcript demonstrating satisfaction of the criteria provided in KRS 310.031(2)(a); and [or]

(b) Meet the requirements of an approved program as provided in Section 2 of this administrative regulation; or

(c) Meet [meet] the criteria established in KRS 310.031 [KRS 310.031(3)].

~~(7) [(8)] If the applicant is or was licensed or certified [registered] in another jurisdiction, the applicant shall:~~

(a) List each jurisdiction and license or certification [registration] number;

(b) Provide a complete licensure or certification disciplinary history; and

(c) Provide license verification documentation from each respective jurisdiction that has been created by the respective jurisdiction within the sixty (60) days prior to the submission of the application, which is not a license card or other initial license document, and which includes [is]:

1. The applicant's name;

2. License or certification number;

3. License or certification status;

4. License or certification expiration date; and

5. Any disciplinary action or conditions on the license or certification.

~~[(1.) [Created by each respective jurisdiction within the sixty (60) days prior to the submission of the application; and]~~

~~[2.] [Is not a license card, scroll, initial certificate, diploma, or other initial license document.]~~

Section 2. Approved Programs.

(1) A baccalaureate degree from a college or university approved by the board pursuant to KRS 310.021(3) or 310.031(2)(a) shall be a degree program that is listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics.

(2) If an applicant's baccalaureate degree is not listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics, then the applicant shall demonstrate at least forty-five (45) semester hours or sixty-eight (68) quarter hours, as evidenced by a certified copy of an academic transcript, of coursework at the baccalaureate or graduate level in addition to the hours required by KRS 310.031(2)(b). The coursework shall include content specific to each of the following areas:

(a) Communication;

(b) Counseling;

(c) Physical and biological sciences;

(d) Social sciences;

(e) Research;

(f) Food composition;

(g) Nutrient metabolism;

(h) Food systems management;

(i) Nutrition therapy;

(j) Lifecycle nutrition; and

(k) Healthcare systems.

(3) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall include only didactic hours of graduate credit specifically related to human nutrition. Examples include:

(a) Food sources of nutrients;

(b) Physiological and chemical processes of digestion, absorption, and metabolism;

(c) Nutrient needs throughout the life cycle;

(d) Nutrition assessment processes;

(e) Pathophysiology of disease states;

(f) ~~Nutrition~~ [Medical nutrition] therapy;

(g) Nutrient needs in exercise and fitness; and

(h) Nutrition in health and wellness.

(4) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall not include practicums, courses that are primarily obtained from work experiences, independent study, thesis, or dissertation credit hours.

Section 3. Incorporation by Reference.

(1) "Application for Credential", Form DPL-DN-01, July 2026 [~~"Application for Licensure, Certification, or Dual Licensure", January 2022~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists, 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 <https://bdn.ky.gov/>.

201 KAR 33:015

ERIN ELIASSEN, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 1:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Dietitians and Nutritionists, Boards and Commissions, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 310.041 requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the "board") to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for institutions to be approved by the board.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 310.041(1), (2), and (6).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 310.041(1) requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for programs of study to be approved by the board.

(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 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(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 re-organizes and clarifies the existing administrative regulation to eliminate repetitious language and streamline requirements for licensure or certification; adds the requirement of a criminal background investigation by the KSP and FBI pursuant to KRS 310.095; adds the requirement of a baccalaureate transcript for an application as a nutritionist, as required by KRS 310.031(2)(a); and changes one (1) graduate credit requirement to update for more current curriculum requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update the application requirements and material incorporated by reference to include the KSP and FBI criminal background investigation which becomes necessary for licensure or certification on July 15, 2026, due to the enactment of KRS 310.095.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 310.041(1) requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 310.095, Created 2026 Ky. Acts Ch. 33, Section 3, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2436 active and 76 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants for licensure or certification will have to provide a criminal background investigation performed by the KSP and FBI within the last sixty (60) days of the application. The applicant must pay any required fee and have the investigation sent directly to the board.

(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 a cost for the application for a credential, however, that cost has not increased. However, there will be a cost to obtain a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 310.095 and the Dietitian Licensure Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

(6) Provide an estimate of how much it will cost the

administrative body to implement this administrative regulation:

(a) Initially: No costs are anticipated by the administrative body to implement these changes.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

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

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 310.041(5), 310.050, and 310.095.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. Amended 2008 Ky. Acts Ch. 51, sec. 1, effective July 15, 2008. -- Amended 1996 Ky. Acts Ch. 318, sec. 250, effective July 15, 1996. -- Created 1994 Ky. Acts Ch. 319, sec. 5, effective July 15, 1994, and Amended 2022 Ky. Acts Ch. 79, sec. 1, effective July 14, 2022. -- Amended 2008 Ky. Acts Ch. 51, sec. 2, effective July 15, 2008. -- Amended 1994 Ky. Acts Ch. 319, sec. 8, effective July 15, 1994. -- Created 1988 Ky. Acts Ch. 246, sec. 5, effective July 15, 1988, and 2026 Ky. Acts Ch. 33, Section 3, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists and the Department of Kentucky State Police.

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

1. Expenditures:

For the first year: There are no expenditures anticipated in the first year.

For subsequent years: There are no expenditures anticipated in subsequent years.

2. Revenues:

For the first year: This administrative regulation will generate revenue for the Kentucky State Police in the first year and based on the average number of anticipated applicants and the projected fee of \$20, revenue would be less than \$10,000.

For subsequent years: This administrative regulation will generate revenue for the Kentucky State Police in subsequent years and based on the average number of anticipated applicants and the projected fee of \$20, revenue would be less than \$10,000.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): It is possible it will affect local police departments.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: For the first year: This administrative regulation may generate revenue for local police departments in the first year.

We are unable to estimate the anticipated revenue in the first year.

For subsequent years: For the first year: This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent years.

3. Cost Savings:

For the first year: Unknown.

For subsequent years: Unknown.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year and based on the average number of anticipated applicants and the projected fee of \$18, revenue would be less than \$10,000.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years and based on the average number of anticipated applicants and the projected fee of \$18, revenue would be less than \$10,000.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with those fees, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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 and Certification for Dietitians and Nutritionists
(Amendment)**

201 KAR 33:020. Renewals, late renewal, revocation, inactive status, and reinstatement.

RELATES TO: KRS 310.041

STATUTORY AUTHORITY: KRS 310.041, 310.050, 310.095

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.050(1) requires the board to promulgate administrative regulations establishing procedures for annual renewal of licenses and certificates. KRS 310.095 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by means of

a fingerprint check by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes procedures for annual renewal, late renewal, revocation, inactive status and reinstatement of licenses and certificates.

Section 1. Renewal[Regular Renewal:]

(1) A credential shall be renewed on or before October 31 of each year.

(2) An initial credential issued within ninety (90) days of October 31 shall be renewed on or before October 31 of the following year.[A licensed dietitian or certified nutritionist shall annually, before November 1,]

(3) To apply for renewal, a credential holder shall:

(a) Submit[submit] a completed Renewal Application, DPL-DN-02; and

(b) Pay[pay] to the board the renewal fee established by 201 KAR 33:010, Section 2, for the renewal of the license or certificate.

[(2)] [Except as provided under Section 2 of this administrative regulation, if a license or certificate is not renewed before November 1 of each year, it shall expire.]

(c)[(3)] Document compliance[Compliance] with continuing education requirements established[shall be documented as provided] by 201 KAR 33:030.[Compliance with continuing education requirements shall be documented as provided by 201 KAR 33:030.]

Section 2. Grace Period and Late Renewal.[and the Grace Period:]

(1) A sixty (60) day grace period shall be allowed beginning November 1, during which a licensee or certificate holder may renew his or her license or certificate upon payment of the renewal fee plus the late renewal fee established by 201 KAR 33:010, Section 2.

[(2)]

[(a)] A licensee or certificate holder may continue to practice during the sixty (60) day grace period.

[(b)] [Upon request of the employer, a licensee or certificate holder practicing in accordance with paragraph (a) of this subsection shall present evidence of a valid pre-existing license or certificate.]

(2)[(3)] A person requesting renewal[of a certification or licensure] during the sixty (60) day grace period shall comply with the continuing education requirements as required by KRS 310.050(3) and as specified by 201 KAR 33:030.

Section 3. Automatic Revocation. Failure to renew during the grace period shall result in automatic revocation of the license or certification[Upon revocation] as set forth by KRS 310.050(4), and a licensee or certificate holder shall no longer be eligible to practice in the Commonwealth.

Section 4. Renewal of Inactive Status. A credential holder who has elected to hold the credential in an inactive status shall annually renew the inactive status during the renewal period and pay the fee set forth in 201 KAR 33:010, Section 3(1).

Section 5. [Licensure and Certification] Reinstatement. After the sixty (60) day grace period, a license or certificate that was[- which has been] automatically revoked due to failure to renew[-] shall be reinstated if the licensee or certificate holder has:

(1) Submitted a complete Reinstatement Application, DPL-DN-03;

(2) Paid the renewal fee plus a reinstatement fee as set forth by 201 KAR 33:010; and

(3) Documented that he or she has complied with the continuing education requirements established by 201 KAR 33:030.

(4) For an application for reinstatement to practice as a dietitian or a dual credential, the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) shall submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

(5) Any person who fails to apply for reinstatement within three (3) years of termination or revocation of the credential shall apply for a new license or certification and shall meet the current licensure or certification requirements.

Section 6.[Section—5.] Address and Contact Information Changes.

[(1)] A credential[licensee or certificate] holder shall submit any change in the credential holder's name,[a current] address, phone number or email address to the board [office-by-letter] within thirty (30) days of any such[an address] change.

[(2)] [The letter shall include the licensee's or certificate holder's name, new address, phone number, and license or certificate number.]

[(3)] [Changes to other contact information such as the licensee's or certificate holder's name, email address, or phone number shall require the licensee or certificate holder to submit the current contact information to the board office by letter within thirty (30) days of the changed contact information. The letter shall include the updated contact information and the license or certificate number.]

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

(1) The following material is incorporated by reference:

(a) "Renewal Application", DPL-DN-02, July 2026,[November 2015]; and

(b) "Reinstatement Application", DPL-DN-03, July 2026,[November 2015].

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists, 500 Mero Street, 2 SC 32[941—Leawood Drive], Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m.[8 a.m.] to 4:30 p.m.[5 p.m.]or

(b) This material may also be obtained at the Board of Licensure and Certification for Dietitians and Nutritionists at <https://bdn.ky.gov>.

201 KAR 33:020

ERIN ELIASSEN, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 1:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Dietitians and Nutritionists, Boards and Commissions, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes the renewal, late renewal, revocation, inactive status

and reinstatement process for current and former dietitians and nutritionists.

(b) The necessity of this administrative regulation: The necessity of this regulation is to establish the renewal, late renewal, revocation, inactive status, and reinstatement process for current and former dietitians and nutritionists application process and requirements to be licensed or certified by the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding renewal and the continuing education requirement for a credential holder.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist credential holders of the requirements related to renewal, reinstatement, inactive status and reinstatement of credentials by the board.

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

(a) How the amendment will change this existing administrative regulation: The amendment retitles the administrative regulation to include late renewal, revocation, inactive status and renewal by reinstatement which were previously included in the regulation but not identified; adds the requirement of a criminal background investigation by the KSP and FBI pursuant to KRS 310.095; reorganizes and clarifies the existing administrative regulation to streamline requirements for renewal, late renewal, revocation, inactive status and renewal by reinstatement; and adds a provision that any person who fails to apply for reinstatement within three (3) years of termination or revocation shall apply for a new license or certification and meet current credentialing standards.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to identify all licensure and certification issues included in the administrative regulation, update the application requirements for reinstatement, and material incorporated by reference, to include the KSP and FBI criminal background investigation which becomes necessary for reinstatement on July 15, 2026, due to the enactment of 2026 HB 36, and to establish a new standard requiring application for a new credential when more than three (3) years has lapsed since expiration of a credential.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 310.041(1) requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 310.095, Created 2026 Ky. Acts Ch. 33, Section 3, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2436 active and 76 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants for reinstatement will have to provide a criminal background investigation performed by the KSP and FBI within the last sixty (60) days of the application. The applicant must pay any required fee and have the investigation sent directly to the board. Also, applicants whose credential has been expired for more than three (3) years must apply for a new credential and meet current standards.

(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 a cost for renewal, late renewal, inactive status renewal and reinstatement, however, those costs have not increased. However, to obtain a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 310.095 and the Dietitian Licensure Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety. Also, the entities will benefit by the three (3) year limit on reinstatement after expiration of the credential since the statute requirements to pay all renewal fees since the last renewal can lead to large fees to reinstate.

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

(a) Initially: No costs are anticipated by the administrative body to implement these changes.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

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

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

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 310.041(1), (2), (6) and 310.050.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, Amended 2022 Ky. Acts Ch. 79, sec. 1, effective July 14, 2022. -- Amended 2008 Ky. Acts Ch. 51, sec. 2, effective July 15, 2008. -- Amended 1994 Ky. Acts Ch. 319, sec. 8, effective July 15, 1994. -- Created 1988 Ky. Acts Ch. 246, sec. 5, effective July 15, 1988. --Created 2026 Ky. Acts Ch. 33, sec. 3, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists and the Department of Kentucky State Police.

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

1. Expenditures:

For the first year: There are no expenditures anticipated in the first year.

For subsequent years: There are no expenditures anticipated in subsequent years.

2. Revenues:

For the first year: This administrative regulation will generate revenue for the Kentucky State Police in the first year and based

on the average number of anticipated applicants and the projected fee of \$20, revenue would be less than \$10,000.

For subsequent years: This administrative regulation will generate revenue for the Kentucky State Police in subsequent years and based on the average number of anticipated applicants and the projected fee of \$20, revenue would be less than \$10,000.

3. Cost Savings:

For the first year:

For subsequent years:

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): It is possible it will affect local police departments.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: For the first year: This administrative regulation may generate revenue for local police departments in the first year. We are unable to estimate the anticipated revenue in the first year.

For subsequent years: For the first year: This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent years.

3. Cost Savings:

For the first year: Unknown.

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year and based on the average number of anticipated applicants and the projected fee of \$18, revenue would be less than \$10,000.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years and based on the average number of anticipated applicants and the projected fee of \$18, revenue would be less than \$10,000.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with those fees, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS
Board of Licensed Professional Counselors
(Amendment)

201 KAR 36:070. Application, education, and examination requirements.

RELATES TO: KRS 335.500, 335.517, 335.525(1)(c), (d), (f), 335.527(1)(a), 335.560, 335B.020

STATUTORY AUTHORITY: KRS 335.515(1), (3), 335.517

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(3) requires the board to promulgate administrative regulations to carry out and enforce the provisions of KRS 335.500 to 335.599. KRS 335.525(1)(c) requires that applicants for licensure shall have received a master's, specialist, or doctoral degree in counseling or a related field from a regionally-accredited institution. KRS 335.525(1)(d) requires that applicants for licensure shall have sixty (60) graduate semester hours in specified areas. KRS 335.527(1)(a) requires that applicants for licensure shall have received a master's, specialist, or doctoral degree in counseling or a related field from a regionally-accredited institution and sixty (60) graduate hours in specified areas. KRS 335.525(1)(f) requires that applicants achieve passing scores on the examination required by the board. KRS 335.517 requires applicants seeking an initial license issued by the board to obtain a national and state criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. This administrative regulation establishes the application, education, and examination requirements for licensure.

Section 1.

(1) Degree in Counseling. To qualify as a degree in counseling under KRS 335.525(1)(c) or 335.527(1)(a), a degree shall:

(a) Clearly indicate that it is a degree in counseling from a counseling program as evidenced by the description in the program's catalogues and brochures outlining the intent to educate and train the individual for the practice of professional counseling as defined in KRS 335.500(5);

(b) Include the word counseling in the name of the degree, the academic program of study, or the major field of study;

(c) Be from a counseling program that stands as a recognizable organizational entity within the institution and has a counseling faculty who identify with the professional counseling profession; and

(d) Include practicum or internship experience of at least 600 hours in a counseling program that stands as a recognizable organizational entity within the institution and that has a counseling faculty who identify with the professional counseling profession.

(2) Degree in a related field.

(a) To qualify as a degree in a related field under KRS 335.525(1)(c) or 335.527(1)(a), a degree shall:

1. Be awarded from an academic program of study for the degree that follows an organized sequence of graduate coursework with at least one (1) course in each of the nine (9) content areas established in KRS 335.525(1)(d) or 335.527(1)(a);

2. Include an academic course taken as part of the curriculum of the degree on professional orientation and ethics with the concentration on the American Counseling Association Code of Ethics; and

3. Include practicum or internship experience of at least 600 hours in a counseling program that stands as a recognizable organizational entity within the institution and that has a counseling faculty who identify with the professional counseling profession.

(b) The degree shall be designed to educate and train the individual for the practice of professional counseling as defined by KRS 335.500(5).

(3) Examples of degrees that shall not be accepted as a degree in counseling or a degree in a related field for purposes of licensure

include a degree in clinical psychology, forensic psychology, psychology, Christian psychology, biblical counseling, pastoral counseling, marriage and family therapy, art or dance therapy, social work, criminal justice, or special education.

(4) If an applicant proffers a degree in a related field, the applicant shall also provide evidence of additional graduate coursework in each area listed in KRS 335.525(1)(d)1-9 or, if that applicant is applying for endorsement, in each area listed in KRS 335.527(1)(a)1-9 that is not included in the applicant's degree. The coursework in the degree program, in addition to the other coursework, shall demonstrate that the applicant has documented coursework in all nine (9) of the content areas listed in KRS 335.525(1)(d) or, if that applicant is applying for endorsement, in all nine (9) of the content areas listed in KRS 335.527(1)(a).

(5) The graduate hour requirement of KRS 335.525(1)(d) and 335.527(1)(a) shall be semester hours. A minimum of ninety (90) quarter hours shall be equivalent to sixty (60) graduate semester hours.

Section 2. Accreditation.

(1) All coursework submitted for licensure shall be from a regionally accredited educational institution.

(2) An applicant shall have a degree from a program that is accredited by the Council on Accreditation of Counseling and Related Programs (CACREP). This requirement shall not apply to an applicant who:

(a) Is enrolled in a counseling or a related field program on or before January 15, 2015;

(b) Maintains continuous enrollment; and

(c) Receives a degree in the counseling or a related field program no later than May 31, 2020.

(3) If an applicant needs to acquire additional hours, the hours shall be from a CACREP-accredited program.

Section 3. Examination. An applicant for licensure as a licensed professional clinical counselor shall obtain a passing score on the National Counselor Examination for Licensure and Certification (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE).

Section 4. Application for Licensure.

(1)

(a) Each applicant for licensure as a licensed professional clinical counselor shall:

1. Submit an "Application for Licensed Professional Clinical Counselor", DPL-LPC-04, July 2026 to the board;

2. Pay the fee as established in 201 KAR 36:020;

3. Submit proof of passage of one (1) of the examinations required under Section 3 of this administrative regulation;

4. Complete coursework in each of the following curriculum content areas:

a. The helping relationship, including theory and practice, which provides an understanding of counseling and consultation processes, and includes:

(i) Counseling and consultation theories including both individual and systems perspectives as well as coverage of relevant research and factors considered in applications;

(ii) Basic interviewing, assessment, and counseling skills;

(iii) Counselor or consultant characteristics and behaviors that influence professional counseling relationships, including age, gender, and ethnic differences; verbal and nonverbal behaviors; and personal characteristics, orientations, and skills;

(iv) Client or consultee characteristics and behaviors that influence professional counseling relationships, including age, gender, ethnic differences, verbal and nonverbal behaviors, and personal characteristics, orientations, and skills; and

(v) Ethical considerations;

b. Human growth and development that provides an understanding of the nature and needs of individuals at all developmental levels, and includes:

(i) Theories of individual and family development and transitions across the life span;

(ii) Theories of learning and personality development;

(iii) Human behavior, including an understanding of developmental crises, disability, addictive behavior, psychopathology and environmental factors, normal and abnormal behavior;

(iv) Counseling strategies for facilitating development over the life span; and

(v) Ethical considerations;

c. Lifestyle and career development that provides an understanding of career counseling, development and related factors. Coursework shall include:

(i) Career-counseling theories and decision-making models;

(ii) Career, vocational educational and labor market information resources; visual and print media and computer-based career information systems;

(iii) Career-counseling program planning, organization, implementation, administration, and evaluation;

(iv) Interrelationships among work, family, and other life roles and factors, including multicultural and gender issues as related to career counseling;

(v) Career and educational placement counseling, follow-up and evaluation; assessment instruments and techniques relevant to career counseling;

(vi) Computer-based career-development applications and strategies, including computer-assisted career-counseling systems;

(vii) Career-counseling processes, techniques, and resources, including those applicable to specific populations; and

(viii) Ethical considerations;

d. Group dynamics, process, counseling, and consulting that provides an understanding of group development, dynamics, and counseling theories; group counseling methods and skills; and other group work approaches. Coursework shall include:

(i) Principals of group dynamics, including group counseling components, developmental stage theories, and group members' roles and behaviors;

(ii) Group leadership styles and approaches, including characteristics of various types of group leaders and leadership styles;

(iii) Theories of group counseling, including commonalities, distinguishing characteristics, and pertinent research and literature;

(iv) Group counseling methods, including group counselor orientations and behaviors, ethical standards, appropriate selection criteria and methods of evaluation of effectiveness;

(v) Approaches used for other types of group work in counseling, including task groups, prevention groups, support groups, and therapy groups; and

(vi) Ethical considerations;

e. Assessment, appraisal, and testing of individuals that provides an understanding of individual and group approaches to assessment and evaluation in counseling practice. Coursework shall include:

(i) Theoretical and historical bases for assessment techniques in counseling;

(ii) Validity, including evidence for establishing content, construct, and empirical validity;

(iii) Reliability, including methods of establishing stability, internal, and equivalence reliability;

(iv) Appraisal methods, including environmental assessment, performance assessment, individual and group test and inventory methods, behavioral observations, and computer-managed and computer-assisted methods;

(v) Psychometric statistics, including types of assessment scores, measures of central tendency, indices of variability, standard errors, and correlations;

(vi) Age, gender, ethnicity, language, disability, and cultural factors assessment and evaluation in counseling services;

(vii) Strategies for selecting, administering, interpreting, and using assessment and evaluation instruments and techniques in counseling; and

(viii) Ethical considerations;

f. Social and cultural foundations, including multicultural issues that provide an understanding of issues and trends in a multicultural and diverse society that impact professional counselors and the counseling profession. Coursework shall include:

(i) Multicultural and pluralistic trends, including characteristics and concerns of counseling individuals from diverse groups;

(ii) Attitudes and behavior based on factors such as age, race, religious preferences, physical disability, sexual orientation, ethnicity, culture, family patterns, gender, socioeconomic status, and intellectual ability;

(iii) Individual, family, and group counseling strategies with diverse populations; and

(iv) Ethical considerations;

g. Principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior that provides an understanding of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior. Coursework shall include:

(i) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, and the most current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM);

(ii) Established diagnostic criteria for mental and emotional disorders, and treatment modalities and placement criteria within the continuum of care;

(iii) Etiology of addiction and co-occurring disorders and the impact of co-occurring substance use disorders on medical and psychological disorders;

(iv) Etiology, the diagnostic process and nomenclature, treatment, referral, and prevention of mental and emotional disorders; and

(v) Principles, models, and documentation formats of biopsychosocial case conceptualization and treatment planning;

h. A research and evaluation course that provides an understanding of types of research methods, basic statistics, and ethical and legal consideration in research. Coursework shall include:

(i) Basic types of research methods to include qualitative and quantitative research designs;

(ii) Basic parametric and nonparametric statistics;

(iii) Principles, practices, and applications of needs assessment and program evaluation;

(iv) Uses of computers for data management and analysis; and

(v) Ethical and legal considerations;

i. Professional orientation to counseling is a course that provides an understanding of the professional counselor profession and provides an understanding of all aspects of professional functioning, including history, roles, organizational structures, ethics, standards, and credentialing. Coursework shall include:

(i) History of the counseling profession, including significant factors and events;

(ii) Professional roles and functions of mental health counselors, including similarities and differences with other types of professionals;

(iii) Professional organizations (primarily the American Counseling Association (ACA), its divisions, branches, and affiliates), including membership benefits, activities, services to members, and current emphases;

(iv) Ethical standards of the National Board of Certified Counselors (NBCC) or the ACA and related ethical and legal issues, and the applications to various professional activities, including appraisals or group work;

(v) Professional counselor preparation standards, the evolution and current applications;

(vi) Professional counselor credentialing, including counselor certification, licensure, and accreditation practices and standards, and the effects of public policy on these issues; and

(vii) Public policy processes, including the role of the professional counselor in advocating on behalf of the profession and its clientele; and

j. Practicum or internship experiences shall be for a minimum of two (2) semester courses and provide supervised counseling experience in an appropriate clinical setting, which shall include:

(i) 600 clock hours of total experience;

(ii) At least 240 clock hours of direct service, which include diagnosis, treatment planning, assessment, techniques, and intervention, and experience leading groups;

(iii) Weekly interaction that averages one (1) hour per week of individual or triadic supervision throughout the internship, usually performed by the onsite supervisor;

(iv) An average of one and one-half (1 1/2) hours per week of group supervision provided on a regular schedule throughout the internship and performed by a licensed program faculty member;

(v) The opportunity for the student to become familiar with a variety of professional activities and resources in addition to direct service, including record keeping, assessment instruments, supervision, information and referral, and in-service and staff meetings;

(vi) The opportunity for the student to develop program-appropriate audio or video recordings for use in supervision or to receive live supervision of his or her interactions with clients; and

(vii) Evaluation of the student's counseling performance throughout the internship, including documentation of a formal evaluation after the student completes the internship by a program faculty member in consultation with the site supervisor;

5. Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph; and~~Submit the results of a background check performed within the last ninety (90) days by the Federal Bureau of Investigation (FBI). Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph. If an applicant does not receive the criminal background check within 180 days of the issuance of a license, the applicant shall notify the board immediately in writing; and~~

6. Submit a copy of the course description or syllabi for the courses taken to satisfy KRS 335.525(1)(d) or 335.527(1)(a) if the degree in counseling or the degree in a related field is not from a CACREP accredited institution.

(b) If applying for licensure via endorsement, an applicant shall:

1. Meet the requirements in paragraph (a)1. and 2. of this subsection; and

2. Submit an official transcript.

(2) Each applicant for licensure as a licensed professional counselor associate shall:

(a) Submit an "Application for Licensed Professional Counselor Associate", DPL-LPC-05, July 2026 to the board;

(b) Pay the fee as established in 201 KAR 36:020;

(c) Submit an official transcript;

(d) Satisfy the requirements of subsection (1)(a)4. of this section;

(e) Submit the results of a national and state criminal background investigation~~check~~by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph~~paragraph~~; and

(f) Submit a copy of each syllabi for the courses taken to satisfy KRS 335.525(1)(d) or 335.527(1)(a) if the degree in counseling or degree in a related field is not from a CACREP accredited institution.

Section 5.

(1) An applicant for licensure shall be of good moral character. If an applicant lacks good moral character, the applicant has the duty to provide available evidence relative of rehabilitation.

(2) For evidence relative of rehabilitation, the board may consider relevant evidence including the successful completion of probation, the years since the incident without additional incidents, and the successful completion of inpatient or outpatient treatment.

(3) If the board finds that an applicant has not provided sufficient evidence of rehabilitation then the board may deny the application.

Section 6. Denial of Licensure. The board may refuse to issue, renew, or reinstate a license if the applicant:

(1) Committed fraud or misrepresentation in applying for a license in this state or another state;

(2) Has been convicted of:

(a) A misdemeanor within the last five (5) years, except for minor traffic offenses and in compliance with KRS 335B.020; or

(b) Any felony offense; or

(c) A crime involving moral turpitude, including a substantiated charge of child abuse or neglect pursuant to KRS Chapter 620; adult abuse, neglect or exploitation pursuant to KRS Chapter 209; or a crime classified as domestic violence, a sex offense or stalking;

(3) Is a respondent in a case with an active order of protection following notice and an opportunity to be heard pursuant to KRS Chapter 403 or KRS Chapter 456;

(4) Does not meet the qualifications as prescribed in KRS Chapter 335 and 201 KAR Title 36;

(5) Has been declared incompetent by a qualified mental health professional appointed by the board or by a court of competent jurisdiction, including those subject to KRS Chapter 202A and Chapter 387 proceedings; or

(6) Has engaged in fraud, dishonesty, or corruption on a certification of examination in this state or another state.

Section 7.

(1) The board may approve remedial work to correct any deficiency to satisfy Sections 1 and 4 of this administrative regulation.

(2) The board shall not approve remedial work for degrees listed in Section 1(3) of this administrative regulation.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Licensed Professional Clinical Counselor", DPL-LPC-04, July 2026~~December 2023~~; and

(b) "Application for Licensed Professional Counselor Associate", DPL-LPC-05, July 2026~~December 2023~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30~~4:00~~ p.m. This material is also available on the board's Web site at ipc.ky.gov.

201 KAR 36:070

DENISE HUTCHINS, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 11:00 A.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

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

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application, education, and examination requirements to qualify for licensure.

(b) The necessity of this administrative regulation: This administrative regulation enables the board to evaluate an applicant's qualifications by establishing the application, education, and examination requirements for licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.525(1)(b) requires that an applicant is of good moral character. KRS 335.525(1)(c) requires that applicants for licensure shall have received a master's or doctoral degree in counseling or a related field from a regionally-accredited institution. KRS 335.525(1)(d) requires that applicants for licensure shall have sixty (60) graduate semester hours in specified areas. KRS 335.525(1)(f) requires that applicants achieve passing scores on the examination required by the Board. KRS 335.515(3) authorizes the board to promulgate administrative regulations necessary to carry out the provisions of KRS 335.500 to 335.599.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation specifies the types of education and examination that are acceptable for licensure, as well as certain grounds for denial of licensure, renewal or reinstatement.

(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 that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657, and for compliance with the requirements of the Counseling Compact and KRS 335.560. Currently, applicants submit a copy of their FBI background check along with the application, which practice did not meet Counseling Compact standards. The KSP background check is an additional requirement. Further, reference to an affidavit has been stricken to clean up the administrative regulation since that practice ceased more than two (2) years ago due to an amendment in February 2024.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Counseling Compact for licensees to obtain the privilege to practice in Kentucky and other Member States, and to clean up language that no longer has meaning due to prior amendments of the administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is in conformity with KRS 335.515(1), (3), 335.500, 335.525(1)(c), (d), (f), 335.527(1)(a) and 335.517.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists by ensuring Kentucky is in compliance with Counseling Compact requirements for Member State participation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.560. Counseling Compact. Created 2022 Ky. Acts ch. 127, sec. 1, effective July 14, 2022, and KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(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 average of 70-80 applications for licensure monthly, as well as 5282 active licensees who must annually renew and 66 inactive licensees who may apply for reinstatement.

(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: An applicant must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI.

(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 a cost to obtain a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 335.560 and the Counseling Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially: No costs by the administrative body will be incurred to implement these changes.

(b) On a continuing basis: No new costs will be incurred by the changes. (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by credential holders and applicants.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required to implement the changes made by this regulation. (9) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any new fees to the Board, but does require an additional fee to the Kentucky State Police and the FBI, which is required by HB 657.

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

(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensed Professional Counselors is the promulgating agency and the Department of Kentucky State Police (KSP) are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: There are no expenditures anticipated in the first year.

For subsequent years: There are no expenditures anticipated in subsequent years.

2. Revenues:

For the first year: This administrative regulation will generate revenue for the Kentucky State Police in the first year, however,

based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): It is possible it will affect local police departments.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for local police departments in the first year. We are unable to estimate the anticipated revenue in the first year.

For subsequent years: This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent years.

3. Cost Savings:

For the first year: Unknown.

For subsequent years: Unknown.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown.

For subsequent years: Unknown.

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

**Board of Licensed Professional Counselors
(Amendment)**

201 KAR 36:072. Reciprocity requirements for applicants licensed or certified in another state.

RELATES TO: KRS 335.515(12), 335.517, 335B.020, 335.560, 12.245, 12.255, 12.357

STATUTORY AUTHORITY: KRS 335.515(1), (3), (12), 335.517

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(1) requires the board to evaluate the qualifications of applicants for licensure. KRS 335.515(3) requires the board to promulgate administrative regulations to carry out and enforce the provisions of KRS 335.500 to 335.599. KRS 335.515(12) authorizes the board to enter into reciprocal agreements with certified or licensed professional counseling boards. KRS 335.517 requires applicants seeking an initial license issued by the board to obtain a national and state criminal background investigation by means of a fingerprint check from the Kentucky State Police and Federal Bureau of Investigation. This administrative regulation establishes the reciprocity requirements for certification or licensure of persons licensed or certified in another state.

Section 1.

(1) The licensing requirements for a licensed professional clinical counselor under KRS 335.525 or 335.527 may be waived if:

(a) The board enters into a written reciprocity agreement with the other jurisdiction;

(b) The other jurisdiction grants the same privileges to licensees of Kentucky as Kentucky grants to licensees of that other jurisdiction;

(c) The board determines that the licensing requirements of the other jurisdiction are substantially similar to the requirements of KRS 335.500 to 335.599;

(d) The applicant holds an active valid license or certificate in the other jurisdiction;

(e) The applicant is in good standing in the other jurisdiction;

(f) The applicant has not been disciplined or reprimanded;

(g) The applicant:

1. Does not have a pending disciplinary action; or

2. Is not under investigation by any jurisdiction; and

(h) The applicant is of good moral character.

(2) A person shall not be licensed as a licensed professional associate through reciprocity.

Section 2. An applicant seeking licensure as a licensed professional clinical counselor shall:

(1) Submit an "Application for Licensed Professional Clinical Counselor by Reciprocity", DPL-LPC-06, July 2026 to the board;

(2) Pay the application fee as established in 201 KAR 36:020, Section 1(1);

(3) Submit a letter of good standing from each jurisdiction where the person holds a license or certificate; and

(4) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days ~~from the submission date of the application for a criminal background check performed~~ by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, including payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subsection.

Section 3. An applicant granted a license under this administrative regulation shall comply with the continuing education

requirements under 201 KAR 36:030 and the renewal requirements of 201 KAR 36:075.

Section 4.

(1) The board, by majority vote and during a board meeting, shall determine if the licensing requirements of another jurisdiction are substantially similar to the requirements of KRS 335.500 to 335.599.

(2) The board may only approve a reciprocity agreement with another jurisdiction if Section 1(1)(a), (b), and (c) of this administrative regulation are satisfied.

(3) The board shall publish the determination and approval of a reciprocity agreement in its board minutes.

Section 5. Incorporation by Reference.

(1) "Application for Licensed Professional Clinical Counselor by Reciprocity", DPL-LPC-06, July 2026,~~[December 2023,]~~ is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30[4:00] p.m. This material is also available on the board's Web site at lpc@ky.gov.

201 KAR 36:072

DENISE HUTCHINS, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 11:00 A.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

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

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure and requirements for licensure by reciprocity.

(b) The necessity of this administrative regulation: The necessity of this regulation is to inform an applicant for licensure by reciprocity where Kentucky has a reciprocity agreement with another state.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding licensure by reciprocity.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing and clarifying the procedure and requirements for the licensure by reciprocity.

(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 that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657, and for compliance with the requirements of the Counseling Compact and KRS 335.560. This includes applicants for initial licensure through a reciprocity agreement. Currently, applicants submit a copy of their FBI background check along with the application, which practice did not meet Counseling Compact standards. The KSP background check is an additional requirement.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to KRS 335.517 so that Kentucky is compliant with the requirements of the Counseling Compact for licensees to obtain the privilege to practice in Kentucky and other Member States.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding licensure by reciprocity and incorporates the criminal background investigation requirement.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists in the effective administration of the statutes by ensuring Kentucky is in compliance with the Counseling Compact requirements for Member State participation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are presently 5282 active and 66 inactive licensees who will be affected by this administrative regulation in some capacity. The board reviews approximately 800 to 1000 applications annually.

(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: An applicant by reciprocity will have to apply for and have a criminal background investigation report by means of a fingerprint check by the KSP and FBI sent directly to the Board.

(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 a cost of obtaining a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 335.560 and the Counseling Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially: No new costs will be incurred by the changes

(b) On a continuing basis: No new costs will be incurred by the changes.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding needed by the agency as a result of this administrative regulation required to implement the changes made by this regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees to the Board, but does require an additional fee to the Kentucky State Police, which is required by KRS 335.517.

(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 335.515(1), (3), 335.560. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3 (the "Compacts Clause")) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1. and KRS 335.517.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensed Professional Counselors is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for local police departments in the first year. We are unable to estimate the anticipated revenue in the first year.

For subsequent years: This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent

years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

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

BOARDS AND COMMISSIONS

Board of Licensed Professional Counselors (Amendment)

201 KAR 36:075. Renewal, late renewal, and reinstatement of license.

RELATES TO: KRS 335.517, 335.535

STATUTORY AUTHORITY: KRS 335.515(1), (3), (6), 335.517, 335.535

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(3) requires the Board of Licensed Professional Counselors to promulgate administrative regulations necessary for the proper performance of its duties. KRS 335.515(6) and KRS 335.535 require the holder of a license to renew that license annually. KRS 335.517 requires applicants seeking reinstatement of a license issued by the board to obtain a national and state criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. This

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

administrative regulation establishes the requirements for renewal, late renewal, and reinstatement of a license.

Section 1.

(1) A license shall be renewed by October 31 of each year.

(2) A person receiving an initial license within 120 days prior to the renewal date shall not be required to renew until October 31 of the following year.

Section 2.

(1) To apply for renewal, a licensed professional clinical counselor shall:

(a) Submit a completed LPCC Renewal Application to the board; and

(b) Pay to the board the appropriate renewal fee established in 201 KAR 36:020, Section 2(1)(a), for the renewal of a license.

(2) After the sixty (60) day grace period, to apply for reinstatement, an individual who has a terminated license as a licensed professional clinical counselor shall:

(a) Submit a completed "LPCC Reinstatement Application", DPL-LPC-09, July 2026;

(b) Submit proof of completing ten (10) hours of board-approved continuing education within one (1) year prior to the filing of an application for reinstatement;

(c) Complete three (3) hours of continuing education on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36 within one (1) year prior to the filing of an application for reinstatement;

(d) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and Federal Bureau of Investigation (FBI) and make payment of any required fee to the KSP and FBI;

(e) Pay the renewal fee established in 201 KAR 36:020, Section 2(1)(a); and

(f) Pay the reinstatement fee established in 201 KAR 36:020, Section 2(3)(a).

Section 3.

(1) To apply for renewal, a licensed professional counselor associate shall:

(a) Submit a completed LPCA Renewal Application to the board; and

(b) Pay to the board the appropriate renewal fee established in 201 KAR 36:020, Section 2(1)(b), for the renewal of a license.

(2)

(a) After the sixty (60) day grace period or revocation of a license, to apply for reinstatement, an individual who has a terminated license as a professional clinical counselor associate shall:

1. Submit a completed "LPCA Reinstatement Application", DPL-LPC-10, July 2026;

2. Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) which shall be provided directly to the board by the KSP and FBI, and make payment of any required fee to the KSP and FBI;

3. Submit proof of completing ten (10) hours of board-approved continuing education completed within one (1) year of the filing for reinstatement;

4. Complete three (3) hours of continuing education on the law for regulating professional counseling, KRS 335.500 to 335.599 and 201 KAR Chapter 36, within one (1) year of the filing for reinstatement;

5. Pay the renewal fee established in 201 KAR 36:020, Section 2(1)(b); and

6. Pay the reinstatement fee established in 201 KAR 36:020, Section 2(3)(b).

(b) A person who applies for reinstatement within three (3) years of termination or revocation of the license shall be required to meet current continuing education requirements established in 201 KAR 36:030.

(c) A person who fails to apply for reinstatement within three (3) years of termination or revocation of the license shall meet the current licensure requirements.

Section 4.

(1) A person shall not engage in the practice of professional counseling after a license has been terminated.

(2) The ten (10) hours of continuing education completed within one (1) year of the filing of reinstatement shall not count towards the applicant's continuing education requirement under 201 KAR 36:030, Section 1(1).

(3) If a supervisor fails to verify the hours required for a licensed professional counselor associate by the termination date of the license, then the LPCA Supervision Agreement, as incorporated by reference in 201 KAR 36:060, shall be terminated.

Section 5.

(1) A licensee for renewal or applicant for reinstatement shall maintain good moral character.

(2) If an applicant lacks good moral character and the incident that resulted in the lack of good moral character occurred since issuance of the initial license or last renewal date, the applicant has the duty to provide available evidence relative of rehabilitation.

(3) For evidence relative of rehabilitation, the board shall consider evidence including the successful completion of probation, the years since the incident without additional incidents, and the successful completion of inpatient or outpatient treatment.

(4) If the board finds that an applicant has not provided sufficient evidence of rehabilitation then the board may deny the application.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "LPCC Renewal Application", DPL-LPC-07, December 2023;

(b) "LPCA Renewal Application", DPL-LPC-08, December 2023;

(c) "LPCC Reinstatement Application", DPL-LPC-09, July 2026~~December 2023~~; and

(d) "LPCA Reinstatement Application", DPL-LPC-10, July 2026~~December 2023~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30[4:00] p.m. This material may also be found on the board's Web site at ipc@ky.gov. 201 KAR 36:075

DENISE HUTCHINS, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 11:00 A.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502)

782-2709 (office) Email: sara.janes@ky.gov

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

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

(b) The necessity of this administrative regulation: The necessity of this regulation is to inform a licensee of the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation is in conformity with the authorizing statute as it gives the board the ability to promulgate regulations regarding the renewal, reinstatement, and reactivation of a license

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing and clarifying the procedure and requirements for the renewal, reinstatement, and reactivation of a license.

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

(a) How the amendment will change this existing administrative regulation: This amendment requires that all applicants for reinstatement obtain a criminal background investigation from the KSP and FBI pursuant to KRS 335.517, and for compliance with the requirements of the Counseling Compact and KRS 335.560. Currently, applicants submit a copy of their FBI background check along with the reinstatement application, which practice did not meet Counseling Compact standards. The KSP background check is an additional requirement.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to incorporate the requirement that all applicants for reinstatement obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Counseling Compact for licensees to obtain the privilege to practice in Kentucky and other Member States.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is in conformity with KRS 335.515(1), (3), 335.500, 335.525(1)(c), (d), (f), 335.527(1)(a) and 335.517.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists by ensuring Kentucky is in compliance with Counseling Compact requirements for Member State participation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.560. Counseling Compact. Created 2022 Ky. Acts ch. 127, sec. 1, effective July 14, 2022, and KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are presently 5282 active and 66 inactive licensees who will be affected by this administrative regulation in some capacity.

(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: An applicant for reinstatement must have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board.

(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 a cost of obtaining a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting

services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 335.560 and the Counseling Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially: No costs by the administrative body will be incurred to implement these changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

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

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees to the Board, but does require an additional fee to the Kentucky State Police, which is required by HB 657.

(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 335.515(1), (3), 335.560. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3 (the "Compacts Clause")) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1, and KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, See KRS 335.517, 2026 Ky. Acts Ch. 6, Section 5, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensed Professional Counselors is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

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

1. Expenditures:

For the first year: No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years: No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year: No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local law enforcement

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: Unknown

For subsequent years: Unknown

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

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

or (4)(a): The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year: Unknown

For subsequent years: Unknown

2. Revenues:

For the first year: This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years: This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year: Unknown

For subsequent years: Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

INDEPENDENT ADMINISTRATIVE BODIES
Board of Emergency Medical Services
(Amendment)

202 KAR 7:510. Air ambulance services.

RELATES TO: KRS 311A.030, 311A.190, 14 C.F.R. Parts 91, 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 to exercise all administrative functions in the regulation of the emergency medical services system and the practice of emergency medical services, except those functions 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 air ambulance providers. This administrative regulation establishes minimum licensing requirements for air ambulance providers.

Section 1. Agency[Provider] Licensing Requirements.

(1) A person or entity shall not provide, advertise, or profess to engage in the provision of air ambulance service originating in Kentucky without having first obtained a license from the board pursuant to this administrative regulation.

(2) An agency[A-provider] shall comply with local ordinances, state and federal statutes and administrative regulations.

(3) An agency[A-provider] shall display its license in a prominent public area at the service base station and all satellite locations. The following information shall be included on the license issued by the KBEMS Office:

- (a) Operating name of the provider;
- (b) Physical location of the base station;
- (c) The number and physical location of satellite stations, if any, operated by the licensee;
- (d) The license classification;
- (e) The level of service provided;
- ~~[(f)] [The number of rotor and fixed-wing aircraft operated by the provider;] and~~

~~[(g)]~~ The specific geographic area to be served by the licensee.

~~[(4)] [Providers shall provide the KBEMS Office with an accurate map and a written description of its geographic service area within the commonwealth, which shall identify with specificity the complete boundary of the area served by the provider when applying for initial licensure or if the service area has changed since the last map was provided to the KBEMS Office.]~~

~~[(4)]~~ (5) A licensed agency[provider] may respond to emergency calls outside of its geographic service area only if the agency[provider] is providing:

- (a) Mutual aid under an existing agreement with another licensed agency[provider] whose geographic service area includes the area in which the emergency call is made;
- (b) Disaster assistance; or
- (c) Nonemergency transfers from damaged or closed health facilities.

Section 2. Applying for Licensure[Licensing], ~~[Inspection and Change of Ownership]~~.

~~(1) An applicant shall submit:~~ To obtain a license, an air ambulance provider shall file a "Kentucky Application for Ambulance Service Licensing", Form EMS-1 (6/96), with the KBEMS Office.]

(a) A completed Initial Air Agency License Application;

(b) An application fee as established in 202 KAR 7:030; and

(c) An accurate map and a written description of the agency's geographic service area within the Commonwealth, which shall identify with specificity the complete boundary of the area served by the agency when applying for initial licensure.

