



ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was 12 pm ET/11 am CT, September 15, 2026.

MEETING NOTICES

The Administrative Regulation Review Subcommittee is tentatively scheduled to meet on October 13, 2026 in Annex Room 149.

ARRS Tentative Agenda – 675 [Online agenda updated as needed](#)

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

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Register Year number and Page number. Example: 53rd Year of the Kentucky Register, page 318 (short form: 53 Ky.R. 318).

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

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

ADMINISTRATIVE REGISTER OF KENTUCKY

(ISSN 0096-1493)

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The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, 702 Capital Avenue, Room 027, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$120 (plus 6% Kentucky sales tax) per year for 12 issues, beginning in July and ending with the June issue of the subsequent year. Periodical postage paid at Frankfort, Kentucky. POSTMASTER: Send address changes to Administrative Register of Kentucky, 702 Capital Avenue, Room 076, State Capitol Annex, Frankfort, Kentucky 40601.

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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 September 15, 2026 at 11:07 a.m.



Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Tuesday, October 13, 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

STATE BOARD OF ELECTIONS

Statewide Voter Registration

[031 KAR 003:050E](#). Cancellation of voter registration following notification of new registration by Kentucky voter outside of the Commonwealth. (Filed with Ordinary) ("E" expires 05-03-2027)

OFFICE OF THE ATTORNEY GENERAL

Office of Regulatory Relief

[040 KAR 012:450](#). Emergency Contractors.

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Office of the Secretary

[101 KAR 002:102](#). Classified leave general requirements.

[101 KAR 002:150](#). State Safety Program.

[101 KAR 002:221](#). Employee Educational Assistance Program.

Forms

[101 KAR 003:015](#). Leave requirements for unclassified service.

FINANCE AND ADMINISTRATION CABINET

Department of Revenue

Income Tax; Withholding

[103 KAR 018:070](#). Supplemental wages and other payments subject to withholding.

Selective Excise Tax; Alcoholic Beverages

[103 KAR 040:010](#). Maintaining records.

[103 KAR 040:035](#). Alcoholic and cannabis-infused beverages; tax exemptions.

[103 KAR 040:050](#). Transporter's reports.

[103 KAR 040:100](#). Consumer tax; customs.

Selective Excise Tax; Cigarettes

[103 KAR 041:040](#). Vending machine operators.

[103 KAR 041:090](#). Evidence of tax payment.

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) (Not Amended After Comments)

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

BOARDS AND COMMISSIONS

Board of Optometric Examiners

[201 KAR 005:010](#). Applications for licensure; endorsement. (Filed with Emergency) ("E" expires 02-11-2027) (Amended After Comments)

Board of Speech-Language Pathology and Audiology

[201 KAR 017:005E](#). Definitions and abbreviations for 201 KAR Chapter 17. (Filed with Ordinary) ("E" expires 04-12-2027)

[201 KAR 017:011E](#). Education, experience, and application requirements for interim licensure as a speech language pathologist. (Filed with Ordinary) ("E" expires 04-12-2027)

[201 KAR 017:012E](#). Application, education and requirements for licensure as a speech-language pathologist. (Filed with Ordinary) ("E" expires 4-12-2027)

[201 KAR 017:014E](#). Temporary licensure for speech-language pathologist, speech-language pathology assistant, and audiologist. (Filed with Ordinary) ("E" expires 04-12-2027)

[201 KAR 017:025E](#). Application, education, and requirements for an interim license as a speech-language pathology assistant. (Filed with Ordinary) ("E" expires 04-12-2027)

[201 KAR 017:030E](#). License fees, renewal, reinstatement, and inactive license requirements. (Filed with Ordinary) ("E" expires 04-12-2027)

[201 KAR 017:032E](#). Requirements for interim licensure as an audiologist. (Filed with Ordinary) ("E" expires 04-12-2027)

[201 KAR 017:034E](#). Requirements for licensure as a Speech-Language Pathology Assistant. (Filed with Ordinary) ("E" expires 04-12-2027)

[201 KAR 017:036E](#). Requirements for licensure for an audiologist. (Filed with Ordinary) ("E" expires 04-12-2027)

[201 KAR 017:070E](#). Complaint procedure. (Filed with Ordinary) ("E" expires 04-12-2027)

Board of Physical Therapy

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

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

Board of Social Work

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

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

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

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

Board of Examiners of Psychology

[201 KAR 026:118E](#). Psychology interjurisdictional compact. (Filed with Ordinary) ("E" expires 05-09-2027)

Board of Licensure for Occupational Therapy

[201 KAR 028:060E](#). Licensure, renewals, and reinstatements. (Filed with Ordinary) ("E" expires 04-11-2027)

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

Board of Licensure and Certification for Dietitians and Nutritionists

[201 KAR 033:015E](#). Application; approved programs. (Filed with Ordinary) ("E" expires 04-12-2027)

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[201 KAR 036:072E](#). Reciprocity requirements for applicants licensed or certified in another state. (Filed with Ordinary) ("E" expires 04-11-2027)

[201 KAR 036:075E](#). Renewal, late renewal, and reinstatement of license. (Filed with Ordinary) ("E" expires 04-11-2027)

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[201 KAR 050:001](#). Definitions for 201 KAR Chapter 050.

[201 KAR 050:010E](#). Fees. (Filed with Ordinary) ("E" expires 04-11-2027) (Not Amended After Comments)

[201 KAR 050:010](#). Fees. (Filed with Emergency) ("E" expires 04-11-2027)

[201 KAR 050:020E](#). General requirements for certification and licensure. (Filed with Ordinary) ("E" expires 04-11-2027) (Deferred from September)

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[201 KAR 050:020](#). General requirements for certification and licensure. (Filed with Emergency) ("E" expires 04-11-2027)

[201 KAR 050:030](#). Education requirements for certification and licensure.

[201 KAR 050:040](#). Appraisal experience requirements for certification and licensure.

[201 KAR 050:050E](#). Examinations. (Filed with Ordinary) ("E" expires 04-11-2027) (Deferred from September)

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[201 KAR 050:070](#). Temporary practice permit. (Filed with Emergency) ("E" expires 04-11-2027)

[201 KAR 050:080](#). Criminal background checks.

[201 KAR 050:090](#). Supervision of associates.

[201 KAR 050:100](#). Continuing education required for certification and licensure.

[201 KAR 050:110E](#). Renewal and reinstatement of certificates and licenses. (Filed with Ordinary) ("E" expires 04-11-2027) (Deferred from September)

[201 KAR 050:110](#). Renewal and reinstatement of certificates and licenses. (Filed with Emergency) ("E" expires 04-11-2027)

[201 KAR 050:120E](#). Inactive status and reactivation of certificates and licenses. (Filed with Ordinary) ("E" expires 04-11-2027) (Deferred from September)

[201 KAR 050:120](#). Inactive status and reactivation of certification and licenses. (Filed with Emergency) ("E" expires 04-11-2027)

[201 KAR 050:130](#). Education provider and instructor standards and requirements.

[201 KAR 050:140E](#). Education course approval, renewal, and standards. (Filed with Ordinary) ("E" expires 04-11-2027)

[201 KAR 050:140](#). Education course approval, renewal, and standards. (Filed with Emergency) ("E" expires 04-11-2027)

[201 KAR 050:150](#). Standards of professional conduct.

[201 KAR 050:160](#). Complaints and disciplinary proceedings.

[201 KAR 050:170E](#). Appraisal Management Company registration. (Filed with Ordinary) ("E" expires 04-11-2027) (Deferred from September)

[201 KAR 050:170](#). Appraisal Management Company registration. (Filed with Emergency) ("E" expires 04-11-2027)

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[201 KAR 050:180](#). Appraisal Management Company registration renewal. (Filed with Emergency) ("E" expires 04-11-2027)

[201 KAR 050:190](#). Appraisal Management Company duties and prohibitions.

[201 KAR 050:200E](#). Appraisal Management Company roster and reporting. (Filed with Ordinary) ("E" expires 04-11-2027) (Deferred from September)

[201 KAR 050:200](#). Appraisal Management Company roster and reporting. (Filed with Emergency) ("E" expires 04-11-2027)

[201 KAR 050:210E](#). Appraiser roster and reporting. (Filed with Ordinary) ("E" expires 04-11-2027) (Deferred from September)

[201 KAR 050:210](#). Appraiser roster and reporting. (Filed with Emergency) ("E" expires 04-11-2027)

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Fish

[301 KAR 001:001](#). Definitions for 301 KAR Chapter 1.

[301 KAR 001:125](#). Transportation of fish.

[301 KAR 001:410](#). Taking of fish by nontraditional fishing methods.

Game

[301 KAR 002:049](#). Small game and furbearer hunting and trapping on public areas.

[301 KAR 002:172](#). Deer hunting seasons, zones, and requirements.

[301 KAR 002:176](#). Wildlife causing damage and landowner designee process.

[301 KAR 002:300](#). Black bear seasons and requirements.

Licensing

[301 KAR 005:210](#). Special agency fundraising permits.

Administrative

[301 KAR 011:002](#). Fish and Wildlife Commission Member selection process.

[301 KAR 011:003](#). Commission Districts.

CABINET FOR ECONOMIC DEVELOPMENT

Kentucky Economic Development Finance Authority

Kentucky Film Office

[307 KAR 001:080E](#). Kentucky Entertainment Incentive Program. (Filed with Ordinary) ("E" expires 04-11-2027) (Amended After Comments)

[307 KAR 001:080](#). Kentucky Entertainment Incentive Program (Effective July 15, 2026). (Filed with Emergency) ("E" expires 04-11-2027)

JUSTICE AND PUBLIC SAFETY CABINET

Parole Board

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

Department of Criminal Justice Training

Concealed Deadly Weapons

[503 KAR 004:050E](#). Required content and conduct of applicant training course. (Filed with Ordinary) ("E" expires 04-20-2027)

TRANSPORTATION CABINET (KYTC)

Motor Carriers

[601 KAR 001:018](#). Special overweight or overdimensional motor vehicle load permits. (Amended After Comments)

Department of Vehicle Registration

Motor Vehicle Tax

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

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

EDUCATION AND LABOR CABINET

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

Department of Workforce Development

Kentucky Workforce Innovation Board

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

Department of Workplace Standards

Labor Standards; Wages and Hours

[803 KAR 001:081E](#). Board, lodging, gratuities and other allowances. (Filed with Ordinary) ("E" expires 05-09-2027)

PUBLIC PROTECTION CABINET

Department of Alcoholic Beverage Control

Licensing

[804 KAR 004:400](#). Applications incorporated by reference. (Not Amended After Comments)

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Behavioral Health, Developmental and Intellectual Disabilities

Substance Abuse

[908 KAR 001:370](#). Licensing procedures, fees, and general requirements for nonhospital-based alcohol and drug treatment entities.

Mental Health

[908 KAR 002:220](#). Certified Peer Support Specialist.

[908 KAR 002:260](#). Targeted case manager; eligibility and training.

[908 KAR 002:311](#). Repeal of 908 KAR 002:230 and 908 KAR 002:240.

Department for Aging and Independent Living

Aging Services

[910 KAR 001:200](#). Senior Community Service Employment Program.

[910 KAR 001:260](#). Kentucky Family Caregiver Program

3. REGULATIONS REMOVED FROM OCTOBER'S AGENDA

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

(See KRS Chapter 13A for specific provisions)

Filing and Publication

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

Public Hearing and Public Comment Period

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

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

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

Review Procedure

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

EMERGENCY ADMINISTRATIVE REGULATIONS

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

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

**STATEMENT OF EMERGENCY
101 KAR 2:210E.**

This amendment to an existing administrative regulation incorporates by reference the 2027 plan year handbook for the self-insured plan offered through the Public Employee Health Insurance Program, commonly known as the Kentucky Employees' Health Plan. KRS 18A.2254(1) requires the Personnel Cabinet to promulgate an administrative regulation that incorporates the plan year handbook by reference and to file the administrative regulation by September 15 of each year. This emergency amendment to an existing administrative regulation is necessary to meet the filing deadline established by state law at KRS 18A.2254(1)(a)3. KRS 18A.2254(1)(a) requires the secretary of the Personnel Cabinet to annually promulgate an administrative regulation to incorporate by reference the plan year handbook. The handbook must contain, at a minimum, the premiums, employee contributions, employer contributions, and a summary of benefits, co-pays, coinsurance, and deductibles for each plan provided to public employees covered under the self-insured plan. The 2027 plan year handbook, or Benefits Selection Guide, contains the required and necessary information for public employees to make health insurance coverage decisions during open enrollment in October 2026. This emergency amendment to an existing administrative regulation incorporates by reference the 2027 Benefits Selection Guide that will be distributed by the Personnel Cabinet's Department of Employee Insurance to public employees covered under the self-insured plan. An ordinary amendment is not sufficient due to the statutory filing deadlines and handbook distribution requirements. This emergency amendment to the existing administrative regulation will be replaced by an ordinary amendment to the existing administrative regulation. The ordinary amendment to the existing administrative regulation is not identical to this emergency amendment. This emergency amendment will be in effect for part of the current 2026 plan year. The existing language in the Benefits Selection Guide for the 2026 plan year should remain until such time as the ordinary amendment incorporating the Benefits Selection Guide for plan year 2027 replaces this emergency amendment.

ANDY BESHEAR, Governor
MARY ELIZABETH BAILEY, Secretary

**PERSONNEL CABINET
Office of the Secretary
(Emergency Amendment)**

101 KAR 2:210E. 2026 and 2027 Plan Year Handbooks[Handbook] for the Public Employee Health Insurance Program.

EFFECTIVE: September 15, 2026

RELATES TO: KRS 18A.030, 18A.225, 18A.2254

STATUTORY AUTHORITY: KRS 18A.030(2)(b), 18A.2254(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.2254(1)(a)1 requires the secretary of the Personnel Cabinet to promulgate an administrative regulation to incorporate by reference the plan year handbook distributed by the Department of Employee Insurance to public employees covered under the self-insured plan and establishes the minimum requirements for the information

included in the handbook. This administrative regulation incorporates by reference the plan year Benefits Selection Guide, which is the handbook distributed by the department to public employees for the 2026 and 2027 Plan Years[Year] as required by KRS 18A.2254(1)(a)1.

Section 1. The Department of Employee Insurance shall distribute or make available to the public employees covered under the self-insured plan the 2026 Plan Year Kentucky Employees' Health Plan Benefits Selection Guide, which shall include the premiums, employee contributions, employer contributions, and a summary of benefits, copays, coinsurance, and deductibles for each plan provided to the public employees covered under the self-insured plan.

Section 2.

(1) The Department of Employee Insurance shall distribute or make available to the public employees covered under the self-insured plan the 2027 Plan Year Kentucky Employees' Health Plan Benefits Selection Guide, which shall include the premiums, employee contributions, employer contributions, and a summary of benefits, copays, coinsurance, and deductibles for each plan provided to the public employees covered under the self-insured plan.

(2) The 2027 Plan Year Kentucky Employees' Health Plan Benefits Selection Guide shall govern the health plan benefits for public employees covered under the self-insured plan beginning January 1, 2027.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "2026 Plan Year Kentucky Employees' Health Plan Benefits Selection Guide", 2026 edition; and
(b) "2027 Plan Year Kentucky Employees' Health Plan Benefits Selection Guide", 2027 edition[is incorporated by reference].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Personnel Cabinet, 501 High Street, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. The material incorporated by reference is also available on the Personnel Cabinet's website on the Kentucky Employees' Health Plan page under KEHP Documents at <https://personnel.ky.gov/Pages/Kentucky-Employees'-Health-Plan.aspx>.

MARY ELIZABETH BAILEY, Secretary, Personnel Cabinet

APPROVED BY AGENCY: September 15, 2026

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

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2026, at 10:00 a.m. at 501 High Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. 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: Will Adams, Staff Attorney, Office of Legal Services, Personnel Cabinet, 501 High Street, 4th Floor, Frankfort,

Kentucky 40601, phone: (502) 782-4370, fax: (502) 564-5278, email: Will.Adams@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Will Adams, Phone: (502) 782-4370, Email: Will.Adams@ky.gov

Subject Headings: Personnel, State Employee Health Plans, State Employees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation incorporates by reference the 2027 plan year handbook containing information about the self-insured health insurance plans offered through the Public Employee Health Insurance Program. The handbook, commonly referred to as the Benefits Selection Guide, is distributed to plan holders participating in the self-insured program. The Benefits Selection Guide contains the premiums, employee contributions, employer contributions, and a summary of benefits, co-pays, coinsurance, and deductibles for each plan available to public employees through the self-insured program in 2027.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the statutory mandate of KRS 18A.2254. More specifically, KRS 18A.2254(1)(a) requires the Personnel Cabinet to promulgate an administrative regulation that incorporates by reference the 2027 plan year handbook that will be distributed to the public employees covered by the Public Employee Health Insurance Program. The handbook must be filed with the Legislative Research Commission on or before September 15 each year.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation complies with KRS 18A.2254(1), the statute that establishes the self-insured plan and mandates the promulgation of the administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation aids in the effectuation of the statute, KRS 18A.2254, by incorporating by reference the 2027 plan year handbook for the Public Employee Health Insurance Program in an administrative regulation. Further, this administrative regulation is the method by which the Personnel Cabinet will comply with KRS 18A.2254.

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

(a) How the amendment will change this existing administrative regulation: This is an amendment. The existing administrative regulation incorporates by reference the 2026 plan year handbook, which constitutes a compilation of the premium rates and contributions, benefit options, eligibility rules, and enrollment information for participants of the Public Employee Health Insurance Program for plan year 2026. The amendment adds and incorporates by reference the 2027 plan year handbook, which contains the premiums, employee contributions, employer contributions, and a summary of benefits, co-pays, coinsurance, and deductibles for each plan available to public employees for plan year 2027.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to give notice regarding the premiums, employee contributions, employer contributions, benefits, co-pays, coinsurance, and deductibles for each plan available to public employees under the Public Employee Health Insurance Program for plan year 2027. This amendment is also necessary to comply with the statutory mandate in KRS 18A.2254 to annually update the regulation incorporating the plan year handbook.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 18A.2254, the statute authorizing the self-insured plan under the Public Employee Health Insurance Program. KRS 18A.2254 mandates that the plan year handbook be incorporated by reference in an administrative regulation on or before September 15 each year. This amendment incorporates the 2027 plan year handbook by reference in accordance with KRS 18A.2254.

(d) How the amendment will assist in the effective administration of the statutes: This amendment conforms to the requirements of KRS 18A.2254, the statute authorizing the self-insured plan under the Public Employee Health Insurance Program. KRS 18A.2254 mandates that the plan year handbook be incorporated by reference in an administrative regulation on or before September 15 each year. This amendment incorporates the 2027 plan year handbook by reference in accordance with KRS 18A.2254.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects employees of state and select county and local government entities, including employees of the local school boards and districts. This administrative regulation also affects certain retirees as specified by KRS 18A.225. More specifically, and as defined by KRS 18A.225(1)(a), this administrative regulation affects approximately 192,653 employees and retirees eligible to participate in the Public Employee Health Insurance Program. In total, this administrative regulation affects approximately 314,761 members in the self-insured plan and those waiving coverage, including employees, retirees, and qualifying dependents.

(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 entities will not be required to take any additional action to comply with this administrative regulation that incorporates the 2027 plan year handbook. The 2027 Benefits Selection Guide will provide information to the public employees covered under the Public Employee Health Insurance Program about the premiums, employee contributions, employer contributions, and a summary of benefits, co-pays, coinsurance, and deductibles for the 2027 plan year.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This administrative regulation provides employer and employee premium contribution information for health plans available under the Public Employee Health Insurance Program for plan year 2027. There is no direct cost impact to employers participating in the Public Employee Health Insurance Program as a result of incorporating the 2027 plan year handbook into the administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): For plan year 2027, participating employers (entities) and participating employees and retirees and their beneficiaries and dependents covered under the Public Employee Health Insurance Program will have access to comprehensive health insurance benefits under all plans offered through the self-insured program. For plan year 2027, employer contributions to health coverage premiums will increase 5% across all plans combined, as compared to 2026 premiums. Employee contributions to health coverage premiums will increase 3% across all plans, as compared to 2026 premiums.

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

(a) Initially: Costs of implementing this administrative regulation initially are believed to be minimal.