(2) The board shall conduct a physical inspection of an agency's premises prior to granting a license or license renewal. [An applicant for a license or a licensee shall, as a condition precedent to licensing or relicensing, be in compliance with all applicable sections of this administrative regulation as determined through means including a physical inspection process, subject to subsection (4)(b) of this section.]

(3) A license shall expire on December 31 following the original date of issue and shall subsequently expire annually on December 31 of each year.

(4) A license to operate shall be issued only for the person or entity, service area, and premises named in the application, and shall not be transferable. [A license may be renewed upon:]

Section 3. License Renewal. To renew a license, the license holder shall:

(1) Submit a completed Air Agency Renewal Application;

(2) Submit a fee in the amount established in 202 KAR 7:030; AND

[(a)] [Payment of the prescribed fee; and]

(3) Pass inspection conducted by the board of the agency's premises, equipment, supplies, vehicles, and records.

[(b)] [Action by the board, based upon recommendation of staff following the physical inspection of the provider.]

[(5)] [A license to operate shall be issued only for the person or entity, service area, and premises, including the number of aircraft, named in the application, and shall not be transferable.]

Section 4. Agency Changes.

(1) [(6)] A new application shall be filed if a change of ownership of an air ambulance service occurs. A change of ownership for licenses shall be deemed to occur if more than fifty (50) percent of the assets, capital stock, or voting rights of a corporation or provider operating an air ambulance is purchased, transferred, leased, or acquired by comparable arrangement by one (1) person or entity from another.

(2) [(7)] A new license application due to a change of ownership shall be filed at least ten (10) days prior to the change of ownership. The new license shall be issued for the remainder of the previous licensure period. [If a new application for a license is filed due to change of ownership, the new license shall be issued for the remainder of the current licensure period.]

(3) [(8)] There shall be full disclosure to the board of the changes in ownership, including the name and address[:] of:

(a) Each person having direct or indirect ownership interest of ten (10) percent or more in the service;

(b) Officers and directors of the corporation, if a service is organized as a corporation; or

(c) Partners, if a provider is organized as a partnership.

Section 5. Inspections.

(1) Compliance with licensing pursuant to this administrative regulation shall be validated through on-site inspections of the agency by representatives or employees of the KBEMS Office. The inspection shall include a:

(a) Review of safety and maintenance records of all aircraft in operation;

(b) Review of all equipment and supplies stocked on aircraft; and

(c) Review of personnel records, policy manuals, and other reports required to be maintained pursuant to 202 KAR Chapter 7.

(2) [(9)] Representatives of the board shall have access to the service during hours that the service operates.

(3) [(10)] A regulatory violation identified during an inspection shall be transmitted in writing by the board and given to the agency[provider].

(4) [(11)] The agency[provider] shall submit a written plan for the elimination or correction of a regulatory violation to the KBEMS Office within ten (10) working days after receipt of the statement of

violation and shall include the specific date by which the violation may be corrected.

(5) [(12)] Within ten (10) working days following a review of the plan, the KBEMS Office shall notify the agency[provider] in writing whether or not the plan is accepted as providing for the elimination or correction of the violation.

(6) [(13)] The KBEMS Office may conduct a follow-up visit to verify compliance with the plan.

(7) [(14)] If a portion or all of the plan is insufficient:

(a) The KBEMS Office shall specify the reasons why the plan cannot be accepted; and

(b) The agency[provider] shall modify or amend the plan and resubmit it to the KBEMS Office within ten (10) days after receipt of notice that the plan is insufficient.

(8) [(15)] Unannounced inspections may be conducted for a[at the discretion of the board or its representative.]

(a) Complaint allegation;

(b) Follow-up visit;

(c) Relicensing inspection; or

(d) Random compliance audit.

Section 6. Unethical Conduct. The following acts shall be considered unethical conduct in the practice of providing emergency medical services and may be subject to the sanctions established in KRS 311A.060:

[(16)] [Any licensed provider may be recommended for discipline based upon:]

(1) [(a)] Failure to submit, amend, or modify a plan of correction to eliminate or correct regulatory violations;

(2) [(b)] Failure to eliminate or correct regulatory violations;

(3) [(c)] Falsifying an application for licensing;

(4) [(d)] Changing a license issued by the board;

(5) [(e)] Attempting to obtain or obtaining a license by:

(a) [1-] Fraud;

(b) [2-] Forgery;

(c) [3-] Deception;

(d) [4-] Misrepresentation; or

(e) [5-] Subterfuge;

(6) [(f)] Providing false or misleading advertising;

(7) [(g)] Falsifying, or causing to be falsified a[:] report regarding patient care or other report provided to the KBEMS office;

[1-] [Patient record;]

[2-] [Service run report; or]

[3-] [Other reports provided to the KBEMS Office;]

(8) [(h)] Providing an unauthorized level of service;

(9) [(i)] Demonstrating a history of staff violations that have resulted in disciplinary action;

(10) [(j)] Failing to provide the board or its representative with information upon request, or obstructing an investigation regarding alleged or confirmed violations of KRS Chapter 311A or 202 KAR Chapter 7 [statutes or administrative regulations];

(11) [(k)] Issuing a check for a license on an invalid account or an account with insufficient funds to pay fees to KBEMS;

(12) [(l)] Submitting fraudulent or misleading claims for reimbursement; or [to:]

[1-] [An individual;]

[2-] [A private insurance company;]

[3-] [A governmental agency; or]

(13) [(m)] Failure to comply with local ordinances, federal statutes, [Any violation of] KRS Chapter 311A, or 202 KAR Chapter 7.

Section 7. [Section—3-] Utilization of Aircraft by Licensed Providers.

(1) At the time of initial inspection, each agency[provider] shall inform the KBEMS Office of the make, model, year, serial number, and FAA identification number for each aircraft it uses.

(2) Unless exigent circumstances exist and the agency receives written approval from the executive director of the board to place an unlicensed aircraft into operation [Except as provided by this administrative regulation], an aircraft shall not be placed into operation until after the board has been notified and has verified through a physical inspection that the aircraft meets the requirements of this administrative regulation.

(3) Each agency[provider] shall complete an Aircraft Delete Application in KEMSIS[notify the KBEMS Office via U.S. mail, email, or fax], no later than the next board business day, of the permanent removal of any licensed aircraft from service by the license holder.

(4) A licensed agency[provider] may use a replacement aircraft on a temporary basis if:

(a) An[an] approved aircraft is out of service; and[, if:]

(b) [(a)] The agency submits a complete Add TEMPORARY Vehicle/Aircraft Part A Application in KEMSIS.[The KBEMS Office receives notice within twenty-four (24) hours or on the next business day by fax or email of the need for the provider to place an aircraft into service on a temporary basis; and]

[(b)] [Within five (5) business days, the provider provides the board written notice identifying:]

[1.] [The make, model, year, serial number, and FAA identification number for the aircraft being removed from service and for the aircraft being placed into temporary service; and]

[2.] [The temporary replacement aircraft meets the requirements of this administrative regulation.]

(5) A temporary replacement aircraft shall not be used for more than sixty (60) days, unless the KBEMS Office has verified through a physical inspection that it meets the requirements of this administrative regulation.

(6) An agency shall submit a completed Add TEMPORARY Vehicle/Aircraft Part B Application in KEMSIS [The KBEMS Office shall be notified by email or fax] within twenty-four (24) hours or on the next business day when a temporary aircraft is removed from service and the original licensed aircraft is returned to service.

(7) An agency[A provider] that fails to meet the reporting requirements for use of a temporary aircraft may be required to immediately cease use of the replacement aircraft until the reporting requirements are met.

(8) An agency[A provider] that fails to remove a temporary aircraft from service [upon written order] may be fined an amount not to exceed \$1,000 per day for each day or partial day the aircraft is in service and the reporting requirements are not met.

(9) This administrative regulation shall not prevent a licensed agency[provider] from utilizing other means of transporting patients in:

(a) Disasters;

(b) Mass casualty incidents; or

(c) Extraordinary scene conditions that may impair the safety of the patient or personnel operating at the scene.

Section 8. [Section 4.] Provider Management Requirements.

(1) All licensed air agencies[providers] shall:

(a) Maintain an organizational chart that establishes lines of authority, including the designation of:

1. An administrator responsible for assuring compliance with this administrative regulation during the daily operation of the service; and

2. A designee who shall serve in the absence of the administrator;

(b) Maintain records and reports at the air ambulance service base station or at a location where the records can be made readily available to KBEMS staff, including:

1. An original, electronic equivalent, or copy of all patient care records consistent with the U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary; [an original, microfilm, electronic equivalent, or copy of all run reports whether reported on:]

[1.] [The EMS-8A and EMS-8B "Kentucky Emergency Medical Ambulance Run Report" (9/98), with all nonshaded portions of the run report completed as appropriate for each patient and each run; or]

[2.] [A paper or electronic run form developed by the provider that contains all of the data components of the nonshaded areas of the EMS-8A and EMS-8B (9/98);]

2. [(c)] An electronic[Maintain a] copy of all completed patient care reports[run report forms], which shall be maintained to ensure confidentiality and safekeeping[.] for a minimum of seven (7)[five (5)] years from the date on which the service was rendered[.] or, in the case of a minor, until at least three (3)[until five (5)] years after the

minor reaches the age of majority[eighteen (18) years of age]. Copies of patient care~~[run]~~ reports for the preceding twelve (12) months shall be accessible so as to be immediately available to the board, KBEMS Office, or representatives upon request; and

3. [(d)] Personnel[Maintain personnel] files for each employee or volunteer who staffs an aircraft. Personnel files shall be maintained for a minimum of one (1) year[five (5) years] following separation from employment. As a minimum, personnel files shall contain:

a. [1.] Current certification or licensure with corresponding numbers and expiration dates for the position that the individual fulfills on the aircraft;

b. [2.] A pre-employment and biennial criminal background checks, which shall be national in scope and administered by a vendor approved by the board, and which shall include searches of:

i. County criminal records;

ii. Nationwide crime database;

iii. Federal criminal records; iv. Nationwide sexual offender registry;

v. Healthcare fraud and abuse scan; and vi. Address history.[Proof that the provider has conducted a pre-employment criminal background check; and]

c. A Federal Emergency Management Agency (FEMA) transcript or copy of each employee's completion of the National Incident Management System (NIMS) Incident Command System (ICS) 100, 200, 700, and 800 courses;

d. [3.] Health records, maintained in accordance with state and federal laws and administrative regulations, in a separate secure file, that include:

i. [a.] A post-offer of employment and annual health assessment;

[b.] [Annual tuberculin skin testing or other method of evaluation;]

[c.] [Hepatitis B vaccinations and seroconversion testing unless exempted by the employees' physician, or an employee signed waiver;][and]

ii. [d.] A record of all work-related illnesses or injuries; and

iii. Annual fitness for duty statements, which shall be consistent with the agency's pre-employment and annual health assessment policy and signed by an authorized representative of the agency;

c. [(e)] Maintain a plan and records for the provision of continuing education for staff and volunteers including: [a written plan for the method of assessment of staff continuing education needs and a coordinated plan to meet those needs including:]

1. A written plan for the method of assessment of staff continuing education needs; and

2. A coordinated plan to meet those needs, including a provision that all continuing education shall be provided either by a licensed TEI or in accordance with 202 KAR 7:601;

[1.] [Training or continuing education rosters that include the printed name, signature, and certification or license number of those in attendance;]

[2.] [A curriculum vitae for the instructor; and]

[3.] [A brief outline of the presentation including the educational objective for the offering and the method of presentation used for the presentation;]

d. [(f)] Maintain an infection control plan in accordance with 29 C.F.R. 1910.1030[KyOSHA guidelines];

e. [(g)] Maintain a written plan for training or educating personnel for responding to hazardous materials, criminal, and potential terrorist incidents[., including plans for the protection and decontamination of patients, aircraft, equipment, and staff];

f. Maintain written policies for the protection and decontamination of patients, aircraft, equipment, and staff;

g. [(h)] Maintain a written plan for the quality assessment of patient care and provider quality improvement including a periodic review of ambulance run report forms, and evaluation of staff performance related to patient care. This plan shall address as a minimum:

1. Aircraft maintenance as it impacts the clinical aspects of patient care delivery, employee health and safety;

2. Compliance with protocols and operating procedures;

3. Transport response and transport limitations;

4. Assessment of dispatch procedures;

5. Aircraft operations and safety;

6. Equipment preventive maintenance programs; and

7. A process for the resolution of customer complaints;
~~(h)(4)~~ Maintain a written plan for training personnel and responding to mass casualty incidents and disasters, which shall include an internal incident command structure and how it will integrate into a community response plan;

~~(i)(4)~~ Maintain an orientation program for all personnel related to:

1. Aircraft, scene, ground, and base safety;
2. Communication equipment at the base station and on each aircraft;
3. The location and use of fire extinguishers;
4. Transport response and transport limitation standards;
5. Map reading and geographic orientation;
6. Mutual aid agreements;
7. Cleaning of equipment including aircraft;
8. Stretcher operations and use;
9. Completion of patient care~~run~~ reports; and
10. Other standard operating procedures that have been established by the provider;

~~(j)(k)~~ Maintain proof of professional liability malpractice insurance;

~~(k)(4)~~ Maintain proof of aircraft liability insurance;

~~(l)(m)~~ Provide a copy of the current FAA Air Carrier Certificate; ~~and~~

~~(m)(n)~~ Maintain a written policy regarding patient criteria for interfacility transfers including a written statement of medical necessity signed by a physician for each patient transferred; ~~and~~[-]

(n) Maintain a written plan for providers to consult with online adult and pediatric medical direction. This plan shall address as a minimum:

1. The availability of medical direction twenty-four (24) hours a day, seven (7) days a week;

2. The availability of medical direction during an emergency event;

3. The provision of medical direction by a physician, physician assistant (PA), or nurse practitioner (NP); and

4. Recommended actions if:

a. There is an equipment failure, a communication barrier, or other unusual circumstance; and

b. It is not possible to contact online medical direction.

(2) A new employee or volunteer shall not staff any licensed vehicle until the agency has requested an initial employment background check from a vendor approved by the board. If a new employee or volunteer is currently employed by another agency licensed by the board and a national criminal background check for that employee or volunteer has been completed within the last six (6) months, the hiring agency may, with the employee's or volunteer's written consent and with approval from the other licensed agency, obtain the completed background check from the other licensed agency, and such background check shall constitute the employee's or volunteer's initial employment background check.

~~(3)(2)~~ Each agency~~[provider]~~ shall, in the county in which their base station or a substation is located:

(a) Document evidence of participation in county emergency management disaster exercises, if conducted;

(b) Coordinate with the county emergency management director plans for the possible utilization of a provider's personnel for use in the emergency operations center in a disaster; ~~and~~

(c) Maintain a copy of the county and state emergency management agency's emergency operations plan at the ambulance base station; ~~and~~[-]

(d) Document evidence of use and operation of Kentucky Ready Ops patient tracking during a disaster or preparedness exercise.

Section 9.[Section 5.] Operating Requirements.

(1) All air ambulance agencies~~[providers]~~ shall provide service twenty-four (24) hours a day, seven (7) days a week, subject to safety issues and weather conditions established in Part 135 of the FAR. These provisions may be met through a call system or through mutual aid agreements.

(2) An agency~~[A provider]~~ shall have a written plan, developed in consultation with the air ambulance provider's medical director, that requires:

(a) Utilization of an~~[the air medical]~~ intake flow chart;

(b) Dispatch of requests for emergency service within two (2) minutes of the call taker's determination of the correct address or location of the emergency incident site and completion of a weather check; ~~and~~

(c) Disclosure of the accurate availability of provider's aircraft, including the estimated time of arrival to the requesting agency. If the agency's~~[provider's]~~ closest aircraft is not available, and so requested by the requesting agency, the agency~~[provider]~~ shall attempt to contact the closest known aircraft to the scene; ~~and~~

~~[(d)] [The air ambulance provider to share current aircraft position data, through computer interface with other air ambulance providers, if the air ambulance provider utilizes a satellite tracking position mechanism.]~~

(3) An agency~~[A provider]~~ may enter into mutual aid agreements with other Kentucky licensed air ambulance services operating within the same geographic area.

(4) An agency~~[A provider]~~ may accept a request to provide service outside of its service area except it shall require documentation from the requesting facility or provider that a good faith effort was made to utilize a provider licensed for the area.

(5) A preventive maintenance program shall be maintained that complies with Part 135 FAR or Part 92 FAR.

(6) Minimally, documentation of annual inspections or annual preventative maintenance records in addition to any records of maintenance performed shall be maintained by the agency~~[provider]~~ to support evidence of periodic inspections or calibrations required for maintenance and operation of medical equipment utilized on the aircraft.

(7) Each aircraft and its equipment shall be checked after each use to ensure that it is in a clean and sanitary condition, unless precluded by emergency conditions. Minimally, documentation shall be maintained by the agency~~[provider]~~ to support the evidence of a daily medical equipment checklist.

(8) A communications system shall be developed, coordinated, and maintained by each air ambulance provider. The communication system shall meet the following requirements:

(a) Radio equipment used in emergency medical services aircraft shall be appropriately licensed through the FCC. Copies of the current FCC licenses shall be on file in the agency's~~[provider's]~~ office;

(b) An aircraft shall be equipped with two (2) way radio communication equipment capable, under normal conditions, of contacting dispatch centers and hospitals;

(c) Rotor-wing~~[A]~~ aircraft shall have air-to-air, ground-to-air, and air-to-ground communication capabilities and shall be capable of communicating with ground personnel to properly coordinate the landing and primary medical responders on the ground who may be caring for the patient;

(d) Rotor-wing~~[A]~~ aircraft shall have a minimum of two (2) portable communication devices capable of operating on the provider frequency that shall be provided for personnel when away from the aircraft; and

(e) Each rotor-wing aircraft shall have an operational push-to-talk two-way radio programmed with all very high frequency (VHF) Kentucky State Mutual Aid Frequencies in accordance with the Commonwealth of Kentucky Field Operations Guide (KY-FOG).

~~[(e)] [All aircraft when approaching and departing a landing zone in uncontrolled airspace shall announce their intentions to other aircraft via 123.025 MHz.]~~

~~[(9)] [Air ambulance providers shall comply with FAR specifications for flight following and position plotting by a provider based or maintained communication center. The communication center shall be equipped with communications equipment and staffed by a properly trained ACS to receive and coordinate all calls as provided for by FAR. If providing fixed-wing service, this requirement may be met by filing an FAA flight plan.]~~

~~[(10)] [An ACS shall have documented training appropriate to the transport of the provider that shall as a minimum address the following areas:]~~

~~[(a)] [FAA and FCC regulations pertinent to air ambulance operations;]~~

~~[(b)] [Air medical radio communications;]~~

~~[(c)] [Medical terminology;]~~

~~[(d)] [Flight coordination and utilization;]~~

~~[(e)] [Navigation and weather interpretation;]
 [(f)] [Flight following; and]
 [(g)] [Emergency procedures;]
 [(11)] [An air ambulance provider shall provide proof that it:]
 [(a)] [Complies with FAR pertaining to maintenance inspections, flight, and duty time;]
 [(b)] [Complies with FAA and FAR required maintenance activities; and]
 [(c)] [Holds FAR required air ambulance operations specifications;]~~

Section 10.~~[Section 6.]~~ Aircraft Requirements.

(1) Fixed and rotor-wing air ambulance aircraft shall:

(a) Have an entry that allows patient loading and unloading without tilting the patient greater than thirty (30) degrees from the horizontal axis;

(b) Be climate controlled and maintain a temperature of not less than sixty-five (65) degrees nor more than eighty-five (85) degrees Fahrenheit in the patient compartment during patient transport or demonstrate a procedure for maintaining patient temperature sufficient to prevent hypothermia and hyperthermia;

(c) Keep all pharmaceuticals within the recommended temperature range as established by the manufacturer or as otherwise established by FDA standards;

(d) Utilize an alternate aircraft or alternate mode of transportation, if the environment within the aircraft is such that it would be detrimental to the staff's physical welfare or the patient's condition, until those conditions are alleviated;

(e) Be configured in such a way that air medical personnel shall have access to the patient to begin and maintain both basic and advanced life support;

(f) Have interior lighting adequate to ensure complete observation of the patient;

(g) Have a procedure in place to limit light in the cockpit area during night operation;

(h) Have an electric inverter, with two (2) outlets, to convert direct current (DC) to alternating current (AC) for operation of specialized equipment, such as an isolette or intra-aortic balloon pump;

(i) Have equipment, stretchers, and seating:

1. Arranged so as not to block rapid egress by air ambulance personnel or patients; and

2. Affixed or secured in FAA approved racks, compartments, or strap restraints which meet FAR "G" loading requirements;

(j) Have a patient stretcher or litter which:

1. Has the capability to raise the head of the patient; and

2. Has appropriate devices to secure the patient to the stretcher;

(k) Provide proof of an FAR Part 135 certificate with an FAR required air ambulance specification; and

(l) Not transport more patients, personnel, and other persons than can be safely secured by means of seat safety belts or similar devices in the aircraft during flight.

(2) Fixed-wing aircraft shall be pressurized if patient flights are to exceed 6000 feet mean sea level.

Section 11.~~[Section 7.]~~ Air Ambulance Medical Personnel.

(1) A rotor-wing air ambulance service operating an ALS aircraft shall ensure~~assure~~ that it is minimally staffed by:

(a) A pilot as required by this administrative regulation; and

(b) Two (2) attendants that meet one (1) of the following staffing configurations:

1. A Kentucky licensed paramedic and a RN authorized to practice in the state of Kentucky pursuant to KRS Chapter 314;

2. A RN and RN both of which are authorized to practice in the state of Kentucky pursuant to KRS Chapter 314; or

3. A physician authorized to practice in the state of Kentucky pursuant to KRS Chapter 311 and RN authorized to practice in the state of Kentucky pursuant to KRS Chapter 314.

(2) Each attendant required by subsection (1)(b) of this section shall additionally maintain documentation of current provider certification or the equivalent thereof as approved by the board of the following:

(a) Advanced Cardiovascular Life Support (ACLS)~~[ACLS]~~;

(b) Basic Life Support (BLS)~~[BLS]~~;

(c) Pediatric Advanced Life Support (PALS) or Pediatric Education for Prehospital Professionals (PEPP)~~[PALS]~~;

(d) Neonatal Resuscitation Program (NRP) or Neonatal Advanced Life Support (NALS); and

[1.] [PHTLS];

[2.] [ITLS; or]

[3.] [TNATC; and]

(e) Certification in one (1) of the following:~~[NRP]~~

1. Prehospital Trauma Life Support (PHTLS);

2. International Trauma Life Support (ITLS); or

3. Transport Nurse Advanced Trauma Course (TNATC).

(3) BLS fixed-wing patient transports shall be minimally staffed by:

(a) A pilot as required by this administrative regulation; and

(b) Two (2) attendants who~~whom~~ shall be minimally certified as EMT's by the board.

(4) ALS fixed-wing patient transports shall be minimally staffed by:

(a) A pilot as required by this administrative regulation; and

(b) Two (2) attendants of which:

1. The first patient attendant shall be:

a. A flight nurse; or

b. A RN authorized to practice in the state of Kentucky pursuant to KRS Chapter 314, qualified by specific patient population, experience, and current competencies in emergency and critical care; and

2. The second patient attendant shall be:

a. A RN authorized to practice in the state of Kentucky pursuant to KRS Chapter 314, qualified by specific patient population, experience, and current competency in emergency and critical care;

b. A licensed paramedic;

c. A certified or registered respiratory therapist qualified by specific patient population, experience, and current competency in mission-specific patient care; or

d. A physician authorized to practice in the state of Kentucky pursuant to KRS Chapter 311 and qualified by relevant training, experience, and current competency in mission-specific patient care.

(5) A staffing variance on an ALS fixed-wing patient mission necessitated by staffing or patient care requirements shall not be permitted unless prior approval is granted by the medical director or designee.

(6) ALS specialty care patient transports by rotor or fixed wing air ambulance shall be minimally staffed by:

(a) A pilot meeting the requirements of this administrative regulation; and

(b) Two (2) attendants with relevant training, experience, and current competency in transport-specific patient care as authorized by the medical director or designee of which:

1. The first patient attendant shall be:

a. A RN authorized to practice in the state of Kentucky pursuant to KRS Chapter 314;

b. A nurse practitioner; or

c. A physician authorized to practice in the state of Kentucky pursuant to KRS Chapter 311; and

2. The second patient attendant shall be:

a. A RN authorized to practice in the state of Kentucky pursuant to KRS Chapter 314;

b. A Kentucky licensed paramedic;

c. A certified or registered respiratory therapist;

d. A nurse practitioner; or

e. A physician authorized to practice in the state of Kentucky pursuant to KRS Chapter 311.

(7) All regular and specialty care air ambulance patient attendants shall attend and document flight orientation training. Flight orientation training shall include:

(a) Altitude physiology;

(b) Aircraft-specific operations and in-flight safety;

(c) Emergency egress and survival training;

(d) Crew resource management; and

(e) Communication equipment utilization and emergency procedures.

(8) All regular air ambulance patient attendants shall complete and document additional flight orientation training to include:

- (a) Scene safety;
 - (b) Use of extrication equipment;
 - (c) Scene triage;
 - (d) Kentucky EMS statutes and administrative regulations;
 - (e) Advanced airway management;
 - (f) Anatomy, physiology, and assessment of adult, pediatric, and neonatal patients as outlined within the program's scope of care;
 - (g) Cardiac emergencies and advanced critical care;
 - (h) Burns;
 - (i) Environmental emergencies;
 - (j) High risk OB;
 - (k) Multi-trauma[~~Multi~~trauma] emergencies;
 - (l) Toxicology;
 - (m) Hazardous materials awareness level training;
 - (n) Hemodynamic monitoring;
 - (o) Mechanical ventilation and respiratory physiology; and
 - (p) Pharmacology;
- (9) All regular air ambulance patient attendants shall complete and document annual continuing education which shall include a review of:

- (a) Infection control;
- (b) Kentucky EMS administrative regulations regarding ground and air transport;
- (c) Crew resource management;
- (d) Stressors of flight if not included in crew resource management;
- (e) Survival training; and
- (f) Skill maintenance program or competency program for invasive, high risk, or low volume procedures as outlined in the program's scope of care.

(10) An attendant shall remain with the patient, in the patient compartment, at all times during transport.

(11) All aircraft responding to flights originating in Kentucky shall be licensed by the board.

(12) Aircraft that are licensed in Kentucky may use the staffing requirements of the state in which they are located if they are licensed in that state and the staffing requirements for that state, at a minimum, for scene flights shall be:

- (a) Paramedic and RN;
- (b) RN and RN; or
- (c) Physician and RN.

(13) This administrative regulation shall not prevent a provider from utilizing staff other than that required by this administrative regulation in:

- (a) Disasters;
- (b) Mass casualty incidents; or
- (c) Extraordinary scene conditions that may impair the safety of the patient or personnel operating at the scene.

(14)

(a) Staffing configurations as outlined in this administrative regulation may supplement or replace the patient care attendants on a ground ambulance licensed in Kentucky for the purpose of facilitating the care and the transport of a patient only[if]:

1. If the[The] aircraft was unable to initiate or complete a patient flight due to safety issues[~~deteriorating~~] weather conditions established in Part 135 of the FAR, or other unplanned events; or

2. For[the purpose of] providing a continuum of care from the scene to the aircraft or from the aircraft to the patient destination.

(b) Air ambulance personnel shall ensure[~~assure~~] the availability of necessary equipment to care for the patient during transport.

(c) Air ambulance agencies that authorize staffing supplements or replacement under this section shall maintain a memorandum of understanding with an agency which shall include provisions for:

- 1. Ground crew responsibilities;
- 2. Air crew responsibilities;
- 3. Medical Direction;
- 4. Protocol usage;
- 5. The exchange of patient information, records, and that all reports shall be shared upon request; and
- 6. Billing responsibilities.

Section 12.[~~Section 8.~~] Agency[~~Provider~~] Requirements for Air Ambulance Pilots. The air ambulance agency[~~provider~~] shall ensure[~~assure~~] that prior to performing emergency medical service

transports the Pilot in Command (PIC)[~~PIC~~] complies with all requirements as set forth in 14 FAR Part 135.4. All documentation of having met this requirement shall be provided upon request.

Section 13.[~~Section 9.~~] Required[~~Basic Life Support~~] Equipment and Supplies.

(1) All[~~rotor~~] air ambulance agencies[~~providers~~] shall carry and maintain, in full operational order, the supplies, equipment, and medications as specified in the current board-approved Air Medical Equipment List[~~following minimum BLS equipment and supplies:~~]

(2) All aircraft shall have a stretcher or litter with:

(a) Head-raising capabilities;

(b) An FAA approved aircraft-specific mechanism for securing the stretcher or litter in the aircraft during transit; and

(c) An FAA approved aircraft-specific patient to stretcher securing mechanism.

(3) All agencies shall stock and maintain drugs and medications as required by the master drug list contained in the agency's board-approved protocols.

(4) All agencies shall store controlled substances in a locked storage box, within a locked compartment on the aircraft, that is immediately accessible to personnel.

(5) All drugs and other items with an expiration date shall not be expired.

(6) Drugs and fluids maintained on the aircraft shall be stored based on manufacturer's recommendations.

(7) Each agency shall carry up to date reference material or a guide that shall be assigned to the aircraft 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.

(8) 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.

[(a)] [Suction equipment, which shall include:]

[1.] [Two (2) sources of suction apparatus, one (1) of which shall be fixed, and one (1) of which shall be portable;]

[2.] [Rigid catheters;]

[3.] [Flexible catheters in adult, pediatric, and infant sizes;]

[4.] [Bulb-syringe or meconium aspiration device for infant and neonate suction;]

[(b)] [Oxygen and airway supplies and equipment, including:]

[1.] [An installed oxygen system with a capacity of at least 2,000 liters of oxygen for each aircraft;]

[2.] [Portable oxygen system supplying at least 300 liters;]

[3.] [A backup source of oxygen, which may be the required portable tank if it is carried in the patient care area during flight in the event the main system fails. The backup source shall be delivered via a nongravity dependent delivery device;]

[4.] [Pressure gauge and flow rate regulator for fixed and portable units with a range of zero to fifteen (15) liters per minute;]

[5.] [Oxygen supply tubing;]

[6.] [Transparent nonrebreather oxygen masks for adults and pediatrics;]

[7.] [Nasal cannulas for adults and pediatrics;]

[8.] [Disposable adult, pediatric, and infant bag-valve-mask ventilation units with oxygen reservoir, oxygen tubing, and masks;]

[9.] [Nasopharyngeal and oropharyngeal airway kits in sizes for adults and children with water-soluble lubricant; and]

[10.] [Bite stick;]

[(c)] [Trauma equipment and supplies including:]

[1.] [Two (2) sterile universal dressings at least 10 in. x 30 in., compactly folded and packaged;]

[2.] [Four (4) by four (4) gauze pads;]

[3.] [Soft roller self-adhering bandages, various sizes;]

[4.] [Four (4) rolls of adhesive tape, minimum of two (2) sizes;]

[5.] [Two (2) sterile burn sheets;]

[6.] [Two (2) eye protector pads and shields or an approved substitute;]

[7.] [Two (2) occlusive dressings;]

[8.] [Shears for bandages;]

[9.] [Splints, including:]

[a.] [Lower extremity mechanical traction splint in adult and pediatric sizes; and]

[b.] [Splints for arm, full leg and foot using semi-rigid immobilization devices; and]

[10.] [Immobilization devices, including:]

[a.] [Lower adult and pediatric long spine boards or other full body immobilization device with straps and cervical immobilization accessories;]

[b.] [Five (5) rigid, still cervical collars in four (4) different sizes including pediatric sizes; and]

[c.] [Towel rolls or other bulk dressings to be used for cervical immobilization for infants;]

[(d)] [Patient assessment and management equipment and supplies, including:]

[1.] [Adult, obese adult, pediatric, and infant sphygmomanometer cuffs with stethoscope. A permanently mounted sphygmomanometer shall not satisfy this requirement;]

[2.] [One (1) penlight;]

[3.] [An AED with a minimum of two (2) complete sets of pads for all non-ALS air ambulances;]

[4.] [A device for monitoring pulse oximetry; and]

[5.] [Thermometer;]

[(e)] [Personal protective equipment, which shall be available to each staff member responding on the aircraft, including:]

[1.] [One (1) clean scrub gown or substitute, such as disposable coveralls;]

[2.] [Simple disposable face mask;]

[3.] [Clear protective goggles or safety glasses;]

[4.] [Disposable gloves;]

[5.] [One (1) particulate filter mask rated at N95 or better without an exhaust port for patient use;]

[6.] [One (1) particulate filter mask rated at N95 or better with or without an exhaust port for protection of crew members; and]

[7.] [A means of cleansing the hands, such as disposable towelettes or other solutions;]

[(f)] [Patient comfort items including:]

[1.] [Two (2) clean blankets and sheets; and]

[2.] [An emesis container or similar substitute; and]

[(g)] [Miscellaneous supplies, including:]

[1.] [Hand held flashlight capable of providing adequate lighting to assess a scene or a patient away from the aircraft;]

[2.] [One (1) sterile obstetrical kit;]

[3.] [Instant glucose; and]

[4.] [One (1) multipurpose fire extinguisher which meets FAA requirements for each specific aircraft and configuration;]

[(2)] [All aircraft shall have a stretcher or litter with:]

[a.] [Head-raising capabilities;]

[b.] [An FAA approved aircraft-specific mechanism for securing the stretcher or litter in the aircraft during transit; and]

[c.] [An FAA approved aircraft-specific patient to stretcher securing mechanism;]

[(3)] [Cleaning materials shall be available, including:]

[a.] [Hospital type disinfectants;]

[b.] [Glass or multi-surface cleaner;]

[c.] [Trash bags for disposal of non-biohazard waste materials;]

[d.] [Biohazard bags for the disposable of biohazard waste; and]

[(e)] [Environment, terrain, and mission-specific rescue and survival supplies]

[(4)] [Current expiration dates shall be required for any item that carries an expiration date].

[Section 10.] [Advanced Life Support Equipment and Supplies.]

[(1)] [All ALS providers shall maintain evidence in the form of a letter that medical protocols have been reviewed and approved by the board.]

[(2)] [In addition to the BLS equipment required in Section 9 of this administrative regulation, an ALS provider shall carry on each aircraft, and maintain in fully operational order, supplies and equipment required by the providers protocols, including as a minimum:]

[(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.] [Alternative airway device to include at least one (1) of the following:]

[a.] [LMA;]

[b.] [Combitube;]

[c.] [King Airway; or]

[d.] [Additional alternative airway device as approved by the service medical director;]

[7.] [End tidal carbon dioxide detection devices, including:]

[a.] [A Capnography device that provides continuous waveform and digital readout of end tidal CO₂; and]

[b.] [A disposable colormetric device;]

[8.] [Stylettes in adult and pediatric sizes;]

[9.] [Magill forceps in adult and pediatric sizes;]

[10.] [One-half (1/2) inch wide twill tape or equivalent for securing endotracheal tubes; and]

[11.] [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 paddle electrodes or 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:]

[a.] [Electrode paste or gel or equivalent;]

[b.] [Electrode pads or equivalent for use with the patient monitoring cable; and]

[c.] [One (1) additional roll of paper for hard copy printout;]

[(e)] [Pulse oximeter;]

[(d)] [Mechanical ventilation device;]

[(e)] [Sterile, disposable needles in types and sizes sufficient for personnel to administer medications and perform procedures allowed by the providers' patient treatment protocols;]

[(f)] [Disposable syringes in types and sizes sufficient for personnel to administer medications and perform procedures allowed by the providers' patient treatment protocols;]

[(g)] [Restriction band appropriate for use with venipuncture procedure;]

[(h)] [Dextrostix or equivalent for the measure of blood glucose levels;]

[(i)] [Disposable, individually packaged antiseptic wipes;]

[(j)] [Intravenous fluids as required by the provider's protocol, with macrodrip and microdrip fluid sets, extension sets and accessory items including over the needle catheter devices in sizes fourteen (14) to twenty-four (24) gauge;]

[(k)] [Intraosseous needles; and]

[(l)] [Pediatric drug dosage tape or equivalent that provides easy reference for pediatric and infant treatment and drug dosages.]

[(3)] [An ALS provider 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 aircraft. A provider that stores and utilizes controlled substances shall show proof of having submitted the provider's protocols to the Cabinet for Health Services' Drug Control Branch.]

[(5)] [A provider may maintain other supplies or equipment that are required to carry out its protocols as approved by the board].

[(6)] [Current expiration dates shall be required for any item that carries an expiration date].

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

~~[(7)] [Drugs and fluids maintained on the aircraft shall be stored based on manufacturer's recommendations.]~~

~~Section 14.[Section 11.] Specialty Care Equipment. An agency[A provider] may maintain other equipment specified by the medical director if needed for the transport of neonates or other special needs patients.~~

~~Section 15.[Section 12.] Medical Directors.~~

~~(1) All[providers of] air ambulance agencies[services] shall have a medical director who meets the requirements established in 202 KAR 7:801.~~

~~(2) An agency shall notify the KBEMS Office within twenty-four (24) hours of a decision to discontinue a medical director agreement by either the agency or the medical director.[Medical directors shall meet the requirements as set forth in 202 KAR 7:801.]~~

~~(3) If an agency is found to be operating without a medical director, the agency shall be provided emergency medical direction by the KBEMS Medical Advisor for a fee of \$100 per day for the first thirty (30) calendar days the agency is without a medical director. The fee shall increase to \$500 per day after thirty (30) calendar days.~~

~~Section 16.[Section 13.] Request for Waiver.~~

~~(1) The board, for good cause, may grant a waiver of any section of this administrative regulation upon request. An applicant for waiver shall submit:[A provider licensed or contemplating licensure under this administrative regulation may make a written request to the board for certain provisions of this administrative regulation to be waived.]~~

~~(a) An EMS Equipment Waiver Request via the agency's KEMSIS account; and~~

~~(b) A non-refundable application fee of \$500 per waiver request.~~

~~(2) The application request shall include:[A request shall justify that a proposed waiver, if approved, shall not jeopardize the quality of patient care or public safety.]~~

~~(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) The board may approve a waiver request based on at least one (1) of the following:~~

~~(a) Circumstances where public health and safety is a factor;~~

~~(b) Extenuating or mitigating circumstances that warrant consideration to assure the delivery of adequate emergency medical services;~~

~~(c) Substitution of equipment authorized by this administrative regulation; or~~

~~(d) Testing of new procedures, techniques, or equipment in a pilot study authorized by the board.~~

~~(4) The board shall establish time limits and conditions on all waivers.~~

~~(5) Within twenty (20) days of the board's decision, the executive director shall notify the applicant of the decision in writing.~~

~~(6) 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.~~

~~(7) An applicant whose request for waiver is denied may file a written request for a hearing within thirty (30) days of the written notice of denial.~~

~~(8) If timely requested, a hearing shall be conducted in accordance with KRS Chapter 13B.~~

~~Section 17.[Section 14.] Exemptions from Regulations.~~

~~(1) The following situations shall be exempt from the provisions of this administrative regulation:~~

~~[(a)] [First aid or transportation provided in accordance with KRS 216B.020(2)(f);]~~

~~(a)[(b)] An aircraft serving as an ambulance during a disaster or major catastrophe; or~~

~~(b)[(c)] An aircraft operated by the United States government on property owned by the United States government.~~

~~(2) In addition, the following out-of-state providers shall be exempt from the provisions of this administrative regulation:~~

~~(a) An aircraft licensed by another state that is transporting a patient from out of state to a Kentucky medical facility or other location in Kentucky;~~

~~(b) An aircraft licensed by another state that is transporting a patient from out of state through Kentucky to another location out of state; and~~

~~(c) An aircraft licensed in an adjoining state that responds to a mutual aid request from a Kentucky licensed agency[provider] for emergency assistance if the out-of-state service is the closest service appropriately capable of responding to the request or if Kentucky licensed agencies are[providers]:~~

~~1. Unavailable[Are unavailable];~~

~~2. Already responding to the incident[Have already responded];~~

~~or~~

~~3. Physically[Are physically] unable to reach the incident.~~

~~Section 18.[Section 15.] Public Notice of Negative Action. The board office shall cause to be published[on[an] the KBEMS Web site[News] or similar publication of the board, or shall otherwise disseminate, the name of any licensed air[an] ambulance agency[provider] that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.~~

~~Section 19.[Section 16.] Incorporation by Reference.~~

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

~~(a) "Add TEMPORARY Vehicle/Aircraft Part A Application", (8/2026), <http://kemsis.ky.gov/>;~~

~~(b) "Add TEMPORARY Vehicle/Aircraft Part B Application", (8/2026), <http://kemsis.ky.gov/>;~~

~~(c) "Air Agency Renewal Application", (8/2026), <http://kemsis.ky.gov/>;~~

~~(d) "Aircraft Delete Application", (8/2026), <http://kemsis.ky.gov/>;~~

~~(e) "Air Medical Equipment List", (4/2026), <https://kbems.ky.gov/About/Pages/Forms.aspx>;~~

~~(f) "EMS Equipment Waiver Request", (8/2026), <http://kemsis.ky.gov/>;~~

~~(g) "Initial Air Agency License Application", (8/2026), <http://kemsis.ky.gov/>; and~~

~~(h) "U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary", (10/2025), https://nemsis.org/media/nemsis_v3/release-3.5.0/DataDictionary/PDFHTML/EMSDEMSTATE/index.html.~~

~~[(a)] [Form EMS-8A, "Kentucky Emergency Medical Services Ambulance Run Report", 9/98;]~~

~~[(b)] [Form EMS-8B, "Kentucky Emergency Medical Services Ambulance Run Report", 9/98;]~~

~~[(c)] [Form EMS-1, "Kentucky Application for Ambulance Service Licensing", 6/96; and]~~

~~[(d)] ["Air Medical Intake Flow Chart", 10/2008.]~~

~~(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.~~

202 KAR 007:510

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: July 29, 2026

FILED WITH LRC: August 3, 2026 at 1:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 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 October 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 minimum licensing requirements for air ambulance providers.

(b) The necessity of this administrative regulation: KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of air ambulance providers. This administrative regulation is necessary to establish minimum licensing requirements for air ambulance providers.

(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 minimum licensing requirements for air ambulance providers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.020 requires the board to exercise all administrative functions in the regulation of the emergency medical services system and the practice of emergency medical services, except those functions 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 air ambulance providers. This administrative regulation assists in the effective administration of KRS 311A.020 and 311A.030 by establishing minimum licensing requirements for air ambulance providers.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates and clarifies air ambulance provider license application and inspection requirements, updates patient care report retention requirements, requires fitness for duty statements and biennial national criminal background checks for air ambulance personnel, requires written plans for obtaining online medical direction, clarifies requirements for air ambulance personnel replacing or supplementing ground ambulance personnel, updates medical director requirements, and updates required equipment for air ambulances.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update and clarify the requirements for air ambulance providers to ensure consistency across regulations, to simplify and clarify equipment requirements, and to add the additional requirements, procedures, and clarifications summarized above.

(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 minimum licensing requirements for air ambulance providers.

(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 air ambulance providers. This amendment will assist in the effective administration of KRS 311A.020 and 311A.030 by establishing and updating minimum licensing requirements for air ambulance providers.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All air ambulance 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: Air ambulance providers will have to ensure that they maintain the equipment required by this amendment, require fitness for duty statements and biennial national criminal background checks for their personnel, maintain patient care reports in accordance with retention requirements, maintain written plans for obtaining online medical direction, follow requirements for when air ambulance personnel replace or supplement ground ambulance personnel, and follow medical director requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Affected entities will incur costs of approximately \$34 per employee every two years as a result of the requirement to obtain biennial national criminal background checks for each employee. (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Air ambulance providers will benefit from the nationwide scope of background checks.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

(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. However, this amendment will require costs of approximately \$34 per employee every two years as a result of the requirement that agencies conduct biennial national criminal background checks on their employees.

(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to all air ambulance providers.

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 to exercise all administrative functions in the regulation of the emergency medical services system and the practice of emergency medical services, except those functions 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 air ambulance providers. This administrative regulation establishes minimum licensing requirements for air ambulance providers.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 311A.030, which was last amended by 2026 Ky. Acts ch. 105, sec. 5.

(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): 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): All air ambulance providers.

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

1. Expenditures:

For the first year: Approximately \$34 per employee every two years for national criminal background checks.

For subsequent years: Approximately \$34 per employee every two years for national criminal background checks.

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: This administrative regulation will require costs of approximately \$34 per employee every two years as a result of the requirement that agencies conduct biennial national criminal background checks on their personnel.

(b) Methodology and resources used to reach this conclusion: The approximate cost of the national criminal background checks was obtained from the Board's national background check vendor.

(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: There are approximately 275 currently employed air medical personnel in Kentucky. As the national criminal background checks will cost approximately \$34 per employee every two years, the expected aggregate fiscal impact of this amendment is approximately \$9,350 over a two-year period. Accordingly, this amendment will not have a major economic impact as defined by KRS 13A.010(14).

DEPARTMENT OF AGRICULTURE
Office of Marketing
(Amendment)

302 KAR 60:010. Produce safety.

RELATES TO: KRS Chapter 260, 21 C.F.R. Part 112

STATUTORY AUTHORITY: KRS 260.020(3), 260.030(1)(d), 260.766, 260.769(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.769(1) authorizes the Department of Agriculture to promulgate administrative regulations for the efficient administration and enforcement of Kentucky's Produce Safety Rule for covered produce and covered farms. This administrative regulation establishes a uniform code for the growing, harvesting, packing, and holding of produce for human consumption.

Section 1. Definitions.

(1) "Adulterated" means covered produce in any growing, harvesting, packing, or holding area that has been subject to conditions whereby it could have become contaminated with filth or microorganisms of public health significance, or whereby it could have been rendered injurious to health.

(2) "Certificate of compliance" means a certificate issued by the department for covered farms that have been inspected and determined to be compliant with 21 C.F.R. 112, KRS 260.765 to 260.772, and this administrative regulation~~[are inventoried and subject to regulatory inspection]~~ by the department.