(b) On a continuing basis: Costs of implementing this administrative regulation initially are believed to 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: The source of funding to be used for the implementation of this administrative regulation will be the Public Employee Health Insurance Trust 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 is an amendment. This administrative regulation will not require an increase in funding or 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 fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all participants in the Public Employee Health Insurance Program.

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 18A.030(2)(b), 18A.2254(1)(a)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: The most recent act that expressly authorizes the Personnel Cabinet Secretary to promulgate this administrative regulation is 2024 Ky. Acts ch. 104, sec. 14. The specific authorizing statute, KRS 18A.2254, was created by 2006 Ky. Acts ch. 252, Pt. XXIX, sec. 1.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Personnel Cabinet is the promulgating agency. All state agencies and employees participating in the Public Employee Health Insurance Program are affected by the provisions of the incorporated plan year handbook.

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

1. Expenditures:

For the first year: This administrative regulation itself is not anticipated to trigger direct expenditures.

For subsequent years: This administrative regulation itself is not anticipated to trigger direct expenditures.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): All county and local government employees and entities, including local school boards and districts and their employees, that participate in the Public Employee Health Insurance Program are affected by the provisions of the incorporated plan year handbook.

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

1. Expenditures:

For the first year: This administrative regulation itself is not anticipated to trigger direct expenditures.

For subsequent years: This administrative regulation itself is not anticipated to trigger direct expenditures.

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The plan year handbook incorporated in this administrative regulation also affects retirees under the age of 65 who are eligible to participate in the Program by virtue of their participation in one of the state-administered retirement systems.

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

1. Expenditures:

For the first year: This administrative regulation itself is not anticipated to trigger direct expenditures.

For subsequent years: This administrative regulation itself is not anticipated to trigger direct expenditures.

2. Revenues:

For the first year: None

For subsequent years: None

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: This administrative regulation does not have a significant fiscal impact.

(b) Methodology and resources used to reach this conclusion: The provisions of this administrative regulation were reviewed, and a significant 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): An overall negative or adverse major economic impact is not anticipated. This administrative regulation only serves to incorporate the Public Employee Health Insurance Program handbook. It does not, by itself, impose requirements or fees on Program participants.

(b) The methodology and resources used to reach this conclusion: The provisions of the administrative regulation were reviewed, and a significant fiscal impact was not 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 17:120E.

Pursuant to KRS 13A.190(1)(a)3. and KRS 334A.188. SECTION 15.B.1, this emergency amendment is being promulgated to comply with the statutory requirements of the Board of Speech-Language Pathology and Audiology to review any rule adopted by the Audiology and Speech-Language Pathology Interstate Compact pursuant to SECTION 10 of KRS 334A.188 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 Audiology and Speech-Language Pathology Interstate Compact. KRS 334A.188. Section 15.B.1. requires that this emergency regulation be promulgated, and therefore the filing of an ordinary administrative regulation alone is not sufficient. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation filed with this emergency administrative regulation is identical.

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

ANDY BESHEAR, Governor

GENERAL GOVERNMENT CABINET

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

201 KAR 17:120E. Audiology and Speech-Language Pathology Interstate Compact.

EFFECTIVE: August 18, 2026

RELATES TO: KRS 334A.188

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.188

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.188, Section 15.B.1. requires the Board of Speech-Language Pathology and Audiology to review any rule adopted by the Audiology and Speech-Language Pathology Interstate Compact pursuant to Section 10 of KRS 334A.188 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 Audiology and Speech-Language Pathology Interstate Compact.

Section 1. The Board of Speech-Language Pathology and Audiology shall comply with all rules of the Audiology and Speech-Language Pathology Interstate Compact, which includes the Audiology and Speech-Language Pathology Interstate Compact Rules as of June 29, 2026. [September 20, 2025.]

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Audiology and Speech-Language Pathology Interstate Compact Rules", September 20, 2025, and as revised.

(a) Chapter 1 – Rule on Definitions, adopted April 17, 2023;

(b) Chapter 2 – Rule on Data System Reporting Requirements, adopted September 20, 2025;

(c) Chapter 3 – Rule on Implementation of Criminal Background Check Requirement, adopted June, 30, 2025;

(d) Chapter 4 – Rulemaking on Fees, adopted June 30, 2025; [.]

(e) Chapter 5 – Rule on Dispute Resolution, adopted June 29, 2026;

(f) Chapter 6 – Rule on Joint Investigations, adopted June 29, 2026;

(g) Chapter 7 – Rule on Post Graduate Professional Experience, adopted June 29, 2026;

(h) Chapter 8 – Rule on National Examination, adopted June 29, 2026; and

(i) Chapter 9 – Rule on Military Identification, adopted June 29, 2026.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Speech-Language Pathology and Audiology, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Speech-Language Pathology and Audiology website at <https://slp.ky.gov/>.

(3) This material may also be obtained at:

(a) The Audiology and Speech-Language Pathology Interstate Compact Commission, 1776 Avenue of the States, Lexington, Kentucky 40511; or

(b) <https://aslpcompact.com/commission/commission-governance-documents/>.

201 KAR 17:120E

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

APPROVED BY AGENCY: August 11, 2026

FILED WITH LRC: August 18, 2026 at 1:10 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 127 CW. 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, 2 NC WK#2 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, Compacts, Interstate

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements KRS 334A.188, the Audiology and Speech-Language Pathology Interstate Compact ("ASLP-IC").

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 334A.188, SECTION 15.B.1. requires rules adopted by the Audiology and Speech-Language Pathology Interstate Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific requirements of the authorizing statute, KRS 334A.188, SECTION 15.B.1. which requires rules adopted by the ASLP-IC 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 conforms to the content of KRS 334A.188 which requires this promulgation.

(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 add new rules on dispute resolution, joint investigations, post-graduate professional experience, the national examination, and military identification, as adopted by the ASLP-IC on June 29, 2026.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to meet the statutory requirements of KRS 334A.188, SECTION 15.B.1. which requires rules adopted by the ASLP-IC to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms with the authorizing statute by being filed within the sixty (60) day period after adoption of the new rule by the ASLP-IC.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will put all licensees who wish to participate in the ASLP-IC on notice of the Compact rules relating to dispute resolution, joint investigations, post-graduate professional experience, the national examination, and military identification.

(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 3774 active and 73 inactive speech-language pathologists, 334 active and 9 inactive audiologists who are eligible to apply for the privilege to practice in another Member State. This regulation may affect the 204 active and 1 inactive interim speech-language pathologists and 1 active interim audiologist who elect to apply for full licensure; and will also affect new applicants for speech-language pathology and 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: No action is necessary.

(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): They will be in compliance with the regulation.

(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 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 state fees or funding will be required.

(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 in Kentucky. However, if a Kentucky licensee wishes to obtain the privilege to practice in another compact state, they will be required to pay an application fee to the ASLP-IC to obtain the privilege.

(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 334A.080(3), 334A.188. 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.

(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 334A.188, Section 15.B.1.

(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: The compact became operational in 2025, however, the expenditures needed in the first year are currently indeterminable. There may be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in Kentucky, and possibly for Kentucky licensees with the privilege to practice in other states.

For subsequent years: The expenditures needed in subsequent years are currently indeterminable. There may be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in Kentucky, and possibly for Kentucky licensees with the privilege to practice in other states.

2. Revenues:

For the first year: The board will establish a fee for licensees in other states who wish to obtain a privilege to practice in Kentucky under the ASLP-IC to cover the cost of administration. However, at this time potential revenues are indeterminable.

For subsequent years: The board will also establish a renewal fee for out of state licensees who obtain the privilege to practice in Kentucky. However, at this time potential revenues are indeterminable.

3. Cost Savings:

For the first year: Indeterminable.

For subsequent years: Indeterminable.

(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 (6)(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: The fiscal impact is currently indeterminable since there are no known duties outlined for the state in relation to the compact. It is possible there will be a fiscal impact for administering applications for compact privileges for in-state licensees who apply for the privilege to practice in another state, and for out of state licensees who apply for the privilege to practice in Kentucky. The ASLP-IC remains in its infancy and the work to be conducted by the state board as a result of the compact is yet to be determined.

(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 Services.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for in-state licensees to practice in another state and out of state licensees to obtain the privilege to practice in Kentucky, this administrative regulation will not have a 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 Services.

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 501 KAR 2:080E.

(1) This emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)1. to meet an imminent threat to public health, safety, or welfare and (1)(a)2. to avoid an imminent loss of state funds. KRS 441.045(5)(a) requires the Department of Corrections ("DOC") to reimburse counties for the cost of "necessary medical, dental, or psychological care, beyond routine care and diagnostic services" for state inmates housed in county jails. In Campbell Cty., Kentucky, et al. v. Kentucky Dep't of Corrections, et al., 23-CI-00068, the Franklin Circuit Court ruled that the Department's definition of "routine care" under KRS 441.045 is inadequate. KRS 441.045(10) defines "necessary care," but does not define "routine care." This emergency administrative regulation adopts the statutory definition of "necessary care" and establishes additional definitions, including definitions of "routine care" and "care beyond routine", criteria to distinguish routine care from care beyond

routine, and processes for counties to seek reimbursement for care beyond routine and diagnostic services. This administrative regulation is being filed on an emergency basis to ensure the efficient provision of quality medical care to inmates and to avoid an imminent loss of state funds that would result from litigation costs that would occur if the changes created by the emergency administrative regulation do not immediately become effective.

(2) An ordinary administrative regulation is not sufficient because an ordinary regulation could not become effective before the need for routine care or care beyond routine of inmates arises and the state is exposed to litigation cost resulting from the Court's finding that Department's current definition is inadequate.

(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because the adopted definitions and criteria are new.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

SCOTT JORDAN, Deputy Commissioner, on behalf of:
COOKIE CREWS, Commissioner
KEITH JACKSON, Secretary
ANDY BESHEAR, Governor

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(New Emergency Administrative Regulation)**

501 KAR 2:080E. Reimbursement for Medical Care Provided to State Inmates Housed in County and Regional Jails.

EFFECTIVE: August 17, 2026

RELATES TO: KRS 441.045

STATUTORY AUTHORITY: KRS 196.035, KRS 197.020

NECESSITY, FUNCTION, AND CONFORMITY: KRS 441.045(5)(a) requires the Department of Corrections (the "Department") to reimburse counties for the cost of "necessary medical, dental, or psychological care, beyond routine care and diagnostic services" for state inmates housed in county jails. KRS 197.020(1)(b)2. requires the Department to promulgate administrative regulations for the preservation of the health of prisoners. KRS 441.045(10) defines "necessary care." This administrative regulation adopts the statutory definition and establishes additional definitions and criteria to distinguish routine care from care beyond routine, ensuring consistent application and alignment with legislative intent.

Section 1. Definitions

(1)

(a) "Care beyond routine" means necessary care that exceeds routine care due to the complexity, intensity, or specialization and requires resources not typically available through standard correctional or local outpatient care arrangements, including:

1. Inpatient hospitalization;
2. Emergency medical care requiring immediate transport and advanced intervention;
3. Surgical procedures, including outpatient surgery, that require general anesthesia, twilight sedation, or conscious sedation, or specialized surgical facilities or providers;
4. Specialty care requiring advanced or invasive treatment by specialists, including cardiology, oncology, neurology, or specialists in similar fields;
5. Dental treatment requiring specialized or extensive restorative, surgical, or other treatment that cannot reasonably be provided through routine dental services available within the correctional facility or through standard outpatient dental care;
6. Obstetrical or gynecological care requiring treatment or monitoring by a specialist for a diagnosed maternal or fetal condition that requires specialized testing, procedures, or a level of clinical monitoring beyond routine prenatal, postpartum, or gynecological care;

7. Advanced diagnostic services, including CT scans, MRIs, or other non-routine imaging or procedures;

8. High-cost or specialty pharmaceuticals, including biologics, chemotherapy agents, or medications requiring specialized administration or monitoring;

9. Long-term or intensive treatment, including dialysis, inpatient psychiatric care, or other services requiring sustained specialized intervention; and

10. Services that, based on professional clinical judgment, are not reasonably categorized as routine care under subsection (2) of this section.

(b) For purposes of this administrative regulation, services shall not be classified as care beyond routine solely because they were provided in an emergency department or hospital setting if, based on the clinical condition and treatment rendered, the care could have been safely and effectively provided within the jail or through standard outpatient services.

(2) "Diagnostic services" means medical testing and evaluation used to identify, assess, or monitor a medical condition, including laboratory testing, imaging, and other non-invasive assessments.

(3) "Necessary care" is defined in KRS 441.045(10).

(a) "Routine care" means necessary care that:

1. Is customary, predictable, and commonly provided within a correctional facility or through standard local outpatient providers;
2. Involves non-complex evaluation or treatment that does not require specialized facilities, advanced technology, or highly specialized providers; and
3. Can be delivered through standard correctional health care delivery systems, including on-site services or routinely accessible off-site outpatient services.

(b) Routine care includes:

1. Evaluation and treatment of minor or stable conditions, including infections, minor injuries, and common illnesses;
2. Chronic care management, including ongoing treatment of conditions such as hypertension, diabetes, asthma, or mental health conditions where the treatment does not require advanced or intensive intervention;
3. Outpatient medical, dental, and behavioral health services that are commonly available in the local community;
4. Prescription medications and medication management, excluding high-cost or specialty medications requiring specialized handling or authorization;
5. Basic diagnostic services, including laboratory testing and standard radiology such as X-rays; and
6. Follow-up care medically necessary based on the services described in this paragraph.

(c) Care shall not be classified as care beyond routine solely because:

1. The county or regional jail does not provide the service on site, its contracted healthcare provider does not offer the service, or the service is obtained from an outside provider; or
2. The county or regional jail's failure to timely provide routine care during the inmate's confinement resulted in the need for more extensive treatment that could reasonably have been prevented through timely provision of routine care.

Section 2. Reimbursement Criteria. For any state inmate held in the jail for which the county receives a per diem payment pursuant to KRS 532.100(7):

(1) Counties shall be responsible for the cost of routine care and diagnostic services.

(2) The Department shall reimburse counties for costs associated with necessary care beyond routine care and diagnostic services, consistent with KRS 441.045(5)(a).

(3) A county or regional jail seeking reimbursement under this administrative regulation shall submit a claim for reimbursement to the Department as follows:

(a) For reimbursement of costs associated with necessary care beyond routine and diagnostic services, a county or regional jail shall submit a Request for Authorization form as follows:

1. A county or regional jail shall submit a Request for Authorization form via email to the Department or its designated medical claims administrator at least seventy-two (72) hours before the medical service is scheduled, if feasible.

2. After receiving the Request for Authorization, the Department or its designated medical claims administrator will process and forward an appropriate claims billing form and authorization number to the county or regional jail point of contact.

a. Prior to submission for reimbursement, all claims shall be subject to repricing pursuant to KRS 441.045(14) by the Department or designated medical claims administrator.

b. No claim shall be eligible for reimbursement unless it has been repriced.

3. The county or regional jail shall be responsible for providing the Request for Authorization form to the outside provider when the patient is sent for medical services, when possible.

4. The outside provider shall deliver the approved medical services and send all qualified claims to the Department or its designated medical claims administrator for payment.

(b) For reimbursement of costs associated with necessary care beyond routine care and diagnostic services, when advanced authorization is not feasible, the county or regional jail shall submit the Request for Authorization form as soon as it becomes aware of the need for the necessary care beyond routine care and diagnostic services, and the claim shall be processed pursuant to this subsection of this administrative regulation.

(c) The Department may require documentation that the county or regional jail has paid, or is legally obligated to pay, the repriced amount prior to issuing reimbursement.

(4) The Department may deny or delay reimbursement for any claim that:

(a) Has not been properly repriced;

(b) Was submitted with an incomplete Request for Authorization form or a Request for Authorization form that lacks the required information; or

(c) Does not meet the criteria established in this administrative regulation.

(5) The Department may, at its discretion, take custody of a prisoner and hold that person in a state prison facility for the purpose of treating the medical conditions as set out in KRS 441.560.

Section 3. Review and Dispute Resolution.

(1) The Department shall review each submitted claim and issue a written determination approving, denying, or modifying the requested reimbursement.

(2) A county or regional jail may request reconsideration of a determination by submitting a written request to the Department within thirty (30) calendar days of the date the determination was issued. The request shall:

(a) Identify the specific claim or portion of the claim in dispute;

(b) State the basis for reconsideration, including any argument that the care qualifies as care beyond routine that is medically necessary; and

(c) Include any additional supporting documentation not previously submitted.

(3) The Department shall review the request for reconsideration and any additional documentation submitted.

(a) The Department may request additional information from the county or regional jail as necessary to complete its review.

(b) The Department shall issue a written reconsideration decision within forty-five (45) calendar days of receipt of a complete request.

(4) The reconsideration decision shall constitute the Department's final agency action.

Section 4. Incorporation by Reference.

(1) "Request for Authorization," revised in August 2026, is incorporated by reference.

(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 viewed on the Justice and Public Safety Cabinet website at <https://justice.ky.gov/about/pages/lrcfilings.aspx>.

501 KAR 2:080E. Reimbursement for Medical Care Provided to State Inmates Housed in County and Regional Jails.

SCOTT JORDAN, Deputy Commissioner, on behalf of:
COOKIE CREWS, Commissioner

APPROVED BY AGENCY: August 16, 2026

FILED WITH LRC: August 17, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held Tuesday, October 27, 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, Deputy General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens, Deputy 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: KRS 441.045(5)(a) requires the Department of Corrections to reimburse counties for the cost of "necessary medical, dental, or psychological care, beyond routine care and diagnostic services" for state inmates housed in county jails. KRS 197.020(1)(b)2. requires the Department to promulgate administrative regulations for the preservation of the health of prisoners. KRS 441.045(10) defines "necessary care." This administrative regulation adopts the statutory definition, establishes additional definitions and criteria to distinguish routine care from care beyond routine, and creates a process for which counties can seek reimbursement for beyond routine care and diagnostic services, ensuring consistent application and alignment with legislative intent.

(b) The necessity of this administrative regulation: This administrative regulation is needed to provide clarity to counties regarding when they can seek reimbursement for beyond routine care and diagnostic services.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 441.045(5)(a) requires the Department of Corrections to reimburse counties for the cost of "necessary medical, dental, or psychological care, beyond routine care and diagnostic services" for state inmates housed in county jails. KRS 197.020(1)(b)2. requires the Department to promulgate administrative regulations for the preservation of the health of prisoners. KRS 196.035 gives authority to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide clarity to counties regarding when they can seek reimbursement for beyond routine care and diagnostic services.

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

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative

regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects approximately 74 county and regional jails that house state inmates and their staff, approximately 50 Department of Corrections' employees, including 12 Local Facilities staff, and approximately 7,000 state inmates in the jails.

(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 Corrections will be required to review claims submitted by counties for reimbursement of necessary medical, dental, or psychological care beyond routine care and diagnostic services for state inmates housed in county and regional jails. County and regional jails that seek reimbursement will be required to submit complete claim packets in the manner prescribed by the Department. Before submitting claims for reimbursement, counties must submit the claims to a Department-designated medical claims administrator or other authorized entity for repricing pursuant to KRS 441.045(14). Counties must also provide required repricing forms or equivalent documentation and may be required to provide documentation showing that the county has paid, or is legally obligated to pay, the repriced amount. State inmates housed in county and regional jails will not be required to take any action to comply with this administrative regulation. The regulation governs reimbursement responsibilities between counties and the Department of Corrections and does not impose compliance obligations on inmates.

(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 Corrections estimates that implementation of this administrative regulation will result in approximately \$12,000,000 in additional reimbursement payments to county and regional jails for necessary medical, dental, or psychological care beyond routine care and diagnostic services for state inmates housed in county and regional jails. County and regional jails may incur minimal, incidental administrative costs associated with preparing claim, obtaining repricing, and submitting required documentation for reimbursement. The regulation does not require counties to provide new categories of medical care; rather, it clarifies which medical costs remain the county's responsibility as routine care and diagnostic services and which costs may be submitted to the Department for reimbursement as care beyond routine care and diagnostic services. State inmates housed in county and regional jails will not incur any cost to comply with this administrative regulation because the regulation does not require action by inmates and does not establish or increase any fee charged to inmates. The regulation addresses reimbursement between counties and the Department of Corrections for certain medical costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation will allow for the efficient provision of quality medical care to inmates and for greater clarity for the Department of Corrections and county and regional jails as to what types of medical care for which the Department is responsible to counties for reimbursement.