(3) "~~Non-covered farm~~Certificate of exemption" means a farm which is not subject to the requirements of 21 C.F.R. 112, KRS 260.765 to 260.772, and this administrative regulation because the farm~~[certificate of exempt status issued by the department pursuant to Section 5 of this administrative regulation for]~~:

(a) Grows~~[Farms growing]~~ only produce that is rarely consumed raw,

(b) Grows~~[Farms—growing]~~ only produce for personal consumption or produced for consumption on the farm,

(c) Grows only produce~~[Produce]~~ that receives commercial processing that adequately reduces the presence of microorganisms of public health significance, or

(d) Has an~~[Farms where, during the previous three (3) year period, a farmers']~~ average of all produce sales of~~[was]~~ \$25,000 or less (on a rolling basis), during the previous three (3) year period, adjusted for inflation using 2011 as the baseline year for calculating the adjustment.

(4) "Certificate of qualified exemption" means a certificate of qualified exempt status issued by the department pursuant to Section 4 of this administrative regulation.

(5) "Covered farm" is defined by KRS 260.765(2).

(6) "Covered produce" is defined by KRS 260.765(1).

(7) "Department" is defined by KRS 260.765(3).

(8) "Conditions of public health significance~~[Egregious condition]~~" means a practice, condition, or situation that is reasonably likely to lead to:

(a) Serious adverse health consequences or death from the consumption of or exposure to covered produce; or

(b) An imminent public health hazard if corrective action is not taken immediately.

(9) "Farm" is defined in 21 C.F.R. Part 112 and includes both a Primary Production Farm and a Secondary Activities Farm.

(10) "Farmer" is defined as the owner, operator, or agent in charge of a covered farm that is subject to some or all of the requirements in 21 C.F.R. Part 112, KRS 260.765 to 260.772,~~[Chapter 260;]~~ and this administrative regulation.

(11) "Inspection" means an official regulatory visit conducted by the department for the purpose of verifying compliance with 21 C.F.R. Part 112, KRS 260.765 to 260.772,~~[Chapter 260]~~ and this administrative regulation.

(12) "Microorganisms" means microbial pathogens of public health significance.

(13) "No Action Indicated" or "NAI" means a farm inspection classification that indicates no objectionable conditions or practices were found during the inspection ~~(the farm is in substantial compliance, with no violating conditions or only minor violations noted at the time of inspection).~~

(14) "Official Action Indicated" or "OAI" means a farm inspection classification that indicates regulatory or administrative actions are recommended ~~one (1) or more egregious violations materially related to food safety have been cited, or that an uncorrected VAI condition on a previous inspection has been cited.~~

(15) "Qualified exempt farm" means a farm that has met the eligibility requirements of KRS 260.768[Chapter 260] for qualified exemption and may be ~~has been~~ issued a certificate of qualified exemption from the department.

(16) "Stop Use Order" means an order issued by the department declaring the cessation of a covered activity; use of a utensil, piece of equipment, or machinery; water distribution device; or room or area used for the production, handling, or storage of covered produce.

(17) "Voluntary Action Indicated" or "VAI" means a farm inspection classification that indicates objectionable conditions or practices were found, but the agency is not prepared to take or recommend any administrative or regulatory action ~~a farm is generally in compliance, with only minor violations cited, which are not significant enough to pose an imminent health hazard.~~

Section 2. Right to Scheduled On-site Verification Visits. The department reserves the right to schedule, at any reasonable time, an on-site visit to verify if a farm is non-covered ~~exempt~~, covered, or eligible for a qualified exemption.

Section 3. Produce Farm Survey. All produce farmers in Kentucky, who market their produce ~~covered farms and farms eligible for exemption~~ shall be required to [annually] complete a produce farm inventory survey ~~[an Informational Survey]~~.

Section 4. Qualified Exemption.

(1) A covered farm that meets the requirements for a qualified exemption may apply for qualified exempt status with the department by submitting an Application for Qualified Exemption.

(2) Upon the department's review of the Application for Qualified Exemption, a farm verified as having met the requirements for exemption status shall be issued a certificate of qualified exemption.

(3) A certificate of qualified exemption shall be non-transferrable.

(4) A certificate of qualified exemption shall only be issued:

(a) In the name of the applicant; and

(b) For the farm ~~FSA~~ location or locations identified in the application.

(5) Unless otherwise withdrawn, the certificate of qualified exemption shall be valid for up to five (5) ~~three (3)~~ years.

(6) Qualified exemption certificates ~~status~~ shall be valid for the balance of the calendar year of issuance regardless of date, and for the four (4) ~~two (2)~~ calendar years ending December 31 thereafter. Renewals for an additional five (5) ~~three (3)~~ year period shall be upon submission of an Application for Qualified Exemption ~~and accompanied by verification of the successful completion of an FDA-approved training course by the farmer.~~

(7) Failure to submit an updated Application for Qualified Exemption to the Department by the expiration date ~~[noted]~~ on the certificate of exemption shall result in forfeiture of the qualified exemption certificate. The Department may conduct a scheduled on-site verification visit to determine if the farm is non-covered, qualified exempt, or covered and ~~[the presumption by the Department that the farm shall be]~~ subject to all requirements of 21 C.F.R. Part 112, ~~[the KRS 260.765 to 260.772, and this administrative regulation [Chapter 260].~~

(8) All qualified exempt farms shall be required to complete a yearly self-evaluation ~~evaluation~~ of qualified exemption status. ~~[If]~~ ~~Once~~ a farm's qualified exempt status changes to covered status, the farmer shall immediately notify the department.

(9) The department ~~department~~ shall only withdraw a qualified exemption as permitted ~~established~~ under 21 C.F.R. Part 112,

Subpart R or this administrative regulation by sending ~~by sending~~ written notice to the farm.

(10) If a farm's qualified exemption is withdrawn by the department, the farm shall be considered "covered" and shall be subject to all requirements of 21 C.F.R. Part 112, KRS 260.765 to 260.772, and ~~[Chapter 260, or]~~ this administrative regulation.

(11) Any applicant whose application for qualified exemption has been denied or withdrawn by the department may appeal the action as established in Section 11 of this administrative regulation.

(12) Any person whose qualified exemption has been withdrawn by the department may submit a written request for reinstatement of the qualified exemption to the department's Produce Safety Program Manager.

(13) Within ten (10) days following receipt of a written request for reinstatement, including a statement signed by the farmer that, in the farmer's opinion, the condition causing the withdrawal of qualified exemption has been corrected, the department shall make an inspection, and if the inspection reveals that the condition causing the withdrawal has been corrected, the qualified exemption shall be reinstated.

Section 5. Non-covered Farms [Certificate of Exemption]:

(1) To qualify as a non-covered farm, a produce farm shall: ~~A farm that meets the requirements for an exemption, as established in KRS Chapter 260 may apply for a certificate of exempt status with the department by submitting an Application for Qualified Exemption.~~

~~[(2)] [One (1) or more of the requirements established in paragraphs (a) through (d) of this subsection shall be met for a Certificate of Exemption.]~~

(a) Only ~~The farm shall only~~ grow produce that is rarely consumed raw, specifically including: asparagus, black beans, great Northern beans, kidney beans, lima beans, navy beans, pinto beans, beets, garden (roots and tops) beets, sugar beets, cashews, sour cherries, chickpeas, cocoa beans, coffee beans, collards, sweet corn, cranberries, dates, dill (seeds and weed), eggplants, figs, ginger, hazelnuts, horseradish, lentils, okra, peanuts, pecans, peppermint, potatoes, pumpkins, mature southern field peas (such as black-eyed peas, cowpeas, crowder peas, purple hull peas, sea island peas, silver peas, and speckled peas), winter squash, sweet potatoes, and water chestnuts; ~~[as established in 21 C.F.R. Part 112.2.]~~

(b) Only use produce ~~Produce~~ grown on the farm ~~[shall only be used]~~ for personal consumption or ~~[produced for]~~ consumption on the farm or another farm under the same management; ~~[as outlined in 21 C.F.R. Part 112.2.]~~

(c) Only grow produce that ~~Produce grown~~ is commercially processed in a manner ~~[shall receive commercial processing]~~ that adequately reduces the presence of microorganisms of public health significance as permitted by ~~[established in]~~ 21 C.F.R. Part 112.2(b); ~~[112.2.]~~

(d) Only grow produce that meets any of the requirements of subsections (a) to (c) of this subsection; or

(e) During the previous three (3) year period, sell produce with an average annual monetary value of ~~a farmer's average of all produce sales was~~ \$25,000 or less (on a rolling basis) adjusted for inflation using 2011 as the baseline year for calculating the adjustment ~~[as established in 21 C.F.R. Part 112.4].~~

~~[(3)] [Upon the department's review of the Application for Qualified Exemption, a farm verified as having met the requirements for exemption status shall be issued a Certificate of Exemption.]~~

~~[(4)] [A Certificate of Exemption shall be non-transferrable.]~~

~~[(5)] [A Certificate of Exemption shall only be issued:]~~

~~[(a)] [In the name of the applicant; and]~~

~~[(b)] [For the FSA location or locations identified in the application.]~~

~~[(6)] [Unless otherwise withdrawn, the Certificate of Exemption shall be valid for as long as the farm remains in exempt status.]~~

~~[(7)] All non-covered~~ ~~exempt~~ farms shall be required to complete a yearly self-evaluation ~~evaluation~~ of exemption status. If a farm's non-covered ~~exempt~~ status changes to covered status, the farmer shall immediately notify the department.

Section 6. Inspection Frequency ~~and~~ Notices Records.

(1) ~~Covered farms shall be inspected at least once every five (5) years. Risk prioritization. The department shall assign a risk prioritization level to each farm based on:~~

- ~~[(a)] [Commodities handled.]~~
- ~~[(b)] [Farm acreage.]~~
- ~~[(c)] [Annual produce sales.]~~
- ~~[(d)] [Farmer attendance at a Produce Safety Alliance or FDA-approved grower training.]~~
- ~~[(e)] [Compliance history.]~~
- ~~[(f)] [Participation in an on-farm readiness review.]~~
- ~~[(g)] [Agricultural water source.]~~
- ~~[(h)] [Presence of a farm food safety plan.]~~
- ~~[(i)] [GAP certification or recent participation in other food safety programs.]~~
- ~~[(j)] [Adjacent land use.]~~
- ~~[(k)] [Likelihood of wildlife or animal intrusion.]~~
- ~~[(l)] [Geographical location of the farm.]~~

(2) ~~The~~ Priority designation. Inspection frequencies shall be assigned as follows:

- ~~[(a)] [Priority 1 farms shall receive a minimum of one (1) inspection per year.]~~
- ~~[(b)] [Priority 2 farms shall receive a minimum of one (1) inspection every two (2) years.]~~
- ~~[(c)] [Priority 3 farms shall receive a minimum of one (1) inspection every three (3) years.]~~

~~[(3)] [Regardless of a farm's priority designation, the] department shall make as many additional inspections and re-inspections as are necessary for the enforcement of this administrative regulation.~~

~~[(3)]~~ [(4)] Inspection records. The department representative inspecting a covered farm shall record the findings on the Produce Farm Inspection Observations Report and shall provide a copy of the inspection report to the farmer.

~~[(5)] [Issuances of notices. If an inspection reveals a violation of this administrative regulation, the department shall notify the farmer. In the notification, the department shall establish:]~~

- ~~[(a)] [The specific violations found; and]~~
- ~~[(b)] [A specific and reasonable period of time for the correction based on the nature of the violations found pursuant to this paragraph. The report of inspection shall state:]~~

~~[(1.) [Failure to comply with a notice from the department, or with a time limit for correction of a violation, shall result in regulatory action up to and including civil penalties, as established in KRS Chapter 260, and]~~

~~[(2.) [An opportunity for appeal from an adverse notice or inspection finding shall be provided if a written request is filed with the department within ten (10) days following service of notice.]~~

~~[(6)] [Service of notice. A notice provided for under this section shall be properly served if a copy of the Produce Farm Inspection Observations Report or other notice has been delivered personally to the farmer, or the notice has been sent by registered or certified mail, return receipt requested, to the last known address of farmer.]~~

Section 7. Violations, Notices and Corrective Actions ~~Action Plans~~.

(1) Upon completion of each inspection, a recommended classification of NAI, VAI, or OAI and the timeframe for correcting any violation shall be specified on the Produce Farm Inspection Observations Report.

(2) If a farm has committed a violation of 21 C.F.R. Part 112, KRS 260.765 to 260.772 ~~[Chapter 260]~~, or this administrative regulation, an opportunity to correct the violation shall be provided in accordance with the following classifications:

(a) NAI - No corrective actions are required and no changes in the inspection frequency shall be warranted under this classification;

(b) VAI - A follow-up inspection shall occur no later than ~~[be warranted within a period of time not to exceed]~~ the date of the next routine inspection to determine if the violation causing this classification has been corrected; or

(c) OAI - A follow-up inspection shall be conducted within [a period of time not to exceed] ~~[thirty (30) days to determine if the~~

violation causing the classification has been corrected. A farm shall also be classified as OAI if it continually fails to correct a violation previously classified under a VAI designation or if a condition of public health significance ~~[an egregious violation]~~ is noted during an inspection.

(3) Issuances of notices. If an inspection reveals a violation of this administrative regulation, the department shall notify the farmer.

The notice shall contain:

- (a) The specific violations found;
- (b) A specific and reasonable period of time for the correction based on the nature of the violations found;

(c) A statement that failure to comply with a notice from the department, or to a violation within the time established by the notice, shall result in regulatory action up to and including civil penalties, as established in KRS 260.772; and

(d) A statement that the farmer may appeal from an adverse notice or inspection finding by submitting a written request to the department within ten (10) days following service of notice.

(4) Service of notice. A notice provided for under this section shall be properly served if a copy of the notice has been delivered personally to the farmer, or the notice has been sent by registered or certified mail, return receipt requested, to the last known address of farmer.

[(2)] [Upon completion of the inspection, a recommended classification of NAI, VAI, or OAI and the timeframe for correction of the violation shall be specified on the Produce Farm Inspection Observations Report.]

[(5)] ~~[(3)]~~ A farm that receives an inspection classification of [VAI or] OAI shall submit a plan of corrective action to the department within ~~[:]~~

- [(a)] [VAI: Within thirty (30) days following the inspection; and]
- [(b)] [OAI: Within] ten (10) days following the inspection.

[(6)] ~~[(4)]~~ Failure to submit a plan of corrective action to the department within ten (10) days ~~[the time frame established in subsection (3) of this section]~~ shall result in the initiation of enforcement provisions pursuant to KRS 260.769 to 260.772 ~~[Chapter 260]~~ and Section 10 of this administrative regulation.

[(7)] ~~[(5)]~~ If, during the follow-up ~~[next]~~ inspection, the violation noted on the previous inspection has not been corrected ~~[within the timeframe established in subsection (3) of this section]~~, the department shall:

- (a) Extend the timeframe for corrective action if the department determines that progress towards compliance has been made;
- (b) Issue a warning letter;
- (c) Initiate enforcement provisions pursuant to Sections 8, 9 and 10 of this administrative regulation; or
- (d) Initiate enforcement provisions pursuant to KRS 260.769 to 260.772 ~~[Chapter 260]~~.

Section 8. Stop Use.

(1) If a duly authorized agent of the department finds, or has probable cause to believe, that a covered activity or the continued use of a utensil, piece of equipment or machinery, water distribution device, or room or area used for the production, handling or storage of covered produce could result in adulterated product, the department shall issue a Stop Use Order to the farmer.

(a) The reason for the Stop Use Order shall be documented on the Notice to Stop Use.

(b) The Notice to Stop Use shall notify all persons to discontinue a covered activity or use of a utensil, piece of equipment or machinery, water distribution device, or room or area used for the production, handling, or storage of covered produce until conditions causing the Stop Use Order have been corrected and permission for use is given by a duly authorized agent of the department.

(2) A person shall not, without department permission, utilize a piece of equipment, room, or area used for the production, handling, or storage of covered produce for which a Stop Use Order has been issued.

(3) If the department has evidence that a farmer has violated the provisions contained in this section, enforcement provisions shall be initiated pursuant to KRS 260.769 to 260.772 ~~[Chapter 260]~~ and Section 10 of this administrative regulation.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

Section 9. ~~[Egregious-]~~Conditions of public health significance, Examination, and Detention of Foods.

(1) The department shall have the authority to examine and collect water, produce, and environmental samples as often as necessary for the enforcement of this administrative regulation.

(2) A farmer shall take immediate steps to correct any condition of public health significance~~[egregious condition]~~.

(3) If a duly authorized agent of the department finds or has probable cause to believe that covered produce in any growing, harvesting, packing, or holding area has been subject to conditions that could contaminate~~[whereby]~~ the covered produce ~~[could have become contaminated]~~ with filth or microorganisms of public health significance, or ~~render[whereby]~~ the covered produce ~~[could have been rendered]~~ injurious to health as established by KRS 260.765 to 260.772~~[Chapter 260]~~, the department shall issue a Stop Movement Order to the farmer.

(a) The reason for the order shall be documented ~~in[on]~~ the Stop Movement Order.

(b) The Stop Movement Order shall give notice that the covered produce is, or is suspected of, being contaminated or injurious to health and order[notifying] all persons not to remove or dispose of the produce by sale or otherwise until permission for removal, disposal, or diversion is given by an agent of the department or the court.

(4) The department shall issue a Notice of Voluntary Destruction to a farmer who elects to voluntarily destroy covered produce for which a Stop Movement Order has been issued.

(5) If covered produce for which a Stop Movement Order has been issued can be safely diverted by the farmer for alternative uses that do not pose a risk to human or animal health, the department, if requested, shall issue a Notice of Diversion/Change Order to the farmer.

(6) In all other instances, the department shall comply with KRS 260.765 to 260.772~~[Chapter 260]~~ regarding the disposition of produce for which a Stop Movement Order was issued.

(7) If the department has evidence that a farmer has failed to act to correct a condition of public health significance~~[an egregious condition]~~, enforcement provisions shall be initiated pursuant to KRS 260.765 to 260.772~~[Chapter 260]~~ and Section 10 of this administrative regulation.

Section 10. Enforcement Provisions.

(1) If the department has substantial reason to believe that a covered farm has failed to act to correct a condition of public health significance~~[an egregious condition]~~; if a farm owner, operator, or agent in charge has interfered with the department in the performance of its duties after its agents have duly and officially identified themselves; or if a farm has failed to comply with an OAI inspection notice within the timeframe granted, the department may[shall]:

(a) Issue a stop use[work] order for that portion or portions of the covered farm affected by the condition of public health significance~~[egregious condition]~~;

(b) Issue a stop movement order; or

(c) Seek civil or criminal penalties under KRS 260.765 to 260.772~~[Chapter 260]~~.

(2) In all other instances of violation of this administrative regulation, the department shall serve the ~~[registered-]~~farm with a written notice specifying the violation and afford the farm[holder of the registration] an opportunity to correct.

(3) Notices provided for under this administrative regulation shall be deemed to have been properly served if:

(a) A copy of the inspection report or other notice has been delivered personally to the farm owner~~[registration holder]~~ or the farm person-in-charge, or

(b) The notice has been sent by registered or certified mail, return receipt.

(4) Failure to comply with any provision of ~~[this administrative regulation-]~~21 C.F.R. Part 112, ~~[or]~~ KRS 260.765 to 260.772, or this administrative regulation~~[Chapter 260]~~ shall subject the farmer to civil penalties pursuant to KRS 260.990.

Section 11. Appeals. All appeals of KDA determinations shall be in accordance with KRS Chapter 13B.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Produce Farm Inventory Survey"~~[Informational Survey]~~", 08/2026~~[06/2020]~~; and

(b) "Application for Qualified Exemption", 08/2026~~[06/2020]~~;

~~[(c)]~~ ~~["Produce Farm Inspection Observations"-06/2020]~~;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material incorporated by reference is also available on the Department's website at <https://www.kyagr.com/marketing/produce-safety.html>.

302 KAR 060:010

JONATHAN SHELL, Commissioner of Agriculture

APPROVED BY AGENCY: August 13, 2026

FILED WITH LRC: August 13, 2026 at 1:10 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 28, 2026, at 10:00 A.M., at 111 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 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: Marc E. Manley, Deputy General Counsel, Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601. (502) 782-9219. MarcE.Manley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Marc Manley, Phone: (502) 782-9219, Email: MarcE.Manley@ky.gov

Subject Headings: Agriculture, Food and Food Safety, Inspections

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a uniform code for the growing, harvesting, packing, and holding of produce for human consumption.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because under KRS 260.766, the General Assembly has designated the Department of Agriculture to implement the federal Produce Safety Rule, 21 C.F.R. pt. 112, which was promulgated by the United States Food and Drug Administration under the authority of the Food Safety Modernization Act, Pub. L. No. 111-353.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 260.766 directs the Department of Agriculture to implement the federal Produce Safety Rule. KRS 260.769 authorizes the Department to promulgate administrative regulations for the purpose of administering and enforcing KRS 260.765 to KRS 260.772.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 260.769 authorizes the Department to promulgate administrative regulations for the purpose of administering and enforcing KRS 260.765 to KRS 260.772. This administrative regulation requires certain entities growing produce for human consumption to meet safety and hygiene standards to protect the public.

(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 bring the administrative regulation more in line with federal requirements and eliminates obsolete requirements never required under federal law. The amendment also changes terminology to be consistent with federal definitions

and terms.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to remove obsolete burdens on Kentucky produce producers and bring the program in-line with federal requirements.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 260.766 directs the Department of Agriculture to implement the federal Produce Safety Rule. KRS 260.769 authorizes the Department to promulgate administrative regulations for the purpose of administering and enforcing KRS 260.765 to KRS 260.772.

(d) How the amendment will assist in the effective administration of the statutes: KRS 260.769 authorizes the Department to promulgate administrative regulations for the purpose of administering and enforcing KRS 260.765 to KRS 260.772. This administrative regulation requires certain entities growing produce for human consumption to meet safety and hygiene standards to protect the public.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will impact approximately 1,300 produce producers in the Commonwealth. This amendment will not impact any state or local governments.

(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 additional action is necessary for those impacted in question (4). This amendment reduces the frequency of inspections conducted by the Department and eliminates the requirement that certain exempt producers submit paperwork to obtain a certificate of exemption.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no anticipated increases in costs associated with this amendment. Some producers will experience a slight decrease in costs associated with time to fill out paperwork that is no longer required.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Those individuals identified in question (4) who comply with this administrative regulation will be able to sell produce to retail establishments in compliance with federal safety and hygiene requirements.

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

(a) Initially: \$0.00. There are no additional costs as a result on this amendment and in fact, agency costs will decrease as less time will be spent conducting inspections and processing paperwork that is being eliminated.

(b) On a continuing basis: \$0.00. There are no additional costs as a result on this amendment and in fact, agency costs will decrease as less time will be spent conducting inspections and processing paperwork that is being eliminated.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Because this amendment is not anticipated to increase agency costs, the Department of Agriculture will use the same source of funding it has used to administer the Produce Safety Rule program since its inception.

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

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

(10) TIERING: Is tiering applied? No tiering is being applied because this administrative regulation treats all impacted individuals

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 260.765, KRS 260.766, KRS 260.767, KRS 260.768, KRS 260.769, KRS 260.770, KRS 260.771, KRS 260.772, 21 C.F.R. pt. 112

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2020 Ky. Acts ch. 68, sec. 5, effective July 15, 2020

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Department of Agriculture. The Department of Agriculture is the only state unit impacted by this administrative regulation. No other state units, parts, or divisions are affected 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: \$575,769, based on new cost savings from this amendment

For subsequent years: \$575,769, based on new cost savings from this amendment

2. Revenues:

For the first year: \$0.00

For subsequent years: \$0.00

3. Cost Savings:

For the first year: \$60,136, as compared to current expenditures

For subsequent years: \$60,136, as compared to current expenditures

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No other state or local entity is impacted by this administrative regulation.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation impacts produce farmers, but the regulation does not impose additional burdens beyond those required under the federal Produce Safety Rule. Among other things that do not impact regulated entities, this amendment eliminates some paperwork that the Department previously requested from regulated entities that is not required under federal law.

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

1. Expenditures:

For the first year: \$0.00

For subsequent years: \$0.00

2. Revenues:

For the first year: \$0.00

For subsequent years: \$0.00

3. Cost Savings:

For the first year: \$0.00

For subsequent years: \$0.00

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

(a) Fiscal impact of this administrative regulation: The Department reviewed its annual budget allocation for this program and estimated the cost savings that would be obtained by reducing the number of on farm inspections, increasing the duration certification lasts without requiring renewal, and the elimination of some paperwork for farmers not required by federal law. The Department estimates this amendment does not result in new direct or indirect costs to regulated entities because this administrative

regulation, as amended, identically aligns the Department's requirements with federal law. Because regulated entities are already required to meet the requirements of this administrative regulation pursuant to federal law, the Department does not believe this administrative regulation increases costs for regulated entities.

(b) Methodology and resources used to reach this conclusion: The cost savings identified in (3)(b) are based on reducing employee time spent executing this program and spending that time performing additional services for the USDA to perform GAP audits for farmers. GAP is a voluntary certification farmers may elect that opens their crops to new markets. GAP is unrelated to this administrative regulation and this program.

(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): While the overall cost to implement this administrative regulation exceeds \$500,000 each biennium, that cost existed prior to the enactment of HB 6 in 2025. This amendment will result in cost savings to the Commonwealth by freeing up Department employees' time so that it may be used to perform services on behalf of USDA in certifying GAP farms in exchange for new revenue.

(b) The methodology and resources used to reach this conclusion: GAP certification is a voluntary certification farmers may obtain that will open new markets. Many high-volume food aggregators/distributors require GAP certification. The USDA conducts GAP audits for farmers in exchange for a fee paid by the farmer to obtain the certification. Department staff time that is saved because of this amendment will be used to conduct those GAP audits. In other words, the cost savings identified in this fiscal impact statement are an indirect effect of this amendment to this administrative regulation.

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

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(Amendment)**

503 KAR 4:050. Required content and conduct of applicant training course.

RELATES TO: 2026 Ky. Acts ch. 173, sec. 1, KRS 237.110, 237.122, 237.124

STATUTORY AUTHORITY: KRS 237.124

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.124(1) requires the department to operate a program for the training of applicants for a concealed deadly weapons license. KRS 237.124(2) authorizes the department to promulgate administrative regulations to implement the training program. This administrative regulation establishes the training program.

Section 1. An applicant training course shall be:

- (1) The standardized training course furnished by the department; and
- (2) Taught by a certified firearms instructor.

Section 2. Applicant Training Course Content.

(1) Classroom instruction. An applicant training course shall include at least six (6) hours, but not more than eight (8) hours, of classroom instruction, covering the following topics:

- (a) Handgun safety in the classroom, at home, on the firing range or while carrying the firearm;
- (b) The basic principles of marksmanship;
- (c) Care and cleaning of handguns; and
- (d) By means of a videotape produced by the department:

1. The requirements for obtaining a concealed deadly weapons license in Kentucky;

2. Sections of KRS Chapters 237 and 527 relating to firearms; and

3. Sections of KRS Chapter 503 relating to the justifiable use of force.

(2) Live firing exercises. An applicant training course shall include live firing exercises of sufficient duration for an applicant to fire a handgun:

- (a) From a safe position;
- (b) Without receiving any assistance in holding, aiming, or firing from the instructor or any other person;
- (c) Twenty (20) rounds observed by the instructor. The instructor shall observe the applicant for each round fired, including those fired after the applicant has hit the silhouette portion of the target; and
- (d) At a distance from a department-approved, full-size silhouette target, of seven (7) yards.

(3) If range firing is conducted at a facility or range that requires a training instructor or range officer to clear or directly supervise and assist in the clearing of all firearm jams or malfunctions, the clearing of a firearm jam or malfunction by a certified firearms instructor or facility range officer in accordance with that policy shall not constitute prohibited assistance to a student for the purposes of subsection (2)(b) of this section.

Section 3. The classroom portion of the course shall be taught, at the certified firearms instructor's discretion, in one (1) six (6) hour block or divided into segments of not less than one (1) hour each.

Section 4.

(1) An applicant training course shall not be open to persons who are less than ~~eighteen (18)~~~~twenty-one (21)]~~ years of age.

(2) An applicant training course student shall complete:

(a) An "Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126-A, which shall include a statement acknowledging receipt of copies of pertinent sections of KRS Chapters 237, 527, and 503; and

(b) A "Release of Liability, Agreement to Waive Claims, Express Assumption of Risks, and Indemnity Agreement," Form #126-B.

Section 5. A certified firearms instructor shall not discuss the videotape or KRS Chapters 237, 503, or 527 with students, either individually or as a class.

Section 6.

(1) At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor shall:

- (a) Distribute a standard course examination to the students;
- (b) Not leave the room in which the examination is being held while the examination is in progress, unless another certified firearms instructor is physically present in the room to supervise the examination; and
- (c) Collect examination booklets and answer sheets from each student at the end of the examination period.

(2) At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor may:

- (a) Grade the applicant's examination; and
- (b) Provide the applicant with his or her score.

Section 7. Except for an instructor, a person shall not:

- (1) Make a copy of the applicant training course examination, in whole or in part;
- (2) Possess an applicant training course examination, or questions from an examination, unless authorized by the department; or
- (3) Divulge the contents of applicant training course examination questions to another person.

Section 8.

(1) A student shall use a safe, functional handgun and factory-loaded ammunition.

(a) An instructor or instructor trainer may choose to provide a safe, functional handgun at the request of the student for use during the class.

(b) An instructor or an instructor trainer shall not advertise that students will be furnished a handgun for use in the class.

(c) A handgun shall not be furnished unless special circumstances dictate the need to do so and the student requests it.

(d) An instructor or instructor trainer shall not charge a fee for furnishing a handgun, but may recover the actual cost of ammunition that is provided at the request of the student.

(2) Prior to conducting range firing, a certified firearms instructor shall:

(a) Inspect each applicant's firearm; and

(b) Not allow the firing of a handgun that the instructor has reason to believe is not in sound mechanical condition or otherwise may pose a safety hazard.

Section 9. A passing grade shall not be given on range work to an applicant who:

(1) Does not follow the orders of a certified firearms instructor;

(2) In the judgment of a certified firearms instructor, handles a firearm in a manner that poses a danger to the applicant or to others; or

(3) Fails to hit the silhouette portion of a target with not less than eleven (11) rounds without assistance in holding, aiming, or firing the firearm from the instructor or another person.

Section 10. In accordance with the requirements of KRS 237.110(22)(g), if the department believes that an instructor has not complied with the requirements for teaching a certified firearms instructor or applicant class, it shall send a "VF-1 Verification Form" to each student who has been listed by the instructor as having successfully completed the class taught by that instructor.

Section 11.

(1) The "Applicant Request for Training for License to Carry Concealed Deadly Weapons" and course fee required by KRS 237.122 shall be sent to the department at the same time as the class roster required by KRS 237.110(22)(d).

(2) A certified firearms instructor may use a "CCDW Training Class Roster Form," CCDW #5, to comply with the class roster requirements of KRS 237.110(22)(d).

Section 12. An applicant training course shall not have more than:

(1) Forty (40) students in the classroom portion; or

(2) Five (5) students per range officer engaged in range firing. Students in a waiting area at a range facility who are not actively engaged in loading, unloading or firing handguns shall not be considered to be engaged in range firing for the purposes of this subsection.

Section 13. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126-A, July 2019, Department of Criminal Justice Training;

(b) "Release of Liability, Agreement to Waive Claims, Express Assumption of Risks, and Indemnity Agreement," Form #126-B, July 2026[2019], Department of Criminal Justice Training;

(c) VF-1 "Verification Form", (6/02 edition), Department of Criminal Justice Training; and

(d) CCDW #5 "CCDW Training Class Roster Form", October 2015, Department of Criminal Justice Training.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Department of Criminal Justice Training, Funderburk Building, 4449 Kit Carson Drive, Richmond, Kentucky 40475-3137, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the department's Web site at <https://www.docj.t.ky.gov/forms>.

503 KAR 4:050. Required content and conduct of applicant training course.

MIKE BOSSE, Commissioner

APPROVED BY AGENCY: July 21, 2026

FILED WITH LRC: July 24, 2026 at 2:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation amendment shall be held Wednesday, October 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 October 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, Staff Attorney, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, Justice.RegContact@ky.gov, telephone number (502) 564-8216, facsimile number (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

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

Subject Headings: Criminal Justice Training; Firearms and Weapons; Licensing; Justice and Public Safety.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the required content and conduct of the concealed deadly weapons applicant training course. It sets the required classroom instruction, live-fire exercise, examination procedures, range requirements, student forms, class-size limits, instructor responsibilities, and incorporated materials for the training course.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement KRS 237.124, which requires the Department of Criminal Justice Training to operate a program for the training of applicants for a concealed deadly weapons license and authorizes the department to promulgate administrative regulations for that program. It is also necessary to maintain uniform training standards for certified firearms instructors and applicants.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 237.124 by establishing the training program required by that statute. It also supports KRS 237.110 and KRS 237.122 by setting the course content, instructor requirements, student documentation, testing process, range requirements, and fee-related submission requirements for the applicant training course.

(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 237.110, KRS 237.122, and KRS 237.124 by providing a uniform structure for applicant training, instructor compliance, student documentation, testing, live-fire qualification, and submission of required forms and fees. It also assists in administering the statutory licensing framework by ensuring that applicants receive consistent training before submitting proof of completion for concealed deadly weapons licensing purposes.

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

(a) How the amendment will change this existing administrative regulation: This amendment changes the minimum age for participation in the concealed deadly weapons applicant training course from twenty-one (21) years of age to eighteen (18) years of age. It also updates incorporated material as needed to conform to that change.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because 2026 Ky. Acts ch.

173, sec. 1, creates provisional concealed deadly weapons licenses for persons who are eighteen (18) years of age but younger than twenty-one (21) years of age. The current version of 503 KAR 4:050 states that an applicant training course is not open to persons under twenty-one (21) years of age. The amendment removes that inconsistency so otherwise eligible provisional-license applicants may complete the required training.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to KRS 237.124 by updating the applicant training program administered by the Department of Criminal Justice Training. It also conforms to KRS 237.110, KRS 237.122, and 2026 Ky. Acts ch. 173, sec. 1, by allowing persons who are eighteen (18) years of age but younger than twenty-one (21) years of age to complete the training needed for provisional concealed deadly weapons licensure.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by aligning the applicant training regulation with the new provisional-license statute. It will allow certified firearms instructors to provide the existing applicant training course to persons who are eighteen (18) years of age but younger than twenty-one (21) years of age, while leaving the existing course content, testing, live-fire, documentation, and instructor requirements in place.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This amendment implements 2026 Ky. Acts ch. 173, sec. 1, which created provisional concealed deadly weapons licenses for persons who are eighteen (18) years of age but younger than twenty-one (21) years of age.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment affects the Department of Criminal Justice Training, the Department of Kentucky State Police, private certified firearms instructors and instructor trainers who conduct concealed deadly weapons applicant training courses, and applicant training course students. In 2025, there were 3,550 concealed deadly weapons applications. The number of additional students affected by this amendment will depend on how many persons who are eighteen (18) years of age but younger than twenty-one (21) years of age choose to seek a provisional concealed deadly weapons license. The amendment may also affect private certified firearms instructors and instructor trainers who conduct applicant training courses. No local government is directly affected by this amendment.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The Department of Criminal Justice Training will revise the regulation, update any affected incorporated material, update related course materials as needed, and notify private certified firearms instructors and instructor trainers of the change. The Department of Kentucky State Police (KSP) will not be required to take any action to comply with this amendment. KSP's provisional-license application, issuance, expiration, and conversion responsibilities arise from 2026 Ky. Acts ch. 173, sec. 1, not from this administrative regulation. Private certified firearms instructors and instructor trainers who conduct concealed deadly weapons applicant training courses will be required to comply with the amended minimum age requirement and use any revised forms or course materials issued by the department. Applicants who are eighteen (18) years of age but younger than twenty-one (21) years of age and who choose to seek a provisional concealed deadly weapons license will be required to complete the same applicant training course required of other applicants.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The Department of Criminal Justice Training will not need additional staff, funding, equipment, or information technology systems to implement this amendment. Any revisions to forms, course materials, and instructor communications will be completed with existing staff and existing resources. No cost to the Department

of Kentucky State Police is attributable to this amendment. Private certified firearms instructors and instructor trainers are not expected to incur additional compliance costs, other than ordinary administrative costs associated with using revised forms or materials. Applicants who are eighteen (18) years of age but younger than twenty-one (21) years of age and who choose to seek a provisional concealed deadly weapons license will pay the existing course fee and any existing allowable course-related costs. This amendment does not create or increase those fees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The Department of Criminal Justice Training will benefit from having its administrative regulation aligned with 2026 Ky. Acts ch. 173, sec. 1. The Department of Kentucky State Police will benefit from receiving proof of completion from applicants who complete training under a regulation that conforms to the provisional-license statute. Private certified firearms instructors and instructor trainers will benefit from clear regulatory authority to train applicants who are eighteen (18) years of age but younger than twenty-one (21) years of age. Applicants who are eighteen (18) years of age but younger than twenty-one (21) years of age will benefit by being able to complete the required applicant training course for purposes of applying for a provisional concealed deadly weapons license.

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

(a) Initially: No additional cost is anticipated. The Department of Criminal Justice Training will implement this amendment using existing staff, existing resources, and existing systems. Any revisions to forms, course materials, manuals, or instructor communications will be handled as part of routine program administration.

(b) On a continuing basis: No additional continuing cost is anticipated. The amendment does not require additional staff, equipment, contracts, funding, or information technology systems. Any additional student records or remittances resulting from newly eligible applicants will be processed through the existing CCDW training program.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Existing Department of Criminal Justice Training funds and resources will be used to implement and enforce this amendment.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment. The amendment will be implemented with existing staff, existing resources, and existing systems.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish any new fees and does not directly or indirectly increase any fees. Existing fees and remittances required by KRS 237.122 are not changed by this amendment.

(10) TIERING: Is tiering applied? No. Tiering is not applied. This amendment applies uniformly to all private certified firearms instructors and instructor trainers who conduct concealed deadly weapons applicant training courses under 503 KAR 4:050. The amendment does not create different requirements based on the size, type, or location of the instructor or training provider. The amendment only changes the minimum age for participation in the applicant training course from twenty-one (21) years of age to eighteen (18) years of age.

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 237.124(1) requires the Department of Criminal Justice Training to operate a program for the training of applicants for a concealed deadly weapon license, and KRS 237.124(2) authorizes the department to promulgate administrative regulations to implement that program. KRS 237.110 establishes concealed deadly weapon licensing and applicant-training requirements. KRS 237.122 governs the certification of firearms

instructors, applicant-course fees, and remittances to the department. 2026 Ky. Acts ch. 173, sec. 1, establishes provisional concealed deadly weapon licenses for persons who are eighteen (18) years of age but younger than twenty-one (21) years of age and generally makes those licenses subject to KRS 237.110. This amendment conforms the applicant training regulation to that enactment.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. KRS 237.124(2), enacted by 2002 Ky. Acts ch. 368, sec. 5, expressly authorizes the Department of Criminal Justice Training to promulgate administrative regulations to implement the applicant training program. This amendment is also necessary to conform the training program to 2026 Ky. Acts ch. 173, sec. 1.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Justice and Public Safety Cabinet, Department of Criminal Justice Training. The Department of Kentucky State Police is also affected to the extent that its provisional-license process will accept proof of completion of the applicant training course administered by the Department of Criminal Justice Training.

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

1. Expenditures:

For the first year: The Department of Criminal Justice Training may incur one-time costs for staff time, regulatory filing, revision of incorporated forms, revision of course materials, revision of the Instructor and Student Manuals, instructor notification, printing, distribution, and any necessary information-system changes. No separate expenditure attributable solely to this DOCJT amendment has been identified for the Department of Kentucky State Police; costs of establishing the provisional-license application and issuance process arise primarily from 2026 Ky. Acts ch. 173 and KSP's implementing actions.

For subsequent years: Ongoing DOCJT expenditures, if any, may include processing additional student records and remittances, maintaining revised materials, and providing guidance to instructors. No separate ongoing KSP expenditure attributable solely to this DOCJT amendment is presently identified.

2. Revenues:

For the first year: KRS 237.122(8) requires a certified firearms instructor or instructor trainer to remit twenty-five dollars (\$25) per applicant training course student to the Department of Criminal Justice Training. DOCJT revenue may increase if newly eligible persons enroll in applicant training courses. The estimate may be calculated by multiplying the projected number of additional students by twenty-five dollars (\$25). No KSP revenue change is attributable solely to this DOCJT amendment.

For subsequent years: DOCJT will continue to receive twenty-five dollars (\$25) for each additional applicant training course student. The amount depends on projected annual enrollment by provisional-license applicants. No KSP revenue change is attributable solely to this DOCJT amendment.

3. Cost Savings:

For the first year: No cost savings attributable to this amendment are presently identified. Agency verification is required.

For subsequent years: No cost savings attributable to this amendment are presently identified. Agency verification is required.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local governmental entity is directly affected by this DOCJT administrative regulation. County sheriffs have duties under 2026 Ky. Acts ch. 173 relating to paper applications to convert provisional licenses to standard licenses, but this amendment to the applicant training regulation does not impose those duties.

(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): Certified firearms instructors and instructor trainers who conduct applicant training courses; applicant training course students; and persons who are eighteen (18) years of age but younger than twenty-one (21) years of age who seek training for a provisional concealed deadly weapon license will be affected by this regulation.

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

1. Expenditures:

For the first year: Instructors may incur minimal administrative costs to use revised forms and materials. The amendment does not change the existing course duration, live-fire requirements, class-size limits, or instructor-certification structure. Newly eligible students who choose to seek a provisional license will incur the existing applicant-course fee, which shall not exceed seventy-five dollars (\$75), any authorized charge for range use, targets, associated range materials, and classroom rental, which shall not exceed ten dollars (\$10), and any applicable ammunition cost.

For subsequent years: Instructor costs are expected to remain limited to ordinary course-administration costs. Student expenditures will depend on the number of provisional-license applicants who enroll and the fees and allowable costs charged for each course.

2. Revenues:

For the first year: Certified firearms instructors and instructor trainers may receive additional course-related revenue from newly eligible students, subject to the statutory fee limits and the required twenty-five-dollar (\$25) remittance to DOCJT for each student.

For subsequent years: Additional instructor revenue will depend on the annual number of provisional-license applicants who enroll in applicant training courses.

3. Cost Savings:

For the first year: No cost savings attributable to this amendment are presently identified.

For subsequent years: No cost savings attributable to this amendment are presently identified.

(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 will allow DOCJT-certified firearms instructors and instructor trainers to provide applicant training to persons who are eighteen (18) years of age but younger than twenty-one (21) years of age who seek provisional concealed deadly weapon licenses. DOCJT may incur one-time costs to amend the regulation, revise incorporated forms and course materials, revise the Instructor and Student Manuals, notify instructors, and make related administrative changes. DOCJT may receive additional twenty-five dollar (\$25) per-student remittances if applicant-course enrollment increases. KSP is not expected to incur a separate fiscal impact from this DOCJT amendment beyond the costs of implementing 2026 Ky. Acts ch. 173 and any KSP administrative regulations. Instructors may incur minimal administrative costs and may receive additional course revenue. Newly eligible applicants will incur the existing training and related costs if they choose to apply. No direct fiscal impact on local governmental entities is anticipated.

(b) Methodology and resources used to reach this conclusion: The analysis is based on a review of 503 KAR 4:050; KRS 237.110, 237.122, and 237.124; and 2026 Ky. Acts ch. 173, sec. 1. The existing age restriction was compared with the new provisional-license eligibility provisions. The statutory fee structure and the forms and training materials affected by the amendment were also reviewed. Final estimates require DOCJT and KSP staffing and cost data, projected provisional-applicant enrollment, and anticipated form, printing, distribution, technology, and manual-revision costs. However, the costs for the relevant applicant training course are a result of the statutory scheme and not this administrative 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): A major economic impact is not anticipated.

(b) The methodology and resources used to reach this conclusion: The analysis is based on a review of 503 KAR 4:050; KRS 237.110, 237.122, and 237.124; and 2026 Ky. Acts ch. 173, sec. 1. The existing age restriction was compared with the new provisional-license eligibility provisions. The application and course process, statutory fee structure, and forms and training materials affected by the amendment were also reviewed. DOCJT may incur one-time costs to amend the regulation, revise incorporated forms and course materials, revise the Instructor and Student Manuals, notify instructors, and make related administrative changes. DOCJT may receive additional twenty-five dollar (\$25) per-student remittances if applicant-course enrollment increases. KSP is not expected to incur a separate fiscal impact from this DOCJT amendment beyond the costs of implementing 2026 Ky. Acts ch. 173 and any KSP administrative regulations. Instructors may incur minimal administrative costs and may receive additional course revenue. Newly eligible applicants will incur the existing training and related costs if they choose to apply. However, the costs for the relevant applicant training course are a result of the statutory scheme and not this administrative regulation.

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

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Amendment)**

505 KAR 1:130. Department of Juvenile Justice Policies and Procedures: juvenile services in community.

RELATES TO: KRS 15A.065, 15A.0652, 15A.067, 200.080-200.120, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 605.150, 635.095, 635.100, 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095, 635.100, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation incorporates by reference into regulatory form materials used by the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

Section 1. Incorporation by Reference.

(1) The "Department of Juvenile Justice Policy and Procedures Manual: Juvenile Services in Community", July 30, 2026[October 6, 2017], is incorporated by reference and includes the following:

600	Definitions (Amended 10/06/17);
601	Initial Contact & Court Support for Public Offenders (Amended 10/06/17);
601.1	Initial Contact & Court Support for Youthful Offenders (Amended 10/06/17);
601.2	Case Management Screens and Assessments (Amended 10/06/17);
602	Individual Client Record (Amended 10/06/17);
603	Service Complaints (Amended 10/06/17);
604	Case Planning and Participation in Treatment Planning (Amended 7/12/17);
605	Community Supervision (Amended 7/30/26[10/06/17]);
606	Probation of Public Offenders (Amended 10/06/17);

607	Commitment of Public Offenders (Amended 10/06/17);
608	Drug Screening and Confirmation Testing (Amended 10/06/17);
609	Youth's Benefits (Amended 10/06/17);
609.1	Title IV-E Federal Foster Care Maintenance Payments (Amended 10/06/17);
609.2	Trust Funds (Amended 10/06/17);
610	Transportation of Committed Youth (Amended 10/06/17);
610.1	Out-of-State and Out-of-Country Travel (Amended 10/06/17);
611	Electronic Monitoring (Amended 5/15/17);
612	Authorized Leave for Public Offenders, Juvenile Sexual Offenders, and Youthful Offenders in Placement (Amended 10/06/17);
613	Supervised Placement Revocation (Amended 10/06/17);
615	Juvenile Intensive Supervision Team (JIST) (Amended 10/06/17);
616	Youthful Offenders-Confined, Shock Probated, and Transferred to the Department of Corrections (Amended 10/06/17);
616.1	Probation of Youthful Offenders (Amended 10/06/17);
616.2	Parole of Youthful Offenders (Amended 10/06/17);
617	Incident Reports (Amended 10/06/17);
618	AWOL or Escape (Amended 10/06/17);
620	Use of Self-Protection Skills (Amended 10/06/17);
621	Mental or Behavioral Health Services, Referrals, and Psychiatric Hospitalization (Amended 10/06/17);
622	Community Mental Health Operations (Amended 10/06/17); and
623	Health and Safety for Community and Mental Health Services (Amended 10/06/17).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be accessed at <https://djj.ky.gov/policy-manual/Documents/600/2024/DJJ%20605%20Community%20Supervision.pdf>.

505 KAR 1:130. Department of Juvenile Justice Policies and Procedures: juvenile services in community.

RANDY WHITE, Commissioner

APPROVED BY AGENCY: July 30, 2026

FILED WITH LRC: July 30, 2026 at 3:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation amendment shall be held Wednesday, October 21, 2026, at 9:00 a.m. ET/10 a.m. CT 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

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

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 October 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, Staff Attorney, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, Justice.RegContact@ky.gov, telephone number (502) 564-8216, facsimile number (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

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

Subject Headings: Justice and Public Safety, Juvenile Detention and Justice, Penalties.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation incorporates by reference into regulatory form materials used by the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide clear guidance regarding the implementation of statewide juvenile services program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095, 635.100, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation incorporates by reference into regulatory form materials used by the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statewide juvenile services program by providing clear guidance for in the implementation of a statewide juvenile services program.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates material incorporated by reference, specifically, Department of Juvenile Justice, Policy Number DJJ 605 by adding a Graduated Sanctions Grid and Graduated Response Decision Matrix.

(b) The necessity of the amendment to this administrative regulation: The amendment is needed to comply with KRS 15A.0652(2)(b)1.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095, 635.100, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation incorporates by reference into regulatory form materials used by the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statewide juvenile services program by providing guidance for the administration of the program. More specifically, the amendment incorporates the continuum of sanctions that apply in response to a child's violation of the terms or conditions of community 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 amendment affects the Department of Juvenile Justice, its staff, and between approximately 600 to 1,200 juveniles on community supervision or community supervision, depending on fluctuations in that population.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Department of Juvenile Justice employees and juveniles subject to community supervision will not have to take any additional steps to comply with the amendment as the incorporated materials were already being used when applying sanctions in response to a child's violation of the terms or conditions of community supervision.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The Department of Juvenile Justice will not need additional staff, funding, equipment, or information technology systems to implement this amendment. There will be no additional cost to juveniles subject to community supervision.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, Department of Juvenile Justice staff and juveniles subject to community supervision will have a clearer understanding of the continuum of sanctions that apply in response to a child's violation of the terms or conditions of community supervision.

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

(a) Initially: No additional cost is anticipated. The Department of Juvenile Justice will implement this amendment using existing staff, existing resources, and existing systems.

(b) On a continuing basis: No additional continuing cost is anticipated. The Department of Juvenile Justice will implement this amendment using existing staff, existing resources, and existing systems.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment. The amendment will be implemented with existing staff, existing resources, and existing systems.

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

(10) TIERING: Is tiering applied? No. Tiering is not applied. This amendment applies uniformly to all Department of Juvenile Justice staff and juveniles subject to community supervision.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095, 635.100, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095, 635.100, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Justice and Public Safety Cabinet, Department of Juvenile Justice.

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

1. Expenditures:

For the first year: No expenditures are anticipated to implement this amendment. The Department of Juvenile Justice will implement this amendment using existing staff, existing resources, and existing systems.

For subsequent years: No expenditures are anticipated for subsequent years. The Department of Juvenile Justice will implement this amendment using existing staff, existing resources, and existing systems.

2. Revenues:

For the first year: No revenues are anticipated in the first year.

For subsequent years: No revenues are anticipated in subsequent years.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

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

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

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Juveniles subject to community supervision will be affected by the amendment.

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

1. Expenditures:

For the first year: No expenditures for the first year are anticipated for juveniles subject to community supervision for the first year.

For subsequent years: No expenditures in subsequent years are anticipated for juveniles subject to community supervision.

2. Revenues:

For the first year: No revenues are anticipated in the first year.

For subsequent years: No revenues are anticipated in subsequent years.

3. Cost Savings:

For the first year: No cost savings attributable to this amendment are presently identified.

For subsequent years: No cost savings attributable to this amendment are presently identified.

(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 is not expected to have a fiscal impact on the entities identified in (3)(a) or 5(a).

(b) Methodology and resources used to reach this conclusion: The Department of Juvenile Justice will implement this amendment using existing staff, existing resources, and existing systems. Additionally, juveniles will not experience a fiscal impact. Rather, the amendment provides guidance to Department of Juvenile Justice staff and juveniles subject to community supervision related to the continuum of sanctions that apply in response to a child's violation of the terms or conditions of community supervision.

(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 Department of Juvenile Justice will implement this

amendment using existing staff, existing resources, and existing systems. Additionally, juveniles will not experience a fiscal impact as a result of the amendment. Rather, the amendment provides guidance to Department of Juvenile Justice staff and juveniles subject to community supervision related to the continuum of sanctions that apply in response to a child's violation of the terms or conditions of community supervision.

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

**EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amendment)**

701 KAR 5:160. Selection and appointment of non-voting Kentucky board of education members.

RELATES TO: KRS 118B.140, 118B.160, 156.029, 156.035
STATUTORY AUTHORITY: KRS 156.029(4)[156.029(3)], 156.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029(1) authorizes the Kentucky Board of Education, including an active public elementary or secondary school teacher and a public high school student serving as non-voting members of the board. KRS 156.029(4)[156.029(3)] requires the Kentucky Board of Education to promulgate an administrative regulation establishing the process for selecting the non-voting teacher and non-voting student member to serve on the board. This administrative regulation establishes the process for the selection and appointment of a non-voting active public elementary or secondary school teacher and a non-voting public high school student to serve on the Kentucky Board of Education.

Section 1. Definitions.

(1) "Board" means the Kentucky Board of Education as established in KRS 156.029 and 156.035.

(2) "Commissioner" means the Commissioner of Education appointed by the Kentucky Board of Education pursuant to KRS 156.148.

(3) "Student" means a person enrolled in a Kentucky public high school and classified by the Kentucky public high school as a sophomore[junior]at the time of appointment, meaning the student shall complete grade 10 no later than[on] July 1 of the calendar year for which appointment is sought.

(4) "Teacher" means a person employed on a full-time basis by a Kentucky public school district in a position for which certification is required pursuant to KRS 161.020, and who is not employed in an administrative role.

Section 2. Recommendation and Selection of Non-voting Teacher Member.

(1) An application for consideration to become a non-voting teacher member of the board shall contain:

(a) The applicant's name, home address, public school district of employment, and Supreme Court[congressional] district of residence;

(b) A resume or curriculum vitae for the applicant;

(c) A narrative statement by the applicant explaining why the applicant wants to serve as a non-voting teacher member of the board;

(d) A statement of assurance from the applicant that the applicant meets the definition of a "teacher" as defined by Section 1(4) of this administrative regulation; and

(e) A description of any pending or final disciplinary action against the applicant by the Education Professional Standards Board.

(2) No later than March 1 of each calendar year, the commissioner or the commissioner's designee shall publicly advertise the application process established in this administrative regulation to become a non-voting teacher member of the board. The public advertisement may be in electronic format and shall be included in a publication designed to reach Kentucky public school teachers. The public advertisement shall contain:

- (a) The composition, authority, and duties of the board;
- (b) The time commitment expected of board members;
- (c) The eligibility requirements established in KRS 156.029 and this administrative regulation to be selected as a non-voting teacher member of the board;
- (d) The selection process for the non-voting teacher member of the board;
- (e) All required application materials as established in subsection(1) of this section;
- (f) The method of application material submission, including the name and address of the individual designated by the commissioner or commissioner's designee to receive applications; and
- (g) The deadline by which all application materials shall be received for consideration, which shall be no later than April 1 of the calendar year for which applications are sought.

(3) ~~Following~~~~Within three (3) business days following~~ the deadline established in subsection (2) of this section, the commissioner or commissioner's designee shall forward all eligible applications to the commissioner's Teacher Advisory Council for review and recommendation. Applications for applicants who are ineligible for appointment because they do not meet the requirements of KRS 156.029 or this administrative regulation shall not be forwarded to the commissioner's Teacher Advisory Council for review and recommendation.

(4) The commissioner's Teacher Advisory Council, or a subset of the council designated by a majority vote of the full council, shall review applications forwarded by the commissioner or commissioner's designee for the non-voting teacher member of the board. No later than May 1, the commissioner's Teacher Advisory Council shall recommend to the board three (3) candidates from the applications for selection as the non-voting teacher member of the board. If the commissioner's Teacher Advisory Council fails to take action to make a recommendation to the board by May 1, ~~within five (5) business days after May 1,~~ the Commissioner shall recommend to the board three (3) candidates from the applications for selection as the non-voting teacher member of the board.

(5) No later than its last regular meeting of the fiscal year, the board shall consider the recommendation pursuant to subsection (4) of this section and, by majority vote, select one (1) candidate to serve as the non-voting teacher member of the board for a one (1) year term, which shall begin on July 1 immediately following the board's selection, and expire on the following June 30.

(6) The non-voting teacher member of the board serving a term to begin on July 1, ~~2027~~[2022] and to expire on June 30, ~~2028~~[2023], shall reside in Kentucky's ~~First (1st)~~[Sixth (6th)] ~~Congressional~~[Supreme Court] district as established by KRS ~~21A.010~~[148B.140]. Successive non-voting teacher members shall rotate among the state's ~~Supreme Court~~[congressional] districts in numerical order.

Section 3. Recommendation and Selection of Non-voting Student Member.

(1) An application for consideration to become a non-voting student member of the board shall contain:

- (a) The applicant's name, home address, public school district of enrollment, and ~~Supreme Court~~[congressional] district of residence;
- (b) A resume or curriculum vitae for the applicant;
- (c) A narrative statement by the applicant explaining why the applicant wants to serve as a non-voting student member of the board;
- (d) Two (2) letters of recommendation from a teacher, school administrator, employer, coach, or volunteer supervisor explaining why the applicant should be appointed to the board; and
- (e) If the student is a minor, a parental consent form signed by a parent or guardian acknowledging the time commitment and periodic travel requirements of board members, and providing

consent for the applicant to participate as a non-voting student member of the board if selected.

(2) No later than March 1 of each calendar year, the commissioner or the commissioner's designee shall publicly advertise the application process established in this administrative regulation to become a non-voting student member of the board. The public advertisement may be in electronic format and shall be included in a publication designed to reach Kentucky public school teachers and superintendents for further dissemination to students. The public advertisement shall contain:

- (a) The composition, authority, and duties of the board;
- (b) The time commitment expected of board members;
- (c) The eligibility requirements established in KRS 156.029 and this administrative regulation to be selected as a non-voting student member of the board;
- (d) The selection process established in this administrative regulation for the non-voting student member of the board;
- (e) All required application materials as established in subsection(1) of this section;
- (f) The method of application material submission, including the name and address of the individual designated by the commissioner or commissioner's designee to receive applications; and
- (g) The deadline by which all application materials shall be received for consideration, which shall be no later than April 1 of the calendar year for which applications are sought.

(3) ~~Following~~~~Within three (3) business days following~~ the deadline established in subsection (2) of this section, the commissioner or commissioner's designee shall forward all eligible applications to the commissioner's Student Advisory Council for review and recommendation. Applications for applicants who are ineligible for appointment because they do not meet the requirements of KRS 156.029 or this administrative regulation shall not be forwarded to the commissioner's Student Advisory Council for review and recommendation.

(4) The commissioner's Student Advisory Council, or a subset of the council designated by a majority vote of the full council, shall review applications forwarded by the commissioner or commissioner's designee for the non-voting student member of the board. No later than May 1, the commissioner's Student Advisory Council shall recommend to the board three (3) candidates from the applications for selection as the non-voting student member of the board. If the commissioner's Student Advisory Council fails to take action to make a recommendation to the board by May 1, ~~within five (5) business days after May 1,~~ the commissioner shall recommend to the board three (3) candidates from the applications for selection as the non-voting student member of the board.

(5) No later than its last regular meeting of the fiscal year, the board shall consider the recommendation pursuant to subsection (4) of this section and, by majority vote, select one (1) candidate to serve as the non-voting student member of the board for a one (1) year term, which shall begin on July 1 immediately following the board's selection, and expire on the following June 30.

(6) The non-voting student member of the board serving a term to begin on July 1, ~~2027~~[2022] and to expire on June 30, ~~2028~~[2023], shall reside in Kentucky's ~~Third (3rd)~~[Fourth (4th)] ~~Supreme Court~~[congressional] district as established by KRS ~~21A.010~~[148B.140]. Successive non-voting student members shall rotate among the state's ~~Supreme Court~~[congressional] districts in numerical order.

Section 4. Selection to Fill an Unexpired Term as a Result of Resignation or Death. In the event of resignation or death of a non-voting board member selected and appointed pursuant to this administrative regulation, the board shall re-consider the recommendation utilized when it selected the resigned or deceased non-voting member and, by majority vote, select one (1) candidate to serve the unexpired term resulting from the resignation or death of the non-voting member.

Section 5. Appointment.

(1) Following action by the board to select a non-voting member pursuant to this administrative regulation, the board's action shall be memorialized in a written resolution signed by the board chair.

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

(2) ~~Following[No later than five (5) business days following]~~ board action to select a non-voting member pursuant to this administrative regulation, the commissioner shall forward the board's written resolution to the Governor and Secretary of State so both may take notice of the action pursuant to KRS 156.029 and this administrative regulation.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

DR. ROBBIE FLETCHER, Commissioner of Education
LU YOUNG, Chair

APPROVED BY AGENCY: August 10, 2026

FILED WITH LRC: August 11, 2026 at 3:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2026, at 10am in the State Board Room, 5th Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email: regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen, Phone: 502-564-4474, Email: todd.allen@education.ky.gov

Subject Headings: Boards and Commissions; Education: Elementary; Education: Secondary.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the process for selecting and appointing the nonvoting teacher and student members of the Kentucky Board of Education.

(b) The necessity of this administrative regulation: KRS 156.029 authorizes the Kentucky Board of Education to promulgate administrative regulations for the selection and appointment of nonvoting teacher and student members of the Kentucky Board of Education.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.029 requires the Kentucky Board of Education to promulgate administrative regulations to establish a process for selecting the nonvoting teacher and student members of the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation establishes the process for selecting the nonvoting teacher and student members of the Kentucky Board of Education.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates the regulation to comply with changes to KRS 156.029 made by House Bill 727 from the 2026 legislative session.

(b) The necessity of the amendment to this administrative regulation: This amendment updates the regulation to comply with changes to KRS 156.029 made by House Bill 727 from the 2026 legislative session.

(c) How the amendment conforms to the content of the

authorizing statutes: This amendment updates the regulation to comply with changes to KRS 156.029 made by House Bill 727 from the 2026 legislative session.

(d) How the amendment will assist in the effective administration of the statutes: This amendment updates the regulation to comply with changes to KRS 156.029 made by House Bill 727 from the 2026 legislative session.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See House Bill 727 from the 2026 legislative session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Board of Education, Kentucky Department of Education and students/teachers interested in serving as a nonvoting member of the Kentucky Board of Education.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education will be required to follow the regulation to call for and process applications from eligible teachers and students. The Kentucky Board of Education will be required to devote a portion of a meeting each year selecting a student and teacher member from recommendations. Individuals interested in serving in the nonvoting teacher and student member roles must follow the application procedures and meet the requirements set forth in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Teachers and students provide a valuable and important voice to the formulation of statewide education policy. Allowing teachers and students input regarding their selection of member from their ranks ensures that a broad cross-section of those groups has their voice heard.

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

(a) Initially: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

(b) On a continuing basis: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

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

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No direct or indirect fees are associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.029.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 156.029.

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

Kentucky Department of Education.

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

1. Expenditures:

For the first year: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

For subsequent years: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: This regulation is not expected to result in cost savings to the Kentucky Department of Education.

For subsequent years: This regulation is not expected to result in cost savings to the Kentucky Department of Education.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts.

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

1. Expenditures:

For the first year: None. KDE reimburses local school districts for the cost of substitutes for the nonvoting teacher members serving on the board.

For subsequent years: None. KDE reimburses local school districts for the cost of substitutes for the nonvoting teacher members serving on the board.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: 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: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

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

(a) Fiscal impact of this administrative regulation: There are no additional costs associated with this amendment. KDE pays travel expenses and substitute costs for the teacher and student member to attend meetings.

(b) Methodology and resources used to reach this conclusion: The agency has had a nonvoting student and teacher member on the board since 2022. KDE has paid the travel expenses and substitute costs for these nonvoting members since that time.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a "major economic impact" as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency has had a nonvoting student and teacher member on the board since 2022. KDE has paid the travel expenses and substitute costs for these nonvoting members since that time.

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

**EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amendment)**

702 KAR 6:090. Minimum nutritional standards for foods and beverages available on public school campuses during the school day; required [nutrition and] physical activity reports.

RELATES TO: KRS 156.035, 156.160, 156.200, 158.854(1), [458.856-], 160.345, 7 C.F.R. 210.11

STATUTORY AUTHORITY: KRS 156.070, 156.160, 158.854(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to have the management and control of the common schools and all programs operated in those schools. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 158.854(1) requires the Kentucky Board of Education to promulgate an administrative regulation to specify the minimum nutritional standards for all foods and beverages that are sold outside the National School Breakfast and National School Lunch programs, whether in vending machines, school stores, canteens, or a la carte cafeteria sales. This administrative regulation establishes the minimum nutritional standards for food and beverages available on the school campus during the school day and the requirements for reporting on how schools are providing physical activity under KRS 160.345(11) and on the types of physical activity being provided.

Section 1. Definitions.

(1) "Competitive food" is defined by KRS 158.854(2)(a).

(2) "School day" is defined by KRS 158.854(2)(b).

(3) "Student-based enterprise" is defined by KRS 158.854(2)(d).

Section 2. Beverages. During the period of time beginning thirty (30) minutes after the last lunch period until the end of the last instructional period, a beverage offered for sale through a vending machine, school store, canteen, or fundraiser on school property shall meet the requirements established in 7 C.F.R. 210.11.

Section 3.[Section 2-] Food. During the period beginning thirty (30) minutes after the last lunch period until the end of the last instructional period, a food item offered for sale through a vending machine, school store, canteen, or fundraiser on school property shall meet the requirements established in 7 C.F.R. 210.11.

Section 4.[Section 3-] A la carte Items. A food or beverage item offered for sale as an a la carte item on the cafeteria line during the serving of breakfast or lunch shall meet the requirements established in 7 C.F.R. 210.11.

Section 5. A student-based enterprise that sells competitive foods throughout the school day shall meet the requirements established in 7 C.F.R. 210.11.

[Section 4-] [Local District Nutrition Program Report-]

[(1)] [A school nutrition director of the local district shall complete the assessment of the nutrition program required under KRS 158.856 and issue a report at least sixty (60) days prior to the public forum required by KRS 158.856(5).]

[(2)] [The director may issue the report via posting to the district Web site-]

[(3)] [A local district superintendent shall submit a summary of the findings and recommendations of the nutrition report as required by KRS 158.856(6) to the Kentucky Department of Education by May 1 of each year-]

Section 6. [Section 5.] Student Physical Activity.

~~[(1)] By May 1 of each year, and in the format determined by the Kentucky Department of Education, each school subject to the requirements of KRS 160.345(11) shall report to the Kentucky Department of Education for the current school year on how the school is providing physical activity under KRS 160.345(11) and on the types of physical activity being provided. [A local district superintendent shall evaluate the student physical activity environment, including the amount of time and types of physical activity provided in the elementary schools, as required in KRS 160.345(11), and release the report at least sixty (60) days prior to the public forum required by KRS 158.856(5)].~~

~~[(2)] [A local district superintendent shall submit the report on physical activity, including a summary of findings and recommendations to the Department of Education by May 1 of each year.]~~

~~[(3)] [The superintendent may release the report via posting to the district Web site.]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

DR. ROBBIE FLETCHER, Commissioner of Education
LU YOUNG, Chair

APPROVED BY AGENCY: August 10, 2026

FILED WITH LRC: August 11, 2026 at 3:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2026, at 10am in the State Board Room, 5th Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email: regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen, Phone: 502-564-4474, Email: todd.allen@education.ky.gov

Subject Headings: Education; Education: Elementary; Education: Secondary

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the minimum nutritional standards for food and beverages available on the school campus during the school day and the requirements for reporting on how schools are providing physical activity under KRS 160.345(11) and on the types of physical activity being provided.

(b) The necessity of this administrative regulation: KRS 158.854(1) requires the Kentucky Board of Education to promulgate an administrative regulation to specify the minimum nutritional standards for all foods and beverages that are sold outside the National School Breakfast and National School Lunch programs, whether in vending machines, school stores, canteens, or a la carte cafeteria sales. KRS 160.345(11) requires the Kentucky Department of Education to report to the Legislative Research Commission no later than November 1 of each year on how schools are providing physical activity under KRS 160.345(11) and on the types of physical activity being provided.

(c) How this administrative regulation conforms to the content of

the authorizing statutes: KRS 156.070 authorizes the Kentucky Board of Education to have the management and control of the common schools and all programs operated in those schools. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 158.854(1) requires the Kentucky Board of Education to promulgate an administrative regulation to specify the minimum nutritional standards for all foods and beverages that are sold outside the National School Breakfast and National School Lunch programs, whether in vending machines, school stores, canteens, or a la carte cafeteria sales. This administrative regulation establishes the minimum nutritional standards for food and beverages available on the school campus during the school day and the requirements for reporting on how schools are providing physical activity under KRS 160.345(11) and on the types of physical activity being provided.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the minimum nutritional standards for food and beverages available on the school campus during the school day and the requirements for reporting on how schools are providing physical activity under KRS 160.345(11) and on the types of physical activity being provided.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates the regulation to comply with changes to KRS 158.854 made by House Bill 555 from the 2026 legislative session and the repeal of KRS 158.856 by Senate Bill 68 from the 2025 legislative session.

(b) The necessity of the amendment to this administrative regulation: This amendment updates the regulation to comply with changes to KRS 158.854 made by House Bill 555 from the 2026 legislative session and the repeal of KRS 158.856 by Senate Bill 68 from the 2025 legislative session.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment updates the regulation to comply with changes to KRS 158.854 made by House Bill 555 from the 2026 legislative session and the repeal of KRS 158.856 by Senate Bill 68 from the 2025 legislative session.

(d) How the amendment will assist in the effective administration of the statutes: This amendment updates the regulation to comply with changes to KRS 158.854 made by House Bill 555 from the 2026 legislative session and the repeal of KRS 158.856 by Senate Bill 68 from the 2025 legislative session.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See 2026 Ky. Acts ch. 81 and 2025 Ky. Acts ch. 86, sec. 8.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Department of Education and public school districts.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: If a local board of education chooses to identify a student-based enterprise to sell competitive foods thought the school day, the regulation amendment provides that the student-based enterprise must meet the requirements established in 7 C.F.R. 210.11. The regulation amendment also updates the reporting requirement for schools subject to the requirements of KRS 160.345(11) to provide that each school must report to the Kentucky Department of Education for the current school year on how the school is providing physical activity under KRS 160.345(11) and on the types of physical activity being provided.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost to the Kentucky Department of Education and local school districts is expected to be minimal.

(c) As a result of compliance, what benefits will accrue to the

entities identified in question (4): The Kentucky Department of Education will be able to comply with its reporting requirements in KRS 160.345(11) to the Legislative Research Commission. School districts with a student-based enterprise will be compliant with federal law.

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

(a) Initially: There will be minimal cost to the Kentucky Department of Education.

(b) On a continuing basis: The ongoing cost to the Kentucky Department of Education will be minimal.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.070, 156.160, and 158.854.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 158.854.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education.

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

1. Expenditures:

For the first year: Any expenditures are expected to be minimal.

For subsequent years: Any expenditures are expected to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts.

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

1. Expenditures:

For the first year: Costs to local school districts are in the form of staff time for completing the required report to the Kentucky Department of Education. These costs are estimated to be minimal.

For subsequent years: Costs to local school districts are in the form of staff time for completing the required report to the Kentucky Department of Education. These costs are estimated to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.

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

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

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

(a) Fiscal impact of this administrative regulation: For the Kentucky Department of Education, any expenditures are expected to be minimal. The regulation is not expected to generate revenue and no cost savings are anticipated. For local school districts, costs are in the form of staff time for completing the required report to the Kentucky Department of Education. These costs are estimated to be minimal. The regulation is not expected to generate revenue and no cost savings are anticipated.

(b) Methodology and resources used to reach this conclusion: For the Kentucky Department of Education and local school districts, the estimates herein are based on prior program operations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.

EDUCATION AND LABOR CABINET Board of Education Department of Education (Amendment)

704 KAR 8:060. Required Academic Standards for Social Studies.

RELATES TO: KRS 156.070, 156.160, 158.141, 158.196, 158.645, 158.6451, 158.6453, 160.290

STATUTORY AUTHORITY: 156.070(1), 156.160(1), 158.141(6), 158.6453(2), 160.290

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1)(a) requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. KRS 158.6453(2) requires the Kentucky Department of Education to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years[the review of academic standards and assessment] with the advice of the[a-]standards advisory panels and [assessments-]review [and development-]committee. This administrative regulation incorporates by reference the Kentucky Academic Standards for Social Studies, which contain the general courses of study and academic content standards of social studies, for use in Kentucky's common schools.

Section 1. Before graduating from a Kentucky public high school, a student shall meet the minimum content requirements established in the Kentucky Academic Standards for Social Studies.

Section 2. Incorporation by Reference.

(1) The "Kentucky Academic Standards for Social Studies", August 2026[December 2022], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 5th floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may be viewed at: <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx> [https://education.ky.gov/curriculum/standards/kyacadstand/Docs/ents/Kentucky_Academic_Standards_for_Social_Studies_2022.pdf].

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

DR. ROBBIE FLETCHER, Commissioner of Education
LU YOUNG, Chair

APPROVED BY AGENCY: August 10, 2026

FILED WITH LRC: August 11, 2026 at 3:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held October 21, 2026 at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen, Phone: 502 564-4474, Email: todd.allen@education.ky.gov

Subject Headings: Board of Education, Schools, Compliance

(1) Provide a brief summary of:

(a) What this administrative regulation does: 704 KAR 8:060 incorporates by reference the Kentucky Academic Standards (KAS) for Social Studies, which contain the general courses of study and academic content standards of social studies education for use in Kentucky's common schools.

(b) The necessity of this administrative regulation: KRS 156.160(1)(a) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. This administrative regulation incorporates by reference the KAS for Social Studies, which contain the general courses of study and academic content standards of social studies education for use in Kentucky's common schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.6453(2) which requires the Kentucky Department of Education (KDE) to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 156.160(1)(a) requires the KBE to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment

strategies developed under KRS 158.645, 158.6451, and 158.6453. This administrative regulation incorporates by reference the KAS for Social Studies, which contain the general courses of study and academic content standards of social studies for use in Kentucky's common schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the KAS for Social Studies, which contain the general courses of study and academic content standards for social studies for use in Kentucky's common schools. KRS 156.160(1)(a) requires the KBE to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This regulation also conforms to KRS 158.6453(2) which requires the KDE to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years.

(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: Regulatory amendments conform to current statutory language and provide a new version of the KAS for Social Studies as a material incorporated by reference based on the process provided in KRS 158.6453.

(b) The necessity of the amendment to this administrative regulation: KRS 158.6453(2) requires the KDE to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years. 704 KAR 8:060 was last approved by the KBE in December 2022 following amendments required in KRS 158.196. Therefore, in order to conform to statutory requirements, the KDE implemented the full standards review process for social studies which resulted in a new material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.6453(2) which requires the KDE to implement a comprehensive process for reviewing and revising the academic standards in social studies and the alignment of corresponding assessments for possible revision or replacement every six years. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 156.160(1)(a) requires the KBE to establish courses of study for the different grades and kinds of common schools with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This administrative regulation incorporates by reference the KAS for Social Studies, which contains the general courses of study and academic content standards of social studies for use in Kentucky's common schools.

(d) How the amendment will assist in the effective administration of the statutes: The amendments allow schools and districts to access and implement the most current KAS for Social Studies following the completion of the required standards review process provided in KRS 158.6453.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation aligns to Senate Bill 1 (2022) and HB 535 (2024).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Schools and districts are affected by this administrative regulation.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The standards outlined in 704 KAR 8:060 are the standards for social studies. The regulated entities must use these outlined standards when making local choices regarding curriculum and instruction.

(b) In complying with this administrative regulation or

amendment, how much will it cost each of the entities identified in question (4): The cost to local schools and districts during the first year is unknown and dependent upon the size, needs and materials available which varies among the 171 school districts.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The compliance of local schools and school districts ensure that each student is qualified for graduation as they will have met the minimum content requirements for social studies as required in 704 KAR 3:305.

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

(a) Initially: The KDE spent approximately \$262,456.00. There are no initial costs anticipated to the KDE in implementing the administrative regulation except in cases where technical assistance is requested by schools and districts.

(b) On a continuing basis: KDE anticipates some ongoing staff costs to support schools and districts in the implementation of the KAS for Social Studies.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The KDE will not be able to use the research-based model of leadership networks to provide support to districts as they implement new standards without an increase in funding.

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

(10) TIERING: Is tiering applied? Tiering was not appropriate as the administrative regulation applies equally to all schools and districts.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.160(1)(a) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 158.6453(2) requires the Kentucky Department of Education (KDE) to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.070(1) requires the Kentucky Board of Education (KBE) to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The KBE and KDE.

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

1. Expenditures:

For the first year: The KDE spent approximately \$262,456.00 in administrative costs for the development of the KAS for Social Studies that are incorporated by reference in 704 KAR 8:060. The KDE anticipates staff costs in the first year to support schools and districts in implementation.

For subsequent years: The KDE anticipates some staff administrative costs in subsequent years to support schools and districts in implementation.

2. Revenues:

For the first year: This regulation is not expected to generate

revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local schools and districts.

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

1. Expenditures:

For the first year: The total cost to local schools and districts is unknown and dependent upon the size, needs and resources available which varies among the 171 school districts.

For subsequent years: The KDE anticipates some staff administrative costs for local schools and districts in subsequent years to support ongoing implementation.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

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

1. Expenditures:

For the first year: Not applicable as no additional entities have been identified.

For subsequent years: Not applicable as no additional entities have been identified.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

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

(a) Fiscal impact of this administrative regulation: The fiscal impact to local schools and districts is unknown and depends on the size, needs and materials available to individual schools and districts. The KDE spent approximately \$262,456.00 in administrative costs for the development of the KAS for Social Studies which are incorporated by reference in 704 KAR 8:060 in addition to staff time to oversee its administration. The KDE anticipates some administrative staff costs in the first year and subsequent years to support schools and districts in the implementation of the KAS for Social Studies.

(b) Methodology and resources used to reach this conclusion: The KDE has already spent approximately \$262,456.00 in administrative costs for the development of the social studies standards that are incorporated by reference in 704 KAR 8:060 in addition to staff time to oversee its administration. The KDE anticipates some staff costs in the first year and subsequent years to support schools and districts in the implementation of the KAS for Social Studies. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies thereby making the fiscal impact difficult to estimate.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is unknown whether this administrative regulation will have a major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion: The KDE spent approximately \$262,456.00 in administrative costs for the development of the social studies standards that are incorporated by reference in 704 KAR 8:060 in

addition to staff time to oversee its administration. The KDE anticipates some staff costs in the first year and subsequent years to support schools and districts in the implementation of the KAS for Social Studies. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies thereby making the fiscal impact difficult to estimate.

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

**EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amendment)**

704 KAR 8:090. Required Kentucky Academic Standards for Technology.

RELATES TO: KRS 156.070, 156.160, 158.645, 158.6451, ~~158.6453~~

STATUTORY AUTHORITY: 156.070(1), 156.160(1), ~~[156.850-] 160.290~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1)(a) requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, ~~[and] 158.6451, and 158.6453.~~ KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. ~~[KRS 156.850 requires compliance with federal provisions and acts relating to vocational education.]~~ This administrative regulation incorporates by reference the Kentucky Academic Standards for Technology, which contain the general courses of study and academic content standards of technology, for use in Kentucky's common schools.

Section 1. Before graduating from a Kentucky public high school, a student shall demonstrate performance-based competency in technology as meet the minimum content requirements established in the Kentucky Academic Standards for Technology.

Section 2. Incorporation by Reference.

(1) The "Kentucky Academic Standards for Technology", August 2026[2020], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 5th floor~~[5th floor]~~, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be accessed on the Kentucky Department of Education website at: <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

ROBBIE FLETCHER, Commissioner of Education
LU YOUNG, Chair

APPROVED BY AGENCY: August 10, 2026

FILED WITH LRC: August 11, 2026 at 3:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held

October 21, 2026 at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen Phone: 502-564-4474, Email: todd.allen@education.ky.gov

Subject Headings: Board of Education, Schools, Compliance

(1) Provide a brief summary of:

(a) What this administrative regulation does: 704 KAR 8:090 incorporates by reference the Kentucky Academic Standards (KAS) for Technology, which contain the general courses of study and academic content standards for technology for use in Kentucky's common schools.

(b) The necessity of this administrative regulation: KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. This administrative regulation incorporates by reference the KAS for Technology, which contain the general courses of study and academic content standards for technology for use in Kentucky's common schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.6453(2) which requires the Kentucky Department of Education (KDE) to implement a comprehensive process for reviewing Kentucky's academic standards every six years. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 156.160(1)(a) requires the KBE to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the KAS for Technology, which contain the general courses of study and academic content standards for technology for use in Kentucky's common schools. KRS 156.160(1)(a) requires the KBE to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This regulation also conforms to KRS 158.6453(2) which requires the KDE to implement a comprehensive process for reviewing Kentucky's academic standards every six years.

(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: Regulatory amendments conform to current statutory language and provide a new version of the KAS for Technology as a material incorporated by reference based on the process provided

in KRS 158.6453.

(b) The necessity of the amendment to this administrative regulation: KRS 158.6453(2) requires the KDE to implement a comprehensive process for reviewing Kentucky's academic standards every six years. 704 KAR 8:090 was last approved by the KBE in August 2020. Therefore, in order to conform to statutory requirements, the KDE implemented the standards review process for technology which resulted in a new material incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.6453(2) which requires the KDE to implement a comprehensive process for reviewing and revising the academic every six years. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 156.160(1)(a) requires the KBE to establish courses of study for the different grades and kinds of common schools with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This administrative regulation incorporates by reference the KAS for Technology, which contain the general courses of study and academic content standards for technology for use in Kentucky's common schools.

(d) How the amendment will assist in the effective administration of the statutes: The amendments allow schools and districts to access and implement the most current KAS for Technology following the completion of the required standards review process provided in KRS 158.6453.

(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: Schools and districts are affected by this administrative regulation.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The standards outlined in 704 KAR 8:090 are the standards for technology. The regulated entities must use these outlined standards when making local choices regarding curriculum and instruction.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost to local schools and districts is unknown and dependent upon the size, needs and materials available which varies among the 171 school districts.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The compliance of local schools and school districts ensure that each student is qualified for graduation as they will have met the minimum competency requirements for technology as required in 704 KAR 3:305 and authorized by KRS 156.160(1)(d).

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

(a) Initially: The KDE spent a minimal amount of staff time dollars in the revision to the KAS for Technology. There are no initial costs anticipated to the KDE in implementing the administrative regulation except in cases where technical assistance is requested by schools and districts.

(b) On a continuing basis: KDE anticipates some ongoing staff costs to support schools and districts in the implementation of the KAS for Technology.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is anticipated; however, programmatic support for responsible technology usage and adoption is dependent and critical for the implementation of these student standards.

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

(10) TIERING: Is tiering applied? Tiering was not appropriate as the administrative regulation applies equally to all schools and districts.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 158.6453(2) requires the Kentucky Department of Education (KDE) to implement a comprehensive process for reviewing Kentucky's academic standards every six years.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.070(1) requires the Kentucky Board of Education (KBE) to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The KBE and KDE.

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

1. Expenditures:

For the first year: The KDE spent a minimal amount of staff time dollars in the revision to the KAS for Technology that are incorporated by reference in 704 KAR 8:090. The KDE anticipates staff costs in the first year to support schools and districts in implementation.

For subsequent years: The KDE anticipates some staff administrative costs in subsequent years to support schools and districts in implementation.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local schools and districts.

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

1. Expenditures:

For the first year: The total cost to local schools and districts is unknown and dependent upon the size, needs and resources available which varies among the 171 school districts.

For subsequent years: The KDE anticipates some staff administrative costs for local schools and districts in subsequent years to support ongoing implementation.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

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

1. Expenditures:

For the first year: Not applicable as no additional entities have been identified.

For subsequent years: Not applicable as no additional entities have been identified.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

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

(a) Fiscal impact of this administrative regulation: The fiscal impact to local schools and districts is unknown and depends on the size, needs and materials available to individual schools and districts. The KDE spent a minimal amount of staff time dollars in the revision KAS for Technology which are incorporated by reference in 704 KAR 8:090 in addition to staff time to oversee its administration. The KDE anticipates some administrative staff costs in the first year and subsequent years to support schools and districts in the initial and ongoing implementation of the KAS for Technology.

(b) Methodology and resources used to reach this conclusion: The KDE spent a minimal amount of staff time dollars in the development of the technology standards that are incorporated by reference in 704 KAR 8:090 in addition to staff time to oversee its administration. The KDE anticipates some staff costs in the first year and subsequent years to support schools and districts in the initial and ongoing implementation of the KAS for Technology. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies thereby making the fiscal impact difficult to estimate.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): It is unknown whether this administrative regulation will have a major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion: The KDE spent a minimal amount of staff time dollars in the revision to the technology standards that are incorporated by reference in 704 KAR 8:090 in addition to staff time to oversee its administration. The KDE anticipates some staff costs in the first year and subsequent years to support schools and districts in the initial and ongoing implementation of the KAS for Technology. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies thereby making the fiscal impact difficult to estimate.

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

**EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amendment)**

780 KAR 3:072. Attendance, compensatory time, and leave for certified and equivalent service.

RELATES TO: KRS 156.808, Chapter 337, 29 C.F.R. 825, 29 U.S.C. 201-219

STATUTORY AUTHORITY: KRS 156.808(3)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.808 requires the Kentucky Board of Education to promulgate administrative regulations establishing personnel policies and procedures for all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area

technology centers. KRS 156.808(3)(g) requires the Kentucky Board of Education to promulgate administrative regulations for the certified and equivalent staff of state-operated area technology centers governing attendance, including hours of work, compensatory time, and annual, court, military, sick, maternity, voting, and special leaves of absence. The Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq., as implemented by 29 C.F.R. Part 825, requires the granting of family and medical leave to eligible employees. This administrative regulation establishes those leave requirements.

Section 1. Attendance.

(1) A full-time employee shall be required to work thirty-seven and one-half (37.5) hours per week for any positions unless otherwise specified by the appointing authority.

(2) A full-time employee shall fulfill a daily work obligation of seven and one-half (7.5) hours. Exceptions to the schedule may be granted on a temporary basis with the supervisor's authorization or on a permanent basis with the approval of the appointing authority.

(3) The normal work day for a school-based employee shall coincide with the appropriate school schedule as recommended by the principal and approved by the associate commissioner for career and technical education.

(4) The associate commissioner for career and technical education may require an employee to work hours and work days other than the normal schedule including an inclement weather schedule if it is in the best interest of the agency.

(5) An employee who works within a division which requires more than one (1) shift per day, or seven (7) days a week operation, may be reassigned from one (1) shift to another and from one (1) post to another or alternate days to meet staffing requirements, or to maintain or provide essential services of the agency, or to meet scheduling needs of students. An employee shall be given as much advance notice as possible when schedules are changed.

(6) The employee shall give timely notice to the employees' immediate supervisor in advance of absence from a work station with the exception of emergencies.

Section 2. Compensatory Leave.

(1) Accrual of compensatory leave.

(a) An appointing authority shall comply with the overtime and compensatory leave provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. Chapter 8.

(b) An employee, except teachers and principals, who is directed to, or who requests and is authorized to, work in excess of the prescribed hours of duty shall be granted compensatory leave subject to the provisions of the Fair Labor Standards Act, the Kentucky Revised Statutes and this administrative regulation.

(c) An employee, except teachers and principals, deemed to be "exempt" under the provisions of the FLSA shall accumulate compensatory time on an hour-for-hour basis for hours actually worked in excess of the regular work schedule. Teachers and principals shall not accumulate compensatory time.

(d) An employee who is transferred or otherwise moved from the jurisdiction of one (1) agency to another shall retain the compensatory leave in the receiving agency. The compensatory leave balance shall be frozen until the employee leaves the teaching or principal position.

(2) Reductions in compensatory leave balances.

(a) An appointing authority may require an employee who has a balance of at least 100 hours compensatory leave to use compensatory leave before annual leave, unless the employee's annual leave balance exceeds the maximum number of hours that may be carried forward under Section 3(2)(f) of this administrative regulation, and shall otherwise allow the use of compensatory leave if it shall not unduly disrupt the operations of the agency.

(b) If an employee's prescribed hours of duty are normally less than forty (40) hours per week, the employee shall receive compensatory leave for the number of hours worked that:

1. Exceed the number of normally prescribed hours of duty; and
2. Do not exceed the maximum amount of 200 compensatory hours.

(c) Upon separation from state service, an employee shall be paid for all unused compensatory leave at the greater of the:

1. Regular hourly rate of pay; or
2. Average regular rate of pay for the final three (3) years of employment.

Section 3. Annual and Personal Leave.

(1) Accrual of annual leave.

(a) Each full-time employee, except teachers and principals, shall accumulate annual leave at the following rate:

Months of Service	Annual Leave Days
0-59 months	1 day per month
60-119 months	1 1/4 days per month
120-179 months	1 1/2 days per month
180-239 months	1 3/4 days per month
240 months & over	2 days per month

(b) A full-time employee shall have worked, or been on paid leave, other than educational leave with pay, for 100 or more regular hours per month to accrue annual leave.

(c) Annual leave shall be accumulated only in the months in which the employee is hired to work.

(d) Accrued leave shall be credited on the first day of the month following the month in which the annual leave is earned.

(e) In computing months of total service for the purpose of earning annual leave, only the months for which an employee earned annual leave shall be counted.

(f) An employee, who retired from a position covered by a state-administered retirement system, who is receiving retirement benefits and who returns to state service, shall not receive credit for annual months of service prior to retirement.

(g) A former employee who is appointed, reinstated, or re-employed, other than a former employee receiving benefits under a state-administered retirement system, shall receive credit for prior annual months of service.

(h) An employee dismissed for cause who has been reinstated to state service shall receive credit for annual months of service prior to dismissal, except if the dismissal resulted from a violation of KRS 156.838.

(i) Part-time, temporary, or seasonal employees shall not be entitled to annual leave.

(2) Personal Leave.

(a) Teachers and principals shall be entitled to twenty-two and one-half hours (22.5) of personal leave annually. Personal leave shall be credited at the beginning of each school year. Any unused personal leave in accordance with this section shall be converted to sick leave at the end of each school year.

(b) Part-time, temporary, or seasonal employees shall not be entitled to annual leave.

(c) Personal leave shall be prorated for employees who are employed after the first day of the calendar year based on the number of contract days they will have in the remainder of the calendar year.

(3) Use and retention of annual and personal leave.

(a) Annual leave shall be used in increments of hours or of one-quarter (1/4) hours, except for teachers and principals, who shall use personal leave in three and three-quarter hour (3.75) increments.

(b) Except as provided in paragraph (c) of this subsection, an employee who makes a timely request for annual or personal leave shall be granted annual or personal leave by the appointing authority, up to at least the amount of time earned that year, if the operating requirements of the agency permit.

(c) An appointing authority may require an employee who has a balance of at least 100 hours of compensatory leave to use compensatory leave before the employee's request to use annual leave is granted, unless the employee's annual leave balance exceeds the maximum number of hours that may be carried forward under Section 3(2)(f) of this administrative regulation.

(d) Absence due to sickness, injury, or disability in excess of the amount available for those purposes shall, at the request of the employee, be charged against annual leave or personal leave.

(e) An employee who is transferred or otherwise moved from the jurisdiction of one (1) agency to another shall retain his accumulated annual leave in the receiving agency.

(f) Annual leave may be carried from one (1) calendar year to the next as provided in this paragraph:

Months of Service	Maximum Amount
0-59 months	Thirty (30) workdays
60-119 months	Thirty-seven (37) workdays
120-179 months	Forty-five (45) workdays
180-239 months	Fifty-two (52) workdays
240 months and over	Sixty (60) workdays

(g) Annual leave in excess of the maximum amounts specified in paragraph (f) of this subsection shall be converted to sick leave at the end of the calendar year or upon retirement, whichever comes first.