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

(a) Initially: \$12,000,000

(b) On a continuing basis: \$12,500,000 - \$13,000,000 (7) What

is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general funds

(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: An increase in funding will be necessary.

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

(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, KRS 197.020

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 196.035 and 197.020 expressly authorize the Department to promulgate this administrative regulation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Corrections

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

1. Expenditures:

For the first year: \$12,000,000

For subsequent years: \$12,500,000 - \$13,000,000

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): This regulation will affect 74 county and regional jails that house state inmates and their staff.

(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: \$12,000,000

For subsequent years: \$12,500,000 - \$13,000,000

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This regulation will affect approximately 7,000 inmates in the jails.

(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 Department of Corrections estimates that implementation of this administrative regulation will result in approximately \$12,500,000 - \$13,000,000 in additional reimbursement payments to county and regional jails for necessary medical, dental, or psychological care beyond routine care and diagnostic services provided to state inmates housed in county and regional jails. County and regional jails may receive additional reimbursement from the Department for qualifying care beyond routine care and diagnostic services. State

inmates housed in county and regional jails will not experience a fiscal impact from this administrative regulation. (b) Methodology and resources used to determine the fiscal impact: The fiscal cost estimate is based on claims processed at the Medicaid rate in FY23 through FY25 on behalf of jails by the Department's medical contractor. Please note that the estimates are dependent on the number of states inmates housed in county and regional jails each year.

(b) Methodology and resources used to reach this conclusion:

(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): Yes

(b) The methodology and resources used to reach this conclusion: The Department of Corrections estimates that implementation of this administrative regulation will result in approximately \$12,000,000 to \$13,000,000 in additional reimbursement payments to county and regional jails for necessary medical, dental, or psychological care beyond routine care and diagnostic services provided to state inmates housed in county and regional jails in the first year, with increasing payments in subsequent years. Cost estimate exceeds \$500,000 per year, so the regulation will have a "major economic impact." 501 KAR 2:080E. Reimbursement for Medical Care Provided to State Inmates Housed in County and Regional Jails.

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

806 KAR 17:512E.

This emergency administrative regulation is being promulgated, as prescribed in KRS 13A.190(1)(a)3., to meet an imminent deadline for the promulgation of an administrative regulation that is established by state law. This emergency administrative regulation will be followed by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

Senate Bill 188 (SB 188) was enacted during the 2024 legislative session of the Kentucky General Assembly. SB 188 was signed by the Governor and became effective on January 1, 2025.

SB 188 created a new section of KRS Chapter 304 Subtitle 17A. This new section was codified as KRS 304.17A-595. KRS 304.17A-595(2)(c)2.c.ii. requires the Kentucky Department of Insurance (Department) to conduct a study of dispensing fee data submitted to the Commissioner by the Kentucky Board of Pharmacy from the ambulatory pharmacies located in Kentucky. Based on this study, the Department shall establish the professional dispensing fee for a prescription by an ambulatory pharmacy in Kentucky to become effective on January 1, 2027. This study was not finalized by actuaries retained by the Department until April 15, 2026, after which the Department had to independently review and verify the conclusions that were reached. Because that process could not be reasonably completed in time to promulgate an ordinary regulation that would be effective in advance of the January 1, 2027 deadline established by state law, this emergency regulation is being promulgated to meet that deadline pursuant to KRS 13A.190(1)(a)3. The above-referenced study has determined that the professional dispensing fee for a prescription by an ambulatory pharmacy in Kentucky is \$16.31. KRS 304.17A-595(2)(c)2.a. reads, in relevant part, "To the extent permitted under federal law, every contract between a pharmacy or pharmacist and an insurer, a pharmacy benefit manager, or any other administrator of pharmacy benefits for the provision of pharmacy or pharmacist services under a health plan shall provide the following minimum reimbursements to the pharmacy or pharmacist for each prescription drug or other service provided by the pharmacy or pharmacist for health plan years

beginning on or after January 1, 2027, reimbursement for a professional dispensing fee that is not less than the average cost to dispense a prescription drug in an ambulatory pharmacy located in Kentucky, as determined by the commissioner in an administrative regulation promulgated in accordance with KRS Chapter 13A." This emergency regulation is being promulgated pursuant to the directive of KRS 304.17A-595(2)(c)2.a.

For plan years beginning on or after January 1, 2027, the minimum professional dispensing fee for a prescription by an ambulatory pharmacy in Kentucky shall be \$16.31, in accordance with KRS 304.17A-595.

SHARON P. CLARK, Commissioner

ANDY BESHEAR, Governor

PUBLIC PROTECTION CABINET

Department of Insurance

Division of Health, Life, and Managed Care

(New Emergency Administrative Regulation)

806 KAR 17:512E. Professional dispensing fee for dispensing a prescription drug or providing other services.

EFFECTIVE: September 14, 2026

RELATES TO: KRS 304.1-050, 304.2-110, 304.17A-591, 304.17A-595.

STATUTORY AUTHORITY: KRS 304.17A-595

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the commissioner to promulgate reasonable administrative regulations necessary for or as an aid to the effectuation of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.17A-595 requires the commissioner to promulgate an administrative regulation to establish the reimbursement for a professional dispensing fee that is not less than the average cost to dispense a prescription drug in a Kentucky ambulatory pharmacy. The purpose of this administrative regulation is to establish the professional dispensing fee to be paid by insurers and pharmacy benefit managers to Kentucky ambulatory pharmacies for each prescription drug or other service provided by the pharmacy or pharmacist. This fee is established by the commissioner pursuant to the requirements of KRS 304.17A-595(2)(c)2.c.ii.

Section 1. Definitions.

(1) "Ambulatory pharmacy" is defined by KRS 304.17A-595(1)(b).

(2) "Commissioner" is defined by KRS 304.1-050(1).

(3) "Dispensing Fee," means the professional dispensing fee established pursuant to KRS 304.17A-595(2)(c)2.c.ii.

(4) "Health plan" is defined by KRS 304.17A-591(2).

(5) "Insurer" is defined by KRS 304.17A-591(4).

(6) "Pharmacy benefit manager" is defined by KRS 304.9-020 and KRS 304.17A-161(4).

Section 2. Dispensing Fee. For health plan years beginning on or after January 1, 2027, insurers and pharmacy benefit managers shall reimburse a Kentucky ambulatory pharmacy a professional dispensing fee of \$16.31 for each prescription drug or other service provided by the pharmacy or pharmacist delivered pursuant to a Health plan.

806 KAR 17:512E

SHARON P. CLARK, Commissioner

DJ WASSON, Secretary

APPROVED BY AGENCY: September 8, 2026

FILED WITH LRC: September 14, 2026 at 9:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 AM on October 22, 2026, 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 is received by that date, the hearing may be canceled. If held, this hearing will

be open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 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 below.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shaun T. Orme Phone: 502-782-1698 Email: shaun.orme@ky.gov

Subject Headings: Insurance, Health, Pharmacy

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the professional dispensing fee to be paid to a Kentucky ambulatory pharmacy for each prescription or other service provided by a pharmacy or pharmacist in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to meet the requirements of KRS 304.17A-595(2)(c)2.a.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.17A-595(2)(c)2.a. requires the commissioner to promulgate a regulation establishing the professional dispensing fee to be paid to a Kentucky ambulatory pharmacy for each prescription or other service provided by a pharmacy or pharmacist in Kentucky, for health plan years beginning on or after January 1, 2027. This new regulation establishes the dispensing fee.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the professional dispensing fee to be paid to a Kentucky ambulatory pharmacy for each prescription or other service provided by a pharmacy or pharmacist in Kentucky, for health plan years beginning on or after January 1, 2027.

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

(a) How the amendment will change this existing administrative regulation: Not applicable

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

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2024 Regular Session Senate Bill 188.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All ambulatory pharmacies in Kentucky will be paid the dispensing fee for each prescription or for providing other services. In addition, all insurers, as defined in KRS 304.17A-591(4), and all Pharmacy Benefit Managers (PBMs), as defined by KRS 304.17A-591(7), will have to pay the dispensing fee to a Kentucky ambulatory pharmacy. Finally, the Kentucky Employee Health Plan (KEHP) will have to pay the dispensing fee to a Kentucky ambulatory pharmacy.

(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: Ambulatory pharmacies will need to ensure that they submit the correct information to insurers, PBMs, and the KEHP identifying the filling a prescription. Insurers, PBMs, and the KEHP will need to verify the information submitted and pay the correct dispensing fee to the pharmacy.

(b) In complying with this administrative regulation or

amendment, how much will it cost each of the entities identified in question (4): The cost associated for Kentucky ambulatory pharmacies is expected to be de minimus. At this point in time, the cost associated for health insurers, PBMs, and KEHP cannot be ascertained. The cost will be determined by the amount of prescriptions filled or other services provided by Kentucky ambulatory pharmacies for the insureds of insurers, PBMs, and KEHP.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky ambulatory pharmacies will receive \$16.31 for every prescription filled or service provided for the insureds of insurers, PBMs, and the KEHP.

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

(a) Initially: The cost associated with engaging an outside expert to conduct a study of the dispensing fee data submitted to the Commissioner by the Kentucky Board of Pharmacy.

(b) On a continuing basis: The cost associated with engaging an outside expert to conduct a study of the dispensing fee data submitted to the Commissioner by the Kentucky Board of Pharmacy.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Department of Insurance's operational budget.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None is anticipated.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fee is associated with the promulgation of this regulation.

(10) TIERING: Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all affected entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 304.2-110(1), 304.17A-595.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2024 Regular Session Senate Bill 188.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Insurance as the implementer and the Kentucky Employee Health Plan (KEHP).

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities affected.

(b) Estimate the following for 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): Health Plans as defined by KRS 304.17A-591(2) and pharmacy benefit managers (PBMs) as defined by KRS 301.17A-

591(7).

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

(5)(a):

1. Expenditures:

For the first year: Unable to determine

For subsequent years: Unable to determine

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 cost to administer the program in the first year, and subsequent years, for the KEHP, health plans, and PBMs cannot be determined. The cost will depend on the number of prescriptions filled by Kentucky ambulatory pharmacies for insureds under the various plans.

(b) Methodology and resources used to reach this conclusion:

Not applicable.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): Yes, this administrative regulation will likely have a major economic impact.

(b) The methodology and resources used to reach this conclusion: Not applicable. For every prescription filled by a Kentucky ambulatory pharmacy the KEHP, health plans, and PBMs will pay a dispensing fee of \$16.31. This cost will likely exceed \$500,000.

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.

**CABINET FOR ECONOMIC DEVELOPMENT
Film Office
(Emergency Amended After Comments)**

307 KAR 1:080E. Kentucky Entertainment Incentive Program (Effective July 15, 2026[July 1, 2025]).

EFFECTIVE: September 15, 2026

Prior Versions:

Emergency Amendment: 53 Ky.R. 181

RELATES TO: KRS 154.61-010, 154.61-020, 154.61-030

STATUTORY AUTHORITY: KRS 154.12-280, 154.61-030(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 154.12-280, 154.12-282, 154.61-010, 154.61-020, and 154.61-030 authorize the Kentucky Film Office and Kentucky Film Leadership Council, through the Cabinet for Economic Development and its Secretary, to establish procedures and standards for the Kentucky Entertainment Incentive Program. This administrative regulation establishes the application, criteria, fee structure, and economic analysis to evaluate applications for the KRS Chapter 154.61 incentives.

Section 1. Definitions.

(1) "Above-the-line production crew" is defined by KRS 154.61-010(1).

(2) "Applicant" means an eligible company submitting an application for incentives under KRS 154.61-030.

(3) "Application" means an Application for Kentucky Entertainment Incentive (KEI) for tax incentives filed with the Cabinet pursuant to KRS 154.61-030.

(4) "Approved company" is defined by KRS 154.61-010(3).

(5) "Below-the-line production crew" is defined by KRS 154.61-010(4).

(6) "Cabinet" is defined by KRS 154.61-010(5).

(7) "Certified audit" is defined by KRS 154.61-010(6)

(8) "Commercial" means an advertisement or promotional production created for the purpose of marketing, promoting, or publicizing a product, service, brand, or message, intended for distribution or exhibition on television, digital platforms, streaming services, or other national or multi-regional marketing campaigns. A commercial shall include a live-action component and may incorporate animation, visual effects, or other post-production elements, provided that such live-action component is a material and substantive part of the production.

(9)[(7)] "Common ownership" means two (2) or more legal entities, such as corporations, limited liability companies, partnerships, and the like, where the:

(a) Entities are owned by the same person;

(b) Same person serves as an officer or director of the entities;

or

(c) Majority of one (1) entity is owned by one (1) or more of the other entities.

(10)[(8)] "Commonwealth" is defined by KRS 154.61-010(7)[(6)].

(11)[(9)] "Compensation" is defined by KRS 154.61-010(8)[(7)].

(12)[(10)] "Continuous film production" is defined by KRS 154.61-010(9)[(8)].

(13)[(11)] "Council" is defined by KRS 154.61-010(10)[(9)].

(14)[(12)] "Eligible company" is defined by KRS 154.61-010(12)[(11)].

(15)[(13)] "Employee" is defined by KRS 154.61-010(13)[(12)].

(16)[(14)] "~~Enhanced incentive county~~" is defined by KRS 154.61-010(13).

(15)] "Financial interest" means a pecuniary interest that a reasonable person would expect to influence the impartiality of the transaction.

(17) "Heritage county" is defined by KRS 154.61-010(16).

(18)[(16)] "Kentucky-based company" is defined by KRS 154.61-010(18)[(16)].

(19)[(17)] "Kentucky Film Office" or "Office" means the office created by KRS 154.12-280.

(20)[(18)] "Kentucky vendor" means an individual or entity that:

(a) Sells or rents a type of property of which more than a de minimis amount is regularly held in its inventory in the ordinary course of business in Kentucky, or provides a service not performed at the filming or production site but in Kentucky, which is the subject of the production expenditure, in its ordinary course of business;

(b) Has a physical location in Kentucky with at least one (1) Kentucky resident employee working at the location on a regular basis. Registering with the Kentucky Secretary of State or appointing a registered agent in Kentucky does not establish a physical location in Kentucky for purposes of this definition;

(c) Is registered with the Kentucky Department of Revenue for collection of sales and use tax if required by law;

(d) Has a local Kentucky business license if required by law. The approved company shall be required to obtain a copy of the license from any Kentucky vendor if the total amount of purchases exceeds \$50,000 for the vendor during the period considered in the application and approval by the council; and

(e) Provides services rendered on set or within the Commonwealth and:

1. Is identified on the daily production reports; or

2. Can provide other reasonable evidence that these services were rendered within the Commonwealth.

(21)[(19)] "Negotiated" means an arm's-length transaction between two (2) or more parties who are unrelated and unaffiliated, and entered into voluntarily in an open market where the parties acted in their own self-interest.

(22)[(20)] "Non-resident" means any individual not meeting the definition of a "resident" under KRS 154.61-010(28)[(22)].

(23)[(24)] "Pass-through entity" is defined by KRS 141.010(28).

(24)[(22)] "Person" is defined by KRS 154.61-010(24)[(20)].

(25)[(23)] "Program" means the Kentucky Entertainment Incentive Program established by KRS 141.383, 154.61-020, and 154.61-030.

(26)[(24)] "Qualifying expenditure" is defined by KRS 154.61-010(25)[(21)].

(27)[(25)] "Qualifying Kentucky crew training program" means a training program offered in conjunction with a motion picture or entertainment production, as defined by KRS 154.61-010(20)[(18)], in partnership with:

(a) An accredited Kentucky educational institution;

(b) A local trade association; or

(c) A regional educational or trade association.

(28)[(26)] "Qualifying payroll expenditure" is defined by KRS 154.61-010(26)[(22)].

(29)[(27)] "Resident" is defined by KRS 154.61-010(28)[(23)].

(30) "Script" means the written text, synopsis, and visual storyboard of a motion picture or entertainment production, including dialogue, narration, scene descriptions, stage directions, character descriptions, and other written content that serves as the basis for the production.

Section 2. The provisions of this administrative regulation shall be applicable on or after ~~July 15, 2026~~July 1, 2025.

Section 3. Qualifying Payroll Expenditures under the Kentucky Entertainment Incentive Program.

(1) Qualifying payroll expenditures submitted to the Cabinet by an approved company shall only include those expenditures made in Kentucky for services performed in the Commonwealth by above-the-line production crew or below-the-line production crew.

(2) When submitting qualifying payroll expenditures for above-the-line production crew, an approved company shall demonstrate to the Cabinet that the employee's salary was negotiated prior to commencement of the production. Salaries paid to above-the-line production crew with a financial interest in the approved company shall be disclosed and accompanied by supporting documentation demonstrating the payroll expenditure was reasonable within market rates. Financial interest shall extend to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the approved company. Supporting documentation required under this subsection shall include:

(a) Disclosure of the total payroll expenditure related to the above-the-line production crew member for the project;

(b) A detailed description of the services performed in the Commonwealth, including dates; and

(c) Comparative rates from DGA, WGA, PGA, the International Brotherhood of Teamsters, or other nationally recognized union or guild, as applicable, demonstrating the claimed qualifying payroll expenditure aligns with standard industry rates.

(3) When submitting qualifying payroll expenditures made in the Commonwealth for services performed in the Commonwealth, an approved company shall demonstrate to the Cabinet that the employee rendered the service on-set or otherwise within the Commonwealth. Compensation for services conducted or rendered both in the Commonwealth and outside of the Commonwealth shall only qualify as a qualified payroll expenditure to the extent the service is physically rendered in the Commonwealth. If an approved company is unable to track the cost of the services physically rendered in Commonwealth, then some other reasonable method which approximates the cost of the services rendered in the Commonwealth may be used to determine the amount attributable to the Commonwealth subject to adjustment by the Cabinet.

(4) For purposes of qualifying payroll expenditures attributable to an employee's salary or compensation, the includable amount shall not exceed the employee's annual salary and compensation divided by 365 then multiplied by the number of days upon which the employee actually performed services within the Commonwealth directly in connection with the motion picture or entertainment production. The approved company shall identify and document the specific dates on which such services were performed. No day for which salary or compensation is claimed for a particular employee shall overlap with any day for which incentivization is sought for that same employee's salary or compensation in connection with any other motion picture or entertainment production.

(5) Failing to provide documentation as requested by the Cabinet shall result in expenditures being disqualified and the claimed qualifying payroll expenditure being excluded.

Section 4. Qualifying Expenditures under the Kentucky Entertainment Incentive Program.

(1) An approved company submitting qualifying expenditures to the Cabinet shall only include expenditures made in the Commonwealth for one (1) or more of the categories listed in KRS 154.61-010(25)(a)(1) through (9)~~KRS 154.61-010(21)(a)(1) through (9)~~.

(2) Expenditures shall be considered made in the Commonwealth if they are made to a Kentucky vendor.

(3) Expenditures shall not be considered to be made in the Commonwealth if those expenditures are paid to a Kentucky vendor acting as a conduit, waypoint, or pass-through entity solely to enable the purchases or rentals to qualify as qualifying expenditures. To the extent purchases or rentals of a tangible asset are from a Kentucky vendor and the tangible asset is of the type normally held in inventory in the ordinary course of the Kentucky vendor's business for purchase or rental in the Commonwealth,

then such expenditure may be treated as qualifying expenditures under this section.

(4) Expenditures made to persons with common ownership or a financial interest with an approved company shall be accompanied by supporting documentation demonstrating the expenditure was reasonable within market rates. Common ownership shall extend to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the approved company. Supporting documentation required under this subsection shall include:

(a) Disclosure of~~disclose~~ the total value of goods and services provided for the project as well as a breakdown of all the related party transactions;

(b) Detailed itemization and description of the services and goods included within the expenditure; and

(c) At least two (2) competitive bids from unrelated vendors within the motion picture or entertainment production's geographic region. [Common ownership shall extend to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the approved company.]

(5) Records submitted in support of a claimed qualifying expenditure shall contain sufficient detail to enable the Cabinet or office to verify the specific services, equipment, or facilities invoiced were directly utilized in connection with the motion picture or entertainment production. General descriptions, summary categories, or grouped charges that do not identify the specific services, equipment, or facilities provided shall result in the disqualification of the claimed qualifying expenditure.