(h) The amount of annual leave that may be carried forward and the amount of annual leave that may be converted to sick leave shall be determined by computing months of service as provided by subsection (1)(e) of this section.

(4) Annual and personal leave on separation.

(a) As set forth in KRS 161.780, an employee who is separated by proper resignation or retirement shall be paid in a lump sum for accumulated annual leave not to exceed the amounts established by subsection (2)(f) of this section. Following payment of annual leave at resignation, leave remaining after the payment of the maximum provided shall be removed from the balance. A teacher or principal who is separated by proper resignation or retirement shall be paid in a lump sum for accumulated personal leave not to exceed twenty-two and one-half hours (22.5).

(b) An employee who is laid off shall be paid in a lump sum for all accumulated annual, or personal, or annual and personal leave. Payment for personal leave shall not exceed twenty-two and one-half hours (22.5).

(c) An employee in the unclassified service who resigns or terminates one (1) workday and returns to certified and equivalent service the next workday shall retain accumulated annual leave in the receiving agency.

(d) An employee who has been dismissed for cause related to misconduct or who has failed, without proper excuse, to give proper notice of resignation or retirement shall not be paid for accumulated annual or personal leave.

(e) Notice of separation by resignation shall be submitted to the supervisor in written form and forwarded to the Personnel/Payroll Officer.

(f) Certified and equivalent employees seeking to resign or terminate contracts in force shall do so in compliance with KRS 161.780.

(g) Upon the death of an employee, the employee's estate shall be entitled to receive pay for the unused portion of the employee's accumulated annual, or personal, or annual and personal leave. Payment for personal leave shall not exceed twenty-two and one-half hours (22.5).

(h) An employee may request in writing that accumulated annual leave not be paid upon resignation, and that all or part of the amount of his accumulated annual leave that does not exceed the amount established by subsection (2)(f) of this section be waived, if:

1. The employee resigns, or is laid off because of an approved plan of privatization of the services he performed; and
2. The successor employer has agreed to credit the employee with an equal amount of annual leave.

Section 4. Sick Leave.

(1) Accrual of sick leave.

(a) An employee, except teachers, principals, and part-time employees, shall accumulate sick leave with pay at the rate of one (1) working day per month.

(b) An employee, except teachers and principals, shall have worked or been on paid leave, other than educational leave, for 100 or more regular hours in a month to accrue sick leave.

(c) An employee, except teachers and principals, shall be credited with additional sick leave on the first day of the month following the month in which the sick leave is earned.

(d) Teachers[teachers] and principals shall be credited with seventy-five (75) hours of sick leave at the beginning of each school year.

(e) A full-time employee, except teachers and principals, who completes 120 months of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 120 months of service. A teacher or principal who completes ten (10) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the following school year.

(f) A full-time employee, except teachers and principals, who completes 240 months of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 240 months of service. A teacher or principal who completes twenty (20) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the following school year.

(g) In computing months of total service for the purpose of crediting sick leave, only the months for which an employee earned sick leave shall be counted.

(h) The total service shall be verified before the leave is credited to the employee's record.

(i) An employee, who retired from a position covered by a state-administered retirement system, who is receiving retirement benefits and who returns to state service, shall not receive credit for sick months of service prior to retirement.

(j) A former employee who is appointed, reinstated, or re-employed, other than a former employee receiving benefits under a state-administered retirement system, shall receive credit for the unused sick leave balance credited upon the separation and shall receive credit for prior sick months of service.

(k) An employee dismissed for cause who has been rehired to state service shall receive credit for sick months of service prior to the dismissal, unless the dismissal resulted from a violation of KRS 156.838.

(l) Sick leave may be accumulated with no maximum.

(2) Use and retention of sick leave with pay.

(a) The appointing authority or his designee shall grant or may require the use of accrued sick leave with pay if an employee:

1. Is unable to work due to medical, dental, or optical examination or treatment;

2. Is disabled by illness or injury. The appointing authority or his designee may require the employee to provide a doctor's statement certifying the employee's inability to perform his duties for the days or hours sick leave is requested;

3. Is required to care for or transport a member of the immediate family in need of medical attention for a reasonable period of time. The appointing authority or his designee may require the employee to provide a doctor's statement certifying the employee's need to care for a family member;

4. Would jeopardize the health of himself or others at the work station because of a contagious disease or demonstration of behavior that might endanger the employee or others;

5. Has lost by death a spouse, parent, grandparent, child, brother or sister, or the spouse of any of them, or, if granted by the appointing authority, another relative of close association. Leave under this subparagraph shall be limited to five (5) days; or

6. Requires leave for the birth, placement, or adoption of a child.

(b) At the termination of sick leave with pay, the appointing authority shall return the employee to his former position.

(c) Employees, except teachers and principals, shall use sick leave in increments of one-quarter (1/4) hours.

(d) An employee who is transferred or otherwise moved from the jurisdiction of one (1) agency to another shall retain accumulated sick leave in the receiving agency.

(e) An employee shall be credited for accumulated sick leave if separated by proper resignation, layoff, or retirement as provided in KRS 161.780.

(3) Sick leave without pay.

(a) The appointing authority or his designee shall grant sick leave without pay for the duration of an employee's impairment by injury or illness, if:

1. The total continuous leave does not exceed one (1) year; and

2. The employee has used or been paid for all accumulated annual, compensatory and sick leave, unless he has requested to retain up to ten (10) days of accumulated sick leave.

(b) For continuous leave without pay in excess of thirty (30) working days, excluding holidays, the appointing authority or his designee shall notify the employee in writing of the leave without pay status.

(c) The appointing authority or his designee may require a periodic doctor's statement during the period of leave without pay attesting to the employee's continued inability to perform essential functions of his duties with or without reasonable accommodation.

(d) The appointing authority or his designee may grant sick leave without pay to an employee who does not qualify for family and medical leave provided in Section 5 of this administrative regulation due to lack of service time and who has exhausted all accumulated paid leave if the employee is required to care for a member of the immediate family for a period not to exceed thirty (30) working days.

(e) If an employee has given notice of his ability to resume his duties following sick leave without pay, the appointing authority or his designee shall return the employee to the original position or to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(f) If reasonable accommodation to the employees' duties is requested, the employee shall:

1. Inform the employer; and

2. Upon request, provide supportive documentation from a certified professional.

(g) An employee shall be considered to have resigned if he:

1. Has been on one (1) year continuous sick leave without pay;

2. Has been requested by the appointing authority or his designee in writing to return to work;

3. Is unable to return to his former position;

4. Has been given priority consideration by the appointing authority or his designee for a vacant, budgeted position with the same agency, for which he qualified and is capable of performing its essential functions with or without reasonable accommodation; and

5. Has not been placed by the appointing authority or his designee in a vacant position.

(h) Sick leave granted under this subsection shall not be renewable after the employee has been medically certified as able to return to work.

(i) An employee who has been resigned under paragraph (g) of this subsection shall retain reinstatement privileges.

(4) Workers' compensation.

(a) If an absence is due to illness or injury for which workers' compensation benefits are received, accumulated sick leave may be used to maintain regular full salary.

(b) If paid sick leave is used to maintain regular full salary, workers' compensation pay benefits shall be assigned to the state for the period of time the employee received paid sick leave.

(c) The employee's sick leave shall be immediately reinstated to the extent that workers' compensation benefits are assigned.

(5) Application for sick leave and supporting documentation.

(a) An employee shall file a written application for sick leave with or without pay within a reasonable time.

(b) Except for an emergency illness, an employee shall request advance approval for sick leave for medical, dental or optical examinations, and for sick leave without pay.

(c) If the employee is too ill to work, the employee shall notify the immediate supervisor or the designee. Failure, without good cause, to do so in a reasonable period of time shall be cause for denial of sick leave for the period of absence.

(d) The appointing authority or his designee may, for good cause and on notice, require an employee to supply supporting evidence to receive sick leave.

(e) A medical certificate may be required, signed by a licensed practitioner and certifying to the employee's incapacity, examination, or treatment.

(f) The appointing authority or his designee shall grant sick leave if the application is supported by acceptable evidence but may require confirmation if there is reasonable cause to question the authenticity of the certificate or its contents.

Section 5. Family and Medical Leave. The appointing authority or his designee shall comply with the requirements of the Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. 2601, et seq., and the federal regulations implementing the Act, 29 C.F.R. Part 825.

Section 6. Court Leave.

(1) An employee shall be entitled to court leave during his scheduled working hours without loss of time or pay for the amount of time necessary to:

(a) Comply with a subpoena by a court, administrative agency, body of the federal or state government, or any political subdivision thereof; or

(b) Serve as a juror or a witness, unless the employee or a member of his family is a party to the proceeding.

(2) Court leave shall include necessary travel time.

(3) If relieved from duty as a juror or witness during normal working hours, the employee shall return to work or use annual or compensatory leave.

(4) An employee shall not be required to report as court leave attendance at a proceeding that is part of his assigned duties.

Section 7. Maternity Leave.

(1) Full-time employees under KRS Chapter 156 who give birth to a child are eligible for up to 30 days of paid maternity leave immediately following the birth of a child that shall be used before other types of leave and without deduction of salary.

(2) An eligible employee shall request advance approval to use maternity leave.

(3) Any maternity leave days unused by the employee shall not transfer into sick leave or be converted to any other leave type and shall expire upon return to work.

(4) Unused paid maternity leave shall not be converted to any other type of leave or transfer to the employee's retirement account.

(5) If FMLA is applicable, an employee shall use paid maternity leave concurrently with FMLA.

Section 8. ~~Section 7.~~ Military Leave.

(1) Upon request, an employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from the civil duties, to serve under order or training duty without loss of the regular compensation for a period not to exceed the number of working days specified in KRS 61.394 for a federal fiscal year.

(2) The absence shall not be charged against accumulated leave.

(3) Absence that exceeds the number of working days specified in KRS 61.394 for a federal fiscal year shall be charged to annual leave, personal leave, compensatory leave, or leave without pay.

(4) The employee shall provide a copy of the orders requiring the attendance of the employee before military leave is granted.

(5) The appointing authority or his designee shall grant an employee entering military duty a leave of absence without pay for a period of the duty not to exceed six (6) years. Upon receiving military duty leave of absence, all accumulated annual, personal, and compensatory leave shall be paid in a lump sum, if requested by the employee.

Section 9. ~~Section 8.~~ Voting and Election Leave.

(1) An employee, except teachers and principals, who is eligible and registered to vote shall be allowed, upon prior request and approval, four (4) hours, for the purpose of voting. Teachers and principals shall not be eligible for leave for the purpose of voting.

(2) An election officer shall receive additional leave if the total for election day does not exceed a regular workday.

(3) The absence shall not be charged against leave.

(4) A central office employee who is permitted or required to work during the employee's regular work hours, in lieu of voting leave, shall be granted compensatory leave on an hour-for-hour basis for the hours during the time the polls are open, up to a maximum of four (4) hours.

Section 10. ~~Section 9.~~ Special Leave of Absence.

(1) If approved by the associate commissioner for career and technical education, the appointing authority or their designee may grant a leave of absence for continuing education or training.

(a) Leave may be granted for a period not to exceed twenty-four (24) months.

(b) If granted, leave shall be with pay if the employee enters into a service commitment contract, or without pay in the absence of a service commitment contract.

(c) Leave shall be restricted to attendance at a college, university, vocational or business school for training in subjects that relate to the employee's work and will benefit the state.

(2) The appointing authority or his designee may grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this administrative regulation that are of tangible benefit to the state.

(3) The appointing authority or his designee may place an employee on special leave with pay for investigative purposes for a period of time not to exceed sixty (60) working days pending an investigation into allegations of employee misconduct.

(a) The employee shall be notified in writing by the appointing authority or his designee that he is being placed on special leave for investigative purposes, and the reasons for being placed on leave.

(b) If the investigation reveals no misconduct on behalf of the employee, all records relating to the investigation shall be purged from the Office of Career and Technical Education.

(c) The appointing authority or his designee shall notify the employee, in writing, of the completion of the investigation and the action taken. This notification shall be made to the employee, whether the employee has remained in state service, or has voluntarily resigned in the interim.

Section 11. ~~Section 10.~~ Absence Without Leave.

(1) An employee who is absent from duty without prior approval shall report the reason for the absence to the supervisor immediately.

(2) Unauthorized or unreported absence shall:

(a) Be considered absence without leave;

(b) Be treated as leave without pay for an employee covered by the provision of the Fair Labor Standards Act; and

(c) Constitute grounds for disciplinary action.

(3) An employee who has been absent without leave or notice to the supervisor for a period of five (5) working days shall be considered to have resigned the employment.

Section 12. ~~Section 11.~~ Absences Due to Adverse Weather.

(1) An employee, who is not designated for mandatory operations, and who chooses not to report to work or chooses to leave early in the event of adverse weather conditions, shall have the time of the absence reported as:

(a) Charged to annual, personal, or compensatory leave;

(b) Taken as leave without pay, if annual and compensatory leave has been exhausted; or

(c) Deferred in accordance with subsections (3) and (4) of this section.

(2) An employee who is on prearranged annual, personal, emergency, compensatory or sick leave shall charge leave as originally requested.

(3) If operational needs allow, except for an employee in mandatory operations, management shall make every reasonable effort to arrange schedules whereby an employee shall be given an opportunity to make up time not worked rather than charging it to leave.

(4) An employee shall not make up work if the work would result in the employee working more than forty (40) hours in a workweek.

(a) Except as provided in this paragraph, time lost shall be made up within 123 days of the occurrence of the absence. If it is not made up within 123 days, annual, personal, or compensatory leave shall

VOLUME 53, NUMBER 3– SEPTEMBER 1, 2026

be deducted to cover the absence, or leave without pay shall be charged if no annual or compensatory leave is available.

(b) If an employee transfers or separates from employment before the leave is made up, the leave shall be charged to annual, personal, or compensatory leave or deducted from the final paycheck.

(5) If adverse weather conditions occur, and it becomes necessary for authorities to order evacuation or shut down the place of employment, the provisions established in this subsection shall apply.

(a) An employee who is required to evacuate or who would report to a location that has been shut down shall not be required to make up the time that is lost from work during the period officially declared hazardous due to adverse weather conditions.

(b) An employee who is required to work in an emergency situation shall be compensated pursuant to the provisions of Section 2 of this administrative regulation and the Fair Labor Standards Act as amended.

(6) Adverse weather leave shall not be used by school-based employees when school is in session. Adverse weather leave may be used by school-based employees under extraordinary circumstances, as determined by the associate commissioner for career and technical education.

Section 13.~~[Section 12.]~~ Blood Donation Leave.

(1) An employee who, during regular working hours, donates blood at a licensed blood center certified by the Food and Drug Administration shall receive four (4) hours leave time, with pay, for the purpose of donating and recuperating from the donation.

(2) Leave granted under this section shall be used at the time of the donation unless circumstances as specified by the supervisor require the employee to return to work. If the employee returns to work, the unused portion of the leave time shall be credited as compensatory leave.

(3) An employee shall request leave in advance to qualify for blood donation leave.

(4) An employee who is deferred from donating blood shall not:

(a) Be charged leave time for the time spent in the attempted donation; and

(b) Qualify for the remainder of the blood donation leave.

(5) School-based employees shall not receive blood donation leave.

Section 14.~~[Section 13.]~~ Emergency Leave. Teachers and principals shall be entitled to twenty-two and one-half (22.5) hours of emergency leave.

(1) Emergency leave shall be credited at the beginning of each school year. Any unused emergency leave in accordance with this section shall expire at the end of each school year. Remaining emergency leave balances shall not be paid out upon separation of an employee. Emergency leave shall be prorated for employees who are employed after the first day of the calendar year based on the number of contract days they will have in the remainder of the calendar year.

(2) Emergency leave may be used due to death, illness, injury, or certain other urgent matters. Teachers and principals shall give as much advance notice as possible to their supervisor prior to using emergency leave.

(3) Emergency leave shall be used in three and three-quarter hour (3.75) increments.

Section 15.~~[Section 14.]~~ Eligibility for State-paid Health and Life Insurance Benefits.

(1) A twelve (12) month employee is eligible for state-paid life insurance benefits under the provisions of KRS Chapter 156 if they have worked or been on paid leave or family and medical leave, other than educational leave, during any part of the previous month.

(2) A twelve (12) month employee is eligible for state-paid health insurance benefits under the provisions of KRS Chapter 156 if they have worked or been on paid leave or family and medical leave, other than educational leave, during any part of the previous pay period.

(3) A teacher or principal is eligible for state-paid life insurance benefits under the provisions of KRS Chapter 156 if they have

worked or been on paid leave or family and medical leave, other than educational leave, during any part of the previous month, except between the last day of school of the previous year and first day of school of the following year.

(4) A teacher or principal is eligible for state-paid health benefits under the provisions of KRS Chapter 156 if they have worked or been on paid leave or family and medical leave, other than educational leave, during any part of the previous pay period, except between the last day of school of the previous year and first day of school of the following year.

(5) A teacher or principal is eligible for state-paid health and life insurance benefits under the provisions of KRS Chapter 156 and shall be entitled to state-paid health and life insurance benefits between the last day of school of the previous year and first day of school of the following year.

(6) If an employee is unable to work and uses paid leave to qualify for state-paid health and life insurance benefits, the employee shall use paid leave days consecutively.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

DR. ROBBIE FLETCHER, Commissioner of Education
LU YOUNG, Chair

APPROVED BY AGENCY: August 10, 2026

FILED WITH LRC: August 11, 2026 at 3:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2026, at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, 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 October 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 200 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd Allen, Phone: 502-564-4474, Email: todd.allen@education.ky.gov

Subject Headings: Education: Career and Technical, Personnel, State Employees

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 156.808 requires the Kentucky Board of Education to promulgate administrative regulations establishing personnel policies and procedures for all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers. KRS 156.808(3)(g) requires the Kentucky Board of Education to promulgate administrative regulations for the certified and equivalent staff of state-operated area technology centers governing attendance, including hours of work, compensatory time, and annual, court, military, sick, maternity, voting, and special leaves of absence. The Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq., as implemented by 29 C.F.R. Part 825, requires the granting of family and medical leave to eligible employees. This administrative regulation establishes those leave requirements.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish leave

requirements for all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.808 requires the Kentucky Board of Education to promulgate administrative regulations establishing personnel policies and procedures for all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers. KRS 156.808(3)(g) requires the Kentucky Board of Education to promulgate administrative regulations for the certified and equivalent staff of state-operated area technology centers governing attendance, including hours of work, compensatory time, and annual, court, military, sick, maternity, voting, and special leaves of absence. The Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq., as implemented by 29 C.F.R. Part 825, requires the granting of family and medical leave to eligible employees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes leave requirements for all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers.

(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 revision includes the addition of maternity leave and includes the requirements of said leave.

(b) The necessity of the amendment to this administrative regulation: The primary purpose of this amendment is to include maternity leave as a leave option for all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers, and provides the requirements for maternity leave.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.808 requires the Kentucky Board of Education to promulgate administrative regulations establishing personnel policies and procedures for all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers. KRS 156.808(3)(g) requires the Kentucky Board of Education to promulgate administrative regulations for the certified and equivalent staff of state-operated area technology centers governing attendance, including hours of work, compensatory time, and annual, court, military, sick, maternity, voting, and special leaves of absence.

(d) How the amendment will assist in the effective administration of the statutes: This amendment establishes leave requirements to include maternity leave, for certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? RS26 HB 727

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this administrative regulation include certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers, and the Kentucky Department of Education.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The Office of Career and Technical Education will need to update state-operated area technology center policies and procedures, the state-operated area technology centers will need to budget accordingly for staff usage of leave and

implement associated policies and procedures.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The anticipated cost to the Office of Career and Technical Education/state-operated area technology centers for each staff utilizing maternity leave is approximately \$10,000.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this administrative regulation will allow certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers the opportunity for maternity leave similar to leave provided to KRS 161 employees.

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

(a) Initially: There are no costs expected to implement this amendment as staff and structures are already in place.

(b) On a continuing basis: Costs will be dependent upon the number of staff utilizing maternity leave. The anticipated cost is \$10,000/staff member.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: State generated 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 additional funds are anticipated at this time.

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

(10) TIERING: Is tiering applied? Tiering was not applied as this administrative regulation applies equally to all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.802, KRS 156.808, The Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq., as implemented by 29 C.F.R. Part 825.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.802 provides that the Department of Education shall have the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers. KRS 156.808 requires the Kentucky Board of Education to promulgate administrative regulations establishing personnel policies and procedures for all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers. KRS 156.808(3)(g) requires the Kentucky Board of Education to promulgate administrative regulations for the certified and equivalent staff of state-operated area technology centers governing attendance, including hours of work, compensatory time, and annual, court, military, sick, maternity, voting, and special leaves of absence.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Education, The Kentucky Department of Education, the Office of Career and Technical Education, and the state-operated area technology centers.

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

1. Expenditures:

For the first year: Unknown. The anticipated cost is approximately \$10,000/staff member that births a child.

For subsequent years: Unknown. The anticipated cost is approximately \$10,000/staff member that births a child.

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): None
- (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 amendment to this regulation will result in additional expenditures for KDE Office of Career and Technical Education, state-operated area technology centers. The exact cost per year is unknown as it is dependent upon the number of staff meeting the criteria for maternity leave. The approximate cost per staff member utilizing maternity leave is \$10,000.
 - (b) Methodology and resources used to reach this conclusion: The average of salaries was divided by contract days and multiplied by 30.
- (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
 - (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The amendment to this regulation will not have a major economic impact on any identified entities.
 - (b) The methodology and resources used to reach this conclusion: The amendment to this regulation will not have a major economic impact on any identified entities.

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

**EDUCATION AND LABOR CABINET
Department of Workplace Standards
(Amendment)**

803 KAR 1:081. Board, lodging, gratuities, and other allowances.

RELATES TO: KRS 337.275, 337.285, 29 C.F.R. 531.31 – 531.58, 29 C.F.R. 10.28(b)(3)(iii)-(iv)(A), 29 C.F.R. 516.28(a), 803 KAR 1:071 Sec. 2-Sec. 3, 803 KAR 1:071 Sec. 5.

STATUTORY AUTHORITY: KRS 337.295

NECESSITY, FUNCTION, AND CONFORMITY: KRS 337.295 authorizes the commissioner to promulgate administrative regulations permitting allowances as part of the wage rates applicable under the statutes for board, lodging, gratuities, and other

facilities. This administrative regulation establishes what allowances may be credited toward the payment of wages as required KRS Chapter 337.

Section 1. Definitions.

- (1) "Direct Support" is defined by 29 C.F.R. 10.28(b)(3)(iii)-(iv)(A).
- (2) "Managers" and Supervisors" are defined by 803 KAR 1:071 Sec.2- Sec. 3 and 803 KAR 1:071 Sec. 5.
- (3) "Salaried Employee" is defined by 803 KAR 1:071 Sec. 10(1).
- (4) "Tip" means a sum presented by a customer as a gift or gratuity in recognition of some service performed. A tip is distinguished from a payment of a charge made for the service.
- (5) [(2)] "Tipped employees" is defined by KRS 337.010(2)(d).
- (6) [(3)] "Wages" is defined by KRS 337.010(1)(c).

Section 2. Board, Lodging, and Other Facilities.

- (1) In accordance with KRS 337.275 and 337.285, an employer may be permitted to include as wages paid to an employee, the reasonable cost of providing an employee with board, lodging, or other facilities if they are customarily provided by the employer to employees.
 - (a) Reasonable cost shall not include a profit to the employer or to any affiliated person.
 - (b) This section shall not prohibit payment of wages in facilities provided either as additions to a stipulated wage or as items for which deductions from the stipulated wage will be made. The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only if customarily provided to the employee. Not only shall the employee receive the benefits of the facility for which the employee is charged, but acceptance of the facility shall be voluntary and uncoerced.
- (2) The criteria for board, lodging, or other facilities being customarily provided as applicable to KRS 337.275 and 337.285 shall be as established in 29 C.F.R. 531.31.
- (3) Other facilities.
 - (a) The criteria for "other facilities", as applicable to KRS 337.275 and 337.285, shall be as established in 29 C.F.R. 531.32(a).
 - (b) The cost of providing facilities that are primarily for the benefit or convenience of the employer shall not be recognized as reasonable and shall not be included in computing wages. Facilities primarily for the benefit or convenience of the employer shall include, for example:
 1. Tools of the trade and other materials and services incidental to carrying on the employer's business;
 2. The cost of any construction by or for the employer; and
 3. The cost of uniforms and of their laundering, if the nature of the business requires the employees to wear a uniform.
- (4) The prohibition of kickbacks, as applicable to KRS 337.275 and 337.285, shall be as established in 29 C.F.R. 531.35.
- (5) The criteria for payment if additions or deductions are involved in nonovertime workweeks, as applicable to KRS 337.375 and 337.285, shall be as established in 29 C.F.R. 531.36(a).
- (6) Overtime workweeks.
 - (a) Pursuant to KRS 337.285, an employee shall receive compensation for overtime hours at a rate of not less than one and one-half (1 1/2) times the rate at which the employee is employed. If overtime is worked by an employee who receives the whole or part of his or her wage in facilities and it becomes necessary to determine the portion of wages represented by facilities, all of the facilities shall be measured by the requirements of this administrative regulation.
 - (b) Deductions may be made on the same basis in an overtime workweek as in non-overtime workweeks, if their purpose and effect are not to evade the overtime requirements of KRS 337.285.
 1. The amount deducted shall not exceed the amount that could be deducted if the employee had only worked the maximum number of straight-time hours during the workweek.
 2. Deductions in excess of this amount for the items shall be prohibited in overtime workweeks as well as in non-overtime workweeks.
 3. There shall not be a limit on the amount that may be deducted for board, lodging, or other facilities in overtime workweeks if these

deductions are made only for the reasonable cost of the items provided.

(c) If deductions are made from the stipulated wage of an employee, the regular rate of pay shall be based on the stipulated wage before any deductions have been made. If board, lodging, or other facilities are customarily provided as addition to a cash wage, the reasonable cost of the facilities to the employer shall be considered as part of the employee's regular rate of pay.

Section 3. Payment Made to Person Other than Employee.

(1) Amounts deducted for taxes. Taxes assessed against the employee and collected by the employer and forwarded to the appropriate governmental agency shall be included as wages. This principle shall be applicable to the employee's share of Social Security, as well as other federal, state, or local taxes. A deduction shall not be made for any tax or share of a tax that the law requires to be borne by the employer.

(2) The criteria for payments to third persons pursuant to a court order, as applicable to KRS 337.275 and 337.285, shall be as established in 29 C.F.R. 531.39(a).

(3) The criteria for payments to an employee's assignee, as applicable to KRS 337.275 and 337.285, shall be as established in 29 C.F.R. 531.40.

Section 4. Payment of Wages to Tipped Employees.

(1) Conditions for taking tip credits in making wage payments.

(a) The wage credit permitted on account of tips under KRS 337.275(2) shall be taken only with respect to wage payments made under KRS Chapter 337 to those employees whose occupations in the workweeks for which the payments are made are those of "tipped employees."

(b) To determine if a tip credit may be taken in paying wages to a particular employee, it is necessary to know:

1. What payments constitute tips;

2. If the employee receives more than thirty (30) dollars a month in payments in the occupation in which the employee is engaged; and

3. If in the occupation the employee receives these payments in that amount customarily and regularly.

(2) General characteristics of tips.

(a) To qualify as a tip, the customer shall determine:

1. If a tip is given;

2. The amount of the tip; and

3. Who shall be the recipient of the tip, except where a tip pool is used.

(b) Only tips actually received by an employee as money shall be counted in determining if the employee is a tipped employee within the meaning of the KRS Chapter 337 and in applying the provisions of KRS 337.275(2).

(3) The following shall not be considered tips:

(a) Criteria established in 29 C.F.R. 531.55(a);

(b) If the employment agreement includes that amounts presented by customers as tips belong to the employer and shall be credited or turned over to the employer, the employee is in effect collecting for his or her employer additional income from the operations of the employer's establishment. Even though the amounts are not collected by imposition of any compulsory charge on the customer, the employee is not receiving tips within the meaning of KRS Chapter 337.

(4) More than thirty (30) dollars a month in tips. If an employee employed is not a tipped employee, the employee shall receive the full compensation required by KRS Chapter 337 in cash or allowable facilities without any credit for tips received.

(a) Pursuant to KRS 337.010(2)(d), tipped employee does not require that the calendar month be used in determining if more than thirty (30) dollars a month is customarily and regularly received as tips. A recurring monthly period beginning on the same day of the calendar month may be used.

(b) The fact that an employee is part of a group that has a record of receiving more than thirty (30) dollars a month in tips shall not qualify the employee as a tipped employee.

(5) The criteria for "customarily and regularly", as applicable to KRS 337.010(2)(d), shall be as established in 29 C.F.R. 531.57.

(6) Criteria for the exception of initial and terminal months of employment from the requirement that a tipped employee receive more than thirty (30) dollars a month in tips shall be as established in 29 C.F.R. 531.58.

(7) The tip wage credit. In determining compliance with the wage payment requirements of KRS 337.275(2), the amount paid to a tipped employee by an employer shall be deemed to be increased on account of tips by an amount equal to the formula established in KRS 337.275(2) if the employer satisfies all the requirements in the workweek for which the wage payment is made.

(a) This credit shall be in addition to any credit for board, lodging, or other facilities that may be allowable under this administrative regulation. The actual amount shall be left by KRS 337.275(2) to determination by the employer on the basis of the employer's information taken from his or her records concerning the tipping practices and receipts in the establishment. In order for an employer to take the maximum credit allowed by this special provision, the tipped employee shall receive the maximum in tips.

(b) If the employee is receiving less than the amount credited, the employer shall be required to pay the balance so that the employee receives at least the minimum wage with the combination of wages and tips.

1. The tip credit shall be taken only for hours worked by the employee in an occupation in which the employee qualifies as a tipped employee.

2. An employer shall not use any part of an employee's tips to pay the minimum wage to any employee; but may only apply credit toward the payment of the minimum wage to the employee who actually received the tip.

3. Under employment agreements requiring tips to be turned over or credited to the employer to be treated as part of the employer's gross receipts, the employer shall pay the employee the full minimum hourly wage.

(8) Overtime payments. If overtime is worked by a tipped employee who is subject to the overtime pay provisions of KRS 337.285, the regular rate of pay shall be determined by dividing the employee's total remuneration for employment in any workweek by the total number of hours actually worked in that workweek for which the compensation was paid. A tipped employee's regular rate of pay includes the amount of tip credit taken by the employer (not in excess of the formula established in KRS 337.275(2)), the reasonable cost of any facilities provided the employee by the employer, and the cash wages including commissions and bonuses paid by the employer. Any tips received by the employee in excess of the tip credit need not be included in the regular rate. The tips shall not constitute payments made by the employer to the employee as remuneration for employment.

(9) Tip pooling.

(a) Tip Pooling Voluntarily Entered into by Employees. Pursuant to KRS 337.275(2), employees may enter into an agreement to divide tips among themselves. If employees enter into this type of agreement, the amounts retained by the employees shall be considered tips of the individuals who retain them.

(b) Tip Pooling Mandated by Employer. Pursuant to KRS 337.065(3), an employer may mandate its employees participate in a tip pool. If the employer mandates the employees participate in a tip pool, the employer shall maintain and preserve payroll records as established in 29 C.F.R. 516.28(a).

Section 5. Records. If an employer uses the reasonable cost of providing an employee with board, lodging, or other facilities in meeting the requirements of KRS 337.275 and 337.285, it shall be necessary to keep the following records, in addition to those required by KRS 337.320:

(1) The facility being provided by the employer to the employee; and

(2) The cost being charged for the facility by the employer.

803 KAR 1:081. Board, lodging, gratuities and other allowances.
KIMBERLEE C. PERRY, Commissioner

APPROVED BY AGENCY: August 7, 2026

FILED WITH LRC: August 12, 2026 at 11:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 30, 2026, at 9:00 am, at Mayo-Underwood Hearing Room 133CE, 500 Mero Street, Frankfort, Kentucky 40601 in the first-floor hearing room. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. 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 October 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: Duane Hammons, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, Telephone: (502) 564-1507, Facsimile: (502) 564-5484, Email: Kenneth.hammons@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Duane Hammons, Telephone: (502) 564-1507, Facsimile: (502) 564-5484, Email: kenneth.hammons@ky.gov

Subject Headings: Workplace Safety, Wages and Hours, Labor and Industry

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation clarifies what allowances may be credited toward the payment of wages as required in KRS 337.275 and 337.285.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to clarify what allowances may be credited toward the payment of wages as required in the statutes.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 337.295 authorizes the commissioner to promulgate administrative regulations permitting allowances as part of the wages rate applicable under the statutes for board, lodging, gratuities, and other facilities.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides guidance on what allowances may be credited toward payment of wages to ensure that employees receive proper wages. (2) If this is an amendment to an existing regulation, provide a brief summary of: How this amendment will change this existing administrative regulation: This regulation will clarify when and how a tip-pool may be used.

(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: With the enactment of HB 185 RS 26 amending KRS 337.065, an amendment to the regulation was necessary due to a change in the law with respect to tip pooling.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 337.295 authorizes the commissioner to promulgate administrative regulations permitting allowances as part of the wages rate applicable under the statutes for board, lodging, gratuities, and other facilities.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure regulatory clarity with respect to when tip-pooling is allowed.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, HB 185 RS 2026

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all subject employers who employ employees in the Commonwealth subject to KRS Chapter 337, as well as their employees.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an

amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Organizations that have tipped employees will now be allowed to use a mandatory tip pool.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Improved clarity on when a tip pool is allowed.

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

(a) Initially: This administrative regulation is not anticipated to generate any new or additional costs.

(b) On a continuing basis: This administrative regulation is not anticipated to generate any new or additional costs.

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation will not require any increase in fees or funding.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not applied. All employers and employees covered by KRS Chapter 337 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: HB 185 RS 2026.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 337.295.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Workplace Standards, Education and Labor 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): Most state and local governmental entities are subject to the wage and hour provisions found in KRS Chapter 337.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.
- (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
 - (a) Fiscal impact of this administrative regulation: None.
 - (b) Methodology and resources used to reach this conclusion: This regulation adds definitions and procedures required by statute.
 - (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 regulation adds definitions and procedures required by statute.

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 Financial Institutions
Division of Non-Depository Institutions
(Amendment)**

808 KAR 9:010. Deferred deposit database compliance.

RELATES TO: KRS 286.9-010(7), 286.9-075, 286.9-100(1), (7), (9), (10), (18), (19), 286.9-140

STATUTORY AUTHORITY: KRS 286.9-090(1), 286.9-100, 286.9-140(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 286.9-100(9) prohibits licensees from having more than two (2) deferred deposit transactions from any one (1) customer at any one (1) time[and limits the total proceeds received by a customer from all deferred deposit transactions to \$500]. KRS 286.9-140(1) requires the commissioner to implement a common database with real-time access through an internet connection accessible to the department and licensees to verify whether any deferred deposit transactions are outstanding for a particular person and authorizes the commissioner to adopt rules to promulgate administrative regulations to administer and enforce KRS 286.9-140. This administrative regulation establishes requirements for licensee use of the database established pursuant to KRS 286.9-140.

Section 1. Closed Deferred Deposit Service Transactions. The Commissioner deems the following occurrences as closed deferred deposit service transactions pursuant to KRS 286.9-010(7)(e):

- (1) The customer's payment instrument was unpaid and the licensee has sold the underlying debt to a non-affiliated third party without recourse;
- (2) The underlying debt represented by the customer's payment instrument has been discharged in bankruptcy;
- (3) The database provider has designated the deferred deposit transaction concerning the customer's payment instrument as closed pursuant to KRS 286.9-140(7); or
- (4) The licensee has reported to the database provider that the deferred deposit transaction concerning the customer's payment instrument is closed following being held open pursuant to KRS 286.9-140(7).

Section 2. Deferred Deposit Database Requirements.

(1) A licensee shall institute procedures and maintain an accounting system designed to:

(a) Prevent the licensee from entering into transactions with a customer in violation of KRS 286.9-100(9), including procedures for:

1. Maintaining a record of all current transactions with the licensee; and

2. Checking the record of current transactions with the database prior to issuance of a new transaction; and

(b) Generate reports that will readily permit examination and verification of compliance with KRS 286.9-100(9), KRS 286.9-140, and this section by department examiners.

(2) For each deferred deposit transaction, a licensee shall submit:

- (a) The customer's date of birth;
- (b) The check number of the payment instrument, if applicable;
- (c) The database verification fee in accordance with KRS 286.9-140(2)[of \$2.25, which may be paid directly by the licensee or charged to the customer];
- (d) The service fee charged to the customer; and
- (e) The date the payment instrument was deposited or otherwise presented for payment.

(3) A licensee shall indicate in the database whether the customer entered into the deferred deposit transaction in person, electronically, or via[by] telephone.

(4) A licensee shall not cause a closed deferred deposit transaction to be reopened in the database unless:

(a) The deferred deposit transaction was closed by reason of clerical error by the licensee;

(b) The licensee caused the deferred deposit transaction to be reopened on or before the close of business on the business day after the transaction was closed; and

(c) Reopening the transaction would not cause the customer to exceed the transaction limits set forth in KRS 286.9-100(9).

(5) A licensee shall not accept, collect, or seek payment on a deferred deposit transaction that is designated as closed in the database, except as permitted in KRS 286.9-140(7)(c).

(6) A licensee that has reported to the database provider that a deferred deposit transaction is open beyond the maturity date pursuant to KRS 286.9-140(7) shall immediately notify the database provider when the transaction becomes closed.

(7) A new licensee or an existing licensee applying for an additional location shall establish an account with the database provider for each location prior to the time of application.

MARNI ROCK GIBSON, Commissioner
DJ WASSON, Secretary

APPROVED BY AGENCY: August 13, 2026

FILED WITH LRC: August 13, 2026 at 2:10 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 29, 2026, at 9:00 a.m., 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 October 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 persons.

CONTACT PERSON: Eric Richardson, Title: Staff Attorney, Address: 500 Mero Street, 2SW19, Frankfort, Kentucky 40601, Phone: 502-782-9064, Fax: 502-573-8787, Email: Eric.Richardson@ky.gov; and Marni Gibson, Title: Commissioner, Dept. of Financial Institutions, Address: 500 Mero Street, 2SW19, Frankfort, Kentucky 40601, Phone: 502-782-9053 Fax: 502-573-8787, Email: Marni.Gibson@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Eric Richardson, Phone: 502-782-9064, Email: Eric.Richardson@ky.gov

Subject Headings: Banks and Financial Institutions, Consumer Affairs, Loans and Credit

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the definitions and requirements for licensee operation of the deferred deposit database established in KRS 286.9-140.

(b) The necessity of this administrative regulation: KRS 286.9-140 requires the commissioner to implement a common database with real-time access to verify outstanding deferred deposit transactions. KRS 286.9-140(1)(c) specifically allows the commissioner to promulgate administrative regulations to ensure that the database is used by deferred deposit service business licensees in accordance with this KRS 286.9.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes and sets forth the requirements for the licensee operation of the deferred deposit database.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the database and licensee requirements for compliance with statute.

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

(a) How the amendment will change this existing administrative regulation: This amendment conforms the deferred deposit transaction fee amount to the current statutory requirement. Additionally, KRS 286.9-140(7) was amended to allow deferred deposit companies to collect payment on deferred deposit transactions that are unpaid due to returned or dishonored payment instruments. This amendment conforms to the collection actions as stated in KRS 286.9-140(7)(c).

(b) The necessity of the amendment to this administrative regulation: This regulation establishes and sets forth the requirements for the licensee utilization of the database. This amendment conforms the regulation to statutory requirements.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statute requires the commissioner to charge a specific three dollar (\$3.00) fee for each transaction rather than requiring the commissioner to set a fee bound by a given statutory maximum. The authorizing statute also created an exception to the limitations of a licensee's ability to pursue payment on a closed transaction.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will conform to the authorizing statute's requirements for a set database transaction fee. This amendment will conform to the authorizing statute which allows licensees to collect on certain closed transactions.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Kentucky Acts Chapter 98.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The amendment would affect licensed deferred deposit entities and consumers that enter into deferred deposit agreements. From January 2025 through December 2025, there have been 1,043,566 deferred deposit transactions in Kentucky. There are 214 licensed deferred deposit entities.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated entities will be required to amend their customer documents to reflect the new fee and ensure it is properly disclosed.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in

question (4): The cost of editing the template documents will be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The entities will not accrue benefits as they do not retain the fee.

(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: The fee change addressed in this administrative regulation amendment will be implemented through the existing operation of the statewide deferred deposit database, which is administered by the Department's database contractor. This will occur at no additional cost to the Department. Enforcement of the amended provisions will be handled through the Department's existing supervisory and examination functions and imposes no additional burden on the Department. Accordingly, no additional source of funding is required.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary for the Department to implement this amendment. The statewide deferred deposit database is already operational, and the per-transaction fee is already collected through that existing system. This amendment conforms the regulatory fee amount to the amount fixed by KRS 286.9-140(2) as amended by SB 219. It does not require any new expenditure, system, or funding source for the Department to implement or enforce.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes. This administrative regulation is written to align with the statutory fee of three dollars (\$3.00), an increase from the prior fee of two dollars and twenty five cents (\$2.25). This increase is fixed by KRS 286.9-140(2), as amended by 2026 Ky. Acts Chapter 98, SB 219, 2026 Regular Session, which sets the fee at a fixed amount of three dollars (\$3.00) per transaction and removes the commissioner's prior discretion to set the fee within a range. This administrative regulation conforms the fee established in 808 KAR 9:010 to the amount mandated by statute.

(10) TIERING: Is tiering applied? No. The transaction fee, set by statute, applies to every deferred deposit transaction, regardless of the total amount of the transaction.

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 286.9-140

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. 2026 Kentucky Acts Chapter 98.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Financial Institutions, Non-Depository Institutions Division

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): 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): There are 214 deferred deposit companies regulated by the Department of Financial Institutions.

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

1. Expenditures:

For the first year: Nominal

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 raises the per-transaction deferred deposit database fee from two dollars and twenty-five cents (\$2.25) to three dollars (\$3.00), an increase of seventy-five cents (\$0.75) per transaction. This increase is fixed by KRS 286.9-140(2), as amended by 2026 Ky. Acts Chapter 98, SB 219, 2026 Regular Session, and is not the product of agency discretion. The fee is remitted through the existing statewide deferred deposit database; the amendment imposes no new system, process, or administrative obligation on regulated entities beyond the change in the fee amount.

(b) Methodology and resources used to reach this conclusion: The Department determined the fiscal impact by comparing the fee currently established in 808 KAR 9:010 (\$2.25 per transaction) with the fee fixed by KRS 286.9-140(2) as amended by SB 219 (\$3.00 per transaction), yielding a per-transaction increase of seventy-five cents (\$0.75). The three dollar (\$3.00) figure is not an independent agency determination; it is taken directly from the amended statute, which no longer affords the commissioner discretion to set the fee within a range. Accordingly, the fiscal impact reflected above is attributable to the General Assembly's enactment of SB 219, effective July 15, 2026, and not to an exercise of agency discretion in this administrative 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): This administrative regulation will not have a major economic impact. Under KRS 13A.010(14), a major economic impact means the combined implementation and compliance costs of an administrative regulation are at least five hundred thousand dollars (\$500,000) over any two-year period. The only compliance activity this amendment imposes on regulated entities is a one-time update of customer forms, agreements, and fee disclosures to reflect the revised per-transaction fee amount. While there are 214 licensed deferred deposit locations in the Commonwealth, the vast majority of these are concentrated among a smaller number of operators. In these cases, updates are made centrally rather than separately at each location. As such, the combined cost across all affected licensees would fall well below the five hundred thousand dollar (\$500,000) threshold over any two-year period. The amendment imposes no other reporting or compliance obligations on licensees.

(b) The methodology and resources used to reach this conclusion: The Department estimated the combined implementation and compliance costs by identifying the single compliance obligation imposed by this amendment as a one-time revision of forms, customer agreements, and fee disclosures to state the revised fee. This Department then assessed the cost of this compliance obligation by considering the structure of the regulated industry. Because most licensed deferred deposit locations are owned and operated by a small number of parent companies, most of the required revisions will be prepared once per operator and

applied across that operator's locations, rather than incurred separately at each licensed site. The resulting combined cost is a limited, nonrecurring administrative expense that does not approach the five hundred-thousand-dollar (\$500,000) threshold established by KRS 13A.010(14) over any two-year period. No recurring compliance costs are anticipated in subsequent years. The resources used to reach this conclusion were the Department's licensing records reflecting the ownership concentration of deferred deposit licensees, the text of KRS 13A.010(14), and the nature of the disclosure changes required to conform to the revised fee.

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*.

**SECRETARY OF STATE
Office of Business Services
(New Administrative Regulation)**

30 KAR 1:060. Scholarship Granting Organizations.

RELATES TO: 26 U.S.C. § 25F, 2026 Ky. Acts ch. 4, KRS 14A.2-050, 14A.2-060

STATUTORY AUTHORITY: 2026 Ky. Acts ch. 4, Section 1(3), KRS 14A.2-050(3), 14A.2-060(1)(p)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation is in compliance with the requirements of 2025 Ky. Acts ch. 6, Section 8(2). This administrative regulation is being promulgated to meet the January 1 deadline established by 2026 Ky. Acts ch. 4 for submission of the list described in 26 U.S.C. § 25F(g).

NECESSITY, FUNCTION, AND CONFORMITY: House Bill 1 (2026 RS) requires the Secretary of State to submit to the Internal Revenue Service the list described in 26 U.S.C. § 25F(g). This administrative regulation establishes the filing procedures, declaration form, filing fee, annual audit filing requirement, and annual process for inclusion on the list submitted by the Secretary of State to the Internal Revenue Service.

Section 1. Definitions.

(1) "Eligible expenses" has the same meaning as set forth in 26 U.S.C. § 530(b)(3)(A).

(2) "Eligible student" has the same meaning as set forth in 26 U.S.C. § 25F(c)(2).

(3) "Entity" is defined by KRS 14A.1-070(7).

(4) "Foreign entity" is defined by KRS 14A.1-070(10).

(5) "Qualified contributions" has the same meaning as set forth in 26 U.S.C. § 25F(c)(3).

(6) "Scholarship Granting Organization" or "SGO" has the same meaning as set forth in 26 U.S.C. § 25F(c)(5).

(7) "School" means:

(a) A common school as defined by KRS 158.030(1); or

(b) A nonpublic school defined by 704 KAR 3:315, including but not limited to a private, parochial, home-based, church school, or charter school.

(8) "Student" means a student enrolled in kindergarten through grade twelve (K–12) who is subject to compulsory attendance requirements pursuant to KRS 158.030.

Section 2. Filing Procedures.

(1) An entity or foreign entity seeking inclusion on the list submitted by the Secretary of State to the Internal Revenue Service pursuant to 26 U.S.C. § 25F as a Scholarship Granting Organization shall file the "Declaration of Scholarship Granting Organization", incorporated by reference in this administrative regulation.

(2) The declaration shall be filed with the Secretary of State no later than November 30 prior to the first year in which the entity or foreign entity seeks inclusion on the list submitted by the Secretary of State to the Internal Revenue Service pursuant to this administrative regulation.

(3) The filing shall be accompanied by:

(a) A copy of a favorable determination letter issued by the Internal Revenue Service recognizing the entity or foreign entity as an organization described in Section 501(c)(3) of the Internal Revenue Code and exempt from federal income taxation under Section 501(a) of the Internal Revenue Code; and

(b) The \$15 filing fee established by KRS 14A.2-060(1)(p).

(4) The Secretary of State shall annually submit to the Internal Revenue Service a list consisting of entities and foreign entities that have satisfied the filing requirements of this administrative regulation.

(5) Acceptance of a filing by the Secretary of State shall not constitute a determination that the entity or foreign entity satisfies the requirements of 26 U.S.C. § 25F.

Section 3. Annual Audit Filing Requirement.

(1) Beginning in the calendar year following inclusion on the list submitted by the Secretary of State to the Internal Revenue Service pursuant to this administrative regulation, each Scholarship Granting Organization shall annually file with the Secretary of State, no later than November 30, an independent audit prepared by a certified public accountant licensed pursuant to KRS 325.290.

(2) The audit shall be accompanied by the \$15 filing fee established by KRS 14A.2-060(1)(p).

(3) The audit shall include the certified public accountant's verification that the Scholarship Granting Organization satisfied the requirements of 26 U.S.C. § 25F during the prior calendar year, including verification that the Scholarship Granting Organization:

(a) maintained one or more separate accounts exclusively for qualified contributions;

(b) awarded scholarships to at least ten (10) eligible students that did not all attend the same school;

(c) spent not less than 90 percent of the income of the organization on scholarships for eligible students;

(d) used scholarship funds only for eligible expenses;

(e) applied scholarship selection criteria that prevented earmarking or setting aside qualified contributions for the benefit of any particular student while giving priority to students that were awarded a scholarship the previous year and students who have a sibling who was awarded a scholarship from the SGO;

(f) verified the household income and family size of students that applied for scholarships and that the students that were awarded scholarships did not exceed 300 percent of the area median gross income; and

(g) continued throughout the prior calendar year to be recognized by the Internal Revenue Service as an organization described in Section 501(c)(3) of the Internal Revenue Code and exempt from federal income taxation under Section 501(a) of the Internal Revenue Code.

(4) The audit shall be open to public inspection and copying under the Kentucky Open Records Act; however, no personally identifiable information concerning the identity of students or the income eligibility of any particular student's household shall be included in the audit.

(5) An entity or foreign entity that fails to submit the audit required by this section shall not be included on the annual list submitted by the Secretary of State to the Internal Revenue Service pursuant to this administrative regulation.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference: "Declaration of Scholarship Granting Organization", July 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Secretary of State's office, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or may be obtained from the Secretary of State's website at <http://www.sos.ky.gov>

MICHAEL G. ADAMS, Secretary of State

APPROVED BY AGENCY: July 22, 2026

FILED WITH LRC: July 22, 2026 at 3:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, October 27, 2026, at 9:00 a.m. EST, at the Office of the Secretary of State. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) work days prior to the hearing of their intent to attend. If no notification of intent to attend the

hearing is received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 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: Michael R. Wilson, Director, Office of Business, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7422, fax (502) 564-5687, email michael.wilson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael R. Wilson, Director, Office of Business Services, Phone: (502) 782-7422, Email: michael.wilson@ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures by which an entity or foreign entity may seek inclusion on the annual list of Scholarship Granting Organizations submitted by the Secretary of State to the Internal Revenue Service pursuant to 26 U.S.C. § 25F(g), including the required declaration, filing procedures, annual audit filing requirement, and related filing process.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement 2026 Ky. Acts ch. 4 (House Bill 1).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the filing procedures, declaration, annual audit filing requirement, and reporting process necessary to implement the duties assigned to the Secretary of State by 2026 Ky. Acts ch. 4.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides a standardized process for receiving, reviewing, maintaining, and transmitting Scholarship Granting Organization filings using the existing business filing infrastructure administered pursuant to KRS Chapter 14A.

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

(a) How the amendment will change this existing administrative regulation: N/A.

(b) The necessity of the amendment to this administrative regulation: N/A.

(c) How the amendment conforms to the content of the authorizing statutes: N/A.

(d) How the amendment will assist in the effective administration of the statutes: N/A.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This administrative regulation implements 2026 Ky. Acts ch. 4 (House Bill 1).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The regulation affects nonprofit entities and foreign nonprofit entities seeking inclusion on the annual list submitted by the Secretary of State to the Internal Revenue Service as Scholarship Granting Organizations pursuant to 26 U.S.C. § 25F.

(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: An applicant shall file the Declaration of Scholarship Granting Organization, provide a copy of its IRS favorable determination letter, pay the statutory filing fee, and, after inclusion on the annual list, annually file the required independent CPA audit together with the applicable statutory filing fee.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Compliance requires payment of the statutory \$15 filing

fee for the initial declaration and the annual audit filing, together with the cost of obtaining the independent CPA audit required by this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance enables an eligible entity to be included on the annual list submitted by the Secretary of State to the Internal Revenue Service pursuant to 26 U.S.C. § 25F.

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

(a) Initially: Minimal administrative costs are anticipated.

(b) On a continuing basis: Minimal continuing 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: Existing resources of the Office of the Secretary of State together with filing fee revenue authorized by statute.

(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.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation references the \$15 filing fee established by KRS 14A.2-060(1)(p) and does not establish or increase any fees.

(10) TIERING: Is tiering applied? Tiering was not appropriate because this administrative regulation applies equally to all similarly situated entities and foreign entities seeking inclusion on the annual list.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 2026 Ky. Acts ch. 4, Section 1; KRS 14A.2-050(3); KRS 14A.2-060(1)(p); and 26 U.S.C. § 25F.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. This administrative regulation is expressly authorized by 2026 Ky. Acts ch. 4 (House Bill 1).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Secretary of State, Office of Business Services.

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

1. Expenditures:

For the first year: Administrative expenditures associated with implementation are expected to be minimal and will be supported by the filing fee authorized by statute.

For subsequent years: Continuing administrative expenditures are expected to be minimal and will be supported by the filing fee authorized by statute.

2. Revenues:

For the first year: Miscellaneous filing fee revenue may be generated pursuant to KRS 14A.2-060(1)(p).

For subsequent years: Continuing miscellaneous filing fee revenue may be generated pursuant to KRS 14A.2-060(1)(p).

3. Cost Savings:

For the first year: None anticipated.

For subsequent years: None anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

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

1. Expenditures:

For the first year: 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): Nonprofit entities and foreign nonprofit entities seeking

inclusion on the list of Scholarship Granting Organizations submitted by the Kentucky Secretary of State to the Internal Revenue Service pursuant to 26 U.S.C. § 25F. (b) Estimate the following for each regulated entity identified in (5)(a):

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

1. Expenditures:

For the first year: Nonprofit entities seeking inclusion on the annual list submitted to the Internal Revenue Service will incur the \$15 filing fee established by KRS 14A.2-060(1)(p) for filing the Declaration of Scholarship Granting Organization.

For subsequent years: Continuing nonprofit entities will incur the \$15 filing fee established by KRS 14A.2-060(1)(p) for filing the required annual audit and the cost of obtaining the certified public accountant audit required by this administrative regulation.

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 administrative regulation establishes a uniform filing process, annual audit filing requirement, and annual reporting process necessary to implement 2026 Ky. Acts ch. 4. Administrative costs to the Office of the Secretary of State are expected to be minimal and will be supported by the filing fee authorized by statute. Regulated entities will incur the statutory filing fee and costs associated with obtaining the required CPA audit.

(b) Methodology and resources used to reach this conclusion: The Office reviewed the statutory filing requirements established by 2026 Ky. Acts ch. 4, existing filing infrastructure under KRS Chapter 14A, anticipated filing volumes, and existing agency resources in determining the anticipated 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): The Office concludes that this administrative regulation will not have a major economic impact as defined by KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: This conclusion is based upon the limited scope of the filing requirements, the minimal statutory filing fee, the use of existing filing infrastructure administered by the Office of the Secretary of State, and the Office's assessment that the combined implementation and compliance costs will not meet the threshold established by KRS 13A.010(13).

**STATE BOARD OF ELECTIONS
(New Administrative Regulation)**

31 KAR 3:050. Cancellation of voter registration following notification of new registration by Kentucky voter outside of the Commonwealth.

RELATES TO: KRS 116.113(5)

STATUTORY AUTHORITY: KRS 117.015(1)(a)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state. KRS 116.113(5) requires that the Board, "[u]pon receipt of notification from a local or state jurisdiction that a voter has registered to vote in the new local or state jurisdiction outside of the Commonwealth, . . . shall within five (5) days cause the removal of the name of that person from the voter registration records that it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary,

regular election, or special election." This regulation provides for the determination of whether the notification from the local or state jurisdiction outside of Kentucky has in fact identified a Kentucky voter who is now registered to vote in a jurisdiction outside of Kentucky and provides for the process for such removal following that determination.

Section 1. Procedure.

(1) Upon receipt of notification from a local or state jurisdiction that a person identified by that jurisdiction as a registered Kentucky voter has subsequently registered to vote in that local or state jurisdiction outside of Kentucky, the State Board of Elections shall first search Kentucky's electronic voter registration system to determine whether the individual identified by the local or state jurisdiction outside of Kentucky shares the same first name and last name of a voter registered to vote in Kentucky.

(2) If the first name and last name of a registered Kentucky voter exactly match the first name and last name of the registered voter identified by the local or state jurisdiction outside of Kentucky and the remaining name-related data fields, including middle name or initial and suffixes, do not contain inconsistent information, the registered Kentucky voter shall only be removed from Kentucky's voter rolls under KRS 116.113(5) if one of the following is true:

(a) The notification from a local or state jurisdiction outside of Kentucky and a single record in the Kentucky electronic voter registration system share an exact match of an address, email address, or phone number and at least one of the following identifiers: (i) the last four digits of the Social Security number; (ii) month, day, and year of birth; or (iii) driver's license number; or

(b) Both the notification from a local or state jurisdiction and a single record in the Kentucky electronic voter registration system share an exact match of at least two of the following identifiers:

1. The last four digits of the Social Security Number ("SSN");
2. Date of birth; or
3. Driver's license number.

(3) If the notification from a local or state jurisdiction outside of Kentucky and the record in Kentucky's electronic voter registration system do not meet the requirements of subparagraphs (1) and (2) of this section, the State Board of Elections shall consider the record match to be inconclusive and shall not remove the Kentucky voter from the Commonwealth's voter rolls under KRS 116.113(5).

(4) Notwithstanding a match of the minimum criteria specified under subsection (2), the Board shall not remove a registered Kentucky voter from the rolls if review of any other data field indicates that the person identified by the local or state jurisdiction outside of Kentucky is not the Kentucky voter whose information matches under paragraph (2). Notwithstanding a match of the minimum criteria under paragraph (2), no Kentucky voter shall be removed under KRS 116.113(5) unless the notification from the jurisdiction outside Kentucky reflects a registration date for the person identified as a Kentucky voter by the jurisdiction outside of Kentucky, which is subsequent to the most recent voter activity or voter registration activity associated with the registered Kentucky voter in Kentucky.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: August 5, 2026

FILED WITH LRC: August 6, 2026

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this new administrative regulation shall be held on October 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 October 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 provides for the determination of whether a notification from a local or state jurisdiction outside of Kentucky has in fact identified a Kentucky voter who is now registered to vote in a jurisdiction outside of Kentucky and provides for the process for such removal following that determination.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish uniform procedures for the requirements of KRS 116.113(5).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.0145(1)(a) enables 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 procedures for the requirements of KRS 116.113(5).

(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 county clerks 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, county clerks and the State Board of Elections will need to follow the procedures outlined.

(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 uniform procedures for the requirements of KRS 116.113(5).

(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 budget of the State Board of Elections 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 the requirements of KRS 116.113(5).

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 116.113(5) and 117.015(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 not expressly authorized by the enactment of KRS 116.113(5), but is authorized by the enactment of KRS 117.015(1)(a).

(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 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 not affect any other entities.

(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: 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.

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology (New Administrative Regulation)

201 KAR 17:005. Definitions and abbreviations for 201 KAR Chapter 17.

RELATES TO: KRS 334A.010–334A.990

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the board to promulgate administrative regulations necessary to carry out and enforce the provisions of KRS 334A.010 to 334A.990. This administrative regulation establishes the definitions and abbreviations used in 201 KAR Chapter 17.

Section 1. Definitions. The following definitions and abbreviations used in these administrative regulations are defined as follows:

(1) "Academic courses offered by an accredited postsecondary institution" means:

(a) A speech-language pathology or audiology course, designated by a speech-language pathology or audiology title or content; or

(b) An academic course, relevant to speech-language pathology or audiology.

(2) "Approved" means recognized by the Kentucky Board of Speech-Language Pathology and Audiology.

(3) "AUD" means audiologist.

(4) "Board administrator" means the primary staff assigned to provide administrative services to the Board.

(5) "CEU" means continuing education unit of sixty (60) minutes of participation in continuing educational experiences, excluding breaks.

(6) "Chair" means the chair or vice-chair of the board.

(7) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 334A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation relating to the practice of speech-language pathology and audiology over which the board as enforcement authority.

(8) "Complaint" means a written allegation of misconduct by a credentialed individual or other person which might constitute a violation of KRS Chapter 334A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(9) "Complaint screening committee" means a committee consisting of three (3) persons appointed by the chair of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint.

(10) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(11) "Informal proceedings" means the proceedings instituted at a stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(12) "Interim AUD" means interim audiologist.

(13) "Interim SLP" means interim speech-language pathologist.

(14) "Interim SLP-A" means interim speech-language pathology assistant.

(15) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General.

(16) "Program" means an organized learning experience:

(a) Planned and evaluated to meet stated behavioral objectives;

(b) Presented in one (1) session or a series; and

(c) Conducted and documented by an identified provider of discipline.

(17) "Provider" means an organization approved by the Kentucky Board of Speech-Language Pathology and Audiology for providing a continuing education program.

(18) "Related" means having content that is not directly linked to the practice of speech-language pathology or audiology, but expands or augments clinical practice.

(19) "Relevant" means having content applicable to the practice of speech-language pathology or audiology.

(20) "SLP" means speech-language pathologist.

(21) "SLP-A" means speech-language pathology assistant.

(22) "Temporary AUD" means temporary audiologist.

(23) "Temporary SLP" means temporary speech-language pathologist.

(24) "Temporary SLP-A" means temporary speech-language pathology assistant.

201 KAR 17:005

MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 12:00 P.M. noon, Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless

a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: sara.janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes, Phone Number: (502) 782-2709 (office), Email: sara.janes@ky.gov

Subject Headings: Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation defines the terms and abbreviations used in the regulations in 201 KAR Chapter 17 relating to Speech-Language Pathology and Audiology.

(b) The necessity of this administrative regulation: This regulation is necessary to define the terms used in 201 KAR Chapter 17.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the terms used in 201 KAR Chapter 17.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will provide a definition for terms used in 201 KAR Chapter 17 which will streamline the effective administration of the regulations for applicants, licensees, and the board and its staff.

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

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

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: There will be no actions required to comply with 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): There will be no costs to each of the regulated entities for compliance with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, the regulated entities will benefit from a glossary that defines terms in the regulations governing their profession.

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

(a) Initially: There will be no initial cost to implement this administrative regulation.

(b) On a continuing basis: There will be no continuing cost to implement this administrative regulation.

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

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

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

(10) TIERING: Is tiering applied? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 334A.080(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. 1996 Ky. Acts Ch. 318, sec. 307, effective July 15, 1996. -- Amended 1986 Ky. Acts Ch. 483, sec. 8, effective July 15, 1986. -- Created 1972 Ky. Acts Ch. 236, sec. 8.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: (a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the only affected state unit, part or division.

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: There is no fiscal impact as a result of this administrative regulation.

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

(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 no major economic impact.

(b) The methodology and resources used to reach this conclusion: Methodology and resources used is a review by the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.

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 and Certification for Dietitians and Nutritionists (New Administrative Regulation)

201 KAR 33:041. Compensation of board members.

RELATES TO: KRS 310.040(5)

STATUTORY AUTHORITY: KRS 310.040(5), 310.041(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.040(5) requires the board to establish the compensation for board members by administrative regulation. This administrative regulation establishes the compensation of board members.

Section 1. Members of the board shall:

(1) Receive compensation in the amount of \$100 per day per meeting; and

(2) Travel expenses as provided by 200 KAR 2:006.

201 KAR 33:041

ERIN ELIASSEN, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 1:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Dietitians and Nutritionists, Stipends and Per Diems, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes the compensation for members of the Board of Licensure and Certification for Dietitians and Nutritionists.

(b) The necessity of this administrative regulation: This regulation is necessary set the compensation of board members pursuant to KRS 310.040(4).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is given the authority to establish administrative regulations for the practice of dietitians and nutritionists in KRS 310.041. Also, KRS 310.040(4) specifically states the board shall receive compensation for services in an amount not to exceed one hundred dollars (\$100) per meeting and shall be reimbursed for all travel expenses for attending the meetings of the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in setting the per diem for board members.

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

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

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2436 active and 76 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: This regulation will not affect licensees in any capacity since compensation is paid using fees already generated through licensee payment of application, renewal, reinstatement and inactive licenses.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Dietitians and nutritionists will be able to compensate the board members appointed for licensure and enforcement of laws related to the profession.

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

(a) Initially: There is no new cost.

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

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

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

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 310.005, 310.040, 310.041

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 310.040, Amended 2010 Ky. Acts ch. 24, sec. 1668, effective July 15, 2010.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists.

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

1. Expenditures:

For the first year: \$3,229.50

For subsequent years: \$3,229.50

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None anticipated

For subsequent years: None anticipated

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed.

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

1. Expenditures:

For the first year: 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 generate revenue for state or local government

(b) Methodology and resources used to reach this conclusion: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the regulation and whether staff time and costs will be increased.

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

BOARDS AND COMMISSIONS

Board of Licensure and Certification for Dietitians and Nutritionists

(New Administrative Regulation)

201 KAR 33:071. Telehealth and telepractice.

RELATES TO: KRS 310.070, 310.200, KRS 211.332, 211.334, 211.336, 211.338

STATUTORY AUTHORITY: KRS 310.200(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.200 requires the Board of Licensure and Certification for Dietitians and Nutritionists to adopt administrative regulations to further the objectives stated therein. This administrative regulation establishes procedures necessary 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 dietitian and nutrition services.

Section 1. Definitions.

(1) "Client" means the person receiving the services of the dietitian or nutritionist.

(2) "Licensed healthcare professional" means a medical doctor, registered nurse, practical nurse, nurse practitioner, advanced practice registered nurse, physician's assistant, chiropractor, certified diabetes educator, pharmacist, speech-language pathologist, registered dietitian, certified nutritionist, podiatrist, audiologist, or psychologist licensed in the jurisdiction where he or she is physically located.

(3) "Practitioner" means a licensed dietitian or certified nutritionist.

(4) "Telehealth" is defined by KRS 310.200(3) and KRS 211.332(5).

(5) "Telepractice" means the practice of dietetics or nutrition as defined by KRS 310.005(2) and provided by using communication technology that is two (2) way, interactive, simultaneous audio and video, or audio-only encounters.

Section 2. Client Requirements. A licensed health care professional may represent the practitioner at the initial meeting. A practitioner who uses telehealth to deliver dietetics or nutrition services shall, at the initial meeting with the client:

(1) Make reasonable attempts to verify the identity of the client;

(2) Obtain alternative means of contacting the client other than electronically such as by the use of a telephone number or mailing address;

(3) Provide to the client alternative means of contacting the licensee other than electronically such as by the use of a telephone number or mailing address;

(4) Provide contact methods of alternative communication the practitioner 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 telepractice provided by the licensee; and

(6) Inform the client in writing and document acknowledgement of the risk and limitations of:

(a) The use of technology in the provision of telepractice;

(b) The potential breach of confidentiality of information, or inadvertent access of protected health information, due to technology in the provision of telepractice;

(c) The potential disruption of technology in the use of telepractice;

(d) When and how the practitioner will respond to routine electronic messages;

(e) In what circumstances the practitioner will use alternative communications for emergency purposes;

(f) Who else may have access to client communications with the practitioner;

(g) How communications shall be directed to a specific licensee;

(h) How the practitioner stores electronic communications from the client; and

(i) That the practitioner may elect to discontinue the provision of services through telehealth.

Section 3. Competence, Limits on Practice, Maintenance, and Retention of Records. A practitioner using telehealth to deliver services or who telepractices shall:

(1) Limit the telepractice to the area of competence in which proficiency has been gained through education, training, and experience;

(2) Maintain current competency in telepractice through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge;

(3) Document the client's presenting problem, purpose, or diagnosis, and include which services were provided by telepractice;

(4) Use methods for protecting health information, which shall include authentication and encryption technology as required by KRS 211.332(5)(c); and

(5) Ensure that confidential communications obtained and stored electronically shall not be recovered and accessed by unauthorized persons when the licensee disposes of electronic equipment and data.

Section 4. Compliance with Federal, State, and Local Law.

(1) A practitioner using telehealth to deliver dietetics or nutrition services shall comply with Section 508 of the Rehabilitation Act, 29 U.S.C. 794(d), to make technology accessible to a client with a disability.

(2) A person providing dietetic or nutrition services for which an exception to licensure does not apply or who represents himself or herself as a dietitian, licensed dietitian, or certified nutritionist pursuant to KRS 310.070 shall be licensed by the board if:

(a) Services are offered via telehealth; and

(b) These services are provided or the representation is made to a person when he or she is physically located in Kentucky.

(3) A person providing dietetic or nutrition services for which an exception to licensure does not apply or who represents himself or herself as a dietitian, licensed dietitian, or certified nutritionist pursuant to KRS 310.070 shall be licensed by the board if:

(a) Services are offered via telehealth; and

(b) These services are provided or the representation is made from a physical location in Kentucky. This person may be subject to licensure requirements in other states where the services are received by the client.

(4) Comply with the state law where the practitioner initiates services.

Section 5. Representation of Services and Code of Conduct. A licensee using telehealth to deliver services or who telepractices shall not:

(1) Engage in false, misleading, or deceptive advertising of telepractice; or

(2) Split fees.

201 KAR 33:071

ERIN ELIASSEN, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 1:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the

public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Dietitians and Nutritionists, Occupations and Professions, Boards and Commissions,

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes procedures for dietitians and nutritionists practicing telehealth.

(b) The necessity of this administrative regulation: This regulation is necessary to establish procedures for dietitians and nutritionists practicing telehealth, which is required by KRS 310.200.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is given the authority to establish administrative regulations for the practice of dietitians and nutritionists in KRS 310.041, and specifically for telehealth in KRS 310.200.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes procedures for dietitians and nutritionists practicing telehealth.

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

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

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2436 active and 76 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Dietitians and nutritionists will have to abide by the procedures governing telehealth.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Dietitians and nutritionists will have clearly established procedures to be able to provide services via telehealth.

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

(a) Initially: There is no additional cost.

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

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

this amendment: The board's operations are funded by fees paid by credential holders and applicants.

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

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 310.041, 310.200, 211.334, 211.335, 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 310.200, Created 2000 Ky. Acts ch. 376, sec. 10, effective July 14, 2000.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists.

(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 anticipated

For subsequent years: None anticipated

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed.

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

1. Expenditures:

For the first year: 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 generate revenue for state or local government

(b) Methodology and resources used to reach this conclusion: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a),

and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion: Methodology and resources included a review of the existing budget by the board's fiscal administrator as well as consideration of the regulation and whether staff time and costs will be increased.

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

BOARDS AND COMMISSIONS

Board of Licensure and Certification for Dietitians and Nutritionists (New Administrative Regulation)

201 KAR 33:081. Scope of practice.

RELATES TO: KRS 310.005, 310.021, 310.031, 310.041

STATUTORY AUTHORITY: KRS 310.041

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041 requires the board to promulgate administrative regulations to implement KRS 310.005, 310.021, 310.031, 310.040, 310.041, 310.042, 310.050, 310.070, and 310.990. This administrative regulation establishes the scope of practice for a licensed dietitian or certified nutritionist.

Section 1. Scope of Practice. A licensed dietitian shall practice dietetics or nutrition consistent with the skills and procedures in the Commission on Dietetic Registration's: Revised 2024 Scope and Standards of Practice for the Registered Dietitian Nutritionist. A certified nutritionist shall practice nutrition consistent with the nutritionist's level of training and competence in the practice of nutrition.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "Commission on Dietetic Registration's: Revised 2024 Scope and Standards of Practice for the Registered Dietitian Nutritionist", revised 2024, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists, 500 Mero 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://bdn.ky.gov>.

201 KAR 33:081

ERIN ELIASSEN, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2026, at 1:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2026. Send written notification of intent to be heard at the public

hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes Phone Number: (502) 782-2709 (office) Email: sara.janes@ky.gov

Subject Headings: Dietitians and Nutritionists, Occupations and Professions, Boards and Commissions,

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes the scope of practice for dietitians and nutritionists.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the scope of practice for dietitians and nutritionists.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is given the authority to establish administrative regulations for the practice of dietitians and nutritionists in KRS 310.041.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the scope of practice for dietitians and nutritionists.

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

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

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2436 active and 76 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Dietitians and nutritionists will have to abide by the scope of practice requirements.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Dietitians and nutritionists will be able to practice within the scope of their licenses or certificates.

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

(a) Initially: There is no new cost.

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

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

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

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 310.005, 310.041

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Amended 2008 Ky. Acts ch. 51, sec. 1, effective July 15, 2008. -- Amended 1996 Ky. Acts ch. 318, sec. 250, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 319, sec. 5, effective July 15, 1994.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists.

(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 anticipated

For subsequent years: None anticipated

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(4)(a): There are no other regulated entities not otherwise listed.

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

1. Expenditures:

For the first year: 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 generate revenue for state or local government.

(b) Methodology and resources used to reach this conclusion: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion: Methodology and resources included a review of the existing budget by the board's fiscal administrator as well as consideration of the regulation and whether staff time and costs will be increased.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of August 11, 2026

Call to Order and Roll Call

The August meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, August 11, 2026, at 1:00 PM ET/12:00 PM CT in Room 149 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams and Mike Wilson; and Representatives Deanna Gordon and Mary Lou Marzian.

LRC Staff: Karen Howard, Emily Harkenrider, Carrie Nichols, Stacy Auterson, Laura Begin, Ange Darnell, Anna Latek, and Callie Lewis.

Guests: Jim Florence, Director, Unclaimed Property Division, State Treasurer's Office, Department of Treasury; Robert Gullette III, General Counsel, State Treasurer's Office, Department of Treasury; Taylor Brown, General Counsel, State Board of Elections (SBE); Leslie M. Saunders, General Counsel, Registry of Election Finance (KREF); John Steffen, Executive Director, KREF; Jessica Brown, General Counsel, Board of Pharmacy (KBOP); Christopher Harlow, Executive Director, KBOP; Mary Beth Morris, President, Board of Optometric Examiners (KBOE); Kristen Webb, General Counsel, KBOE; Jeff Allen, Executive Director, Board of Dentistry (KBD); Cathy Falconer, General Counsel, Department of Professional Licensing (DPL), Public Protection Cabinet (PPC); Rhonda Phelps, Chair, Board of Licensure for Occupational Therapy (KBLot); Kirsti Singer, Chair, Applied Behavior Analysis Licensing Board (ABA); Jennifer Wolsing, Board Attorney, ABA; Eddie Slone, Executive Director, Board of Emergency Medical Services (KBEMS); John K. Wood, Board Counsel, KBEMS; Jenny Gilbert, Legislative Liaison, Department of Fish and Wildlife Resources (KDFWR); Ben Monarch, General Counsel, KDFWR; Matt Cole, Commissioner, Department of Vehicle Regulation (DVR), Transportation Cabinet (KYTC); Jon Johnson, Staff Attorney, Office of Legal Services (OLS), KYTC; Heather Stout, Executive Director, Office of Information Technology (OIT), KYTC; Joe Martz, Staff Attorney, Department of Alcoholic Beverage Control (ABC), PPC; Scotty Tracy, Commissioner, ABC, PPC; Max Fuller, Commissioner, Department of Housing, Buildings and Construction (HBC), PPC; David Moore, Deputy Commissioner, HBC, PPC; Cannon Armstrong, Executive Director, Office of Medical Cannabis (OMC), Cabinet for Health and Family Services (CHFS); Sam Flynn, Special Advisor, Chief Deputy Counsel, Office of the Governor; Shelby Lewis, Executive Policy Advisor, OMC, CHFS; and Todd Blevins, Kentucky Director, Humane World for Animals.

Approval of July 8, 2026 Minutes

A motion was made by Senator Raque Adams and seconded by Senator Wilson to approve the minutes of the July 8, 2026, meeting. Minutes were approved by voice vote without objection.

Administrative Regulations Reviewed by this Subcommittee:

STATE TREASURER'S OFFICE. Jim Florence, Director, Unclaimed Property Division, State Treasurer's Office, Department of Treasury; and Robert Gullette III, General Counsel, State Treasurer's Office, Department of Treasury, represented the office.

020 KAR 001:020. Unclaimed property; definitions; location of owners.

020 KAR 001:030. Unclaimed property; escheating.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 and 2 to comply with the drafting requirements of KRS

Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

020 KAR 001:040. Unclaimed properties; claims.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

020 KAR 001:050. Unclaimed property; examination of holder records.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

020 KAR 001:060. Unclaimed property; safe deposit boxes or other safekeeping repositories.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

020 KAR 001:070. Unclaimed property; administrative hearing, appeals process.

020 KAR 001:080. Reports to be filed by holders of unclaimed property.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

020 KAR 001:090. Accounts for unclaimed property that was held in an interest-bearing demand, savings or time deposit.

STATE BOARD OF ELECTIONS. Taylor Brown, General Counsel, SBE, represented the board.

031 KAR 004:240. Procedures for Safe at Home Participants to Register to Vote and Request a Mail-in Absentee Ballot.

In response to Chair West, Mr. Brown stated "Safe at Home" is a program providing crime victims, such as survivors of domestic violence, with the ability to shield their address from the general public.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

REGISTRY OF ELECTION FINANCE. Leslie M. Saunders, General Counsel, KREF; and John Steffen, Executive Director, KREF, represented the registry.

032 KAR 001:050. Political organization registration.

032 KAR 001:080. Report of an independent expenditure.

VOLUME 53, NUMBER 3 – SEPTEMBER 1, 2026

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

032 KAR 002:020. General provisions.

032 KAR 002:040. Investigatory procedures.

BOARDS AND COMMISSIONS: Board of Pharmacy. Jessica Brown, General Counsel, KBOP; and Christopher Harlow, Executive Director, KBOP, represented the board.

201 KAR 002:440. Legend drug repository.

In response to Representative Marzian, Mr. Harlow stated the Legend Drug Repository program is a regulated redistribution program for donated medication, with a participating pharmacy receiving the donations and then dispensing to under-insured or uninsured individuals at no cost. The proposed amendment authorizes individual patients to donate qualifying medication. There is currently only 1 participating pharmacy, but the proposed changes may encourage more to join.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Board of Optometric Examiners. Mary Beth Morris, President, KBOE; and Kristen Webb, General Counsel, KBOE, represented the board.

201 KAR 005:010E. Application for licensure; endorsement.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 3 to modify the deadline for submitting an application for licensure for consistency with the application and to provide adequate time for board review. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 005:021. Licensure Compliance Review.

In response to Chair West, Ms. Morris stated 201 KAR 5:021 is the ordinary companion to the emergency regulation previously reviewed by the subcommittee. The proposed amendments mirror those made at the July meeting of the Interim Joint Committee on Health Services.

Chair West expressed appreciation for the board's cooperation with legislators through this process.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 and 4 to comply with the drafting requirements of KRS Chapter 13A; (2) to amend Sections 2 and 3 to only allow the Optometry Examining Board of Canada (OEBC) exam as an allowable substitution for Part 1 of the National Board of Examiners in Optometry (NBEO) exam for initial licensees if the exam was taken or test results were submitted between July 30, 2025, and April 15, 2026; (3) to amend Section 2 to only allow the American Board of Optometry (ABO) board certification exam as an allowable substitution for Part 3 of the NBEO exam for initial licensees if the exam was taken between February 5, 2026, and July 17, 2026; and (4) to amend Section 4 to remove the reference to the ABO exam in the requirements for affected licensees that are credentialed to perform laser procedures. Without objection, and with agreement from the agency, the amendments were approved.

Board of Dentistry. Jeff Allen, Executive Director, KBD, represented the board.

201 KAR 008:563. Licensure of dental hygienists.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 4 through 7, 9, 11, 12, and 15 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Board of Licensure for Occupational Therapy. Cathy Falconer, General Counsel, DPL, PPC; and Rhonda Phelps, Chair, KBLot, represented the board.

201 KAR 028:235. Telehealth occupational therapy services.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 2, 3, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Applied Behavior Analysis Licensing Board. Kirsti Singer, Chair, ABA; and Jennifer Wolsing, Board Attorney, ABA, represented the board.

201 KAR 043:010. Application procedures for licensure.

In response to Chair West, Ms. Singer stated applied behavior analysts are first certified under a national organization. The regulation reduces experience hours from 1,500 to 1,000 hours to better align with national requirements.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, and incorporated material to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 043:020. Application procedures for temporary licensure.

201 KAR 043:030. Fees.

A motion was made and seconded to approve the following amendments: to amend Sections 4 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 043:040. Code of ethical standards and standards of practice.

201 KAR 043:050. Requirements for supervision.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 3, 4, 6, 7, and 15, and incorporated material to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 043:060. Complaint and disciplinary process.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 043:080. Renewals.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 4, and 5, and incorporated material to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

INDEPENDENT ADMINISTRATIVE BODIES: Board of Emergency Medical Services. Eddie Slone, Executive Director, KBEMS; and John K. Wood, Board Counsel, KBEMS, represented the board.

202 KAR 007:550. Required equipment and ground vehicle standards.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 4, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources. Jenny Gilbert, Legislative Liaison, KDFWR; and Ben Monarch, General Counsel, KDFWR, represented the department. Todd Blevins, Kentucky Director, Humane World for Animals, appeared in opposition to 301 KAR 2:251.

Game

301 KAR 002:228. Sandhill crane hunting requirements.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 and 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

301 KAR 002:251. Hunting and trapping seasons and limits for furbearers.

In response to Chair West, Ms. Gilbert stated proposed bag limit increases for bobcats and river otters were approved at the September 2025 meeting of the Fish and Wildlife Commission. The agency amendment complies with 2026 RS SB 39, which added a night hunting option for beavers and bobcats. The bag limit for bobcats is being increased from 5 to 10. Only 3 bobcats can be taken with a firearm, and only 1 bobcat can be taken at night. This is a conservative approach, which complies with the statute.

In response to Co-Chair Lewis, Ms. Gilbert stated the increased bag limit is appropriate.

In response to Senator Raque Adams, Ms. Gilbert stated landowners may consider bobcats a nuisance animal, but bobcats are not otherwise considered a nuisance. KDFWR is pro-hunting and views hunting as a conservation and resource management tool. While the cabinet does not have a specific number for bobcats, the voluntary bobcat jawbone submission process was designed to provide information for a better population estimate. Participation in this process was low, so the department is developing a new incentive program to increase jawbone submissions.

Senator Raque Adams commented it is curious to hunt something that is not overpopulated and does not have a more definitive population number. Biologists are not in lockstep on this issue. There needs to be a more unified opinion before making this decision.

In response to Chair West, Mr. Monarch stated the department adheres to the North American Model of Conservation, which focuses on management at both a species and ecosystem level. The department cannot have absolute control over nature, but it can make decisions based on data-gathering, considering both the species itself, as well as any species it might be affecting.

In response to Representative Marzian, Ms. Gilbert stated sportsman's groups and commission members requested the increased bag limits.

In response to Senator Wilson, Ms. Gilbert confirmed there is a nuisance animal regulation, which previously applied only to deer, but now applies to all wildlife.

In response to Chair West, Mr. Monarch confirmed bobcats are very elusive, and it is impossible to know the exact number.

In response to Chair West, Mr. Blevins stated he has deep respect for the department, but this proposal is premature. At the May commission meeting, the furbearer program coordinator for KDFWR explained the department needs to have 20 to 25% of the bobcat harvest for a valid population estimate. On average, the department gets information for approximately 7% of the harvest. Mr. Blevins stated the director of wildlife at KDFWR also expressed concern to the commission about insufficient data on the bobcat population and the risk of overharvest. Mr. Blevins stated media articles quote the district director for the United Trappers of Kentucky

as saying the bobcat population is still under growth and development.

In response to Chair West, Mr. Blevins stated no one can say, without sufficient data, whether the new bag limit puts pressure on the bobcat population. While it is unknown how the department arrived at the current bag limit of 5, doubling it to 10 does not make sense.

In response to Chair West, Mr. Monarch stated it is easy to think of data as a fixed number, but the department is constantly gathering and interpreting data every season. Ms. Gilbert stated the regulation can be amended when more information is available.

Representative Marzian commented on the increased bag limits. Humans encroach on habitat every day, labeling animals living there as a nuisance. Laws for increased hunting can result in the wipeout of a species. There needs to be more study on this issue.

A motion was made and seconded to approve the following amendments: (1) to amend Section 7 to add requirements for taking a beaver or bobcat at night, in accordance with 2026 RS SB 39; and (2) to amend Section 11 to delete requirements relating to voluntary submission of lower jaws from harvested bobcats. Without objection, and with agreement from the agency, the amendments were approved.

Water Patrol

301 KAR 006:070. Motorboat dealer and manufacturer registration.

TRANSPORTATION CABINET: Division of Driver Licensing: Matt Cole, Commissioner, DVR, KYTC; Jon Johnson, Staff Attorney, OLS, KYTC; and Heather Stout, Executive Director, OIT, KYTC, represented the department.

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

In response to Chair West, Commissioner Cole stated this regulation establishes identity security requirements for third-party entities issuing identity documents. The intent is to protect driver privacy. Duties include finger-printing and Real ID, and the department is required to conduct security audits.

In response to Chair West, Commissioner Cole explained private agencies, such as the American Automobile Association, or AAA, successfully pursued legislation on this topic. The cabinet reviewed similar programs in other states prior to promulgation.

In response to Chair West, Commissioner Cole stated the cabinet has a new, more secure system in place to protect against illegal activities.

In response to Representative Gordon, Commissioner Cole stated there is not currently a backlog, except possibly with driver testing. Third-party facilities are brick and mortar locations, not mobile units.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 7 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Sections 3 and 6 to require necessary equipment be leased; (3) to amend Section 4 to require third-party issuers to maintain cybersecurity liability insurance rather than require a fine for a breach of security; and (4) to amend Section 7 to correct the name of the incorporated material and update the material consistent with the administrative regulation. Without objection, and with agreement from the agency, the amendments were approved.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control. Joe Martz, Staff Attorney, ABC, PPC; and Scotty Tracy, Commissioner, ABC, PPC, represented the department.

Tobacco Enforcement

804 KAR 013:011E. Tobacco, nicotine, and vapor product enforcement and administration.

Department of Housing, Buildings and Construction. Max Fuller, Commissioner, HBC, PPC; and David Moore, Deputy Commissioner, HBC, PPC, represented the department.

815 KAR 004:010. Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 004:025. Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts.

A motion was made and seconded to approve the following amendments: to amend Sections 4, 6, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 007:070. The Kentucky Certified Building Inspector Program.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, and 4 through 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 015:010. Definitions for 815 KAR Chapter 15.

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.

815 KAR 015:025. New installations, general design, construction, and inspection criteria for boilers, pressure vessels, and pressure piping.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 3, 5, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 015:026. Existing boilers and pressure vessels; testing, repairs, inspection, and safety factors.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 015:027. Fees and certificates for boiler and pressure vessel inspection.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 015:080. Boiler and pressure vessel licenses.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to cross reference the examination schedule established in KRS 236.090 and grandfather in boiler and pressure vessel contractors who are already licensed as of December 2, 2026; and (2) to amend Sections 1 and 5, and incorporated material to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 025:020. Recreational vehicles.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 3, 5, 6, 9, and 10 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 025:050. Administration and enforcement of manufactured housing construction standards.

A motion was made and seconded to approve the following amendments: to amend Sections 6 and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 025:060. Licensing and certifications with manufactured homes and mobile homes.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 3 through 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 025:090. Site preparation, installation, and inspection requirements.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 2, 3, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

815 KAR 035:015. Certification of electrical inspectors.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 2 through 4, 7, and 8 and incorporated material to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Medical Cannabis. Cannon Armstrong, Executive Director, OMC, CHFS; Sam Flynn, Special Advisor, Chief Deputy Counsel, Office of the Governor; and Shelby Lewis, Executive Policy Advisor, OMC, CHFS, represented the office.

915 KAR 002:050E. Qualifying Medical Conditions.

In response to Chair West, Mr. Flynn stated 2023 RS SB 47 created a list of conditions and symptoms qualifying for the medical cannabis program. Due to an outpouring of questions related to qualification, the governor issued an executive order directing the cabinet to promulgate an emergency and ordinary regulation clarifying the conditions covered. The proposed conditions meet the statutory definition of "qualifying medical condition" and require a diagnosis by a medical cannabis practitioner. These conditions do not constitute an expansion of the statutory list.

In response to Chair West, Ms. Lewis stated there are several peer-reviewed studies showing medical cannabis reduces hospital admissions for those experiencing significant, chronic pain. It can increase appetite and reduce nausea for cachexia, which is a severe weight loss syndrome often affecting cancer patients. Mr. Flynn stated studies also show opioid overdoses decrease as availability of medical cannabis increases.

In response to Chair West, Mr. Armstrong stated there are approximately 23,495 active cardholders. Since January 2026, cardholders increased by 250 every week. After adding these clarifications and educating the public on qualifying conditions, cardholders are increasing by 400 to 500 per week. Mr. Flynn explained this number is expected to grow as dispensaries open across the state.

VOLUME 53, NUMBER 3 – SEPTEMBER 1, 2026

In response to Representative Gordon, Mr. Flynn stated OMC meets on a regular basis with the Kentucky Center for Cannabis at the University of Kentucky, although much of the work done by the center is grant-focused and not always concentrated on medical cannabis.

In response to Chair West, Mr. Flynn confirmed the cabinet is following the letter and the spirit of the law. The General Assembly has the authority to expand these conditions, although the statute carves out an exception for the Kentucky Center for Cannabis, which may expand the conditions under certain circumstances.

The following administrative regulations were DEFERRED OR REMOVED from the August 11, 2026, subcommittee agenda:

COUNCIL ON POSTSECONDARY EDUCATION: Public Educational Institutions

013 KAR 002:140. Research consortiums.

BOARDS AND COMMISSIONS: Board of Optometric Examiners

201 KAR 005:010. Application for licensure; endorsement.

Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 018:150. Standards of practice for professional land surveyors.

Board of Medical Imaging and Radiation Therapy

201 KAR 046:035. Practice standards, scopes of practice, and ethical standards.

JUSTICE AND PUBLIC SAFETY CABINET: Parole Board

501 KAR 001:030. Determining parole eligibility.

Department of Corrections

501 KAR 006:230. Little Sandy Correctional Complex.

TRANSPORTATION CABINET: Division of Motor Carriers

601 KAR 001:018. Special overweight or overdimensional motor vehicle load permits.

601 KAR 001:200. Administration of taxes imposed in KRS 138.655 through 138.7291.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control

Tobacco Enforcement

804 KAR 013:011. Tobacco, nicotine, and vapor product enforcement and administration.

The subcommittee adjourned at 2:36 PM ET/1:36 PM CT. The next meeting of this subcommittee is tentatively scheduled for September 8, 2026, at 1 PM ET/12:00 PM CT in Room 149 of the Annex.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(11), the following reports were forwarded by the appropriate jurisdictional committees to the Regulations Compiler and the Legislative Research Commission and are hereby printed in the *Administrative Register of Kentucky*.