(6) Goods, equipment, or other tangible assets purchased outside of the Commonwealth shall not qualify as qualifying expenditures unless such purchase is from a Kentucky vendor and described in subsection (3) of this section as a qualifying expenditure. [To the extent such goods, equipment, or other assets are included within the same invoice as other expenditures that may properly qualify under this section, that invoice shall have sufficient itemization for the Cabinet or office to exclude those out-of-state goods, equipment, or other assets. If an out-of-state vendor provides on-set services within the Commonwealth in conjunction with out-of-state goods, equipment, or other assets to be utilized in a motion picture or entertainment production, only the on-set services provided by the out-of-state vendor within the Commonwealth may qualify. Failure to separately itemize non-qualifying expenditures shall result in the disqualification of the entirety of the claimed qualifying expenditure.]

(7) For goods, equipment, or other tangible assets, the following shall apply:

(a) For office, production, post-production, or effects equipment, including computers, hardware, printers, and similar items, the qualifying expenditure shall be the lesser of the net cost after any resale proceeds or twenty (20) percent of the original purchase price.

(b) For all other assets with an original purchase price exceeding \$5,000, the qualifying expenditure shall be limited as follows:

1. If sold, the lesser of net cost after resale or twenty (20) percent of the original purchase price;

2. If retained, donated, or otherwise disposed of without sale, no more than twenty (20) percent of the original purchase price;

3. If destroyed as part of production, up to one hundred (100) percent of cost, provided sufficient documentation is maintained.

(c) For costumes, props, set pieces, and other non-fixed assets used in national touring productions of a Broadway show, only the portion of the cost attributable to use within the Commonwealth shall qualify, based on a reasonable allocation supported by production records and documentation.

(8) Failing to provide documentation ~~[if]~~ requested by the Cabinet shall result in expenditures being disqualified and the claimed qualifying expenditure being excluded.

Section 5. Application Requirements.

(1) Applicants seeking incentives under the program shall submit an Application for Kentucky Entertainment Incentive (KEI) to the Cabinet that includes:

(a) The name and address of the applicant;

- (b) Verification that the applicant is a Kentucky-based company;
- (c) The preliminary production script or a detailed synopsis of the script;
- (d) The locations where the filming or production will occur;
- (e) The anticipated date on which filming or production shall begin in Kentucky;
- (f) The anticipated date on which the applicant will complete incurring expenditures in Kentucky;
- (g) The total anticipated qualifying expenditures;
- (h) The total anticipated qualifying payroll expenditures for resident and nonresident above-the-line crew by county;
- (i) The total anticipated qualifying payroll expenditures for resident and nonresident below-the-line crew by county;
- (j) The address of a Kentucky location at which records of the production will be kept;
- (k) An affirmation that if not for the incentive offered under this subchapter, the eligible company would not film or produce the production in the Commonwealth;
- (l) Proof of funding for the project. An applicant shall provide documentation demonstrating a minimum of~~Proof shall demonstrate~~ fifty (50) percent [of funds raised through the following:]
 - ~~[1.] [IATSE Bonds, SAG Bonds, Completion Bonds;]~~
 - ~~[2.] [Payroll statements;]~~
 - ~~[3.] [Bank statements;]~~
 - ~~[4.] [Financing or funding contracts; or]~~
 - ~~[5.] [Commitment letters;]~~
- ~~[a.] [Demonstrate twenty-five (25) percent] of committed funds are held in an escrow account under the applicant's name identified as for the purpose of the motion picture or entertainment production by way of a[; and]~~
- ~~[b.] [Present a balance sheet and] letter from an accredited financial institution[; attorney, or accountant holding the funds]. **An acceptable letter under this subsection shall demonstrate that a minimum of fifty (50) percent of financing for the applicant's motion picture or entertainment production has been obtained or is available to the applicant company through a credit facility at the accredited financial institution. The letter may condition the availability or disbursement of the financing on the approval of the application by the council provided that it contains a commitment that, upon satisfaction of the condition, the financing funds will be made available to the applicant company for the specific motion picture or entertainment production. Notwithstanding the foregoing, for an applicant that has a market capitalization of \$1 billion (USD) or more, or where the applicant is owned directly or indirectly by a company that has a market capitalization of \$1 billion (USD) more, a letter from a corporate officer to the Cabinet that the applicant has sufficient financing to produce the film shall be sufficient to satisfy the requirements of this subparagraph.**~~
- (m) Whether the applicant has a distribution contract for the project and supporting plans and documentation regarding distribution;
- (n) Whether the applicant has previously received approval for incentives under the program, and, if so, specification of the year of the approval and amount of incentives received in each year. This information shall include incentives received by any other entity with common ownership or any individual with a financial interest in the applicant. Common ownership shall extend to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the applicant;
- (o) The number of resident and nonresident above-the-line and below-the-line production crew members included by the applicant, or any other entity with common ownership or any individual with a financial interest in the applicant, on a previous application. This information shall include:
 - 1. The date of the application;
 - 2. Whether the application was approved;
 - 3. The dates upon which the crew members were or are to be utilized; and
 - 4. Each crew member's role in the production;
- (p) Any deal memoranda between applicants and key personnel;

- (q) A detailed episode-by-episode synopsis and committed talent;
 - (r) A detailed breakdown of the project's budget including all estimated line items used to support claimed qualifying payroll expenditures and qualifying expenditures. All budget line items shall be reasonable and within market rates;
 - (s) A detailed explanation of timing of the production if there are commonly held or financially interested applicants with overlapping personnel; and
 - (t) Whether there are one (1) or more qualifying Kentucky crew training programs offered in conjunction with the project.
 - (2) The office shall review applications on a project basis. For purposes of this administrative regulation, a television program may consist of a pilot episode or an entire season of a series. A television program shall not be divided into individual episodes or groups of episodes for purposes of establishing separate projects.~~[Applicants shall submit a completed application no later than thirty (30) calendar days prior to the date upon which applicant seeks to have the application reviewed by the council.]~~
 - (3) Within ~~thirty (30)~~~~[twenty (20)]~~ calendar days of receiving an application, the office shall notify the applicant:
 - (a) That the office received the application;
 - (b) Whether, upon initial review, the applicant appears to meet the criteria of an eligible company or whether the office requires additional verification or documentation; and
 - (c) That either:
 - 1. Based upon the annual allocated funds for the program, enough uncommitted incentives remain in the program's calendar year to move forward with an economic analysis~~[; ranking of the application, and notification to the council];~~ or
 - 2. Based upon the remaining annual allocated funds for the program, the office will not move forward with the application.
- Section 6. Incentive Awards. To effectuate the purposes of the program set forth in KRS 154.61-020(1), the amount of incentive awards approved for all applicants in any single quarter of the calendar year~~[month]~~, not otherwise meeting the definition of continuous film production, shall be limited to no more than twenty-five (25) percent~~[\$10 million]~~ of the total annual tax credit cap under KRS 154.61-020(4). If the amount of incentive awards approved does not meet the twenty-five (25) percent~~[\$10 million]~~ limitation set forth in this subsection, the remainder shall carry forward to the subsequent quarter of the calendar year~~[month]~~. The council may elect to commit more than this quarterly~~[monthly]~~ allocation if a project:
- (1) Has anticipated qualifying expenditures and payroll expenditures that exceed this amount; and
 - (2) Commitment of incentives to the project is supported by the economic analysis set forth in Section 7 of this administrative regulation.
- Section 7. Economic Analysis.
- (1) The Cabinet shall conduct an economic analysis of each application.
 - (2) The analysis shall evaluate each application on the:
 - (a) Percentage of spend in the Commonwealth in relation to the total amount anticipated to be spent on a project, favoring a higher percentage of the total budget allocated within Kentucky;
 - (b) Relative percentage of total production costs associated with above-the-line and below-the-line production crew costs, favoring a higher percentage of below-the-line production crew;
 - (c) Percentage of project filming or production in heritage~~[enhanced-incentive]~~ counties, favoring a higher percentage of project filming or production in heritage counties;
 - (d) Number of anticipated employed Kentucky residents compared to the total above-the-line and below-the-line production crew, favoring a higher percentage of employed Kentucky residents;
 - (e) Amount of time filming or production will occur in Kentucky, favoring a higher number of days filming in Kentucky;
 - (f) Presence of a distribution contract, favoring the presence of a distribution contract with a streaming service with at least 25 million U.S. domestic subscribers, a cable television network available to at least 25 million U.S. domestic households, a U.S.

commercial broadcast network, or a contract for worldwide theatrical distribution:

(g) Percentage of funding secured, favoring fully secured funding;

(h) Total amount of incentives sought compared to the number of Kentucky-based above-the-line and below-the-line production crew members employed;

(i) Percentage of incentives sought attributable to non-Kentucky-based production crew members, favoring a lower percentage of incentives attributable to non-Kentucky-based production crew; [and]

(j) Previous participation in the program, favoring those applicants with a demonstrated record of success with the program; and

(k) Availability of one (1) or more qualifying Kentucky crew training programs offered in conjunction with the project.

(3) The Cabinet shall conduct an economic analysis of each application submitted under the program based upon the program's purposes set forth in KRS 154.61-020(1)(a) through (d). Analysis shall prioritize applications with more Kentucky-based jobs, committed funding, spend to Kentucky-based vendors and residents, qualifying Kentucky crew training programs, and overall economic benefit to Kentucky in relation to the total amount of proposed spend on a project or incentives sought by an eligible company.

(4) For a national touring production of a Broadway show produced in Kentucky in accordance with KRS 154.61-010(18)(a)2., the number of anticipated employed Kentucky residents identified in subsection (2)(d) of this section shall include the number of Kentucky-based jobs at the production's performance venue supported by the production.

(5) Applications scoring fewer than sixty (60) of the available points shall be denied for failing to have an economic analysis in support of the project.

(6) Upon completion of the project, submission of qualifying expenditures and qualifying payroll expenditures, and submission of a certified audit report[certification of eligible expenditures by an independent certified public accountant], the Cabinet may reduce the approved incentive amount to an approved company based upon the variation between the approved company's application for incentives and actual expenditures submitted to the Cabinet.

(6) Applications scoring higher than ninety (90) of the available points based upon a minimum combined total of \$7,500,000 in qualifying payroll expenditures and qualifying expenditures shall result in the application being designated as a high-impact motion picture or entertainment production.

Section 8. Certified audit. Any motion picture or entertainment production shall submit a certified audit to the Cabinet and office conducted in accordance with the Kentucky Entertainment Incentive Program Certified Audit Guidelines and all other applicable laws and regulations applicable thereto.

Section 9. Fees. Applicants seeking incentives under the program shall include with their application:

(1) A nonrefundable application fee in the amount of:

(a) \$250 if the total amount of qualifying expenditures and qualifying payroll expenditures is less than \$50,000;

(b) \$500 if the total amount of qualifying expenditures and qualifying payroll expenditures is between \$50,000 and \$100,000; or

(c) \$1,000 if the total amount of qualifying expenditures and qualifying payroll expenditures is more than \$100,000; and

(2) An administrative fee of one-half of one percent (0.5%) of the estimated amount of tax incentive sought or \$500, whichever is greater; and[-]

(3) A nonrefundable fee of \$2,000 for expenses incurred as a result of preparation of the tax incentive agreement.

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

(1) "Application for Kentucky Entertainment Incentive (KEI)", July 2026[September 2025], is incorporated by reference.

(2) "The Kentucky Entertainment Incentive Program Certified Audit Guidelines," July 2026, is incorporated by reference.

(3) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Economic Development, Mayo-Underwood Building, 500 Mero Street, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. or online at <https://kentucky.location.pro/incentive>[https://cedky.com/edn/1980-KEI_Application_9-2025_CED_Sample.pdf].

307 KAR 1:080E
JEFF NOEL, Secretary

APPROVED BY AGENCY: September 14, 2026
FILED WITH LRC: September 15, 2026 at 10:45 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

307 KAR 1:080E. Kentucky Entertainment Incentive Program (Effective July 15, 2026).

Contact Person: Matthew Wingate, Phone Number: (502) 782-1948, Email: matthew.wingate@ky.gov

Subject Headings: Economic Development, Loans and Credit, Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application, criteria, fee structure, certified audit, and economic analysis to evaluate applications for the Kentucky Entertainment Incentive Program pursuant to KRS 154.61-010 through 15.61-030.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to administer the Kentucky Entertainment Incentive Program and Kentucky Film Office as required by statute.

(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 application process and review criteria and requirements for the Kentucky Entertainment Incentive Program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing a framework for prioritizing applications based upon the purpose of the Kentucky Entertainment Incentive Program statutes.

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

(a) How the amendment will change this existing administrative regulation: This amendment provides additional safeguards to public funds by setting forth standard criteria for applications and including statutorily required audit guidelines.

(b) The necessity of the amendment to this administrative regulation: This amendment is required due to the passage of 2026 SB 324 during the 2026 Regular Session of the General Assembly, as codified in 2026 Ky. Acts ch. 194.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment updates the new definitions and requirements set forth in 2026 Ky. Acts ch. 194.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing a framework for prioritizing applications based upon the purpose of the Kentucky Entertainment Incentive Program statutes and the changes implemented in 2026 Ky. Acts ch. 194.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, it implements 2026 Ky. Acts ch. 194 (SB 324).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: the regulation will assist persons and entities applying for incentives under the Kentucky Film Office's statutory program, the Kentucky Entertainment Incentive Program.

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

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Regulated entities will be able to participate in the Kentucky Entertainment Incentive Program through the established process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): regulated entities applying for the Kentucky Entertainment Incentive Program will remit the fees as specified in 2026 Ky. Acts ch. 194 (SB 324).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants may become qualified for incentives under the Kentucky Entertainment Incentive Program where such incentives have been approved by the Kentucky Film Leadership Council.

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

(a) Initially: No expenses or an unknown amount will be incurred.

(b) On a continuing basis: No expenses or an unknown amount will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Pursuant to KRS 154.61-020, the total tax incentive amount of the Kentucky Entertainment Incentive Program is \$75,000,000. Sources of funding for staffing are provided from General Funds provided to the Cabinet and restricted funds from application fees as set by KRS 154.61-030(5) and two and one-half percent (2.5%) of the transient room tax collected pursuant to KRS 142.400, up to the maximum amount of five hundred thousand dollars (\$500,000) in each fiscal year, for the period beginning July 1, 2025, and ending June 30, 2028, as set by KRS 154.12-280(4) and modified by 2026 Ky. Acts 194 (SB 324).

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding will be necessary to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: this regulation establishes the fees set forth in KRS 154.12-280(3), 154.61-030(4)(s), and 154.61-030(5).

(10) TIERING: Is tiering applied? Tiering is not used as the application and fees apply to the same classes of individuals and entities.

FISCAL IMPACT STATEMENT

307 KAR 1:080E. Kentucky Entertainment Incentive Program (Effective July 15, 2026).

Contact Person: Matthew Wingate, Phone Number: (502) 782-1948, Email: matthew.wingate@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 154.12-280, 154.61-010, 154.61-020, and 154.61-030.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Economic Development, Kentucky Film Office, other agencies have not been identified.

(a) Estimate the following for the first year:

Expenditures: Expenditures will depend on the number of applications and projects submitted, which is currently unknown. As the Kentucky Entertainment Incentive program is already in place, no additional expenditures are anticipated.

Revenues: Revenues will depend on the number of applications and projects submitted, which is currently unknown. As the Kentucky Entertainment Incentive program, no additional revenues are anticipated.

Cost Savings: Cost will depend on the number of applications and projects submitted, which is currently unknown. As the Kentucky Entertainment Incentive program, no additional costs are

anticipated.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

(a) Estimate the following for the first year:

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include applicants to the Kentucky Cabinet for Economic Development's economic incentive programs.

(a) Estimate the following for the first year:

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The administrative regulation implements the application process and review criteria and requirements for the Kentucky Entertainment Incentive Program. The administrative regulation does not create a fiscal impact.

(b) Methodology and resources used to determine the fiscal impact: N/A.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate): The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.

(b) The methodology and resources used to reach this conclusion: This administrative regulation does not create a fiscal impact.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

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
(As Amended at ARRS, September 9, 2026)

13 KAR 2:140. Research consortiums.

RELATES TO: KRS 164.038, KRS 273.600(2)

STATUTORY AUTHORITY: KRS 164.038(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.038(6) requires the Council on Postsecondary Education to promulgate administrative regulations to administer the provisions of the statute, including ~~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 164.038, based on the general fund type, "endowment fund," defined by KRS 273.600(2).

(4) "Peer reviewer" means an individual with demonstrated research expertise who is selected to evaluate joint funding applications.

(5) "Peer review panel" means a panel of three (3) or more peer reviewers convened by council staff to conduct the review, as established in Section 5 of this administrative regulation, 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:

(1)(a) (4) Planned area of research and its impact on human quality of life advancements;

(2)(b) (2) Ability to innovate in the areas of medicine, health, or economic development;

(3)(c) (3) Ability to obtain other sources of funding to perform initial research;

(4)(d) (4) Potential to seek grant money from other sources in larger amounts;

(5)(e) (5) Potential future funding sources and amounts; and

(6)(f) (6) Implementation plan, including:

(a)(1) (a) The total proposed budget for the use of funds received through the endowed research fund for the initial five (5) year term;

(b)(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

(c)(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:

(1)(a) (4) The participation in the research consortium certified by the signature of the respective chief executive officers and a designated point of contact and contact information for each participating eligible postsecondary institution;

(2)(b) (2) A narrative addressing each metric established/set forth in Section 3 of this administrative regulation;

(3)(c) (3) A response to any other funding proposal criteria as determined by the council;

(4)(d) (4) A statement of assurances that statutory requirements shall be satisfied as established/set forth in KRS 164.038; and

(5)(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 joint funding application reviewed by the peer review panel.

(3) The peer review panel shall review, score, and rank each joint funding application on the extent to which the joint funding application complies with/meets the metrics established/set forth in Section 3 of this administrative regulation.

(4) The peer review panel shall submit to the council the peer review panel's/rankings of the joint funding applications and a narrative to support that ranking.

(5) The council shall:

(a) Review the submission of the peer review panel; and

(1) The Council shall review and rank each completed and timely submitted funding application on the extent to which the application meets the metrics set forth in Section 3 of this administrative regulation.]

(2) Once the funding applications are evaluated and ranked, the Council]

(b) [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 stating/outlining the responsibilities of the parties, including for example, but not limited to the

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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).

FILED WITH LRC: September 9, 2026

CONTACT PERSON: Cassie Trueblood, Deputy General Counsel, 100 Airport Road, Second Floor, Frankfort, Kentucky 40601, 502.892.3696, 502.573.1535, and cassie.trueblood@ky.gov.

REGISTRY OF ELECTION FINANCE
(As Amended at ARRS, September 9, 2026)

32 KAR 2:200. Allowable campaign expenditures.

RELATES TO: KRS 119.205(5), 121.015, 121.150, 121.175

STATUTORY AUTHORITY: KRS 121.120(1)(g), 121.175(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 121.175(4) ~~as amended by the General Assembly in extraordinary session in 1993;~~ requires the Registry of Election Finance to promulgate administrative regulations to implement and enforce provisions for specifically define those expenditures that may lawfully be made from a candidate's, committee's, or contributing organization's campaign account. This administrative regulation establishes allowable expenditures from a candidate's, committee's, or contributing organization's campaign account. It is therefore necessary to promulgate this administrative regulation so that the agency may fulfill its statutory mandate.