INTERIM JOINT COMMITTEE ON HEALTH SERVICES
Meeting of July 16, 2026

The Interim Joint Committee on Health Services met on July 16, 2026 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on May 6, 2026 AND June 3, 2026, pursuant to KRS 13A.290(6):

201 KAR 009:086
201 KAR 009:305
902 KAR 008:070
902 KAR 008:080
902 KAR 008:096
902 KAR 008:120
907 KAR 003:005
907 KAR 003:010

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

201 KAR 005:021E
902 KAR 008:060

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

902 KAR 055:095

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the July 16, 2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON
FAMILIES AND CHILDREN
Meeting of July 20, 2026

The Interim Joint Committee on Families and Children met on July 20, 2026 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on July 1, 2026, pursuant to KRS 13A.290(6):

911 KAR 001:010
911 KAR 001:085
911 KAR 001:091

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the July 20, 2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON TRANSPORTATION
Meeting of August 4, 2026

The Interim Joint Committee on Transportation met on August 4, 2026 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on June 3, 2026, pursuant to KRS 13A.290(6):

601 KAR 001:114

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

none

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

INTERIM JOINT COMMITTEE ON NATURAL
RESOURCES AND ENERGY
Meeting of August 6, 2026

The Interim Joint Committee on Natural Resources and Energy met on August 6, 2026, and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on August 5, 2026, pursuant to KRS 13A.290(6):

301 KAR 001:201
301 KAR 002:178

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

none

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

none

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

301 KAR 001:201
301 KAR 002:178

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the August 6, 2026, meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

CUMULATIVE SUPPLEMENT

Unless otherwise noted, information contained in these indexes relates only to administrative regulations printed in this, the 53rd year of the *Administrative Register of Kentucky*, from July 2026 through June 2027.

Locator Index - Effective Dates

C – 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

C – 11

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

C – 17

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index

C – 20

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

C – 21

A general index of administrative regulations published during this *Register* year, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

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 003:050E	53 Ky.R. 416	08-06-2026
031 KAR 004:240E	52 Ky.R. 2037	04-15-2026
103 KAR 043:341E	52 Ky.R. 2039	05-05-2026
As Amended	53 Ky.R. 189	07-08-2026
104 KAR 001:010E	52 Ky.R. 683	09-19-2025
120 KAR 001:089E	53 Ky.R. 144	06-29-2026
200 KAR 038:080E	52 Ky.R. 1791	03-20-2026
201 KAR 005:010E	52 Ky.R. 2042	04-15-2026
As Amended	53 Ky.R. 476	08-11-2026
201 KAR 005:021E	52 Ky.R. 1501	02-05-2026
Am Comments	1794	04-15-2026
As Amended	2051	05-12-2026
As Amended at IJC	477	07-16-2026
201 KAR 017:005E	53 Ky.R. 418	07-16-2026
201 KAR 017:011E	53 Ky.R. 420	07-16-2026
201 KAR 017:012E	53 Ky.R. 423	07-16-2026
201 KAR 017:014E	53 Ky.R. 426	07-16-2026
201 KAR 017:025E	53 Ky.R. 428	07-16-2026
201 KAR 017:030E	53 Ky.R. 431	07-16-2026
201 KAR 017:032E	53 Ky.R. 435	07-16-2026
201 KAR 017:034E	53 Ky.R. 438	07-16-2026
201 KAR 017:036E	53 Ky.R. 441	07-16-2026
201 KAR 017:070E	53 Ky.R. 443	07-16-2026
201 KAR 026:118E	53 Ky.R. 446	08-12-2026
201 KAR 028:060E	53 Ky.R. 448	07-15-2026
201 KAR 028:240E	53 Ky.R. 147	07-06-2026
201 KAR 033:015E	53 Ky.R. 452	07-16-2026
201 KAR 033:020E	53 Ky.R. 455	07-16-2026
201 KAR 036:070E	53 Ky.R. 458	07-15-2026
201 KAR 036:072E	53 Ky.R. 463	07-15-2026
201 KAR 036:075E	53 Ky.R. 465	07-15-2026
201 KAR 036:100E	52 Ky.R. 1088	12-08-2025
Replaced	52 Ky.R. 1194	06-16-2026
201 KAR 050:010E	53 Ky.R. 149	07-15-2026
201 KAR 050:020E	53 Ky.R. 152	07-15-2026
201 KAR 050:050E	53 Ky.R. 155	07-15-2026
201 KAR 050:060E	53 Ky.R. 157	07-15-2026
201 KAR 050:070E	53 Ky.R. 160	07-15-2026
201 KAR 050:110E	53 Ky.R. 163	07-15-2026
201 KAR 050:120E	53 Ky.R. 166	07-15-2026
201 KAR 050:140E	53 Ky.R. 168	07-15-2026
201 KAR 050:170E	53 Ky.R. 171	07-15-2026
201 KAR 050:180E	53 Ky.R. 174	07-15-2026
201 KAR 050:200E	53 Ky.R. 176	07-15-2026
201 KAR 050:210E	53 Ky.R. 179	07-15-2026
307 KAR 001:080E	53 Ky.R. 181	07-15-2026

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
503 KAR 004:050E	53 Ky.R. 468	06-24-2026
505 KAR 001:140E	52 Ky.R. 687	09-25-2025
Replaced	1525	06-02-2026
505 KAR 001:410E	52 Ky.R. 690	09-25-2025
Am Comments	1108	12-12-2025
Replaced	1526	06-02-2026
781 KAR 001:001E	52 Ky.R. 1267	12-31-2025
Am Comments	1636	03-13-2026
781 KAR 001:010E	52 Ky.R. 1270	12-31-2025
Am Comments	1638	03-13-2026
781 KAR 001:020E	52 Ky.R. 1273	12-31-2025
Am Comments	1641	03-13-2026
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	03-13-2026
787 KAR 001:370E	52 Ky.R. 1105	12-15-2025
787 KAR 002:050E	53 Ky.R. 186	06-30-2026
803 KAR 001:081	53 Ky.R. 472	08-12-2026
803 KAR 002:241E(r)	52 Ky.R. 154	07-01-2025
Expired		03-08-2026
804 KAR 013:011E	52 Ky.R. 2044	05-15-2026
804 KAR 013:025E	52 Ky.R. 1295	12-29-2025
902 KAR 055:015E	52 Ky.R. 539	08-18-2025
As Amended	938	11-10-2025
907 KAR 003:320E	52 Ky.R. 542	09-09-2025
Replaced	1529	03-12-2026
915 KAR 002:050E	53 Ky.R. 7	06-02-2026

ORDINARY ADMINISTRATIVE REGULATIONS

012 KAR 002:006		
Amended	52 Ky.R. 569	
As Amended	1660	06-30-2026
012 KAR 002:011		
Amended	52 Ky.R. 570	
As Amended	1660	06-30-2026
012 KAR 002:018		
Amended	52 Ky.R. 572	
As Amended	1661	06-30-2026
012 KAR 002:026		
Amended	52 Ky.R. 576	
As Amended	1664	06-30-2026
012 KAR 002:041		
Amended	52 Ky.R. 578	
As Amended	1664	06-30-2026
012 KAR 002:046		
Amended	52 Ky.R. 579	
As Amended	1665	06-30-2026
012 KAR 002:051		
Amended	52 Ky.R. 581	
As Amended	1665	06-30-2026
012 KAR 003:012		
Amended	52 Ky.R. 582	
Am Comments	1344	
As Amended	1666	06-30-2026
012 KAR 003:022		
Amended	52 Ky.R. 584	
Am Comments	1347	
As Amended	1668	06-30-2026
012 KAR 003:027		
Amended	52 Ky.R. 586	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
Am Comments	1351		040 KAR 001:380		
As Amended		06-30-2026	Recodified from 921 KAR 001:380		06-22-2026
012 KAR 003:028			040 KAR 001:390		
Amended	52 Ky.R. 588		Recodified from 921 KAR 001:390		06-22-2026
Am Comments	1353	06-30-2026	040 KAR 001:400		
012 KAR 003:032			Recodified from 921 KAR 001:400		06-22-2026
Amended	52 Ky.R. 590		040 KAR 001:410		
Am Comments	1355		Recodified from 921 KAR 001:410		06-22-2026
As Amended	1672	06-30-2026	040 KAR 001:420		
012 KAR 003:037			Recodified from 921 KAR 001:420		06-22-2026
Amended	52 Ky.R. 592		040 KAR 001:430		
Am Comments	1357		Recodified from 921 KAR 001:430		06-22-2026
As Amended	1673	06-30-2026	040 KAR 002:201 (r)	52 Ky.R. 1769	
012 KAR 003:039			040 KAR 012:300		
Amended	52 Ky.R. 594		Amended	52 Ky.R. 1872	
Am Comments	1358		As Amended	53 Ky.R. 190	
As Amended	1673	06-30-2026	040 KAR 012:310		
012 KAR 003:042			Amended	52 Ky.R. 1874	
Amended	52 Ky.R. 596		As Amended	53 Ky.R. 191	
Am Comments	1361		040 KAR 012:400		
As Amended	1675	06-30-2026	Amended	52 Ky.R. 1720	
013 KAR 002:140	52 Ky.R. 1968		As Amended	53 Ky.R. 192	
Am Comments	53 Ky.R. 544		040 KAR 012:410		
016 KAR 004:090			Amended	52 Ky.R. 1161	
Amended	52 Ky.R. 995	06-02-2026	As Amended	1676	06-30-2026
020 KAR 001:020			040 KAR 012:420		
Amended	52 Ky.R. 2100		Amended	52 Ky.R. 1878	
020 KAR 001:030			As Amended	53 Ky.R. 195	
Amended	52 Ky.R. 2101		040 KAR 012:430	52 Ky.R. 1238	
As Amended	53 Ky.R. 479		As Amended	1678	06-30-2026
020 KAR 001:040			040 KAR 012:441	52 Ky.R. 1770	
Amended	52 Ky.R. 2103		As Amended	53 Ky.R. 10	
As Amended	53 Ky.R. 479		040 KAR 012:450	53 Ky.R. 341	
020 KAR 001:050			040 KAR 012:500		
Amended	52 Ky.R. 2105		Amended	52 Ky.R. 1724	
As Amended	53 Ky.R. 481		As Amended	53 Ky.R. 10	
020 KAR 001:060			040 KAR 012:510		
Amended	52 Ky.R. 2107		Amended	52 Ky.R. 1726	
As Amended	53 Ky.R. 481		As Amended	53 Ky.R. 11	
020 KAR 001:070			040 KAR 012:520	52 Ky.R. 1060	06-02-2026
Amended	52 Ky.R. 2110		040 KAR 012:600		
020 KAR 001:080			Amended	52 Ky.R. 1730	
Amended	52 Ky.R. 2111		As Amended	53 Ky.R. 196	
As Amended	53 Ky.R. 483		040 KAR 012:610		
020 KAR 001:090			Amended	52 Ky.R. 1733	
Amended	52 Ky.R. 2114		As Amended	53 Ky.R. 13	
030 KAR 001:060	53 Ky.R. 658		045 KAR 001:090	52 Ky.R. 1240	
031 KAR 003:050	53 Ky.R. 660		As Amended	1679	06-30-2026
031 KAR 004:240			101 KAR 002:102		
As Amended	53 Ky.R. 484		Amended	53 Ky.R. 235	
031 KAR 005:026			101 KAR 002:150		
Amended	52 Ky.R. 820	05-05-2026	Amended	53 Ky.R. 241	
032 KAR 001:050			101 KAR 002:221		
Amended	52 Ky.R. 2115		Amended	53 Ky.R. 243	
032 KAR 001:080			101 KAR 003:015		
Amended	52 Ky.R. 2117		Amended	53 Ky.R. 249	
As Amended	53 Ky.R. 485		103 KAR 018:070		
032 KAR 002:020			Amended	53 Ky.R. 255	
Amended	52 Ky.R. 2119		103 KAR 019:010		
032 KAR 002:040			Amended	52 Ky.R. 1372	
Amended	52 Ky.R. 2121		103 KAR 027:030		
032 KAR 002:050			Amended	53 Ky.R. 63	
Amended	53 Ky.R. 60		103 KAR 028:051		
032 KAR 002:200			Amended	53 Ky.R. 65	
Amended	53 Ky.R. 61		103 KAR 030:280		
032 KAR 002:240	53 Ky.R. 101		Amended	53 Ky.R. 68	
040 KAR 001:001			103 KAR 040:010		
Recodified from 921 KAR 001:001		06-22-2026	Amended	53 Ky.R. 257	
040 KAR 001:020			103 KAR 040:035		
Recodified from 921 KAR 001:120		06-22-2026	Amended	53 Ky.R. 259	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
103 KAR 040:050 Amended	53 Ky.R. 260		120 KAR 001:089 Recodified from 803 KAR 025:089 Amended	53 Ky.R. 267	06-29-2026
103 KAR 040:100 Amended	53 Ky.R. 262		120 KAR 001:091 Recodified from 803 KAR 025:091		06-29-2026
103 KAR 041:040 Amended	53 Ky.R. 264		120 KAR 001:092 Recodified from 803 KAR 025:092		06-29-2026
103 KAR 041:090 Amended	53 Ky.R. 265		120 KAR 001:096 Recodified from 803 KAR 025:096		06-29-2026
103 KAR 044:060 Amended	53 Ky.R. 69		120 KAR 001:101 Recodified from 803 KAR 025:101		06-29-2026
104 KAR 001:010 Amended	52 Ky.R. 852	06-30-2026	120 KAR 001:110 Recodified from 803 KAR 025:110		06-29-2026
105 KAR 001:001 Amended	52 Ky.R. 1881		120 KAR 001:120 Recodified from 803 KAR 025:120		06-29-2026
As Amended	53 Ky.R. 198		120 KAR 001:125 Recodified from 803 KAR 025:125		06-29-2026
105 KAR 001:020 Amended	52 Ky.R. 997		120 KAR 001:130 Recodified from 803 KAR 025:130		06-29-2026
As Amended	1505	06-02-2026	120 KAR 001:150 Recodified from 803 KAR 025:150		06-29-2026
105 KAR 001:150 Amended	52 Ky.R. 1000		120 KAR 001:160 Recodified from 803 KAR 025:160		06-29-2026
As Amended	1507	06-02-2026	120 KAR 001:165 Recodified from 803 KAR 025:165		06-29-2026
105 KAR 001:160 Amended	52 Ky.R. 1373		120 KAR 001:170 Recodified from 803 KAR 025:170		06-29-2026
As Amended	1796		120 KAR 001:175 Recodified from 803 KAR 025:175		06-29-2026
105 KAR 001:170 Amended	52 Ky.R. 1377		120 KAR 001:185 Recodified from 803 KAR 025:185		06-29-2026
As Amended	1797	07-08-2026	120 KAR 001:195 Recodified from 803 KAR 025:195		06-29-2026
105 KAR 001:261 Amended	52 Ky.R. 1464		120 KAR 001:200 Recodified from 803 KAR 025:200		06-29-2026
105 KAR 001:300 Amended	52 Ky.R. 1006	06-02-2026	120 KAR 001:210 Recodified from 803 KAR 025:210		06-29-2026
105 KAR 001:330 Amended	52 Ky.R. 1380		120 KAR 001:220 Recodified from 803 KAR 025:220		06-29-2026
As Amended	1798		120 KAR 001:230 Recodified from 803 KAR 025:230		06-29-2026
105 KAR 001:340 Amended	52 Ky.R. 1009	06-02-2026	120 KAR 001:240 Recodified from 803 KAR 025:240		06-29-2026
105 KAR 001:350 Amended	52 Ky.R. 1011		120 KAR 001:260 Recodified from 803 KAR 025:260		06-29-2026
As Amended	1511	06-02-2026	120 KAR 001:270 Recodified from 803 KAR 025:270		06-29-2026
105 KAR 001:380 Amended	52 Ky.R. 1385		120 KAR 001:280 Recodified from 803 KAR 025:280		06-29-2026
Am Comments	1837		120 KAR 001:290 Recodified from 803 KAR 025:290		06-29-2026
As Amended	2050		120 KAR 001:300 Recodified from 803 KAR 025:300		06-29-2026
105 KAR 001:400 Amended	52 Ky.R. 1388		200 KAR 038:080 As Amended	52 Ky.R. 1970 53 Ky.R. 201	
As Amended	1802		201 KAR 002:010 Amended	52 Ky.R. 1164	06-16-2026
105 KAR 001:430 Amended	52 Ky.R. 1393		201 KAR 002:050 Amended	52 Ky.R. 1166	
105 KAR 001:440 Amended	52 Ky.R. 1885		As Amended	1680	06-16-2026
As Amended	53 Ky.R. 200		201 KAR 002:090 Amended	52 Ky.R. 1168	06-16-2026
105 KAR 001:445 Amended	52 Ky.R. 1013		201 KAR 002:116 Amended	52 Ky.R. 1169	
As Amended	1512	06-02-2026	As Amended	1681	06-16-2026
120 KAR 001:010 Recodified from 803 KAR 025:010		06-29-2026	201 KAR 002:160 Amended	52 Ky.R. 1171	
120 KAR 001:012 Recodified from 803 KAR 025:012		06-29-2026	As Amended	1681	06-16-2026
120 KAR 001:015 Recodified from 803 KAR 025:015		06-29-2026	201 KAR 002:180 Amended	52 Ky.R. 1173	
120 KAR 001:021 Recodified from 803 KAR 025:021		06-29-2026	As Amended	1682	06-16-2026
120 KAR 001:030 Recodified from 803 KAR 025:030		06-29-2026			
120 KAR 001:036 Recodified from 803 KAR 025:036		06-29-2026			
120 KAR 001:040 Recodified from 803 KAR 025:040		06-29-2026			
120 KAR 001:070 Recodified from 803 KAR 025:070		06-29-2026			
120 KAR 001:075 Recodified from 803 KAR 025:075		06-29-2026			

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
201 KAR 002:185			As Amended	53 Ky.R. 29	
Amended	52 Ky.R. 1174	06-16-2026	201 KAR 016:730	51 Ky.R. 1018	
201 KAR 002:190			Amended	52 Ky.R. 433	
Amended	52 Ky.R. 1176		As Amended	1514	06-02-2026
As Amended	1682	06-16-2026	201 KAR 016:731		
201 KAR 002:205			Amended	52 Ky.R. 435	
Amended	52 Ky.R. 1178		Am Comments	1149	06-02-2026
As Amended	1683	06-16-2026	201 KAR 016:732		
201 KAR 002:250			Amended	52 Ky.R. 437	
Amended	52 Ky.R. 1180		Am Comments	1151	06-02-2026
As Amended	1683	06-16-2026	201 KAR 016:735		
201 KAR 002:260			Amended	52 Ky.R. 440	
Amended	52 Ky.R. 1182		As Amended	1515	06-02-2026
As Amended	1684	06-16-2026	201 KAR 016:737		
201 KAR 002:280			Amended	52 Ky.R. 443	
Amended	52 Ky.R. 1184	06-16-2026	Am Comments	1154	06-02-2026
201 KAR 002:300			201 KAR 016:767		
Amended	52 Ky.R. 1186	06-16-2026	Amended	52 Ky.R. 206	
201 KAR 002:330			Am Comments	982	
Amended	52 Ky.R. 1187		As Amended	53 Ky.R. 202	
As Amended	1685	06-16-2026	201 KAR 016:772		
201 KAR 002:440			Amended	52 Ky.R. 446	
Amended	52 Ky.R. 1736		As Amended	1516	06-02-2026
Reprint	2032		201 KAR 016:775		
Am Comments	53 Ky.R. 215		Amended	52 Ky.R. 449	
As Amended	485		As Amended	1518	06-02-2026
201 KAR 005:010			201 KAR 016:777		
Amended	52 Ky.R. 2124		Amended	52 Ky.R. 452	
As Amended	53 Ky.R. 487		As Amended	1519	06-02-2026
201 KAR 005:021			201 KAR 017:005	53 Ky.R. 662	
As Amended	53 Ky.R. 1616		201 KAR 017:011		
201 KAR 006:030			Amended	53 Ky.R. 549	
Amended	52 Ky.R. 84		201 KAR 017:012		
As Amended	1686	06-16-2026	Amended	53 Ky.R. 552	
201 KAR 006:061			201 KAR 017:014		
As Amended	52 Ky.R. 1062		Amended	53 Ky.R. 554	
201 KAR 006:071			201 KAR 017:025		
201 KAR 008:533			Amended	53 Ky.R. 556	
Amended	52 Ky.R. 1739		201 KAR 017:027		
As Amended	53 Ky.R. 14		Amended	53 Ky.R. 559	
201 KAR 008:540			201 KAR 017:030		
Amended	52 Ky.R. 1744		Amended	53 Ky.R. 562	
As Amended	53 Ky.R. 17		201 KAR 017:032		
201 KAR 008:550			Amended	53 Ky.R. 565	
Amended	52 Ky.R. 1747		201 KAR 017:034		
As Amended	53 Ky.R. 19		Amended	53 Ky.R. 568	
201 KAR 008:563			201 KAR 017:036		
Amended	52 Ky.R. 1887		Amended	53 Ky.R. 571	
As Amended	53 Ky.R. 489		201 KAR 017:070		
201 KAR 009:086			Amended	53 Ky.R. 573	
As Amended	52 Ky.R. 1465		201 KAR 017:090		
201 KAR 009:305			Amended	53 Ky.R. 576	
Amended	52 Ky.R. 1396		201 KAR 018:072		
As Amended	1806	07-16-2026	Amended	52 Ky.R. 459	
201 KAR 009:360			As Amended	1689	06-30-2026
Amended	52 Ky.R. 1189		201 KAR 018:120		
As Amended	1687	06-16-2026	Amended	53 Ky.R. 71	
201 KAR 013:010			201 KAR 018:150		
Amended	52 Ky.R. 1550		Amended	52 Ky.R. 1892	
201 KAR 013:040			201 KAR 020:472		
Amended	52 Ky.R. 1552		Amended	52 Ky.R. 1754	
As Amended	53 Ky.R. 25		201 KAR 020:474		
201 KAR 013:050			Amended	52 Ky.R. 1758	
Amended	52 Ky.R. 1555		201 KAR 022:001		
201 KAR 013:055			Amended	53 Ky.R. 580	
Amended	52 Ky.R. 1557		201 KAR 022:010		
As Amended	53 Ky.R. 27		Amended	52 Ky.R. 1898	
201 KAR 013:065			As Amended	53 Ky.R. 202	
As Amended	53 Ky.R. 28		201 KAR 022:020		
201 KAR 013:071(r)			Amended	53 Ky.R. 581	
201 KAR 013:075					

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
201 KAR 22:052 Amended	53 Ky.R. 584		201 KAR 045:120 Amended	52 Ky.R. 1026	06-30-2026
201 KAR 022:070 Amended	52 Ky.R. 1899		201 KAR 045:130 Amended	52 Ky.R. 1028	
201 KAR 022:130 Amended	53 Ky.R. 73		Am Comments	1536	06-30-2026
201 KAR 022:135 Amended	53 Ky.R. 75		201 KAR 045:150 Amended	52 Ky.R. 1030	
201 KAR 023:020 Amended	53 Ky.R. 76		As Amended	1691	06-30-2026
201 KAR 023:072 Amended	53 Ky.R. 103		201 KAR 045:170 Amended	52 Ky.R. 1032	
201 KAR 023:120 Amended	53 Ky.R. 78		As Amended	1692	06-30-2026
201 KAR 023:140 Amended	53 Ky.R. 80		201 KAR 045:180 Amended	52 Ky.R. 1034	
201 KAR 026:118 Amended	53 Ky.R. 586		As Amended	1693	06-30-2026
201 KAR 026:155 Amended	53 Ky.R. 588		201 KAR 045:190 As Amended	1694	06-30-2026
201 KAR 026:175 Amended	53 Ky.R. 590		201 KAR 046:035 Amended	52 Ky.R. 2144	
201 KAR 026:225 Amended	53 Ky.R. 593		201 KAR 050:001	53 Ky.R. 343	
201 KAR 026:230 Amended	53 Ky.R. 595		201 KAR 050:010	53 Ky.R. 346	
201 KAR 028:060 Amended	53 Ky.R. 598		201 KAR 050:020	53 Ky.R. 348	
201 KAR 028:235 Amended	52 Ky.R. 2126		201 KAR 050:030	53 Ky.R. 351	
As Amended	53 Ky.R. 493		201 KAR 050:040	53 Ky.R. 355	
201 KAR 028:240 Amended	52 Ky.R. 1192	06-16-2026	201 KAR 050:050	53 Ky.R. 357	
Amended	53 Ky.R. 270		201 KAR 050:060	53 Ky.R. 359	
201 KAR 033:015 Amended	53 Ky.R. 601		201 KAR 050:070	53 Ky.R. 362	
201 KAR 033:020 Amended	53 Ky.R. 604		201 KAR 050:080	53 Ky.R. 364	
201 KAR 033:041	53 Ky.R. 664		201 KAR 050:090	53 Ky.R. 367	
201 KAR 033:071	53 Ky.R. 665		201 KAR 050:100	53 Ky.R. 370	
201 KAR 033:081	53 Ky.R. 667		201 KAR 050:110	53 Ky.R. 373	
201 KAR 036:070 Amended	53 Ky.R. 607		201 KAR 050:120	53 Ky.R. 375	
201 KAR 036:072 Amended	53 Ky.R. 611		201 KAR 050:130	53 Ky.R. 378	
201 KAR 036:075 Amended	53 Ky.R. 613		201 KAR 050:140	53 Ky.R. 381	
201 KAR 036:100 Amended	52 Ky.R. 1194	06-16-2026	201 KAR 050:150	53 Ky.R. 384	
201 KAR 043:010 Amended	52 Ky.R. 2129		201 KAR 050:160	53 Ky.R. 386	
As Amended	53 Ky.R. 494		201 KAR 050:170	53 Ky.R. 389	
201 KAR 043:020 Amended	52 Ky.R. 2131		201 KAR 050:180	53 Ky.R. 391	
201 KAR 043:030 Amended	52 Ky.R. 2132		201 KAR 050:190	53 Ky.R. 394	
As Amended	53 Ky.R. 495		201 KAR 050:200	53 Ky.R. 396	
201 KAR 043:040 Amended	52 Ky.R. 2134		201 KAR 050:210	53 Ky.R. 398	
201 KAR 043:050 Amended	52 Ky.R. 2136		202 KAR 007:510 Amended	53 Ky.R. 616	
As Amended	53 Ky.R. 496		202 KAR 007:550 Amended	52 Ky.R. 2147	
201 KAR 043:060 Amended	52 Ky.R. 2140		As Amended	53 Ky.R. 500	
As Amended	53 Ky.R. 499		202 KAR 007:801 Amended	52 Ky.R. 1761	
201 KAR 043:080 Amended	52 Ky.R. 2143		As Amended	53 Ky.R. 30	
As Amended	53 Ky.R. 500		301 KAR 001:001 Amended	53 Ky.R. 272	
201 KAR 045:110 Amended	52 Ky.R. 1023		301 KAR 001:125	53 Ky.R. 275	
As Amended	1690	06-30-2026	301 KAR 001:201 Amended	52 Ky.R. 1901	
			As Amended	53 Ky.R. 203	
			301 KAR 001:410 Amended	53 Ky.R. 278	
			301 KAR 002:049 Amended	53 Ky.R. 281	
			301 KAR 002:172 Amended	53 Ky.R. 286	
			301 KAR 002:176 Amended	52 Ky.R. 1196	
			As Amended	1695	06-04-2026
			Amended	53 KY.R. 290	
			301 KAR 002:178 Amended	52 Ky.R. 1907	
			As Amended	53 Ky.R. 207	
			301 KAR 002:222 Amended	53 Ky. R. 81	
			301 KAR 002:228 Amended	52 Ky.R. 2154	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
As Amended	53 Ky.R. 507		505 KAR 001:140		
301 KAR 002:251			Amended	52 Ky.R. 879	
Amended	52 Ky.R. 1913		As Amended	1525	06-02-2026
As Amended	53 Ky.R. 508		505 KAR 001:410		
301 KAR 002:300			Amended	52 Ky.R. 881	
Amended	53 Ky.R. 293		Am Comments	1363	
301 KAR 003:012			As Amended	1526	06-02-2026
Amended	52 Ky.R. 1397		601 KAR 001:018		
As Amended	1806	06-04-2026	Amended	52 Ky.R. 2161	
301 KAR 003:013			601 KAR 001:114	52 Ky.R. 1245	
Amended	52 Ky.R. 1400		Am Comments	1840	
As Amended	1807	06-04-2026	As Amended	2052	08-04-2026
301 KAR 004:001			601 KAR 001:200		
Recodified to 301 KAR 011:002		06-22-2026	Amended	52 Ky.R. 2169	
301 KAR 004:010			601 KAR 009:085		
Recodified to 301 KAR 011:003		06-22-2026	Amended	53 Ky.R. 87	
301 KAR 004:112	52 Ky.R. 1243		601 KAR 009:090		
As Amended	1697	06-04-2026	Amended	53 Ky.R. 89	
301 KAR 005:210			601 KAR 012:130	52 Ky.R. 1249	
Amended	53 Ky.R. 297		Am Comments	1843	
301 KAR 006:001			As Amended	53 Ky.R. 511	
Amended	52 Ky.R. 1041		701 KAR 005:090		
As Amended	1521	06-02-2026	Amended	53 Ky.R. 91	
301 KAR 006:015			701 KAR 005:160		
Amended	52 Ky.R. 1044		Amended	53 Ky.R. 636	
As Amended	1522	06-02-2026	701 KAR 005:170		
301 KAR 006:020			Amended	53 Ky.R. 94	
Amended	52 Ky.R. 1046	06-02-2026	702 KAR 003:130		
301 KAR 006:030			Amended	52 Ky.R. 1213	06-02-2026
Amended	52 Ky.R. 1199	06-04-2026	702 KAR 003:220		
301 KAR 006:070			Amended	52 Ky.R. 1917	
Amended	52 Ky.R. 2157		As Amended	53 Ky.R. 212	
301 KAR 011:002			702 KAR 005:130		
Recodified from 301 KAR 004:001		06-22-2026	Amended	52 Ky.R. 96	
301 KAR 011:002			Am Comments	758	07-06-2026
Recodified from 301 KAR 004:001		06-22-2026	As Amended	53 Ky.R. 32	
Amended	53 Ky.R. 300		702 KAR 006:090		
301 KAR 011:003			Amended	53 Ky.R. 639	
Recodified from 301 KAR 004:010		06-22-2026	702 KAR 006:110		
Amended	53 Ky.R. 303		Amended	52 Ky.R. 1919	
302 KAR 060:010			As Amended	53 Ky.R. 213	
Amended	53 Ky.R. 625		702 KAR 007:065		
307 KAR 001:006	52 Ky.R. 1066		Amended	52 Ky.R. 1560	07-06-2026
As Amended	1524	06-02-2026	703 KAR 005:280		
307 KAR 001:080			Amended	52 Ky.R. 498	04-07-2026
Amended	53 Ky.R. 304		704 KAR 003:305		
501 KAR 001:030			Amended	52 Ky.R. 1563	07-06-2026
Amended	52 Ky.R. 1764		704 KAR 003:370		
Reprint	1786		Amended	52 Ky.R. 1215	06-02-2026
501 KAR 006:230			704 KAR 003:410		
Amended	52 Ky.R. 2159		Amended	52 Ky.R. 894	
Am Comments	53 Ky.R. 546		Am Comments	1538	
501 KAR 006:420			As Amended	1700	
Amended	52 Ky.R. 1202		704 KAR 008:060		
As Amended	1698	06-30-2026	Amended	53 Ky.R. 641	
501 KAR 006:460			704 KAR 008:090		
Amended	52 Ky.R. 1204	06-30-2026	Amended	53 Ky.R. 644	
501 KAR 006:470			780 KAR 003:072		
Amended	52 Ky.R. 1206		Amended	53 Ky.R. 646	
As Amended	1698	06-30-2026	781 KAR 001:001	52 Ky.R. 1467	
501 KAR 006:510			Am Comments	1844	
Amended	52 Ky.R. 1208		As Amended	2053	07-06-2026
As Amended	1699	06-30-2026	781 KAR 001:010		
501 KAR 006:530			Amended	52 Ky.R. 1402	
Amended	52 Ky.R. 1211		Am Comments	1847	
As Amended	1699	06-30-2026	As Amended	2055	07-06-2026
503 KAR 004:050			781 KAR 001:020		
Amended	53 Ky.R. 630		Amended	52 Ky.R. 1405	
505 KAR 001:130			Am Comments	1849	
Amended	53 Ky.R. 634		As Amended	2056	07-06-2026

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
781 KAR 001:030			803 KAR 025:240		
Amended	52 Ky.R. 1413		Recodified to 120 KAR 001:240		06-29-2026
Am Comments	1857		803 KAR 025:260		
As Amended	2063	07-06-2026	Recodified to 120 KAR 001:260		06-29-2026
781 KAR 001:040			803 KAR 025:270		
Amended	52 Ky.R. 1415		Recodified to 120 KAR 001:270		06-29-2026
Am Comments	1860		803 KAR 025:280		
As Amended	2065	07-06-2026	Recodified to 120 KAR 001:280		06-29-2026
787 KAR 001:370			803 KAR 025:290		
Amended	52 Ky.R. 1227		Recodified to 120 KAR 001:290		06-29-2026
Reprint	1263		803 KAR 025:300		
As Amended	1809		Recodified to 120 KAR 001:300		06-29-2026
787 KAR 002:050	53 Ky.R. 401		804 KAR 004:400		
803 KAR 001:081			Amended	53 Ky.R. 98	
Amended	53 Ky.R. 652		806 KAR 017:595	52 Ky.R. 1251	
803 KAR 025:010			Am Comments	1870	
Recodified to 120 KAR 001:010		06-29-2026	808 KAR 009:010		
803 KAR 025:012			Amended	53 Ky.R. 655	
Recodified to 120 KAR 001:12		06-29-2026	810 KAR 003:020		
803 KAR 025:015			Amended	52 Ky.R. 1229	
Recodified to 120 KAR 001:015		06-29-2026	As Amended	1810	8-4-2026
803 KAR 025:021			815 KAR 004:010		
Recodified to 120 KAR 001:021		06-29-2026	Amended	52 Ky.R. 1921	
803 KAR 025:030			As Amended	53 Ky.R. 512	
Recodified to 120 KAR 001:030		06-29-2026	815 KAR 004:025		
803 KAR 025:036			Amended	52 Ky.R. 1923	
Recodified to 120 KAR 001:036		06-29-2026	As Amended	53 Ky.R. 512	
803 KAR 025:040			815 KAR 007:070		
Recodified to 120 KAR 001:040		06-29-2026	Amended	52 Ky.R. 1926	
803 KAR 025:070			As Amended	53 Ky.R. 513	
Recodified to 120 KAR 001:070		06-29-2026	815 KAR 015:010		
803 KAR 025:075			Amended	52 Ky.R. 1930	
Recodified to 120 KAR 001:075		06-29-2026	Am Comments	53 Ky.R. 218	
803 KAR 025:091			As Amended	516	
Recodified to 120 KAR 001:091		06-29-2026	815 KAR 015:025		
803 KAR 025:092			Amended	52 Ky.R. 1933	
Recodified to 120 KAR 001:092		06-29-2026	Am Comments	53 Ky.R. 221	
803 KAR 025:096			As Amended	518	
Recodified to 120 KAR 001:096		06-29-2026	815 KAR 015:026		
803 KAR 025:101			Amended	52 Ky.R. 1940	
Recodified to 120 KAR 001:101		06-29-2026	Am Comments	53 Ky.R. 228	
803 KAR 025:110			As Amended	523	
Recodified to 120 KAR 001:110		06-29-2026	815 KAR 015:027		
803 KAR 025:120			Amended	52 Ky.R. 1943	
Recodified to 120 KAR 001:120		06-29-2026	As Amended	53 Ky.R. 526	
803 KAR 025:125			815 KAR 015:080		
Recodified to 120 KAR 001:125		06-29-2026	Amended	52 Ky.R. 1946	
803 KAR 025:130			As Amended	53 Ky.R. 527	
Recodified to 120 KAR 001:130		06-29-2026	815 KAR 025:020		
803 KAR 025:150			Amended	52 Ky.R. 1949	
Recodified to 120 KAR 001:150		06-29-2026	As Amended	53 Ky.R. 529	
803 KAR 025:160			815 KAR 025:050		
Recodified to 120 KAR 001:160		06-29-2026	Amended	52 Ky.R. 1953	
803 KAR 025:165			As Amended	53 Ky.R. 532	
Recodified to 120 KAR 001:165		06-29-2026	815 KAR 025:060		
803 KAR 025:170			Amended	52 Ky.R. 1957	
Recodified to 120 KAR 001:170		06-29-2026	As Amended	53 Ky.R. 534	
803 KAR 025:175			815 KAR 025:090		
Recodified to 120 KAR 001:175		06-29-2026	Amended	52 Ky.R. 1960	
803 KAR 025:185			Am Comments	53 Ky.R. 231	
Recodified to 120 KAR 001:185		06-29-2026	As Amended	537	
803 KAR 025:195			815 KAR 035:015		
Recodified to 120 KAR 001:195		06-29-2026	Amended	52 Ky.R. 1964	
803 KAR 025:200			As Amended	53 Ky.R. 538	
Recodified to 120 KAR 001:200		06-29-2026	831 KAR 003:001	52 Ky.R. 1972	
803 KAR 025:210			Withdrawn	53 Ky.R.	06-08-2026
Recodified to 120 KAR 001:210		06-29-2026	831 KAR 003:010	52 Ky.R. 1975	
803 KAR 025:220			Withdrawn	53 Ky.R.	06-08-2026
Recodified to 120 KAR 001:220		06-29-2026	831 KAR 003:020	52 Ky.R. 1977	
803 KAR 025:230			Withdrawn	53 Ky.R.	06-08-2026
Recodified to 120 KAR 001:230		06-29-2026			

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
831 KAR 003:030	52 Ky.R. 1979		As Amended	53 Ky.R. 39	
Withdrawn	53 Ky.R.	06-08-2026	902 KAR 018:061		
831 KAR 003:040	52 Ky.R. 1983		Amended	52 Ky.R. 1597	
Withdrawn	53 Ky.R.	06-08-2026	As Amended	53 Ky.R. 40	
831 KAR 003:050	52 Ky.R. 1985		902 KAR 018:071		
Withdrawn	53 Ky.R.	06-08-2026	Amended	52 Ky.R. 1600	
831 KAR 003:060	52 Ky.R. 1987		As Amended	53 Ky.R. 42	
Withdrawn	53 Ky.R.	06-08-2026	902 KAR 018:081		
831 KAR 003:070	52 Ky.R. 1990		Amended	52 Ky.R. 1603	
Withdrawn	53 Ky.R.	06-08-2026	As Amended	53 Ky.R. 42	
831 KAR 003:080	52 Ky.R. 1992		902 KAR 018:090		
Withdrawn	53 Ky.R.	06-08-2026	Amended	52 Ky.R. 1605	
831 KAR 003:090	52 Ky.R. 1994		As Amended	53 Ky.R. 44	
Withdrawn	53 Ky.R.	06-08-2026	902 KAR 020:150		
831 KAR 003:100	52 Ky.R. 1997		Amended	52 Ky.R. 1052	
Withdrawn	53 KY.R.	06-08-2026	Am Comments	1713	
831 KAR 003:110	52 Ky.R. 2000		As Amended	53 Ky.R. 44	
Withdrawn	53 Ky.R.	06-08-2026	902 KAR 055:095		
831 KAR 003:120	52 Ky.R. 2002		Amended	52 Ky.R. 1447	
Withdrawn	53 Ky.R.	06-08-2026	As Amended	1831	08-04-2026
831 KAR 003:130	52 Ky.R. 2004		907 KAR 002:720	52 Ky.R. 1469	
Withdrawn	53 Ky.R.	06-08-2026	Am Comments	2075	
831 KAR 003:140	52 Ky.R. 2007		As Amended	53 Ky.R.	
Withdrawn	53 Ky.R.	06-08-2026	907 KAR 002:725	52 Ky.R. 1489	
831 KAR 003:150	52 Ky.R. 2010		Am Comments	2094	
Withdrawn	53 Ky.R.	06-08-2026	As Amended	53 Ky.R.	
831 KAR 003:160	52 Ky.R. 2012		907 KAR 003:005		
Withdrawn	53 Ky.R.	06-08-2026	Amended	52 Ky.R. 1453	
831 KAR 003:170	52 Ky.R. 2014		As Amended	1832	07-16-2026
Withdrawn	53 Ky.R.	06-08-2026	907 KAR 003:010		
831 KAR 003:180	52 Ky.R. 2016		Amended	52 Ky.R. 1459	07-16-2026
Withdrawn	53 Ky.R.	06-08-2026	908 KAR 001:370		
831 KAR 003:190	52 Ky.R. 2019		Amended	53 Ky.R. 309	
Withdrawn	53 Ky.R.	06-08-2026	908 KAR 002:220		
831 KAR 003:200	52 Ky.R. 2021		Amended	53 Ky.R. 318	
Withdrawn	53 Ky.R.	06-08-2026	908 KAR 002:260		
831 KAR 003:210	52 Ky.R. 2023		Amended	53 Ky.R. 325	
Withdrawn	53 Ky.R.	06-08-2026	908 KAR 002:311(r)	53 Ky.R. 403	
902 KAR 001:400			910 KAR 001:200		
Amended	52 Ky.R. 1582		Amended	53 Ky.R. 330	
Am Comments	53 KY.R. 56		910 KAR 001:260		
902 KAR 008:060			Amended	53 Ky.R. 337	
Amended	52 Ky.R. 1426		911 KAR 001:010		
As Amended	1816		Amended	52 Ky.R. 1607	
As Amended IJC	53 Ky.R. 540	07-16-2026	As Amended	53 Ky.R. 50	07-20-2026
902 KAR 8:070			911 KAR 001:085		
Amended	52 Ky.R. 1429		Amended	52 Ky.R. 1612	
As Amended	1818	07-16-2026	Am Comments	2096	
902 KAR 008:080			As Amended	53 Ky.R. 53	07-20-2026
Amended	52 Ky.R. 1432		911 KAR 001:091r	52 Ky.R. 1623	07-20-2026
As Amended	1820	07-16-2026	915 KAR 002:050	53 Ky.R. 105	
902 KAR 008:096			921 KAR 001:001		
Amended	52 Ky.R. 1437		Recodified to 040 KAR 001:001		06-22-2026
As Amended	1823	07-16-2026	921 KAR 001:020		
902 KAR 008:120			Recodified to 040 KAR 001:120		06-22-2026
Amended	52 Ky.R. 1441		921 KAR 001:380		
As Amended	1826	07-16-2026	Recodified to 040 KAR 001:380		06-22-2026
902 KAR 018:011			921 KAR 001:390		
Amended	52 Ky.R. 1585		Recodified to 040 KAR 001:390		06-22-2026
As Amended	53 Ky. R. 34		921 KAR 001:400		
902 KAR 018:021			Recodified to 040 KAR 001:400		06-22-2026
Amended	52 Ky.R. 1588		921 KAR 001:410		
As Amended	53 Ky.R. 36		Recodified to 040 KAR 001:410		06-22-2026
902 KAR 018:031			921 KAR 001:420		
Amended	52 Ky.R. 1590		Recodified to 040 KAR 001:420		06-22-2026
As Amended	53 Ky.R. 37		921 KAR 001:430		
902 KAR 018:040			Recodified to 040 KAR 001:430		06-22-2026
Amended	52 Ky.R. 1593		922 KAR 005:120		
As Amended	53 Ky.R. 38		Amendment	52 Ky.R. 593	
902 KAR 018:050			Am Comments	1184	
Amended	52 Ky.R. 1595				

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
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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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KRS INDEX

KRS SECTION	REGULATION	KRS SECTION	REGULATION
12.245	201 KAR 036:072	118.035	101 KAR 002:102
12.255	201 KAR 036:072		101 KAR 003:015
12.357	201 KAR 036:072	118B.140	701 KAR 005:160
12U.S.C. §3350324A.020	201 KAR 050:170	118B.160	701 KAR 005:160
	201 KAR 050:180	121.140	032 KAR 002:240
Chapter 13B	201 KAR 013:075		032 KAR 002:050
	201 KAR 013:065	121.150	032 KAR 002:200
	911 KAR 001:010		032 KAR 001:080
	908 KAR 002:220	121.175	032 KAR 002:200
	910 KAR 001:260	121.180	032 KAR 001:080
	301 KAR 001:125	131.010	103 KAR 040:050
	202 KAR 007:550		103 KAR 040:100
13B.050	911 KAR 001:085	131.020	103 KAR 043:341
	908 KAR 001:370	131.130	103 KAR 043:341
13B.125	908 KAR 001:370	138.130	103 KAR 041:040
14.304	031 KAR 004:240	138.146	103 KAR 041:090
14.312	031 KAR 004:240	138.195	103 KAR 041:040
14A.2-050	030 KAR 001:060	138.210	103 KAR 043:341
14A.2-060	030 KAR 001:060	138.220	103 KAR 043:341
15.111	902 KAR 018:040	138.226	103 KAR 043:341
	902 KAR 018:081	138.228	103 KAR 043:341
	911 KAR 001:085	138.290	103 KAR 043:341
	911 KAR 001:010	138.450-138.470	103 KAR 044:060
	902 KAR 001:400	138.460	103 KAR 028:051
15A.065	505 KAR 001:130	138.463	103 KAR 028:051
15A.067	505 KAR 001:130	139.010	103 KAR 027:030
15A.0652	505 KAR 001:130		103 KAR 028:051
16.505-16.652	105 KAR 001:001		103 KAR 030:280
17.165	908 KAR 002:220	139.105	103 KAR 028:051
17.500	908 KAR 002:220	139.200	103 KAR 027:030
	908 KAR 001:370		103 KAR 028:051
18A.020	101 KAR 002:102		103 KAR 030:280
	101 KAR 003:015	139.210	103 KAR 028:051
18A.030	101 KAR 002:102	139.270	103 KAR 028:051
	101 KAR 002:150		103 KAR 030:280
	101 KAR 002:221	139.280	103 KAR 028:051
	101 KAR 003:015	139.290	103 KAR 028:051
18A.095	101 KAR 002:102	139.310	103 KAR 028:051
18A.110	101 KAR 002:102	139.330	103 KAR 028:051
	101 KAR 003:015	139.340	103 KAR 028:051
18A.140	101 KAR 002:102	139.430	103 KAR 028:051
	101 KAR 003:015	139.470	103 KAR 030:280
18A.145	101 KAR 002:102	139.471	103 KAR 028:051
	101 KAR 003:015	139.484	103 KAR 028:051
18A.155	101 KAR 002:150	139.600	103 KAR 028:051
18A.195	101 KAR 002:102	139.620	103 KAR 028:051
	101 KAR 003:015	141.010	103 KAR 018:070
18A.990	101 KAR 002:102	141.020	103 KAR 018:070
	101 KAR 003:015	141.310	103 KAR 018:070
Chapter 39A	101 KAR 002:102	141.315	103 KAR 018:070
	101 KAR 003:015	150.010	301 KAR 002:222
39A.350-39A.366	201 KAR 008:533		301 KAR 002:178
42.0201	200 KAR 038:080		301 KAR 001:201
45.237	200 KAR 038:080		301 KAR 001:001
61.373	101 KAR 002:102		301 KAR 001:125
	101 KAR 003:015		301 KAR 001:410
61.394	101 KAR 002:102		301 KAR 002:049
	101 KAR 003:015		301 KAR 002:172
61.510-61.705	105 KAR 001:001		301 KAR 002:176
61.597	101 KAR 002:102		301 KAR 002:300
61.645	105 KAR 001:440		301 KAR 011:003
61.874	201 KAR 022:135		301 KAR 002:228
70.30	601 KAR 009:085	150.022	301 KAR 011:002
78.510-78.852	105 KAR 001:001		301 KAR 011:003
78.782	105 KAR 001:440	150.023	301 KAR 011:002
116.035	031 KAR 004:240	150.025	301 KAR 001:001
116.045	031 KAR 004:240		301 KAR 005:210
116.113	031 KAR 003:050		301 KAR 011:003
116.155	031 KAR 004:240	150.092	301 KAR 002:049
116.0452	031 KAR 004:240		301 KAR 002:300
117.085	031 KAR 004:240	150.170	301 KAR 002:178
117.086	031 KAR 004:240		301 KAR 001:201