Section 1. Allowable Expenditures. In addition to the general categories of allowable campaign expenditures established in KRS Chapter 121 provided by law, the following expenditures shall be ~~considered~~ allowable:

(1) Expenditures made or items donated to charitable and civic organizations such as clubs, neighborhood organizations, schools, and churches, ~~if provided that~~ the expenditure furthers ~~the~~ a candidacy through advertising;

(2) Expenditures for items of personal property bearing the name or likeness of the candidate in a conspicuous manner for distribution by or on behalf of the ~~a~~ candidate and that shall be ~~which are~~ distributed for the purpose of furthering the advertising that individual's candidacy. These items include, for example, ~~but are not limited to,~~ hats, shirts, calendars, magnets, holiday greeting cards, and similar items. ~~The purchase of tickets for general distribution for the purpose of influencing an election, either directly or indirectly, shall not be allowed under the subsection;~~

(3) Reasonable expenditures for services such as distribution of campaign literature, staff services, and similar services ~~that~~ which are primarily and directly related to the ~~individual's~~ a candidacy;

(4) In accordance with KRS 119.205(5), expenditures for the purchase of transportation services, including ~~but not limited to~~ the transportation of voters to the polls, ~~if provided that~~ the expenditures are reasonable in light of the number of persons transported, mileage driven, and time spent. All transportation expenditures shall be primarily and directly related to the candidacy of the individual on whose behalf the expenditures are made;

(5) Expenditures for tickets to political and other events to be attended by the candidate, the candidate's ~~the candidate, his~~ spouse, or a campaign staff representative, and from which the candidate derives a direct benefit to the ~~his~~ candidacy. The burden shall be on the candidate to prove to the registry that representation at the event provided a direct benefit to the ~~his~~ candidacy;

(6) The purchase of American, state, or other flags ~~that~~ which are donated to schools, civic, or charitable organizations;

(7) The purchase or rental of items such as cellular telephones, copiers, computers, automobiles, facsimile machines, and similar items. Only that use attributable to the campaign may be paid for with campaign funds, and the burden shall be on the candidate to prove that an expenditure is allowable under this subsection. ~~;~~

(8) The purchase of food and drink to be served at an event directly related to the candidacy ~~of the individual on whose behalf the expenditures are made;~~

(9) Expenditures made or items donated for a door prize that anyone who is attending the event has the opportunity to win if the ~~an~~ event is directly related to the candidacy ~~of the individual has the opportunity to win;~~ and

(10) Expenditures made or items donated for a silent auction-type fundraising event if the ~~where~~ items are bid on independently for the purpose of raising funds to directly benefit the candidacy ~~campaign account~~.

Section 2. Unlawful Campaign Expenditures. In addition to the expenditures expressly prohibited by KRS Chapter 121 and Section 1 of this administrative regulation ~~specifically prohibited by law~~, the following categories of campaign expenditures shall not be ~~considered~~ allowable expenditures from a campaign account:

(1) Payment of dues to professional, civic, or other organizations to which the individual belongs or desires to join, unless membership in the organization provides the candidate with a direct benefit to the ~~his~~ candidacy. The burden shall be on the candidate to prove to the registry that membership in the organization provided a direct benefit to the ~~his~~ candidacy;

(2) Expenditures made to defray the costs associated with an individual's performance of his ~~official~~ duties as an officeholder, except for those ~~otherwise~~ expressly allowed ~~permitted~~ in KRS 121.175. ~~;~~

(3) Expenditures for food and drink to be served at events unrelated to the ~~individual's~~ candidacy;

(4) The purchase of tickets for general distribution for the purpose of influencing an election, either directly or indirectly;

(5) Except as established in KRS 121.150(1), expenditures for items of personal property for distribution by or on behalf of the ~~a~~ candidate that do not advertise nor promote the ~~that individual's~~ candidacy; and

(6) ~~(5)~~ Expenditures made or items donated to hold a raffle or other game of chance that ~~which~~ require a person to pay for the chance to win a prize.

Section 3. If the registry staff, in the course of reviewing a candidate's, committee's, or contributing organization's ~~or incumbent's~~ campaign finance statements, determines that a questionable expenditure has been made, whether or not the expenditure was made during an election year, the burden shall be on the candidate, committee, or contributing organization ~~or incumbent~~ to prove that the expenditure was directly and primarily related to the ~~a~~ his ~~his~~ candidacy.

FILED WITH LRC: September 9, 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.

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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.

**FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(As Amended at ARRS, September 9, 2026)**

103 KAR 28:051. Leases and rentals.

RELATES TO: KRS 138.460, 138.463, 139.010, 139.105, 139.200, 139.210, 139.270, 139.280, 139.290, 139.310, 139.330, 139.340, 139.430, 139.471, 139.484, 139.600, 139.620

STATUTORY AUTHORITY: KRS 131.130(1), 139.710
NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(1) authorizes the department to make administrative regulations for the administration and enforcement of all tax laws in this state, and KRS 139.710 requires the department to administer the provisions of KRS Chapter 139, regarding sales and use taxes. This administrative regulation sets forth requirements for leases and rentals of tangible personal property or digital property relating to the sales and use tax law.

Section 1. Definitions.

(1) "Department" is defined by KRS 139.010(7)/~~139.010(6)~~.

(2) "Extended warranty services" is defined by KRS 139.010(16)/~~139.010(15)~~.

(3)/(4) "Primary property location" means the location as indicated by an address for the property provided by the lessee that is available to the lessor from the lessor's records maintained in the ordinary course of business, if use of this address does not constitute bad faith. This location shall not be altered by intermittent use of the property at different locations.

(4)/(2) "Transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of 10,001 pounds or greater, trailers, semi-trailers, or passenger buses that are:

1. Registered through the International Registration Plan; and

2. Operated under authority of a carrier authorized and certificated by the U.S. Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(c) Aircraft that are operated by air carriers authorized and certificated by the U.S. Department of Transportation or another federal authority or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; and

(d) Containers designed for use on and component parts attached or secured on the items set forth in paragraphs (a) through (c) of this subsection.~~[section:]~~

Section 2. Registrants.

(1) A person engaged in leasing or renting tangible personal property or digital property for use in Kentucky shall be ~~[is]~~ a retailer and shall:

(a) Complete a "Kentucky Tax Registration Application", Revenue Form 10A100; and

(b) Report and pay the applicable tax derived from the gross lease or rental receipts utilizing the "Sales and Use Tax Return", Revenue Form 51A102.

(2) Each period for which a lease or rental is payable shall be considered a complete transaction in determining a retailer responsible for the tax pursuant to ~~[in accordance with]~~ KRS 139.010.

Section 3. Gross Receipts.

(4) Gross receipts from the lease or rental of tangible personal property or digital property shall include:

(1)/(a) The total amount of payments, or consideration received by the lessor from the lessee;

(2)/(b) Payments paid by the lessee to a third party for the benefit of the lessor that/which are required by the terms of the agreement; ~~and~~

(3)/(c) All itemized charges for costs incurred by the lessor and passed on to the lessee as separate charges in the lease or rental agreement including finance or interest charges, property tax, and insurance charges; ~~and~~ ~~[-]~~

(4) Charges for extended warranty services if included as part of the lease agreement or sold separately.

(2) [Charges by a lessor to a lessee for a separately-executed maintenance agreement, which is not a part of the lease or rental agreement, shall not be subject to tax.]

Section 4. Tax Responsibility.

(1) The retailer or lessor/~~retailer/lessor~~ leasing or renting tangible personal property or digital property within Kentucky shall be required to collect the sales tax from the customer or lessee/~~customer/lessee~~.

(2) Every out-of-state retailer leasing or renting tangible personal property or digital property for storage, use, or other consumption in this state shall be required to collect the use tax from the purchaser and remit the tax on gross lease or rental receipts to the department/~~Department of Revenue~~.

(3) The lessee's responsibility for the use tax shall not be relieved until payment of the amount due has been made to the department/~~Department of Revenue~~ or to a retailer or lessor/~~retailer/lessor~~ authorized to collect the Kentucky tax.

Section 5. Resale.

(1) A lessor may claim a resale exemption for tangible personal property or digital property purchased exclusively for lease or rental.

(2) Parts and accessories purchased by the lessor that/which become part of the leased or rented property may also be purchased under a resale exemption. However, property purchased by a lessee to maintain leased or rented property of a lessor shall be subject to the sales and use tax.

(3) Tangible personal property or digital property purchased for resale without payment of the tax and to be utilized exclusively for lease or rental, and so used, but subsequently used by the retailer or lessor/~~retailer/lessor~~ for some purpose other than lease or rental shall become subject to tax upon this subsequent use. The tax shall be measured by purchase price of the property and shall be in addition to the tax due on the lease or rental receipts.

(4) Tangible personal property or digital property purchased in part for lease or rental and in part for use shall not be purchased from a seller or retailer under a resale exemption and shall be subject to tax.

(5) A retailer who purchases tangible personal property or digital property for outright sale, but, while holding the property in the retailer's inventory, makes use of the property in the retailer's business through lease or rental shall be responsible for the applicable tax to the lease or rental receipts.

(6) Tangible personal property or digital property purchased by a retailer engaged exclusively in leasing or renting the property may be eligible for a deduction from the retailer's gross lease or rental receipts for an amount equal to the purchase price of the property used exclusively for lease or rental if the retailer has paid the sales or use tax applicable to the purchase price of the property.

Section 6. Lease with an Exemption Certificate. A lessor of tangible personal property or digital property shall not include within the measure of the tax gross receipts from a lease or rental if the lessor takes from the lessee a fully completed certificate of exemption as evidence that the property leased will be used in an exempt manner under the sales and use tax law.

Section 7. Motor Vehicles.

(1) The lease or rental of motor vehicles, which are for use on the public highways and upon which any applicable tax levied under KRS 138.460 or KRS 138.463 has been paid, shall not be subject to the sales or use tax.

(2) Motor vehicles, which are not subject to the motor vehicle usage tax established in KRS 138.460 or the U-Drive-It tax,

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established in KRS 138.463, shall be subject to the sales and use tax unless another applicable exemption applies.

Section 8. Reciprocity.

(1) The sales and use tax law shall provide for credit against any Kentucky use tax for state sales tax paid in another state that/which imposes a sales tax substantially identical to that of Kentucky.

(2) Out-of-state lessors who have collected sales tax on a lump-sum basis for their state shall be able to receive credit for the amount paid to that other state up to the amount due to Kentucky.

(3) Kentucky shall tax any excess lease or rentals, relating to the lump-sum tax amounts.

(4) Reciprocity shall apply to any tax due to Kentucky on lease or rental receipts only if the reciprocal state has levied and is legally due the sales or use tax paid on the lease or rental receipts.

Section 9. Lease of Real, Tangible, Digital and Intangible Property.

(1) If lease or rental activity involves the lease or rental of real property, in combination with tangible personal property, digital property or intangible property, as in the lease or rental of a business operation or establishment, the total amount of the lease or rental shall be subject to the sales and use tax unless the amount applicable to the tangible personal property or digital property is separately stated.

(2) The amount separately stated for the tangible personal property and digital property shall not be less than the fair market lease or rental value for like property for a like rental or lease period.

(3) The lease or rental of tangible personal property and digital property between separate entities owned by the same or similar stockholders shall be subject to the tax unless otherwise exempted by the sales and use tax law.

(4) The tax shall be levied on the lease or rental amount charged or the fair market lease or rental amount, whichever is greater.

Section 10. General Sourcing Rules.

(1) The lease or rental of tangible personal property or digital property, other than property identified in subsection (5) of this section, shall be sourced pursuant to~~according to the provisions of~~ KRS 139.105(1).

(2) For a lease or rental that requires recurring periodic payments, the first periodic payment shall be sourced as follows pursuant to~~according to the provisions of~~ KRS 139.105(1). Periodic payments made subsequent to the first payment shall be sourced to the primary property location for each period covered by the payment. The primary property location shall not be altered by intermittent use at different locations. Intermittent use shall include business property that accompanies employees on business trips and service calls.

(3) For a lease or rental that does not require recurring periodic payments, the payment shall be sourced the same as a retail sale pursuant to~~in accordance with the provisions of~~ KRS 139.105(1).

(4) This subsection shall not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

(5) The lease or rental of motor vehicles, trailers, semi-trailers, or aircraft that do not qualify as transportation equipment shall be sourced as follows:

(a) For a lease or rental that requires recurring periodic payments, each periodic payment shall be sourced to the primary property location.

(b) For a lease or rental that does not require recurring periodic payments, the payment shall be sourced pursuant to~~in accordance with the provisions of~~ KRS 139.105(1).

(c) This subsection shall not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

Section 11. Forms. The forms listed within this administrative regulation may be inspected, copied, or obtained, subject to applicable copyright law:

(1) At the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40620;

(2) At a Kentucky Taxpayer Service Center; or

(3) On the ~~department's~~department ~~website~~Web site at www.revenue.ky.gov~~http://revenue.ky.gov~~.

FILED WITH LRC: September 9, 2026

CONTACT PERSON: Gary Morris, Executive Director, Office of Tax Policy and Regulation, Department of Revenue, 501 High Street, Station 1, Frankfort, Kentucky 40601, (502) 564-0424 (telephone), (502) 564-3875 (fax), DORTAXPOLICY@ky.gov (email).

BOARDS AND COMMISSIONS

Board of Licensure for Professional Engineers and Land Surveyors

(As Amended at ARRS, September 9, 2026)

201 KAR 18:120. Replacement of~~Reissuance of~~ license certificates and business entity permit certificates.

RELATES TO: KRS 322.170

STATUTORY AUTHORITY: KRS 322.170(1), KRS 322.290(4)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Licensure for Professional Engineers and Land Surveyors is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.170 authorizes the board to issue~~reissue~~ licenses and business entity permits to replace any license or business entity permit that was lost, destroyed, or mutilated. KRS 322.290(4) requires~~authorizes~~ the board to promulgate administrative regulations necessary for the proper performance of its duties. This administrative regulation establishes the procedure for obtaining replacement license certificates~~reissuance of licenses~~ and replacement business entity permit certificates~~permits~~ in the event of the loss, destruction, or mutilation of the original, and obtaining replacement license certificates and replacement business entity permit certificates in the event of an official name change.

Section 1. Replacement license certificate or business entity permit certificate due to loss, destruction, or mutilation~~Reissuance of License~~. To obtain a replacement license certificate or business entity permit certificate due to the loss, destruction, or mutilation of the original, a licensed professional engineer or professional land surveyor or a business entity holding a valid business entity permit to engage in the practice of engineering or land surveying in the Commonwealth of Kentucky The fee charged for the reissuance of a license or permit shall be as set out in 201 KAR 18:040. A replacement license or permit shall:

(1) Request a replacement license certificate or business entity permit certificate from the board Bear the signatures of the current chairman; and

(2) Submit to the board the reissuance fee, as required by 201 KAR 18:040~~Secretary-treasurer of the board and shall be identified as a replacement certificate~~.

Section 2. Replacement license certificate due to official name change of a licensee. To obtain a replacement license certificate due to an official name change of a licensee, a professional engineer or professional land surveyor who is licensed in the Commonwealth of Kentucky shall:

(1) Request a replacement license certificate in the licensee's new name from the board;

(2) Submit to the board a legal document that authorizes the name change, such as an updated passport, driver's license, marriage certificate, divorce decree, or court order showing the new name; and

(3) Submit to the board the reissuance fee, as required by 201 KAR 18:040.

Section 3. Replacement business entity permit certificate due to official name change. To obtain a replacement business entity permit certificate due to an official name change of a business entity, a business entity holding a valid business entity permit to engage in the practice of engineering or land surveying in the Commonwealth of Kentucky shall:

(1) Request a replacement business entity permit certificate in the business entity's new name from the board;

(2) Submit to the board a legal document that demonstrates the name change, such as corporate minutes or a filing with a Secretary of State showing the new business entity name; and

(3) Submit to the board the reissuance fee, as required by 201 KAR 18:040.

Section 4. Replacement license certificates and replacement business entity permit certificates issued by the board pursuant to this administrative regulation shall bear the board's seal and the signatures of the current chair of the board and secretary-treasurer of the board.

FILED WITH LRC: September 9, 2026

CONTACT PERSON: Jake R. Miller, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone: (502) 573-2680, facsimile: (502) 573-6687, email: jake.miller@ky.gov.

BOARDS AND COMMISSIONS
Board of Licensure for Professional Engineers and Land Surveyors
(As Amended at ARRS, September 9, 2026)

201 KAR 18:150. Standards of practice for professional land surveyors.

RELATES TO: KRS 322.290[(1)(a), (2)(f)]

STATUTORY AUTHORITY: KRS 322.290(4), (12)[KRS 322.290(2)(f)]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Licensure for Professional Engineers and Land Surveyors is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290[(1)(a)] authorizes the board to administer KRS Chapter 322. **KRS 322.290(4) requires the board to promulgate administrative regulations reasonably necessary for the proper performance of its duties.** RS 322.290(12)[KRS 322.290(2)(f)] requires the board to adopt appropriate[establish] standards of practice. This administrative regulation establishes standards of practice for professional land surveyors in Kentucky.

Section 1. Definitions.

(1) "Boundary" means the perimeter of a parcel or tract of land.

(2) "Boundary survey" means a survey to:

(a) Determine either the entire perimeter of a parcel or tract of land, or a portion of the perimeter of a parcel or tract of land;

(b) Establish or reestablish a parcel or tract of land's corner(s) or monument(s); or

(c) Divide or consolidate the parcels or tracts of land surveyed.

(3) "Completion Date of Survey" means the last date when all the monuments were either found or set for the boundary[plat-of] survey[-area].

(4) "Corner" means a point that designates a change in the direction of the boundary.

(5) "Field work" means that work performed by a land surveyor on the ground in connection with the parcel or tract being surveyed.

(6) "GIS" means Geographic Information System and is any system that captures, stores, analyzes, manages, and presents data that are linked to a land location and is the merging of cartography and database technology.

(7) "GNSS" means Global Navigation Satellite Systems. The standard [generic] term for satellite navigation systems that provide autonomous geo-spatial positioning with global coverage.

(8) ~~["GPS" means the United States NAVSTAR Global Positioning System, a space-based global navigation satellite system]~~ that when used in conjunction with suitable GPS receivers and processing software, provides reliable location information to the level of precision specified in this administrative regulation, in all weather and at all times and anywhere on the earth where there is an unobstructed line of sight to four (4) or more GPS satellites][.]

~~[(9)] ["Meander point" means a survey point]~~ [or station] [marking a change in direction along a linear feature such as a watercourse, ridge, road, or cliff.]

~~[(10)]~~ "Monument" means an artificial, manmade, or natural object that is used as, or presumed to occupy, any of the following locations:

(a) A boundary[property] corner;

(b) A point on the boundary; or

(c) A reference point.

~~[(9)]~~[(11)] "Plat" means any representational drawing created by a land surveyor reflecting work falling within the definition of land surveying.

~~[(10)]~~[(12)] "Plat of survey" means a finished drawing of a completed survey of a parcel or tract of land, used to depict the final results of a boundary survey[, drawn on a dimensionally stable media suitable for reproduction of copies].

~~[(13)]~~ ["Point on Line" means a point on a boundary line other than a corner.]

~~[(11)]~~[(14)] "Reference monument" means a monument:

(a) That does not occupy the same defined position as a boundary[property] corner; [and]

(b) That is to be set on line unless physically impractical; and

~~[(c)]~~[(b)] Whose relationship to the corner of the boundary[property] is established by bearing and distance to the actual corner.

~~[(12)]~~[(15)] "Relative Positional Accuracy" means the value expressed in feet that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the ninety-five (95)[95] percent confidence level.

~~[(13)]~~[(16)] "Retracement survey" means a boundary survey of an existing parcel or tract of land.

~~[(14)]~~[(17)] "Survey description" means a metes and bounds description of a survey of a parcel or tract of land.

Section 2. Application.

(1) Boundary surveys. The standards of practice established in Sections 1 through 12 of this administrative regulation:

(a) Shall apply to the work product related to:

1. Boundary surveys used for the purpose of creating, depicting, or locating interests in land;

2. Partial surveys;

3. Boundary surveys of leases; and

4. Survey[Deed] descriptions prepared[written] by a professional land surveyor[surveyors];

(b) Shall be the minimum standards of practice for a professional land surveyor; and

(c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:

1. An agency;

2. An owner;

3. A contract; or

4. The professional land surveyor.

(d) Shall not apply to surveys to determine or define political areas including historical, school, fire, voting, utility or magisterial districts, municipal or county limits, or governmental permit limits.

(2) Land surveying work other than boundary surveys. The standards of practice established in Sections 1, 2, 3, and 13 of this administrative regulation:

(a) Shall apply to the work of the professional land surveyor falling within the definition of land surveying, but not falling within the definition of a boundary survey;

(b) Shall be the minimum standards of practice for a professional land surveyor for that work; and

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(c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:

1. An agency;
2. An owner;
3. A contract; or
4. The professional land surveyor.

Section 3. Compliance.

(1) Failure to comply with this administrative regulation shall constitute misconduct, gross negligence, incompetence, or a combination of these violations in the practice of professional land surveying.

(2) A professional land surveyor shall not represent that:

- (a) A boundary survey determines land ownership; or
- (b) A boundary survey provides more than evidence of rights in land; or
- (c) Land ownership can be established by any survey.

Section 4. Actual Boundary Survey.