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	301 KAR 001:001	156.808	780 KAR 003:072
	301 KAR 001:125	156.990	702 KAR 005:130
	301 KAR 001:410	157.360	701 KAR 005:170
	301 KAR 002:049	158.110	702 KAR 005:130
	301 KAR 002:172	158.141	704 KAR 008:060
	301 KAR 002:300	158.148	702 KAR 005:130
	301 KAR 002:228	158.196	704 KAR 008:060
	301 KAR 002:251	158.645	704 KAR 008:060
150.175	301 KAR 001:201		704 KAR 008:090
	301 KAR 001:410	158.854	701 KAR 005:170
	301 KAR 002:176		702 KAR 006:090
	301 KAR 002:300	158.6451	704 KAR 008:060
	301 KAR 005:210		704 KAR 008:090
150.177	301 KAR 002:172	158.6453	704 KAR 008:060
150.180	301 KAR 002:172		704 KAR 008:090
	301 KAR 002:251	160.290	704 KAR 008:060
150.195	301 KAR 005:210	160.310	702 KAR 005:130
150.235	301 KAR 001:125	160.330	702 KAR 003:220
	301 KAR 001:410	160.345	702 KAR 006:090
150.305	301 KAR 002:222	160.380	702 KAR 005:130
	301 KAR 002:228	161.770	701 KAR 005:090
150.330	301 KAR 002:222	161.790	701 KAR 005:090
150.340	301 KAR 002:222	186.400-186.640	601 KAR 012:130
	301 KAR 002:178	186A.020	601 KAR 009:090
	301 KAR 001:201	186A.115	601 KAR 009:085
	301 KAR 002:228		601 KAR 009:090
150.360	301 KAR 002:176	186A.500-555	601 KAR 009:090
150.370	301 KAR 002:178	189.010-210	601 KAR 009:090
	301 KAR 002:049	189.540	702 KAR 005:130
	301 KAR 002:251	189.550	702 KAR 005:130
150.390	301 KAR 002:176	194A.030	911 KAR 001:085
150.399	301 KAR 002:049	194A.050	902 KAR 018:011
	301 KAR 002:251		902 KAR 018:021
150.411	301 KAR 002:172		902 KAR 018:031
150.415	301 KAR 002:251		902 KAR 018:040
150.416	301 KAR 002:251		902 KAR 018:050
150.445	301 KAR 001:410		902 KAR 018:061
150.485	301 KAR 001:125		902 KAR 018:071
150.620	301 KAR 001:201		902 KAR 018:081
	301 KAR 001:410		902 KAR 018:090
150.990	301 KAR 002:222	194A.505	902 KAR 018:011
	301 KAR 002:178		902 KAR 018:031
	301 KAR 001:201		902 KAR 018:040
	301 KAR 001:125		902 KAR 018:050
	301 KAR 001:410		902 KAR 018:061
	301 KAR 002:049		902 KAR 018:071
	301 KAR 002:172		902 KAR 018:081
	301 KAR 002:176		902 KAR 018:090
	301 KAR 002:300	194A.990	902 KAR 018:031
	301 KAR 002:228		902 KAR 018:040
	301 KAR 002:251		902 KAR 018:050
150.995	301 KAR 002:049		902 KAR 018:061
	301 KAR 002:251		902 KAR 018:071
151B.015	787 KAR 002:050		902 KAR 018:081
151B.017	787 KAR 002:050		902 KAR 018:090
151B.138	787 KAR 002:050	Chapter 196	501 KAR 006:230
154.61-010	307 KAR 001:080	Chapter 197	501 KAR 006:230
154.61-020	307 KAR 001:080	198B.010	815 KAR 007:070
154.61-030	307 KAR 001:080	198B.040	815 KAR 007:070
156.029	701 KAR 005:160	198B.050	815 KAR 004:025
156.035	701 KAR 005:160		815 KAR 007:070
	702 KAR 006:090	198B.060	815 KAR 007:070
156.070	701 KAR 005:170		815 KAR 035:015
	702 KAR 006:110	198B.090	815 KAR 007:070
	704 KAR 008:060		815 KAR 035:015
	704 KAR 008:090	198B.095	815 KAR 007:070
156.153	702 KAR 005:130	198B.400	815 KAR 004:010
156.160	701 KAR 005:170	198B.400-198B.540	815 KAR 004:025
	702 KAR 005:130	198B.470	815 KAR 004:010
	702 KAR 006:090	198B.480	815 KAR 004:010
	704 KAR 008:060	198B.500	815 KAR 004:010
	704 KAR 008:090	198B.510	815 KAR 004:010
156.161	701 KAR 005:170	198B.540	815 KAR 004:010
156.200	702 KAR 006:090	199.011	910 KAR 001:260

KRS SECTION	REGULATION	KRS SECTION	REGULATION
200.080-200.120	505 KAR 001:130	222.271	908 KAR 001:370
200.460	911 KAR 001:085	222.441	908 KAR 001:370
	911 KAR 001:010	222.462	908 KAR 001:370
200.470	911 KAR 001:010	222.990	908 KAR 001:370
200.503	908 KAR 002:260	223.070	902 KAR 001:400
200.654	911 KAR 001:010	227.450	815 KAR 035:015
205.201	910 KAR 001:200	227.480	815 KAR 035:015
205.231	902 KAR 018:040	227.487	815 KAR 035:015
	902 KAR 018:090	227.489	815 KAR 035:015
205.455	910 KAR 001:200	227.491	815 KAR 035:015
	910 KAR 001:260	227.492	815 KAR 035:015
209.030	908 KAR 001:370	227.495	815 KAR 035:015
	910 KAR 001:260	227.550	815 KAR 025:090
210.005	908 KAR 002:220		815 KAR 025:060
210.010	908 KAR 002:311	227.550-227.665	815 KAR 025:050
210.366	201 KAR 026:175		815 KAR 025:020
211.170	902 KAR 008:060	227.570	815 KAR 025:090
211.180	902 KAR 001:400		815 KAR 025:060
211.190	902 KAR 001:400	227.580	815 KAR 025:060
211.210	902 KAR 001:400	227.590	815 KAR 025:090
211.332	201 KAR 033:071		815 KAR 025:060
	201 KAR 028:235	227.600	815 KAR 025:060
211.334	201 KAR 033:071	227.610	815 KAR 025:060
	201 KAR 028:235	227.620	815 KAR 025:060
211.335	201 KAR 028:235	227.630	815 KAR 025:060
211.336	201 KAR 033:071	227.660	815 KAR 025:090
	201 KAR 028:235	227.990	815 KAR 025:090
211.338	201 KAR 033:071		815 KAR 025:050
	201 KAR 028:235		815 KAR 025:060
211.350	815 KAR 035:015	227.992	815 KAR 025:050
211.357	902 KAR 001:400	Chapter 236	815 KAR 015:010
211.360	902 KAR 001:400		815 KAR 015:025
211.760	902 KAR 001:400		815 KAR 015:027
211.844	902 KAR 001:400	236.010	815 KAR 015:026
211.848	902 KAR 020:150	236.030	815 KAR 015:026
211.925	902 KAR 001:400	236.097	815 KAR 015:080
211.1751	902 KAR 008:060	236.110	815 KAR 015:026
211.1752	902 KAR 008:060	236.210	815 KAR 015:080
211.1755	902 KAR 008:060	236.240	815 KAR 015:026
212.170	902 KAR 008:060	236.250	815 KAR 015:026
212.210	902 KAR 001:400	236.990	815 KAR 015:026
212.230	902 KAR 001:400	237.110	503 KAR 004:050
212.620	902 KAR 001:400	237.122	503 KAR 004:050
212.627	902 KAR 001:400	237.124	503 KAR 004:050
212.870	902 KAR 008:060	241.010	902 KAR 018:011
214.155	902 KAR 020:150		103 KAR 040:010
214.181	908 KAR 001:370		103 KAR 040:035
214.625	908 KAR 001:370		103 KAR 040:050
216.530	902 KAR 020:150		103 KAR 040:100
216B.010-216B.130	902 KAR 020:150	241.060	804 KAR 004:400
216B.020	908 KAR 001:370	243.020	103 KAR 040:050
216B.198	902 KAR 020:150	243.090	804 KAR 004:400
216B.990	902 KAR 020:150	243.200	103 KAR 040:050
217.125	902 KAR 001:400	243.380	804 KAR 004:400
217.126	902 KAR 001:400	243.390	804 KAR 004:400
217.809	902 KAR 001:400	243.403	804 KAR 004:400
217.816	201 KAR 002:440	243.405	804 KAR 004:400
217C.040	902 KAR 001:400	243.630	804 KAR 004:400
217C.050	902 KAR 001:400	243.710	103 KAR 040:035
218A.172	201 KAR 008:540	243.720	103 KAR 040:035
218A.182	201 KAR 008:540		103 KAR 040:100
218A.202	201 KAR 008:540	243.730	103 KAR 040:100
218A.205	201 KAR 008:533	243.850	103 KAR 040:050
	201 KAR 008:540	243.884	103 KAR 040:035
	201 KAR 005:010	244.150	103 KAR 040:010
Chapter 218B	915 KAR 002:050	Chapter 260	302 KAR 060:010
219.031	902 KAR 001:400	281A.010	702 KAR 005:130
219.370	902 KAR 001:400	286.9-010	808 KAR 009:010
222.003	908 KAR 001:370	286.9-075	808 KAR 009:010
222.005	908 KAR 002:220	286.9-100	808 KAR 009:010
	908 KAR 002:260	286.9-140	808 KAR 009:010
	908 KAR 001:370	304.5-070	902 KAR 020:150
222.211	908 KAR 002:311	304.40-075	201 KAR 008:533
222.231	908 KAR 001:370		201 KAR 008:563

KRS SECTION	REGULATION	KRS SECTION	REGULATION
309.080	908 KAR 001:370	319A.310	201 KAR 028:240
309.130	908 KAR 001:370	319C.010	201 KAR 043:050
309.0831	908 KAR 002:220		201 KAR 043:060
	908 KAR 001:370	319C.020	201 KAR 043:060
310.005	201 KAR 033:081	319C.050	201 KAR 043:050
310.021	201 KAR 033:015		201 KAR 043:060
	201 KAR 033:081		201 KAR 043:080
310.031	201 KAR 033:015	319C.060	201 KAR 043:030
	201 KAR 033:081		201 KAR 043:050
310.040	201 KAR 033:041		201 KAR 043:060
310.041	201 KAR 033:081		201 KAR 043:080
	201 KAR 033:020	319C.070	201 KAR 043:010
310.070	201 KAR 033:071		201 KAR 043:060
310.200	201 KAR 033:071	319C.080	201 KAR 043:010
Chapter 311	911 KAR 001:010		201 KAR 043:030
311.571	908 KAR 001:370	319C.110	201 KAR 043:060
311.840	908 KAR 001:370	320.220	201 KAR 005:021
311A.025	202 KAR 007:801		201 KAR 005:010
311A.030	202 KAR 007:550	320.250	201 KAR 005:021
	202 KAR 007:510		201 KAR 005:010
311A.055	202 KAR 007:801	320.270	201 KAR 005:010
311A.125	202 KAR 007:801	320.280	201 KAR 005:021
311A.130	202 KAR 007:801		201 KAR 005:010
311A.170	202 KAR 007:801	321.181	201 KAR 016:767
311A.175	202 KAR 007:801	321.203	201 KAR 016:767
311A.180	202 KAR 007:801	321.205	201 KAR 016:767
	202 KAR 007:550	321.235	201 KAR 016:767
311A.190	202 KAR 007:550	321.236	201 KAR 016:767
	202 KAR 007:510	322.170	201 KAR 018:120
313.010	201 KAR 008:533	Chapter 324A	201 KAR 050:001
313.030	201 KAR 008:533		201 KAR 050:010
	201 KAR 008:563		201 KAR 050:020
313.035	201 KAR 008:533		201 KAR 050:030
	201 KAR 008:540		201 KAR 050:040
	201 KAR 008:550		201 KAR 050:050
313.040	201 KAR 008:563		201 KAR 050:060
313.060	201 KAR 008:540		201 KAR 050:070
	201 KAR 008:550		201 KAR 050:080
	201 KAR 008:563		201 KAR 050:090
313.080	201 KAR 008:563		201 KAR 050:100
313.085	201 KAR 008:540		201 KAR 050:110
313.130	201 KAR 008:563		201 KAR 050:120
313.254	201 KAR 008:533		201 KAR 050:130
	201 KAR 008:563		201 KAR 050:140
Chapter 314	911 KAR 001:010		201 KAR 050:150
314.011	908 KAR 001:370		201 KAR 050:160
315.191	201 KAR 002:440		201 KAR 050:170
319.032	201 KAR 026:175		201 KAR 050:180
	201 KAR 026:230		201 KAR 050:190
319.050	908 KAR 001:370		201 KAR 050:200
	201 KAR 026:155		201 KAR 050:210
	201 KAR 026:175	324A.020	201 KAR 050:190
	201 KAR 026:230	324A.035	201 KAR 050:170
319.053	201 KAR 026:175		201 KAR 050:180
	201 KAR 026:230		201 KAR 050:190
319.054	201 KAR 026:118	324A.152	201 KAR 050:170
319.056	908 KAR 001:370		201 KAR 050:180
319.064	908 KAR 001:370		201 KAR 050:190
	201 KAR 026:175	324A.154	201 KAR 050:170
	201 KAR 026:230		201 KAR 050:180
319.071	201 KAR 026:175		201 KAR 050:190
	201 KAR 026:225	324A.155	201 KAR 050:170
319A.075	201 KAR 028:060		201 KAR 050:180
319A.080	201 KAR 028:060		201 KAR 050:190
	201 KAR 028:235	324A.163	201 KAR 050:170
319A.100	201 KAR 028:060		201 KAR 050:180
319A.110	201 KAR 028:060		201 KAR 050:190
319A.120	201 KAR 028:060	324B.045	201 KAR 050:170
319A.140	201 KAR 028:060		201 KAR 050:180
319A.150	201 KAR 028:060		201 KAR 050:190
319A.160	201 KAR 028:060		201 KAR 050:200
319A.170	201 KAR 028:060	326.020	201 KAR 013:075
319A.190	201 KAR 013:065		201 KAR 013:040
319A.300	201 KAR 028:235		201 KAR 013:055

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	201 KAR 013:065	335.135	201 KAR 023:120
326.030	201 KAR 013:065	335.300	908 KAR 001:370
326.035	201 KAR 013:040	335.500	908 KAR 001:370
	201 KAR 013:055		201 KAR 036:070
326.040	201 KAR 013:040	335.515	201 KAR 036:072
326.080	201 KAR 013:040	335.517	201 KAR 036:070
	201 KAR 013:055		201 KAR 036:072
326.090	201 KAR 013:075		201 KAR 036:075
	201 KAR 013:065	335.525	201 KAR 036:070
326.100	201 KAR 013:075	335.527	201 KAR 036:070
	201 KAR 013:065	335.535	201 KAR 036:075
327.010	201 KAR 022:010	335.560	201 KAR 036:070
	201 KAR 022:001		201 KAR 036:072
	201 KAR 022:020	335B.020	201 KAR 036:070
327.020	201 KAR 022:052		201 KAR 036:072
327.030	201 KAR 022:130	Chapter 337	101 KAR 002:102
327.040	201 KAR 022:052		101 KAR 003:015
327.050	201 KAR 022:135		780 KAR 003:072
	201 KAR 022:001	337.275	803 KAR 001:081
	201 KAR 022:020	337.285	803 KAR 001:081
327.060	201 KAR 022:020	Chapter 338	101 KAR 002:150
327.070	201 KAR 022:052	341.020	103 KAR 018:070
327.075	201 KAR 022:135	341.090	103 KAR 018:070
	201 KAR 022:020	341.395	103 KAR 018:070
327.080	201 KAR 022:130	Chapter 342	910 KAR 001:200
	201 KAR 022:135	342.0011	120 KAR 001:089
	201 KAR 022:020	342.019	120 KAR 001:089
327.200	201 KAR 022:001	342.020	120 KAR 001:089
327.310	201 KAR 022:020	342.035	120 KAR 001:089
334.035	201 KAR 017:012	344.030	101 KAR 002:102
334A.030	201 KAR 017:034		101 KAR 003:015
	201 KAR 017:036	365.415	040 KAR 012:500
334A.033	201 KAR 017:012	365.420	040 KAR 012:500
	201 KAR 017:014	365.447	040 KAR 012:510
	201 KAR 017:025	367.379	040 KAR 012:450
	201 KAR 017:027	367.461	040 KAR 012:300
	201 KAR 017:034	367.463	040 KAR 012:300
334A.035	201 KAR 017:011	367.465	040 KAR 012:300
	201 KAR 017:025	367.467	040 KAR 012:300
334A.050	201 KAR 017:011	367.469	040 KAR 012:300
	201 KAR 017:012	367.472	040 KAR 012:420
	201 KAR 017:014	367.474	040 KAR 012:420
	201 KAR 017:036	367.477	040 KAR 012:420
334A.080	201 KAR 017:070	367.478	040 KAR 012:420
334A.130	201 KAR 017:030	367.480	040 KAR 012:420
334A.160	201 KAR 017:030	367.486	040 KAR 012:420
334A.170	201 KAR 017:030	367.680	040 KAR 012:610
	201 KAR 017:090		040 KAR 012:600
334A.180	201 KAR 017:070	367.681	040 KAR 012:610
334A.181	201 KAR 017:014		040 KAR 012:600
334A.183	201 KAR 017:014	367.683	040 KAR 012:600
334A.185	201 KAR 017:014	367.685	040 KAR 012:600
	201 KAR 017:032	367.686	040 KAR 012:610
	201 KAR 017:036		040 KAR 012:600
334A.187	201 KAR 017:012	367.687	040 KAR 012:600
	201 KAR 017:036	367.688	040 KAR 012:610
334A.189	201 KAR 017:030	367.689	040 KAR 012:610
334A.010–334A.990	201 KAR 017:005	367.690	040 KAR 012:610
335.060	201 KAR 023:140	367.900	040 KAR 012:441
335.070	201 KAR 023:072	367.905	040 KAR 012:441
	201 KAR 023:120	367.906	040 KAR 012:441
335.080	201 KAR 023:072	367.46971	040 KAR 012:310
	201 KAR 023:020	367.46973	040 KAR 012:310
	201 KAR 023:120	367.46981	040 KAR 012:310
	908 KAR 001:370	367.688	040 KAR 012:600
335.090	201 KAR 023:072	367.689	040 KAR 012:600
	201 KAR 023:020	380.010	040 KAR 012:400
	201 KAR 023:120	380.030	040 KAR 012:400
335.100	201 KAR 023:072	380.040	040 KAR 012:400
	201 KAR 023:020	380.050	040 KAR 012:400
	201 KAR 023:120	380.060	040 KAR 012:400
	908 KAR 001:370	380.070	040 KAR 012:400
335.130	201 KAR 023:020	380.080	040 KAR 012:400
335.135 Section2R	201 KAR 023:020	380.090	040 KAR 012:400

KRS SECTION	REGULATION	KRS SECTION	REGULATION
380.100	040 KAR 012:400		201 KAR 050:060
380.110	040 KAR 012:400		201 KAR 050:070
380.120	040 KAR 012:400		201 KAR 050:080
380.130	040 KAR 012:400		201 KAR 050:090
380.990	040 KAR 012:400		201 KAR 050:100
393A.010	020 KAR 001:040		201 KAR 050:110
	020 KAR 001:060		201 KAR 050:120
393A.030	020 KAR 001:030		201 KAR 050:130
	020 KAR 001:040		201 KAR 050:140
	020 KAR 001:050		201 KAR 050:150
393A.040-393A.110	020 KAR 001:030		201 KAR 050:160
	020 KAR 001:040		201 KAR 050:170
	020 KAR 001:060		201 KAR 050:180
393A.040	020 KAR 001:080		201 KAR 050:190
393A.220-393A.260	020 KAR 001:030		201 KAR 050:200
393A.220	020 KAR 001:060		201 KAR 050:210
	020 KAR 001:080	15 U.S.C.	201 KAR 050:170
393A.230	020 KAR 001:080		201 KAR 050:180
393A.340	020 KAR 001:080		201 KAR 050:190
393A.400	020 KAR 001:060	16 U.S.C.	301 KAR 002:228
393A.410	020 KAR 001:060	20 U.S.C.	787 KAR 002:050
393A.480	020 KAR 001:080	21 U.S.C.	902 KAR 018:011
393A.520	020 KAR 001:050		902 KAR 018:031
393A.560	020 KAR 001:050		902 KAR 018:040
393A.570	020 KAR 001:050		902 KAR 018:050
422.317	201 KAR 008:540		902 KAR 018:061
	908 KAR 001:370		902 KAR 018:071
424.180	020 KAR 001:080		902 KAR 018:081
424.190	020 KAR 001:080		902 KAR 018:090
Chapter 439	501 KAR 006:230		201 KAR 002:440
439.3401	908 KAR 001:370	26 U.S.C.	103 KAR 018:070
Chapter 514	910 KAR 001:260		101 KAR 002:221
Chapter 516	601 KAR 009:085		030 KAR 001:060
Chapter 523	601 KAR 009:085	29 U.S.C.	910 KAR 001:200
Chapter 600-645	505 KAR 001:130		101 KAR 002:102
620.030	908 KAR 001:370		101 KAR 003:015
7 C.F.R.	902 KAR 018:011		780 KAR 003:072
	902 KAR 018:021		201 KAR 028:235
	902 KAR 018:031	38 U.S.C.	910 KAR 001:200
	902 KAR 018:040	42 U.S.C.	201 KAR 008:540
	902 KAR 018:050		902 KAR 020:150
	902 KAR 018:061		702 KAR 006:110
	902 KAR 018:071		908 KAR 001:370
	902 KAR 018:081		910 KAR 001:200
	902 KAR 018:090		910 KAR 001:260
	702 KAR 006:110		815 KAR 025:050
	702 KAR 006:090	2026 Ky. Acts ch. 4	030 KAR 001:060
12 C.F.R.	201 KAR 050:170	2026 Ky. Acts ch. 173	503 KAR 004:050
	201 KAR 050:180	315.450	201 KAR 002:440
	201 KAR 050:190	315.452	201 KAR 002:440
14 C.F.R.	202 KAR 007:510	315.454	201 KAR 002:440
20 C.F.R.	910 KAR 001:200	315.456	201 KAR 002:440
21 C.F.R.	302 KAR 060:010	315.458	201 KAR 002:440
24 C.F.R.	815 KAR 025:090	315.460	201 KAR 002:440
	815 KAR 025:060		
29 C.F.R.	910 KAR 001:200		
	101 KAR 002:102		
	101 KAR 003:015		
	780 KAR 003:072		
	803 KAR 001:081		
	202 KAR 007:550		
34 C.F.R.	787 KAR 002:050		
42 C.F.R.	908 KAR 001:370		
45 C.F.R.	908 KAR 001:370		
49 C.F.R.	702 KAR 005:130		
50 C.F.R.	301 KAR 001:001		
	301 KAR 002:228		
5 U.S.C.	910 KAR 001:200		
12 U.S.C.	201 KAR 050:001		
	201 KAR 050:010		
	201 KAR 050:020		
	201 KAR 050:030		
	201 KAR 050:040		
	201 KAR 050:050		

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
020 KAR 001:010	05-20-2026	Remain in Effect without Amendment
040 KAR 001:010	07-24-2026	Remain in Effect without Amendment
040 KAR 001:020	07-24-2026	Remain in Effect without Amendment
040 KAR 001:030	07-24-2026	Remain in Effect without Amendment
102 KAR 001:035	07-09-2026	Remain in Effect without Amendment
102 KAR 001:036	07-09-2026	Remain in Effect without Amendment
102 KAR 001:037	07-09-2026	Remain in Effect without Amendment
102 KAR 001:100	07-09-2026	Remain in Effect without Amendment
102 KAR 001:125	07-09-2026	Remain in Effect without Amendment
102 KAR 001:135	07-09-2026	Remain in Effect without Amendment
103 KAR 001:070	06-02-2026	Remain in Effect without Amendment
103 KAR 001:092	06-02-2026	Remain in Effect without Amendment
103 KAR 001:150	06-05-2026	To be amended; filing deadline 12-5-2027
103 KAR 002:020	06-02-2026	Remain in Effect without Amendment
103 KAR 002:030	06-02-2026	Remain in Effect without Amendment
103 KAR 005:160	06-02-2026	Remain in Effect without Amendment
103 KAR 005:180	06-02-2026	Remain in Effect without Amendment
103 KAR 005:190	06-02-2026	Remain in Effect without Amendment
103 KAR 005:220	06-02-2026	Remain in Effect without Amendment
103 KAR 005:230	06-02-2026	Remain in Effect without Amendment
103 KAR 008:110	08-24-2026	Remain in Effect without Amendment
103 KAR 008:130	08-24-2026	Remain in Effect without Amendment
103 KAR 008:130	06-02-2026	Remain in Effect without Amendment
103 KAR 008:130	06-02-2026	Remain in Effect without Amendment
103 KAR 027:030	06-02-2026	To be amended; filing deadline 12-2-2027
103 KAR 027:040	06-02-2026	Remain in Effect without Amendment
103 KAR 027:130	08-24-2026	Remain in Effect without Amendment
103 KAR 027:240	06-02-2026	Remain in Effect without Amendment
103 KAR 028:020	06-02-2026	Remain in Effect without Amendment
103 KAR 028:051	06-02-2026	To be amended; filing deadline 12-2-2027
103 KAR 028:130	06-02-2026	Remain in Effect without Amendment
103 KAR 030:160	06-02-2026	Remain in Effect without Amendment
103 KAR 030:235	06-02-2026	Remain in Effect without Amendment
103 KAR 030:280	06-02-2026	To be amended; filing deadline 12-2-2027
103 KAR 031:011	06-02-2026	Remain in Effect without Amendment
103 KAR 031:050	06-02-2026	Remain in Effect without Amendment
103 KAR 031:102	06-02-2026	Remain in Effect without Amendment
103 KAR 031:170	06-02-2026	Remain in Effect without Amendment
103 KAR 031:180	06-02-2026	Remain in Effect without Amendment
103 KAR 031:190	06-02-2026	Remain in Effect without Amendment
103 KAR 040:010	07-09-2026	To be amended; filing deadline 1-10-2028
103 KAR 040:035	07-09-2026	To be amended; filing deadline 1-10-2028
103 KAR 040:050	07-09-2026	To be amended; filing deadline 1-9-2028
103 KAR 040:100	07-09-2026	To be amended; filing deadline 1-9-2028
103 KAR 041:040	07-09-2026	To be amended; filing deadline 1-9-2028
103 KAR 041:090	07-09-2026	To be amended; filing deadline 1-9-2028
103 KAR 041:100	07-09-2026	Remain in Effect without Amendment
103 KAR 041:110	07-09-2026	Remain in Effect without Amendment
103 KAR 041:120	07-09-2026	Remain in Effect without Amendment
103 KAR 041:130	07-09-2026	Remain in Effect without Amendment
103 KAR 041:140	07-09-2026	Remain in Effect without Amendment
103 KAR 041:150	07-09-2026	Remain in Effect without Amendment
103 KAR 041:160	07-09-2026	Remain in Effect without Amendment
103 KAR 041:220	07-09-2026	Remain in Effect without Amendment
103 KAR 043:010	07-09-2026	Remain in Effect without Amendment
103 KAR 043:310	07-09-2026	Remain in Effect without Amendment
103 KAR 043:320	07-09-2026	Remain in Effect without Amendment
103 KAR 043:330	07-10-2026	Remain in Effect without Amendment
103 KAR 043:330	07-09-2026	Remain in Effect without Amendment
103 KAR 044:070	07-09-2026	Remain in Effect without Amendment
103 KAR 044:090	07-09-2026	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

103 KAR 044:100	07-09-2026	Remain in Effect without Amendment
103 KAR 044:120	07-09-2026	Remain in Effect without Amendment
103 KAR 045:015	07-09-2026	Remain in Effect without Amendment
105 KAR 001:160	06-12-2026	To be amended; filing deadline 12-12-2027
105 KAR 001:170	06-12-2026	To be amended; filing deadline 12-12-2027
105 KAR 001:220	06-11-2026	Remain in Effect without Amendment
105 KAR 001:260	06-11-2026	Remain in Effect without Amendment
105 KAR 001:400	06-11-2026	To be amended; filing deadline 12-11-2027
105 KAR 001:400	06-11-2026	Remain in Effect without Amendment
105 KAR 001:430	06-12-2026	To be amended; filing deadline 12-12-2027
105 KAR 001:440	06-11-2026	To be amended; filing deadline 12-11-2027
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
201 KAR 001:290	06-30-2026	Remain in Effect without Amendment
201 KAR 001:300	06-30-2026	Remain in Effect without Amendment
201 KAR 001:310	06-30-2026	Remain in Effect without Amendment
201 KAR 008:581	07-15-2026	Remain in Effect without Amendment
201 KAR 013:060	07-22-2026	Remain in Effect without Amendment
201 KAR 022:135	07-02-2026	To be amended; filing deadline 1-2-2028
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
202 KAR 003:010	08-11-2026	Remain in Effect without Amendment
202 KAR 003:040	05-20-2026	Remain in Effect without Amendment
202 KAR 007:520	06-30-2026	Remain in Effect without Amendment
202 KAR 007:575	06-30-2026	Remain in Effect without Amendment
401 KAR 058:005	07-28-2026	Remain in Effect without Amendment
505 KAR 001:130	07-29-2026	To be amended; filing deadline 1-29-2028
601 KAR 001:005	08-27-2026	Remain in Effect without Amendment
601 KAR 001:020	08-27-2026	Remain in Effect without Amendment
601 KAR 001:020	08-27-2026	To be amended; filing deadline 2-27-2028
601 KAR 001:040	08-27-2026	Remain in Effect without Amendment
601 KAR 001:080	08-27-2026	Remain in Effect without Amendment
601 KAR 001:140	08-27-2026	Remain in Effect without Amendment
601 KAR 001:200	08-27-2026	To be amended; filing deadline 2-27-2028
601 KAR 009:040	08-27-2026	Remain in Effect without Amendment
601 KAR 009:045	08-27-2026	Remain in Effect without Amendment
601 KAR 009:115	08-27-2026	Remain in Effect without Amendment
601 KAR 009:130	08-27-2026	To be amended; filing deadline 2-27-2028
601 KAR 009:140	08-27-2026	Remain in Effect without Amendment
601 KAR 011:040	08-27-2026	Remain in Effect without Amendment
601 KAR 014:010	08-27-2026	Remain in Effect without Amendment
601 KAR 035:060	08-27-2026	Remain in Effect without Amendment
601 KAR 040:020	08-27-2026	Remain in Effect without Amendment
701 KAR 005:090	06-17-2026	To be amended; filing deadline 12-17-2027
704 KAR 007:160	06-03-2026	Remain in Effect without Amendment
770 KAR 001:010	05-27-2026	Remain in Effect without Amendment
770 KAR 001:020	05-27-2026	Remain in Effect without Amendment
770 KAR 001:030	05-27-2026	Remain in Effect without Amendment
770 KAR 001:040	05-27-2026	Remain in Effect without Amendment
770 KAR 001:050	05-27-2026	Remain in Effect without Amendment
770 KAR 001:060	05-27-2026	Remain in Effect without Amendment
770 KAR 001:070	05-27-2026	Remain in Effect without Amendment
772 KAR 001:010	06-30-2026	Remain in Effect without Amendment
772 KAR 001:020	06-30-2026	Remain in Effect without Amendment
772 KAR 001:030	06-30-2026	Remain in Effect without Amendment
772 KAR 001:040	06-30-2026	Remain in Effect without Amendment
772 KAR 001:050	06-30-2026	Remain in Effect without Amendment
772 KAR 001:060	06-30-2026	Remain in Effect without Amendment
772 KAR 001:070	06-30-2026	Remain in Effect without Amendment
804 KAR 007:020	07-21-2026	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
810 KAR 002:010	05-19-2026	Remain in Effect without Amendment
810 KAR 002:030	05-19-2026	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

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
810 KAR 005:040	05-19-2026	Remain in Effect without Amendment
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 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 015:026	06-02-2026	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
902 KAR 002:080	08-12-2026	Remain in Effect without Amendment
902 KAR 002:090	08-12-2026	Remain in Effect without Amendment
902 KAR 004:035	07-01-2026	Remain in Effect without Amendment
902 KAR 004:090	07-01-2026	Remain in Effect without Amendment
902 KAR 020:280	08-12-2026	Remain in Effect without Amendment
902 KAR 023:010	08-12-2026	Remain in Effect without Amendment
902 KAR 028:050	08-12-2026	Remain in Effect without Amendment
902 KAR 028:060	07-01-2026	Remain in Effect without Amendment
902 KAR 045:080	08-12-2026	Remain in Effect without Amendment
902 KAR 045:100	08-12-2026	Remain in Effect without Amendment
902 KAR 048:010	08-12-2026	Remain in Effect without Amendment
908 KAR 001:310	07-01-2026	Remain in Effect without Amendment
908 KAR 001:315	07-01-2026	Remain in Effect without Amendment
908 KAR 001:320	07-01-2026	Remain in Effect without Amendment
908 KAR 001:370	07-01-2026	Remain in Effect without Amendment
908 KAR 001:372	07-01-2026	Remain in Effect without Amendment
908 KAR 002:010	07-01-2026	Remain in Effect without Amendment
908 KAR 002:020	07-01-2026	Remain in Effect without Amendment
908 KAR 002:030	07-01-2026	Remain in Effect without Amendment
908 KAR 002:050	07-01-2026	Remain in Effect without Amendment
908 KAR 002:060	07-01-2026	Remain in Effect without Amendment
908 KAR 002:090	07-01-2026	Remain in Effect without Amendment
908 KAR 003:190	07-01-2026	Remain in Effect without Amendment
921 KAR 003:050	07-01-2026	Remain in Effect without Amendment
922 KAR 001:320	07-01-2026	Remain in Effect without Amendment
922 KAR 001:370	07-01-2026	Remain in Effect without Amendment
922 KAR 001:510	07-01-2026	Remain in Effect without Amendment
922 KAR 001:560	07-01-2026	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 53rd 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
200 KAR 005:021	5-26-2026		

SUBJECT INDEX

AGRICULTURE

Marketing
Produce safety; 302 KAR 060:010

ALCOHOLIC BEVERAGE CONTROL

Licensing
Applications incorporated by reference; 804 KAR 004:400

ATTORNEY GENERAL, OFFICE OF

Regulatory Relief
Emergency contractors; 040 KAR 012:450

BOARDS AND COMMISSIONS

See also Occupations and Professions
See listing below for other possible, specific subject headings:
Emergency Medical Services (202 KAR Chapter 007)
Examiners of Psychology (201 KAR Chapter 026)
Licensure and Certifications for Dietitians and Nutritionists (201 KAR Chapter 033)
Licensure for Occupational Therapy (201 KAR Chapter 028)
Physical Therapy (201 KAR Chapter 022)
Professional Engineers and Land Surveyors (201 KAR Chapter 018)
Real Property Appraisers (201 KAR Chapter 050)
Social Work (201 KAR Chapter 023)
Speech Language Pathology and Audiology (201 KAR Chapter 017)

DIETICIANS AND NUTRITIONISTS

Application; approved programs; 201 KAR 033:015
Compensation of board members; 201 KAR 033:041
Renewals, late renewals, revocation, inactive status, and reinstatement; 201 KAR 033:020
Scope of practice; 201 KAR 033:081
Telehealth and telepractice; 201 KAR 033:071

ECONOMIC DEVELOPMENT

Kentucky Film Office
Kentucky Entertainment Incentive Program; 307 KAR 001:080

EDUCATION

See also: Community and Technical College System (KAR Title 739)
Higher Education Assistance Authority (KAR Title 011)
Board of Education
Selection, appointment of non-voting board members; 701 KAR 005:160
Teacher disciplinary hearings; 701 KAR 005:090
Waiver requests; 701 KAR 005:170
Curriculum
Required academic standards for Social Studies; 704 KAR 008:060
Required academic standards for Technology; 704 KAR 008:090
Operations
Minimum nutritional standards on public school campuses during school day, required physical activity reports; 702 KAR 006:090
Staff, Certified
Attendance, compensatory time, and leave for certified and equivalent service; 780 KAR 3:072

EDUCATION AND LABOR

See also:
Council on Postsecondary Education (KAR Title 013)
Education (KAR Titles 701, 702, 704 and 780)
Education Professional Standards Board (KAR Title 016)
Higher Education Assistance Authority (KAR Title 011)
Workplace Standards (KAR Title 803)
Workforce Development (KAR Title 787)

ELECTION FINANCE

Administrative hearing process; 032 KAR 002:240

Allowable campaign expenditures; 032 KAR 002:200
Conciliation; 032 KAR 002:050

ELECTIONS, STATE BOARD OF

Voter Registration
Cancellation following notification of new registration outside Commonwealth; 031 KAR 003:050

EMERGENCY MEDICAL SERVICES, BOARD OF

Air ambulance services; 202 KAR 007:510

EXAMINERS OF PSYCHOLOGY

Certifications, Education and Training
Continuing education; 201 KAR 026:175
Examinations and applications; 201 KAR 026:230
Licensure
Application procedures, temporary licensure; 201 KAR 026:155
Interjurisdictional compact; 201 KAR 026:118
Renewal and reinstatement; 201 KAR 026:225

FILM & TELEVISION PRODUCTION

See Also: Economic Development, Kentucky Film Office

FINANCE AND ADMINISTRATION CABINET

See Also: Revenue
Retirement

FISH AND WILDLIFE RESOURCES

Administrative
Commission member selection process; 301 KAR 011:002
Districts; 301 KAR 011:003
Fish
Definitions for 301 KAR Chapter 1; 301 KAR 001:001
Taking by nontraditional fishing methods; 301 KAR 001:410
Transportation of; 301 KAR 001:125
Game
Black bear, seasons and requirements; 301 KAR 002:300
Deer hunting seasons, zones, and requirements; 301 KAR 002:172
Small game, furbearer hunting and trapping on private land; 301 KAR 002:049
Waterfowl hunting requirements on private lands; 301 KAR 002:222
Wildlife causing damage, landowner designee process; 301 KAR 002:176
Licensing
Special agency fundraising permits; 301 KAR 005:210

HEALTH AND FAMILY SERVICES

Aging and Independent Living
Kentucky Family Caregiver Program; 910 KAR 001:260
Senior Community Service Employment Program; 910 KAR 001:200
Behavioral Health/Developmental/Intellectual Disabilities
Certified Peer Support Specialist; 908 KAR 002:220
Licensing procedures, fees, and general requirements for nonhospital-based alcohol & drug treatment entities; 908 KAR 001:370
Repeal of 908 KAR 002:230 and 908 KAR 002:240; 908 KAR 002:311
Targeted case manager; eligibility and training; 908 KAR 002:260
Office of Medical Cannabis
Qualifying medical conditions; 915 KAR 002:050

JUSTICE AND PUBLIC SAFETY CABINET

Criminal Justice Training
Required content and conduct of applicant training course; 503 KAR 004:050
Juvenile Justice
Policies and Procedures
Juvenile services in the community; 505 KAR 001:130

SUBJECT INDEX

LICENSED PROFESSIONAL COUNSELORS, BOARD OF

- Application, education, and examination requirements; 201 KAR 036:070
- Reciprocity agreements, licensure and certifications; 201 KAR 036:072
- Renewal, late renewal, and reinstatement of license; 201 KAR 036:075

OCCUPATIONAL THERAPY

- Occupational therapy licensure compact; 201 KAR 028:240

OCCUPATIONS AND PROFESSIONS

- See Boards and Commissions*
- See listings for specific occupational headings*

PERSONNEL CABINET

- Classified Personnel
 - Classified leave general requirements; 101 KAR 002:102
- Education
 - Employee Educational Assistance Program; 101 KAR 002:221
- Unclassified Personnel
 - Leave requirements for unclassified service; 101 KAR 003:015
- Workplace Safety
 - State Safety Program; 102 KAR 002:150

PHYSICAL THERAPY, BOARD OF

- Complaint procedures, disciplinary action; 201 KAR 022:052
- Definitions, 201 KAR Chapter 22; 201 KAR 022:001
- Eligibility and credentialing procedures; 201 KAR 022:020
- Fees; 201 KAR 22:135.
- Per diem of board members; 201 KAR 022:130

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

- Licenses, certificates, and business entity permit certificates - replacement of; 201 KAR 018:120

REAL PROPERTY APPRAISERS BOARD

- Appraisal experience requirements; 201 KAR 050:040
- Appraiser roster and reporting; 201 KAR 050:210
- Background checks, criminal; 201 KAR 050:080
- Complaints, disciplinary proceedings; 201 KAR 050:160
- Continuing education requirements; 201 KAR 050:100
- Course approval, renewal, standards; 201 KAR 050:140
- Definitions for 201 KAR Chapter 050; 201 KAR 050:001
- Duties and prohibitions; 201 KAR 050:190
- Education requirements; 201 KAR 050:030
- Examinations; 201 KAR 050:050
- Fees; 201 KAR 050:010
- General requirements; 201 KAR 050:020
- Inactive status, reactivation of; 201 KAR 050:120
- Provider, instructor standards, requirements; 201 KAR 050:130
- Registration; 201 KAR 050:170
- Registration renewals; 201 KAR 050:180
- Reinstatements, renewals; 201 KAR 050:110
- Reciprocity; 201 KAR 050:060
- Roster and reporting; 201 KAR 050:200
- Standards of professional conduct; 201 KAR 050:150
- Supervision of associates; 201 KAR 050:090
- Temporary practice; 201 KAR 050:070

REVENUE

- Income Tax, Miscellaneous
 - Supplemental wages and other payments subject to withholding; 103 KAR 018:070
- Sales and Use Tax
 - Brokers, lienors and fiduciaries; 103 KAR 027:030
 - Leases and rentals; 103 KAR 028:051
- Selective Use and Excise Tax
- Alcoholic Beverages
 - Alcoholic, cannabis-infused beverages; tax exemptions; 103 KAR 40:035
 - Consumer tax; customs; 103 KAR 040:100
 - Maintaining records; 103 KAR 040:010
 - Transporter's reports; 103 KAR 040:050

- Cigarettes/Tobacco Products
 - Evidence of tax payment; 103 KAR 041:090
 - Vending machine operators; 103 KAR 041:040
- General Exemptions
 - Sales to water haulers; 103 KAR 030:280
- Motor Vehicles
 - Motor vehicle usage tax valuation; 103 KAR 044:060

SECRETARY OF STATE

- Scholarship granting organizations; 030 KAR 001:060

SOCIAL WORK, BOARD OF

- Equivalency standards; 201 KAR 023:120
- Examination requirements; 201 KAR 023:072
- Fees; 201 KAR 023:020
- Per diem compensation for board members; 201 KAR 023:140

SPEECH LANGUAGE PATHOLOGY AND AUDIOLOGY, BOARD OF

- Education
 - Continuing education requirements; 201 KAR 017:090
- General
 - Complaint procedure; 201 KAR 017:070
 - Definitions and abbreviations for 201 KAR Chapter 17; 201 KAR 017:005
 - Assistants, supervision requirements, caseload limits; 201 KAR 017:027
- Licensure
 - Application, education, and requirements for licensure; 201 KAR 017:012
 - Assistants, application, education and requirements for interim licensure; 201 KAR 017:025
 - Assistants, requirement for licensure; 201 KAR 017:034
 - Audiologists, licensure requirements; 201 KAR 017:036
 - Education, experience, and application requirements for interim licensure; 201 KAR 017:011
 - Fees, renewal, reinstatement and inactive license requirements; 201 KAR 017:030
 - Interim licensure requirements; 201 KAR 017:032
 - Renewals and reinstatements; 201 KAR 017:060
 - Temporary licensure, pathologists, pathology assistant, and audiologists; 201 KAR 017:014

TRANSPORTATION CABINET

- Vehicle Regulation
 - Procedures for becoming certified motor vehicle inspector; 601 KAR 009:085
 - Procedures for inspecting vehicles; 601 KAR 009:090

WORKERS' COMPENSATION

- Claims
 - Workers' compensation medical fee schedule for physicians; 120 KAR 001:089

WORKFORCE DEVELOPMENT

- Kentucky Workforce Innovation Board
 - General provisions for operation of the Workforce Pell Program; 787 KAR 002:050

WORKPLACE STANDARDS

- Board, lodging, gratuities and other allowances; 803 KAR 001:081