(1) The marks and monuments on the ground as found and verified, or as set by a professional land surveyor shall constitute the actual boundary survey.

(2) Any plat of survey shall accurately represent the actual boundary survey.

(3) Record research and field work required by the provisions of this administrative regulation:

- (a) Shall be used by a professional land surveyor to determine the location of the boundary [of the property] to be surveyed; and
- (b) Shall not be used by a professional land surveyor to determine ownership or title.

Section 5. Record Research. In performing a boundary survey, a professional land surveyor shall conduct research to obtain and evaluate the following:

(1) The present and relevant historical record descriptions of:

- (a) Each parcel to be surveyed; ~~and~~
- (b) Each adjoining parcel; ~~and~~
- (c) Each adjoining right of way, both public and private.

(2) The description of the physical monument that represents each boundary[~~property~~] corner;

(3) All other relevant documents of record including deeds and prior plats and surveys;

(4) All other relevant public agency records including tax maps, GIS maps, and topographic maps; and

(5) Any other available data or documents pertinent to the boundary survey.

Section 6. Field Work. A professional land surveyor shall thoroughly:

(1) Search for the physical monuments that represent each boundary corner;

(2) Search for other physical monuments set out in the description of the parcel or tract of land being surveyed;

(3) Gather, analyze, and document evidence of occupation and physical evidence;

(4) Gather, analyze, and document relevant parol evidence; and

(5) Compare evidence discovered by field work, with that discovered by record research, to determine or reestablish the boundary of the tract or parcel of land being surveyed.

Section 7. Measurement Specifications.

(1) Every measurement made as a part of a boundary survey shall comply with the following:

(a) The standards for accuracy and precision established by the provisions of this section; or

(b) Standards for accuracy and precision that exceed the standards established by the provisions of this section but are:

1. Requested by the client;
2. Required by contract;
3. Required by the agency or entity to which the plat of survey is to be presented; or
4. Deemed desirable or necessary by the land surveyor.

(2) A professional land surveyor shall conduct measurements with instruments and equipment that are properly:

- (a) Adjusted;

(b) Maintained; and

(c) Calibrated to meet the appropriate tolerance required for the classification of survey as specified in subsection (5) of this section.

(3) A boundary survey shall be conducted utilizing a method of measurement that achieves the appropriate minimum tolerance specified in subsection (5) of this section.

(4) A boundary survey for platting or describing a parcel or tract of land shall be classified as Urban or Rural["Urban" or "Rural"].

(a) An Urban survey shall:

1. Consist of urban or suburban land; and
2. Include a parcel or tract of land lying within, or adjacent to:
 - a. A city or town limit;
 - b. A commercial business area;
 - c. An industrial area; or
 - d. A residential area that is outside a city or town limit and contains subdivided lots smaller than five (5.0) acres.

(b) A Rural survey shall apply to all land not classified as ["Urban"].

(5) Table of Specifications by Class: Classification of Surveys.

	Urban	Rural	Remarks
Unadjusted Closure (Minimum)	1:10,000	1:5,000	Loop or Between Control Monuments
Angular Closure (Maximum)	15" N	30" N	N = Number of Angles in Traverse
Accuracy of Distances	+/- 0.07[5]' + 50[400] PPM	+/- 0.10' + 200 PPM	100PPM=1:10,000
Relative Positional Accuracy	+/- 0.07[5]' + 50[400] PPM	+/- 0.10' + 200 PPM	<u>Maximum Allowable at the 95% Confidence Level</u>

Section 8. Global Navigation Satellite System[Positioning Systems].

(1) It shall be acceptable practice to incorporate the use of survey grade GNSS[GPS] equipment into any boundary survey. The accuracy and precision of all measurements made with that equipment shall, at a minimum, meet all other accuracy and precision standards required otherwise by law or rules under Section 7(5) of this administrative regulation. If using GNSS[GPS] equipment in the course of a boundary survey, the professional land surveyor shall state on the face of the plat of survey, the following:

(a) A note stating what portion (or all) of the boundary survey was performed using GNSS[GPS] equipment;

~~[(b)] [The type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used;]~~

~~[(b)][(e)] The type of GNSS[GPS] survey that was performed[; including static, real time kinematic ("RTK"), network-adjusted real time kinematic, etc.];~~

~~[(c)][(d)] A note that discloses the actual precision of the GNSS[GPS] work done, either in relative positional accuracy[;] or vector closure[;]~~

~~[(d)][(e)] A statement identifying the horizontal datum, the vertical datum, and the Geoid model used; and~~

~~[(e)] Coordinates of at least one (1)[of a] boundary corner to the accuracy of the boundary survey, unless stated otherwise, on the identified datum required by subsection [Section 8](1)(d) of this section [administrative regulation].~~

(2) The professional land surveyor shall ~~[at a minimum]~~ retain adequate documentation ~~of all[; in either paper or electronic format, of raw field data, adjustment calculations and closure, or relative positional accuracy] calculations and[or] computations necessary to support the accuracy and precision of the work product.~~

Section 9. Monumentation.

(1) Monumentation standards established in this section shall apply to all boundary surveys. ~~[-:]~~

(2) Unless an adequate monument already exists at each boundary corner, a professional land surveyor shall set a monument or a reference monument at each corner of the boundary as provided in this section.

(3) A monument or reference monument set by a professional land surveyor shall conform to the following categories and shall meet the following criteria:

(a) "Typical and Preferred" – an iron rod, iron pipe, or iron pin that is:

1. Not less than one-half (1/2) inch in diameter and eighteen (18) inches in length;
2. Equivalent to, or greater than, schedule-forty (40) weight if pipe is utilized; and
3. Identified with a cap bearing the license number of the professional land surveyor under whose direct supervision the survey was performed, and which cap does not display any other professional land surveyor's license number.

(b) "Non-typical" – to be used only when it is not practical to set the monuments described in paragraph[subsections] (a) of this subsection, and that:

1. ~~Contains~~[Preferably contains] a ferrous material or is otherwise capable of being located with a magnetic locator, and shall[may] include ~~P-, K-, or mag-~~nails at least three eighths (3/8) inch in shaft diameter and at least three (3) [one 1 1/2 and one-half] inches in length; and
2. Is identified with the license number of the professional land surveyor under whose direct supervision the survey was performed[;] and does not display any other professional land surveyor's license number.

(c) "Alternate" – to be used only when it is not practical to set the monuments described in paragraphs[subsections] (a) and (b) of this subsection and may include nails, railroad spikes, mine spikes, cross-cuts, chisel cuts, drill holes, and curb notches, and shall be referenced to a durable, physical feature.

(4) The location of a[A] boundary corner shall be perpetuated[identified] by a reference monument if it is impractical to set a monument at the corner for either of the following reasons:

- (a) The corner is likely to be disturbed; or
- (b) The corner is inaccessible.

(5) A reference monument shall be set on the boundary line[;] if practical[practicable, to perpetuate the location of each corner].

(6) A professional land surveyor shall set each monument in a manner to avoid or minimize the likelihood of its destruction.

(7) A professional land surveyor may use a tree as a monument under the following conditions:

(a) A tree ~~[may be established as a boundary corner or found to occupy the position of a record corner]~~[monument only on a Rural boundary survey. Each tree utilized as a monument] shall be marked in a conspicuous manner that is both physical and permanent and shall[will] not otherwise be harmful to the tree.

(b) A tree that a professional land surveyor establishes as a corner monument shall meet the following criteria:

1. Be at least ten (10) inches in diameter at breast height;
2. Be in sound condition;
3. Be marked in a conspicuous manner that is both physical and permanent; and

4. Be clearly described by size, species, and method of marking, on the plat and in the survey[written] description.

(c) For a Rural survey for which trees[Trees shall not] constitute more than fifty (50) percent of the boundary corners, reference[established] monuments shall be set so[such] that no more than fifty (50) percent of the boundary corners are perpetuated by only a tree with no reference monument[for a rural boundary survey].

(d) For an Urban[urban retracement] survey for[in] which a tree is established as the boundary corner or found to occupy the position[be the monument] of a record corner, a reference monument shall be set to perpetuate the location of the boundary corner[the tree shall be reference-monumented].

(8) If[A corner monument that] a professional land surveyor has determined that a boundary corner monument is not of sound condition, fails to meet the standards established in this administrative regulation, or is inadequate under the definition of monument within this administrative regulation, a reference

monument shall be set[reference-monumented] to perpetuate the location of the boundary corner[location]. All existing record monuments discovered during the performance of the survey shall be preserved and shall not be altered or destroyed.

(9)

~~[(a)]~~ Linear monuments may consist of a watercourse, ridge, road, or cliff, and:

~~(a)~~[(b)]

~~[1.]~~ The point at which a boundary line intersects a linear monument shall be monumented or perpetuated by a reference monument[monumented]; and

~~(b)~~[2.] A physical feature that represents a linear monument shall be monumented or perpetuated by a reference monument[monumented] at a minimum of every 1,000 feet[; and those monuments shall be set in intra-visible pairs not to exceed 1,000 feet in spacing between pairs].

(10) All monumentation shall be set prior to the time the plat of survey[; or record plat] is certified[issued] by the professional land surveyor. The signing and sealing of a plat of survey [plat] is certification by the professional land surveyor that all corners shown on the plat are set on the ground.

Section 10. Documentation of Boundary Surveys.

(1) A plat of survey shall be required to be given to the client when the professional land surveyor[does any of the following]:

(a) Performs a boundary survey which divides or consolidates parcels or tracts of land[Surveys a new boundary line]; or

(b) Performs a retracement survey and determines the found monuments[Retraces the boundary lines of a previously established boundary; or]

1. Do not match those depicted in the record survey description or plat; or

2. Do not meet the measurement specifications described in Section 7(5) of this administrative regulation.

~~[(c)]~~ [Determines that the current physical description or plat does not accurately depict the actual conditions found during the course of performing the survey;]

(2) A professional land surveyor shall retain as permanent records the original plat of survey prepared by the land surveyor, or a copy thereof, and a copy of any new survey[physical] description that was prepared from the survey.

(3) A professional land surveyor shall retain as permanent records the following items used to perform a boundary survey:

(a) Research documents including notations stating the source of each;

(b) Field and office notes;

(c) Digital[Electronic and magnetically stored] field data;

(d) Documents of calculation stating the:

1. Relative positional accuracy or closure as required by Section 7 of this administrative regulation;

2. Adjustment method; if any; and

3. [Bearing reference datum; and]

[4.] Determination of corners;

~~(e)~~ [Plat of survey and written description, if any, of the surveyed parcel or tract of land;]

~~[(f)]~~ All other pertinent information necessary to reproduce the boundary survey; and

~~(f)~~[(g)] All other pertinent information supporting the location of the boundary lines and corners of the boundary survey.

(4) Survey[Written] description. A survey[written] description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey, and shall[;] contain the following information:

(a) The general location of the land that was surveyed;

(b) The specific location of the land by[in] reference of at least one (1) boundary corner to[a major physical feature or recognized control network;]

1. A durable and recognizable physical object or a properly identified primary control network; and

2. At least one (1) boundary corner of the parent tract;

~~(c)~~ [The reference of at least one (1) boundary corner to a corner of the parent tract;]

~~[(d)]~~ The direction and length of each line, as follows:

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1. Each bearing represented in degrees, minutes, and seconds with each distance represented to the hundredths of a foot;

2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and

3. A description of each prominent terrain feature, if any, that the boundary follows or crosses;

~~(d)(e)~~ A notation as to whether each monument was found or set;

~~(e)(f)~~ The identification of each tree utilized as a ~~new~~ corner monument ~~by~~, including breast height diameter, species of tree, method of marking, and a notation as to whether the tree is a record monument or a newly established monument;

~~(f)(g)~~ A complete description of each ~~set~~ monument that marks or references a boundary corner, to include, if appropriate, the monument's length, diameter, type of material, and the information contained on the identification~~identifying~~ cap or other identifier that was used;

~~(g)(h)~~ A complete description of each ~~found~~ monument that complies with the following:

1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and

2. To the extent possible, the description shall include the monument's condition, dimensions, type of material, and the information contained on the identification cap or other identifier, or lack thereof~~that was used~~;

~~(h)~~ The record source of the tract or parcel of land surveyed;

~~(i)~~ The identity of each adjoiner, as appropriate, by:

1. The names and record sources; or

2. The names and record sources of each adjoining recorded subdivision plat and lot designation thereof;

~~(j)~~ The name of each adjacent or abutting road, along with any record source, or lack thereof;

~~(k)~~ A description of the location of any cemetery or grave site that is observable or evident during the performance of the field work, or discovered from the required research;

~~(l)~~ The record source of the land surveyed and the names and record sources of all adjoining property owners;

(k) The calculated area of the land surveyed stated to the nearest hundredth of an acre;

~~(l)~~ A reference to the plat of survey for a depiction and location of any cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;

~~(m)~~ A reference to the plat of survey for a depiction and location of any apparent encroachment that is observable or evident during the performance of the field work or discovered from the required research;

~~(n)~~ The reference meridian and whether its basis is:

1. Astronomic;

2. Grid;

3. Record, including the source of the record meridian;

4. State plane;

5. Magnetic, including the date and location of the observation;

or

6. Geodetic;

~~(o)~~ A statement as to whether the distance reported are grid or ground;

~~(p)~~ Completion date of survey;

~~(q)~~ Name, license number, and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the land surveying firm; and

~~(r)~~ A dated signature and seal of the professional land surveyor under whose direct supervision the boundary survey was performed;

~~(t)~~ Name, certification date of the written description, license number and seal of the professional land surveyor under whose direct supervision the survey was performed, and name of the land surveying firm, if any; and

~~(m)~~ Completion date of the boundary survey;

(5) Plat of survey. A plat of survey shall be drawn to scale ~~on durable, dimensionally-stable media,~~ and clearly contain the following information:

(a) The specific location of the land by reference of at least one (1) boundary corner to:

1. A durable and recognizable physical object or a properly identified primary control network; and

2. At least one **(1)** boundary corner of the parent tract;

~~(a)~~ Direction

~~(b)~~ The direction and length of each line as follows:

1. Each bearing represented in degrees, minutes, and seconds with each distance represented to the hundredths of a foot;

2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and

3. A depiction of each prominent terrain feature, if any, that the boundary follows or crosses;

~~(b)~~ The calculated area of the land surveyed, stated to the nearest hundredths of an acre;

~~(c)~~ A notation as to whether each monument was found or set;

~~(d)~~ The identification of each tree utilized as a corner monument by breast height diameter, species of tree, method of marking, and a notation as to whether the tree is a record monument or newly established monument;

~~(e)(f)~~ A complete description of each set monument that marks or references a boundary corner to include, if appropriate, the monument's length, diameter, type of material, and the information contained on the identification~~identifying~~ cap or other identifier that was used;

~~(f)(g)~~ A complete description of each found monument that complies with the following:

1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and

2. To the extent possible, the description shall include the monument's condition, dimensions, type of material, and the information contained on the identification~~identifying~~ cap or other identifier, or lack thereof;

~~(g)~~ The record source of each tract or parcel of land surveyed;

~~(h)~~ The location or address of each tract or parcel of land surveyed;

~~(i)~~ The identity of each adjoiner, as appropriate, by:

1. The names and record sources; or

2. The names and record sources of each adjoining recorded subdivision plat and lot designation thereof;

~~(j)~~ The name of each adjacent or abutting road, along with any record source, or lack thereof;

~~(k)~~ The calculated area of the land surveyed stated to the nearest hundredths of an acre;

~~(l)~~ The location of any cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;

~~(m)~~ The location of any apparent encroachment that is observable or evident during the performance of the field work or discovered from the required research;

~~(f)~~ Reference of at least one (1) corner to at least one (1) of the following:

1. A corner of the parent tract;

2. A durable and recognizable physical object; or

3. A properly identified primary control network;

~~(g)~~ The name of each road, along with any record source thereof;

~~(h)~~ The name and record sources of each adjoiner;

~~(i)~~ The name and record sources of each adjoining subdivision;

~~(j)~~ Any apparent encroachment discovered in the course of the survey;

~~(n)(k)~~ The reference meridian and whether its basis is:

1. Astronomic~~True~~;

2. Grid;

3. Record, including the source of the record meridian;

4. State plane; ~~or~~

5. Magnetic, including the date and location of the observation;

or

~~(t)~~ A vicinity map of sufficient detail to locate the parcel or tract of land being surveyed, unless the location of the parcel or tract of land is clearly shown by the plat itself;

6. Geodetic;

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(o) A vicinity map of sufficient detail to locate the parcel or tract of land being surveyed, unless the location of the parcel or tract of land is clearly shown by the plat itself;

(p) A written and graphic scale;

(q) Notes containing the following information:

1. Name and address of the client;

2. Name and address of the property owner of record;

3. A statement identifying the classification of the survey as Rural or Urban;

4. A statement, as appropriate, of:

a. The unadjusted error of closure for the traverse; and

b. The relative positional accuracy for a GNSS based survey;

5. A statement as to whether the directions and distances shown on the plat of survey are adjusted or unadjusted;

6. A statement as to whether the distances reported are grid or ground;

7. GNSS survey notes as required by Section 8(1) of this administrative regulation, if applicable; and

8. A statement that the plat of survey represents a boundary survey and complies with 201KAR 18:150;

~~[(m)] [A statement, as appropriate, of:]~~

~~[1.] [The unadjusted error of closure for the traverse; and]~~

~~[2.] [The relative positional accuracy for a GPS-based survey;]~~

~~[(n)] [A statement identifying the classification of the survey as rural or urban;]~~

~~[(o)] [A statement as to whether the directions and distances shown on the plat are based on an adjusted traverse;]~~

~~[(p)] [The location of a cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;]~~

~~[(q)] [A dated signature and the seal of the professional land surveyor under whose direct supervision the boundary survey was performed;]~~

~~[(r)] [A written and graphic scale; and]~~

~~[(s)] [A title block containing the following:~~

1. ~~Title of the survey~~~~[Name and address of the client];~~

2. ~~Completion date of survey~~~~[Name and address of the property owner of record]; and~~

3. ~~Name, license number, and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the surveying firm~~~~[Title of the survey]; and~~

~~[(s)] [A dated signature and seal of the professional land surveyor under whose direct supervision the boundary survey was performed.~~

~~[4.] [Statement that the plat of survey represents a boundary survey and complies with 201 KAR 18:150; and]~~

~~[5.] [Name and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the surveying firm; and]~~

~~[(t)] [The following information shall be placed conspicuously on the face of the plat of survey:]~~

~~[1.] [The record source of the tract or parcel of land surveyed; and]~~

~~[2.] [The location or address of each tract or parcel of land surveyed;]~~

Section 11. Identification of Drawings and Plats.

(1) A plat of survey shall be signed, sealed, and dated by the professional land surveyor under whose direct supervision the survey was performed.

(2) Working drawings or unfinished plats of not yet completed boundary surveys shall be prominently marked or stamped in at least sixteen (16) point type (0.22 inches tall) or its equivalent, as follows: Preliminary - Not ~~for~~~~[For]~~ Recording or Land Transfer.

Section 12. Partial Boundary Surveys.

(1) In performing a boundary survey, a professional land surveyor shall not be required to survey the parent tract in its entirety in order to create a smaller tract for conveyance if the following conditions are met:

(a) Adequate evidence exists that conforms to the deeds of record;

(b) Sufficient monumentation exists that is verifiable to establish the lines common to the boundary of the parent tract; and

(c) There is sufficient evidence and monumentation to establish the lines common to the adjoining tracts without adversely affecting the property interests of any adjoining owners.

(2) In performing a boundary survey, a professional land surveyor is not required to survey the entire boundary of a tract of land in order to mark a boundary line or replace a boundary corner when the following conditions are met:

(a) Sufficient evidence is found and verified to establish the record location of that portion of the boundary being surveyed; and

(b) The marked boundary line or reestablished boundary corner does not adversely affect the property interests of any adjoining owners.

(3) A plat of survey for that part of the boundary surveyed pursuant to this section ~~[of this administrative regulation]~~, shall be required to comply with this administrative regulation for the part of the boundary that was surveyed, and shall graphically delineate and designate that portion of the boundary covered by the survey.

Section 13. Plats, Drawings, and Graphic Representations of Non-Boundary Survey Work Mandatory Disclosures.

(1) Plats, drawings, and graphic representations created by a professional land surveyor, not representing either a plat of survey, or a preliminary plat, drawing, or graphic representation of a boundary survey, shall meet the following criteria:

(a) Be clearly marked as to ~~the~~~~[their]~~ intended use; and

(b) State affirmatively on the face of the document~~[in a title block]~~ in at least sixteen (16)~~[twelve (12)]~~ point type (0.22 inches tall) or its equivalent, that the work does not represent a boundary survey and is not intended for land transfer; and

(c) May be signed and sealed by the professional land surveyor under whose direct supervision the work represented by the plat, drawing, or graphic representation was performed or the document was prepared.

(2) A professional land surveyor shall state in a note or notes, on the face of any plat, drawing, or graphical representation of any work product falling within the definition of land surveying but not constituting either a plat of survey, or a preliminary plat, drawing, or graphic representation of a boundary survey, the following mandatory informational disclosures for the work product:

(a) For whom and by whom the work product was created;

(b) The purpose of the work product;

(c) The method employed to create the work product and its underlying values and specifications;

(d) The location of the parcel or tract of land with which the work product is concerned;

(e) The date or dates that the work was performed;

(f) The date of any certification of the work product by the licensee;

(g) The mathematical scale employed in any graphic representation of the work performed; and

(h) The degree of accuracy ~~[or level of quality]~~ of the work product ~~[expressed in terms of mathematical precision]~~.

FILED WITH LRC: September 9, 2026

CONTACT PERSON: Jake R. Miller, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone: (502) 573-2680, facsimile: (502) 573-6687, email: jake.miller@ky.gov.

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

201 KAR 46:035. Practice standards, scopes of practice, and ethical standards.

RELATES TO: 311B.080

STATUTORY AUTHORITY: KRS 311B.050(2), 311B.080

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050(2) requires the Kentucky Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to administer and enforce KRS Chapter 311B. KRS 311B.080 requires the board to recognize and enforce national practice standards, scopes of practice, and ethical standards. This administrative regulation establishes uniform standards for the licensure of individuals who perform medical imaging and radiation therapy for diagnostic and therapeutic purposes while under the supervision of a licensed practitioner of the healing arts.

Section 1. Applicability. A licensee shall only perform medical imaging or radiation therapy for diagnostic medical imaging or therapeutic purposes while under the direct or indirect supervision as established[specified] by a licensee's practice standards, by a licensee's scope of practice, or in the ACR-AAPM Technical Standard for the Management of the Use of Radiation in Fluoroscopic Procedures as listed in Section 4[3] of this administrative regulation.

Section 2. If a licensee's practice standards, a licensee's scope of practice, or the ACR-AAPM Technical Standard for the Management of the Use of Radiation in Fluoroscopic Procedures fails to state[specify] who may provide direct or indirect supervision, a licensee shall only perform medical imaging or radiation therapy for diagnostic medical imaging or therapeutic purposes while under the direct or indirect supervision of a licensed practitioner of the healing arts.

Section 3. To ensure proper diagnosis and treatment of adverse events, a licensee shall only administer intravascular contrast media during medical imaging studies while[when] a licensed practitioner of the healing arts is immediately available:

(1) In person; or

(2) Virtually through real-time audio and video communications technology, and his or her designee shall be[is] immediately available in person. The designee, in addition to the medical imaging technologist or radiation therapist, shall be a licensed health care practitioner or provider whose scope of practice includes treatment of adverse events.

Section 4. Practice Standards. A licensee shall perform according to practice standards of the discipline for which the licensee holds a credential, as established by the American Society of Radiologic Technologists (ASRT), the American College of Radiology (ACR), the American Association of Physicists in Medicine (AAPM), and the Society of Nuclear Medicine and Molecular Imaging (SNMMI) and incorporated by reference. These standards shall include the:

(1) ~~[The]~~ ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiography;

(2) Nuclear Medicine Technologist Scope of Practice and Performance Standards;

(3) Scope of Practice for the Nuclear Medicine Advanced Associate;

(4) ~~[The]~~ ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiation Therapy;

(5) ~~[The]~~ ASRT Practice Standards for Medical Imaging and Radiation Therapy – Bone Densitometry;

(6) ~~[The]~~ ASRT Practice Standards for Medical Imaging and Radiation Therapy – Cardiac-Interventional and Vascular-Interventional Technology;

(7) ~~[The]~~ ASRT Practice Standards for Medical Imaging and Radiation Therapy – Computed Tomography;

(8) ~~[The]~~ ASRT Practice Standards for Medical Imaging and Radiation Therapy – Limited X-ray Machine Operator;

(9) ~~[The]~~ ASRT Practice Standards for Medical Imaging and Radiation Therapy – Mammography;

(10) ~~[The]~~ ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiologist Assistant;

(11) ACR ASRT Joint-Policy Statement-Radiologist Assistant: Roles and Responsibilities;

(12) ACR-AAPM Technical Standard for Management of the Use of Radiation in Fluoroscopic Procedures;

(13) ~~[The]~~ American Registry of Radiologic Technologists' Standards[Code] of Ethics; and

(14) ~~[The]~~ Nuclear Medicine Technology Certification Board's Code of Ethics.

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

(1) The following material is incorporated by reference:

(a) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiography", revised June 28, 2026[22, 2025][30, 2024];

(b) "Nuclear Medicine Technologist Scope of Practice and Performance Standards", October 5, 2024[June 9, 2022];

(c) "Scope of Practice for the Nuclear Medicine Advanced Associate", February 2025[created 2009];

(d) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiation Therapy", revised June 28, 2026[22, 2025][30, 2024];

(e) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Bone Densitometry", revised June 28, 2026[22, 2025][30, 2024];

(f) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Cardiac- Interventional and Vascular-Interventional Technology", revised June 28, 2026[22, 2025][30, 2024];

(g) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Computed Tomography", revised June 28, 2026[22, 2025][30, 2024];

(h) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Limited X-ray Machine Operator", revised June 28, 2026[22, 2025][30, 2024];

(i) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Mammography", revised June 28, 2026[22, 2025][30, 2024];

(j) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiologist Assistant", revised June 28, 2026[22, 2025][30, 2024];

(k) "ACR ASRT Joint Policy Statement-Radiologist Assistant: Roles and Responsibilities", May 2003;

(l) "ACR-AAPM Technical Standard for Management of the Use of Radiation in Fluoroscopic Procedures", revised 2023;

(m) "The American Registry of Radiologic Technologists' Standards[Code] of Ethics", (March 31, 2026[September 1, 2025])[2023]; and

(n) "The Nuclear Medicine Technology Certification Board's Code of Ethics", (November 15, 2017).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at:

(a) American Society of Radiologic Technologists, 15000 Central Ave. SE Albuquerque, NM 87123-3909, <https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards>;

(b) Society for Nuclear Medicine and Molecular Imaging, 1850 Samuel Morse Drive Reston, Virginia 20190, <http://www.snmmi.org>;

(c) The American Registry of Radiologic Technologists' Code of Ethics, 125 Northland Drive, Saint Paul, Minnesota 55120, https://assets-us-01.kc-usercontent.com/406ac8c6-58e8-00b3-e3c1-0c312965deb2/9a769d60-98f4-4c8d-a006-c8478e5b6e04/ARRT_Standards_of_Ethics.pdf[https://assets-us-01.kc-usercontent.com/406ac8c6-58e8-00b3-e3c1-0c312965deb2/c5152767-a1a7-4db8-b57b-fcf6cd2e65cb/ARRT_Standards_of_Ethics.pdf](<https://www.arrt.org/docs/default-source/Governing-Documents/code-of-ethics.pdf?sfvrsn=10>);

(d) The Nuclear Medicine Technology Certification Board, 3558 Habersham at Northlake, Building I, Tucker, Georgia 30084, <https://www.nmtcb.org/policies/ethics.php>; or

(e) The Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky 40504, Monday through Friday, 8:00 a.m. to 4:30 p.m.

FILED WITH LRC: September 9, 2026

VOLUME 53, NUMBER 4– OCTOBER 1, 2026

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TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (As Amended at IJC on Natural Resources and Energy, September 3, 2026)

301 KAR 1:201. Taking of fish by traditional fishing methods.

RELATES TO: KRS 150.010, 150.170, 150.175, 150.340, 150.620, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.470

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling and transporting of fish and wildlife, the restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.470(1) authorizes the department to promulgate administrative regulations regarding daily limits, and size limits for fish. This administrative regulation establishes fish size limits, daily limits, and possession limits for fishing.

Section 1. Private Lakes and Ponds.

(1) A bona fide owner of private land in Kentucky who is also a resident of the Commonwealth shall:

(a) Not be subject to any limits or restrictions established in Sections 2 through 8 of this administrative regulation for daily limit, possession, size, or method of take for the fish in the private landowner's private lake or pond;

(b) Be able to extend the privileges in subsection (1)(a) of this section in written or electronic form to any other person who has a valid fishing license; and

(c) Include the bona fide landowner's address and telephone number in any written or electronic permission extended to another person under subsection (2) of this section.

(2) An individual utilizing take privileges extended by a bona fide owner pursuant subsection (1) of this section, shall have in their possession and shall be able to furnish the bona fide landowner's written or electronic permission to a game warden upon request.

Section 2. Statewide Limits and Requirements.

(1) A person taking fish from public or private waters using traditional fishing methods shall observe the daily limits and size limits established in paragraphs (a) through (n)(4) of this subsection, except as established in Sections ~~3~~² through ~~7~~⁶ of this administrative regulation or pursuant to 301 KAR 1:180:

(a) Black bass daily limit, six (6).

1. Largemouth bass and smallmouth bass size limit, twelve (12) inches.

2. Kentucky bass and Coosa bass, no size limit~~;~~[;]

(b) Rock bass daily limit, fifteen (15); no size limit~~;~~[;]

(c) Sauger, walleye, and any hybrid thereof daily limit, singly or in combination, six (6); size limit, fourteen (14) inches~~;~~[;]

(d) Muskellunge daily limit, one (1); size limit, thirty (30) inches~~;~~[;]

(e) Chain pickerel daily limit, five (5); no size limit~~;~~[;]

(f) White bass and hybrid striped bass daily limit, singly or in combination, fifteen (15); size limit, no more than five (5) fish in a daily limit or ten (10) fish in a possession limit shall be fifteen (15) inches or longer~~;~~[;]

(g) Striped bass daily limit, five (5); size limit, fifteen (15) inches~~;~~[;]

(h) Crappie daily limit, twenty (20); no size limit~~;~~[;]

(i) Trout.

1. No culling statewide.

2. Rainbow trout daily limit, eight (8); no size limit.

3. Brown trout daily limit, one (1); size limit, sixteen (16) inches.

4. Brook trout, catch and release only.

5. Cutthroat trout daily limit, one (1); size limit, twenty (20) inches~~;~~[;]

(j) Redear sunfish daily limit, twenty (20); no size limit~~;~~[;]

(k) Paddlefish daily limit, two (2); no size limit~~;~~[;]and]

(l) Catfish daily limit is unlimited; no size limit, except that only one (1) trophy catfish of each species may be harvested daily~~;~~[;]

~~(m) Shovelnose sturgeon daily limit, two (2); no size limit, except that shovelnose sturgeon caught from the Mississippi River shall~~^(must) ~~be immediately released.~~[;] and]

(n) Skipjack herring daily limit, 100; no size limit.

(2) The possession limit shall be two (2) times the daily limit, except as established in Section 2 of this administrative regulation.

(3) A person shall release grass carp caught from a lake owned or managed by the department.

(4) A person shall release any:

(a) Lake sturgeon; or

(b) Alligator gar.

(5) A person shall release fish:

(a) Below the minimum size limits established by this administrative regulation;

(b) Within a protected slot limit established by this administrative regulation; or

(c) Of a particular species if a person already possesses the daily limit for that species.

(6) A person shall not possess more than one (1) daily limit of processed or unprocessed fish while:

(a) Fishing;

(b) On the shoreline; or

(c) On the water.

(7) A fishing tournament organizer or representative, excluding a tournament angler, may possess more than the daily limit of tournament caught fish:

(a) At the weigh-in site;

(b) At the release site; or

(c) While transporting live fish from a remote weigh-in site back to the water body of origin for release.

(8) A fishing tournament organizer or representative, excluding a tournament angler, may possess more than the daily limit of unprocessed tournament caught fish that expired at the sites established in subsection (7) of this section for subsequent disposal by one (1) of the methods established in paragraphs (a) through (c) of this subsection:

(a) Bagged, sealed, and placed in a garbage dump;

(b) Donated to a charity for the purpose of human consumption; or

(c) Transferred to a conservation officer or another agent of the department.

(9) A person shall not remove the head or tail of any fish for which a size limit or daily limit exists while:

(a) Fishing;

(b) On the shoreline; or

(c) On the water.

(10) A person may possess sport fish below the size limit or beyond the possession limit if the person:

(a) Obtains the fish from a licensed fish propagator or other legal source; and

(b) Retains a receipt or other written proof that the fish were legally acquired.

(11) A person shall release all caught trout unless the person:

(a) Has a valid trout permit;

(b) Is exempted from trout permit requirements pursuant to KRS 150.170(2); or

(c) Is fishing in a licensed pay lake stocked with trout by the lake operator.

(12) A person fishing in an artificial bait-only area shall not attach any of the items established in paragraphs (a) through (h) of this subsection to the artificial bait:

- (a) An insect;
- (b) Minnow;
- (c) Fish egg;
- (d) A worm;
- (e) Corn;
- (f) Cheese;
- (g) Cut bait; or

(h) A similar organic bait substance including dough bait and putty or paste-type bait designed to attract fish by taste or smell.

(13) The fishing season shall be open year-round.

Section 3. [Section 2.] Exceptions. All other provisions of this administrative regulation shall apply to the bodies of water listed in this section, with the exceptions established in subsections (1) through (71)[(72)] of this section.

(1) Bad Branch, Letcher County. A person shall only fish with artificial bait with a single hook.~~;~~

(2) Barren River and tributaries upstream from confluence with the Green River, including Barren River Lake. Smallmouth bass size limit, fifteen (15) inches.~~;~~

(3) Barren River Lake.

(a) Crappie size limit, ten (10) inches.

(b) Largemouth and smallmouth bass size limit, fifteen (15) inches.

(c) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.

(d) Barren River Lake shall extend up:

- 1. Barren River to the Highway 100 bridge;
- 2. Long Creek to the Highway 100 bridge;
- 3. Beaver Creek to the Highway 1297 bridge;
- 4. Skaggs Creek to the Mathews Mill Road bridge; and
- 5. Peter Creek to the Peter Creek Road bridge.~~;~~

(4) Beaver Lake, Anderson County.

(a) A person shall not possess shad or use shad as bait.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.~~;~~

~~(c) Black bass aggregate daily limit, ten (10).~~;~~~~

(5) Beech Fork Reservoir, Powell County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Bluegill daily limit, fifteen (15).~~;~~

(6) Bert Combs Lake, Clay County.

(a) A person shall not possess shad or use shad as bait.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.~~;~~

~~(c) Black bass aggregate daily limit, ten (10).~~;~~~~

(7) Beulah Lake, Jackson County.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.~~;~~

~~(b) Black bass aggregate daily limit, ten (10).~~;~~~~

(8) Boltz Lake, Grant County.

(a) A person shall not possess shad or use shad as bait.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.~~;~~

~~(c) Black bass aggregate daily limit, ten (10).~~;~~~~

(9) Briggs Lake, Logan County. A person shall not possess shad or use shad as bait.~~;~~

(10) Buckhorn Lake.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Muskellunge size limit, forty (40) inches.

(c) Crappie size limit, nine (9) inches.~~;~~

(11) Carnico Lake, Nicholas County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Sunfish daily limit, fifteen (15).~~;~~

(12) Carr Creek Lake.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, nine (9) inches.

(c) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.~~;~~

(13) Carter Caves State Park Lake, Carter County.

(a) Fishing shall be during daylight hours only.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.

~~(c) Black bass aggregate daily limit, ten (10).~~

~~(d) A person shall not possess shad or use shad as bait.~~;~~~~

(14) Cave Run Lake.

~~(a) Black bass aggregate daily limit, ten (10). [Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.]~~

~~(b) Largemouth bass. No more than five (5) fish in a daily limit shall be twelve (12) inches or longer.~~

~~(c) Smallmouth bass size limit, eighteen (18) inches.~~

~~(d)[(e)] Muskellunge size limit, forty (40) inches.~~

~~(e)[(4)] Cave Run Lake shall extend up:~~

- 1. Scott's Creek to the Highway 801 culvert;
- 2. Beaver Creek to the Highway 1274 culvert;
- 3. North Fork Creek to the confluence of Craney Creek;
- 4. Licking River to the Highway 772 bridge; and
- 5. Ramey Creek to include the pool of water north of Highway 801.~~;~~

(15) Cedar Creek Lake, Lincoln County. Largemouth bass size limit, twenty (20) inches; daily limit, one (1).~~;~~

(16) Chimney Top Creek, Wolfe County. A person shall only fish with artificial bait.~~;~~

(17) Corinth Lake, Grant County.

(a) A person shall not possess shad or use shad as bait.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.~~;~~

~~(c) Black bass aggregate daily limit, ten (10).~~;~~~~

(18) Cumberland River upstream from Cumberland Falls and all tributaries. Smallmouth bass size limit, fifteen (15) inches.~~;~~

(19) Cumberland River from Wolf Creek Dam downstream to the Kentucky-Tennessee state line and tributaries, except Hatchery Creek in Russell County as established in subsections (36) and (37) of this section.

(a) Brown trout size limit, twenty (20) inches; daily limit, one (1).

(b) Brook trout size limit, fifteen (15) inches; daily limit, one (1).

(c) Rainbow trout. There shall be a slot limit between fifteen (15) and twenty (20) inches; daily limit, five (5), which shall not include more than one (1) fish greater than twenty (20) inches.

(d) A trout permit shall be required in order to fish the Cumberland River below Wolf Creek Dam to the Tennessee state line including the Hatchery Creek and all other tributaries upstream to the first riffle.

(e) Chumming shall not be permitted in the Cumberland River below Wolf Creek Dam to the Tennessee state line, including the Hatchery Creek and all other tributaries upstream to the first riffle.~~;~~

(20) Cumberland River below Lake Barkley. Fishing ~~shall be~~ prohibited at the mouth of the lock chamber, as designated by signs.~~;~~

(21) Dale Hollow Lake.

(a) Smallmouth bass. There shall be a slot limit between sixteen (16) and twenty-one (21) inches. The daily limits shall not include more than one (1) fish less than sixteen (16) inches long and one (1) fish greater than twenty-one (21) inches long.

(b) Walleye and walleye hybrids, daily limit, five (5); size limit, sixteen (16) inches.

(c) Sauger daily limit, ten (10); size limit, fourteen (14) inches.

(d) Rainbow trout and brown trout, no size limit; daily limit, seven (7), singly or in combination.

(e) Largemouth bass size limit, fifteen (15) inches.

(f) Black bass aggregate daily limit, five (5), no more than two (2) of which shall be smallmouth bass.

(g) Crappie size limit, ten (10) inches; daily limit, fifteen (15).~~;~~

(22) Dewey Lake.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.

(c) Muskellunge size limit, forty (40) inches.~~;~~

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(23) Dix River for two (2) miles downstream from Herrington Lake Dam. A person shall only fish with artificial bait.[i]

(24) Doe Run Lake, Kenton County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Channel catfish daily limit, four (4).

(c) A person shall not possess shad or use shad as bait.[i]

(25) Dog Fork, Wolfe County. A person shall only fish with an artificial bait with a single hook.[i]

(26) Elkhorn Creek, downstream from the confluence of the North and South forks to the first shoal located 3,400 feet above its confluence with the Kentucky River, as posted with signs.

(a) Largemouth bass and smallmouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[i]

(b) Black bass aggregate daily limit, ten (10).[i]

(27) Elmer Davis Lake, Owen County.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.

(b) Black bass aggregate daily limit, ten (10).[i]

(c) A person shall not possess shad or use shad as bait.[i]

(28) Fishtrap Lake.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, nine (9) inches.

(c) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.[i]

(29) Floyd's Fork Creek, from Highway 60 downstream to Bardstown Road in Jefferson County. Largemouth and smallmouth bass size limit, fifteen (15) inches.[i]

(30) Golden Pond at the Visitors' Center at Land Between the Lakes. Channel catfish daily limit, five (5); size limit, fifteen (15) inches.[i]

(31) General Butler State Park Lake, Carroll County.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.

(b) Black bass aggregate daily limit, ten (10).[i]

(c) Channel catfish daily limit, four (4).

(d)[(c)] A person shall not possess shad or use shad as bait.[i]

(32) Grayson Lake.

(a) Largemouth bass and smallmouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[i]

(b) Black bass aggregate daily limit, ten (10).[i]

(33) Greenbo Lake, Greenup County.

(a) A person shall not possess shad or use shad as bait.

(b) Bluegill and sunfish daily limit, fifteen (15) fish.[i]

(34) Green River from Green River Lake Dam and extending downstream to the end of the concrete wall. Fishing shall be limited to rod in hand using either:

(a) An artificial bait with a single hook; or

(b) Live bait attached to a single hook.[i]

(35) Green River Lake.

(a) Crappie size limit, nine (9) inches.

(b) Muskellunge size limit, forty (40) inches.

(c) Green River Lake shall extend up:

1. Green River to the Snake Creek Boat Ramp;

2. Robinson Creek to the Highway 76 Bridge; and

3. Casey Creek to the Arnolds Landing Boat Ramp.

(36) Hatchery Creek, upper section as established by signs, Russell County. Rainbow trout, brown trout, and brook trout, no size limit; daily limit, five (5), singly or in combination.[i]

(37) Hatchery Creek, lower section as established by signs, Russell County. A person fishing for trout shall:

(a) Only use artificial bait; and

(b) Release all trout.[i]

(38) Highsplint Lake, Harlan County. Largemouth bass size limit, twenty (20) inches; daily limit, one (1).[i]

(39) Jericho Lake, Henry County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) A person shall not possess shad or use shad as bait.[i]

(40) Kentucky Lake and the canal connecting Kentucky Lake and Lake Barkley.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, ten (10) inches.[i]

(41) Kentucky River upstream of Lock and Dam 14, the North Fork and tributaries including Carr Fork below Carr Creek Lake, along with the Middle and South Forks and all tributaries. Smallmouth bass size limit, fifteen (15) inches.[i]

(42) Lake Barkley.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, ten (10) inches.[i]

(43) Lake Blythe, Christian County.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[i]

(b) Black bass aggregate daily limit, ten (10).[i]

(44) Lake Cumberland.

(a)

1. Largemouth bass size limit, fifteen (15) inches.

2. Smallmouth bass size limit, eighteen (18) inches.

3. Striped bass size limit, twenty-two (22) inches; daily limit, two (2).

4. Crappie size limit, ten (10) inches.

(b) Cumberland Lake shall extend up:

1. The Cumberland River to Cumberland Falls;

2. The Big South Fork to Devil's Jump;

3. The Rockcastle River to The Narrows; and

4. The Laurel River to Laurel River Dam.[i]

(45) Lake Chumley, and the department-owned property surrounding the lake, Boyle and Lincoln counties. Closed to public access from one-half (1/2) hour after sunset through one-half (1/2) hour before sunrise.[i]

(46) Lake Malone, Muhlenberg and Logan counties.

(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[i]

(b) Black bass aggregate daily limit, ten (10).[i]

(47) Lake Reba, Madison County. A person shall not possess shad or use shad as bait.[i]

(48) Lake Shelby, Shelby County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Channel catfish daily limit, four (4).

(c) A person shall not possess shad or use shad as bait.[i]

(49) Laurel River Lake.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Smallmouth bass size limit, eighteen (18) inches; daily limit, two (2).

(c) Crappie size limit, nine (9) inches; daily limit, fifteen (15).[i]

(50) Lincoln Homestead Lake, Washington County.

(a) A person shall not fish except during daylight hours.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.

(c) Black bass aggregate daily limit, ten (10).[i]

(d) Channel catfish daily limit, four (4).

(e)[(d)] A person shall not possess shad or use shad as bait.[i]

(51) Marion County Lake. A person shall not possess shad or use shad as bait.[i]

(52) McNeely Lake, Jefferson County.

(a) A person shall not possess shad or use shad as bait.

(b) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.[i]

(c) Black bass aggregate daily limit, ten (10).[i]

(53) Mill Creek Lake, Powell County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) A person shall not possess shad or use shad as bait.[i]

(54) New Haven Optimist Lake, Nelson County.

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Channel catfish daily limit, four (4).

(c) A person shall not possess shad or use shad as bait.[i]

(55) Nolin River Lake shall extend up Bacon Creek to Highway 178 and to Wheelers Mill Road Bridge on the Nolin River.

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Crappie size limit, ten (10) inches.[i]

(56) Ohio River.

(a) White bass, striped bass, and any hybrid thereof, daily limit, thirty (30); no more than four (4) in the daily limit shall be fifteen (15) inches or greater.

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(b) The blue catfish daily limit shall be unlimited, except that no more than one (1) fish in the daily limit shall be thirty-five (35) inches or longer.

(c) The channel catfish daily limit shall be unlimited, except that no more than one (1) fish in the daily limit shall be twenty-eight (28) inches or longer.

(d) The flathead catfish daily limit shall be unlimited, except that no more than one (1) fish in the daily limit shall be thirty-five (35) inches or longer.~~;~~

~~(57) [Otter Creek, Meade County. Smallmouth and largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches;]~~

~~[(58)] Panbowl Lake, Breathitt County.~~

~~(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.;~~

~~(b) Black bass aggregate daily limit, ten (10).;~~

~~(58) [(59)] Parched Corn Creek, Wolfe County. A person shall only fish with an artificial bait with a single hook.;~~

~~(59) [(60)] Pennyrite Lake, Christian County.~~

~~(a) Largemouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.;~~

~~(b) Black bass aggregate daily limit, ten (10).;~~

~~(60) [(61)] Pikeville City Lake, Pike County. A person shall release largemouth bass.;~~

~~(61) [(62)] Rockcastle River WMA, all ponds collectively, Pulaski County.~~

(a) Largemouth bass size limit, fifteen (15) inches; daily limit, one (1).

(b) Bluegill and sunfish daily limit, ten (10).

(c) Catfish daily limit, four (4).

(d) Crappie daily limit, fifteen (15).;

~~(62) [(63)] Rough River Lake.~~

(a) Crappie size limit, ten (10) inches.

(b) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(c) Rough River Lake shall extend up Rough River to the Highway 84 Bridge.;

~~(63) [(64)] Shanty Hollow Lake, Warren County. A person shall not possess shad or use shad as bait.;~~

~~(64) [(65)] Shillalah Creek, Bell County, outside the Cumberland Gap National Park. A person shall only fish with an artificial bait with a single hook.;~~

~~(65) [(66)] Spurlington Lake, Taylor County. A person shall not possess shad or use shad as bait.;~~

~~(66) [(67)] Sympson Lake, Nelson County. Largemouth bass size limit, fifteen (15) inches.;~~

~~(67) [(68)] Taylorsville Lake, including the impounded waters of the lake to Dry Dock Road Bridge on the Salt River.~~

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.

(c) Crappie size limit, ten (10) inches; daily limit, fifteen (15).;

~~(68) [(69)] Trammel Creek, Allen County. Rainbow trout daily limit, five (5).;~~

~~(69) [(70)] Willisburg Park Pond, Washington County.~~

(a) Largemouth bass size limit, fifteen (15) inches.

(b) Catfish daily limit, four (4).

(c) Sunfish daily limit, fifteen (15).;

~~(70) [(71)] Wood Creek Lake.~~

~~(a) Largemouth and smallmouth bass. There shall be a slot limit between twelve (12) and fifteen (15) inches.;~~ and

~~(b) Black bass aggregate daily limit, ten (10).;~~ and

~~(71) [(72)] Yatesville Lake.~~

(a) Largemouth bass and smallmouth bass size limit, fifteen (15) inches.

(b) Blue and channel catfish aggregate daily limit of fifteen (15), only one (1) of which shall be longer than twenty-five (25) inches.

Section 4. [Section 3.] Daily Limits and Size Limits for Waters Containing Rockcastle Strain Walleye.

(1) Rockcastle Strain Walleye Waters.;

(a) Barren River and tributaries upstream from confluence with the Green River, including Barren River Lake;

(b) Cumberland River and tributaries above Cumberland Falls;

(c) Kentucky River and tributaries upstream from Lock and Dam

14;

(d) Middle Fork Kentucky River and tributaries;

(e) North Fork Kentucky River and tributaries, including Carr

Fork below Carr Creek Lake;

(f) South Fork Kentucky River and tributaries;

(g) Levisa Fork River and tributaries upstream from Fishtrap

Lake, including Fishtrap Lake;

(h) Martins Fork Lake;

(i) Rockcastle River and tributaries; and

(j) Wood Creek Lake.

(2) There shall be a slot limit between eighteen (18) and twenty-six (26) inches and a daily limit of two (2) for walleye in the waters established in subsection (1) of this section.

Section 5. [Section 4.] Seasonal Catch and Release for Trout.

(1) There shall be a catch and release trout season from October 1 through March 31 for the bodies of water established in subsection

(3) of this section.

(2) A person shall:

(a) Only use artificial bait; and

(b) Release all trout.

(3) The streams established in paragraphs (a) through (o) of this subsection shall be open for the catch and release trout season:

(a) Bark Camp Creek in Whitley County;

(b) Beaver Creek from Highway 90 Bridge upstream to Highway 200 Bridge in Wayne County;

(c) Big Bone Creek within Big Bone Lick State Park in Boone County;

(d) Cane Creek in Laurel County;

(e) Casey Creek in Trigg County;

(f) Clear Creek from mouth upstream to 190 Bridge in Bell County;

(g) East Fork of Indian Creek in Menifee County;

(h) Elk Spring Creek in Wayne County;

(i) Floyd's Fork Creek in Jefferson County from Highway 60 downstream to Bardstown Road;

(j) Gunpowder Creek in Boone County;

(k) Left Fork of Beaver Creek in Floyd County from Highway 122 Bridge upstream to the headwater;

(l) Otter Creek in Meade County on the Fort Knox Reservation and Otter Creek Park;

(m) Rock Creek from the Bell Farm Bridge to the Tennessee state line in McCreary County;

(n) Trammel Creek in Allen County; and

(o) Swift Camp Creek in Wolfe County.

Section 6. [Section 5.] Special Limits for Fishing Events.

(1) The commissioner may establish special limits for fishing events including:

(a) Size limits for selected species;

(b) Daily limits for selected species;

(c) Eligible participants; and

(d) Dates and times of special limits.

(2) An event sponsor shall post signs informing anglers of any special limits for a minimum of twenty-four (24) hours before the event.

Section 7. [Section 6.] Daily Limits and Size Limits for Special Lakes and Ponds. The requirements established in subsections (1) through (5) of this section shall apply to all bodies of water established in the List of Special Lakes and Ponds:

(1) Largemouth bass size limit, fifteen (15) inches; daily limit, one (1);

(2) Catfish daily limit, four (4);

(3) Sunfish or bream daily limit, fifteen (15);

(4) Rainbow trout daily limit, five (5); and

(5) A person shall not possess shad or use shad as bait.

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

(1) "List of Special Lakes and Ponds", 2026[2024] Edition is incorporated by reference.

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(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at <https://fw.ky.gov/Fish/Documents/List of Special Lakes and Ponds 2026 Edition.pdf>.

FILED WITH LRC: September 3, 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: fw.publicaffairs@ky.gov

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at IJC on Natural Resources and Energy,
September 3, 2026)

301 KAR 2:178. Deer hunting on public properties.

RELATES TO: KRS 150.010, 150.170, 150.340, 150.370(1), 150.990

STATUTORY AUTHORITY: 148.029(5), 150.025(1), 150.390(1), 150.620

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 148.029(5) authorizes the Department of Parks, in cooperation with the Department of Fish and Wildlife Resources, to implement wildlife management plans on state parks. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation. This administrative regulation establishes deer hunting seasons, application procedures, and other matters pertaining to deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas that differ from statewide and zonewide requirements.

Section 1. Definitions.

(1) "Adult" means a person who is at least eighteen (18) years of age.

(2) "Bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that may lure, entice, or attract wildlife.

(3) "Centerfire" means a type of gun that detonates a cartridge by the firing pin striking a primer in the middle of the end of the cartridge casing.

(4) "Ground blind" means a structure consisting of a frame and a top that is placed on the ground to completely enclose a hunter while hunting deer.

(5) "In-line muzzleloader" means a gun:

(a) Capable of being loaded only from the discharging end of the barrel or cylinder; and

(b) That is equipped with an enclosed ignition system located directly behind the powder charge.

(6) "Local government" means the lowest, most direct tiers of public administration within a state responsible for managing community affairs, delivering basic services, and enforcing local

ordinances, such as/it includes counties, municipalities, and special districts.

(7)(6) "Mentor hunt" means a quota youth hunt in which the adult who accompanies a youth may legally take a deer.

(8)(7) "Mobility-impaired" means an individual who meets the requirements of 301 KAR 3:026, Section 2(1).

(9)(8) "Modern gun" means an air gun, rifle, handgun, or shotgun that is loaded from the rear of the barrel.

(10)(9) "Modern gun season" means the sixteen (16) consecutive day period beginning the second Saturday in November during which a modern gun may be used to take deer pursuant to 301 KAR 2:172.

(11)(10) "Muzzleloader" means a rifle, shotgun, or handgun that is loaded from the discharging end of the barrel or discharging end of the cylinder.

(12)(11) "Quota hunt" means a hunt in which a participant is selected by a random drawing.

(13)(12) "Quota youth hunt" means a quota hunt in which a youth is the only person who can legally take a deer.

(14)(13) "Statewide requirements" mean the season dates, zone descriptions, and other requirements for deer hunting as established in 301 KAR 2:172.

(15)(14) "Wildlife management area" or "WMA" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That has "Wildlife Management Area" or "WMA" as part of its official name.

(16)(15) "Youth" means a person under the age of sixteen (16) by the date of the hunt.

(17)(16) "Youth gun seasons" means the October youth gun season and the December free youth weekend, as established in 301 KAR 2:172.

(18) "Zonewide requirements" means the season dates and other requirements for deer hunting as established for individual zones in 301 KAR 2:172.

Section 2. General WMA Requirements.

(1) Unless established in this administrative regulation, statewide and zonewide requirements shall apply.

(2) Except as established in Section 6 of this administrative regulation, if a WMA or other public hunting property is in two (2) or more deer hunting zones, as established in 301 KAR 2:172, then the WMA shall be regulated by the most liberal zone requirements of the zones in which it lies.

(3) Deer hunting on WMAs listed in Section 6 of this administrative regulation shall be permitted only as established in this administrative regulation, except archery and crossbow hunting shall be allowed pursuant to the statewide and zonewide requirements established in 301 KAR 2:172, unless otherwise noted.

(4) If a WMA is:

(a) Listed in Section 6 of this administrative regulation, then gun hunting shall be prohibited, unless otherwise noted; and

(b) Not listed in Section 6 of this administrative regulation, then statewide and zonewide deer hunting requirements shall apply.

(5) An antlerless deer shall not count against a person's statewide or zonewide[zone] bag limit if harvested during:

(a) The Grayson Lake WMA open youth hunt; or

(b) Any WMA, federal, county, or state park either-sex quota hunt.

(6) An open gun deer hunt, beginning on the Wednesday following the third Monday in January for ten (10) consecutive days, shall:

(a) Be limited to members of the United States Armed Forces and the National Guard and reserve component who:

1. Are residents of Kentucky or nonresidents stationed in Kentucky; and

2. Were deployed out-of-country during any portion of the most recent regular statewide deer season;

(b) Only be on a WMA designated as open for this special hunt; and

(c) Be pursuant to statewide requirements established in 301 KAR 2:172.

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(7) On all WMAs a person:

(a) Attaching a tree stand or climbing a tree shall not use a:

1. Nail;
2. Spike;
3. Screw-in device;
4. Wire; or
5. Tree climber;

(b) May use a portable stand or climbing device;

(c) Shall:

1. Not place a portable stand in a tree more than two (2) weeks before opening day; and

2. Remove a portable stand within one (1) week following the last day of each hunting period;

(d) Shall plainly mark the portable stand with the hunter's customer identification number;

(e) Shall not use an existing permanent tree stand;

(f) Shall not place, distribute, or hunt over bait; and

(g) Shall not hunt in a ground blind, if gun deer hunting is allowed, without first attaching a hat or vest made of solid, unbroken hunter orange material to the blind so that it is visible from all sides.

(h) Shall not deer hunt on a WMA or a portion of the same, that is closed by signage.

(8) A person without a valid quota hunt confirmation number shall not enter a WMA during a quota hunt on that area except:

(a) To travel through a WMA on an established road or to use an area designated open by a sign;

(b) To accompany a youth who is hunting in a youth or mentor quota hunt;

(c) That one (1) assistant, who shall not be required to have applied for the quota hunt, may accompany a hunter who was drawn to hunt, but shall check in and out as established in Section 5 of this administrative regulation; or

(d) To participate in small game hunting or the October shotgun segment of the fall turkey season during the archery and crossbow quota hunt on Big Rivers, Cane Creek, or Higginson-Henry WMAs.

(9) Except for waterfowl or dove hunting, or legal hunting at night, a person who is hunting any species, or a person who is accompanying a hunter, shall wear hunter orange clothing pursuant to 301 KAR 2:172 while:

(a) On a WMA, county property, or state park if gun deer hunting is allowed;

(b) Hunting within the sixteen (16) county elk zone when a firearms elk season is open, pursuant to 301 KAR 2:132; or

(c) Hunting within the bear zone during a bear firearms season, pursuant to 301 KAR 2:300.

Section 3. General Quota Hunt Procedures.

(1) A quota hunt applicant who is not selected and applies to hunt the following year shall be given one (1) preference point for each year the applicant was not selected.

(2) If selected for a quota hunt, a person shall lose all accumulated preference points.

(3) A random selection of hunters with preference points shall be made for each year's quota hunts before those without preference points are chosen.

(4) A person shall forfeit all accumulated preference points if, in a given year, the person does not apply for or is ineligible to apply for:

(a) A deer quota hunt; and

(b) The no-hunt option.

(5) A person who applies for the no-hunt option shall:

(a) Not be drawn for a quota hunt; and

(b) Be given one (1) preference point for each year the no-hunt option is selected.

(6) If applying as a party:

(a) Each applicant's preference points shall be used to calculate an average point total for the party; and

(b) A party with a higher preference point average will be randomly selected before a party with a lower preference point average.

(7) There shall be a maximum of ten (10) percent of nonresidents drawn in each quota hunt pool.

(8) The commissioner shall extend the application deadline if technical difficulties with the automated application system prevent

applications from being accepted for one (1) or more days during the application period.

(9) A hunter may take up to two (2) deer on a quota hunt in Zones 2, 3, and 4, only one (1) of which may be an antlered deer, except as established in Section 6 or Section 10 of this administrative regulation.

(10) If a hunter has purchased the appropriate permits, a hunter may take unlimited antlerless deer in:

(a) WMA quota hunts in Zone 1; and

(b) State Park quota hunts in Zone 1, except as established in Section (7) of this administrative regulation.

Section 4. Quota Hunt Application Process. A person applying for a quota hunt shall:

(1) Complete the quota hunt application process on the department's Web site at <https://fw.ky.gov/Hunt/Pages/Quota-Hunts.aspx> between September 1 and September 30; ~~and~~

(2) Select:

(a) A first and second choice of hunts; or

(b) The no-hunt option; ~~and~~

(3) Pay a nonrefundable application fee as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022; ~~and~~

(4) Not apply more than one (1) time; and

(5) Not apply as a group of more than five (5) persons.

Section 5. Quota Hunt Participant Requirements. Except as otherwise established in this administrative regulation, a person selected to participate in a quota hunt shall:

(1) Possess, unless exempted pursuant to KRS 150.170:

(a) A valid annual Kentucky hunting license; and

(b) A deer permit that authorizes the taking of deer with the equipment being used and in accordance with the zone restrictions where the hunt will occur;

(2) Hunt on the assigned dates and in assigned areas selected by a random drawing of applicants if applicable;

(3) Comply with hunting equipment restrictions specified by the type of hunt;

(4) Check in at the designated check station prior to hunting:

(a) Either:

1. On the day before the hunt, between noon and 8 p.m. local time; or

2. On the day of the hunt, between 5:30 a.m. and 8 p.m. Eastern time; and

(b) With documentation of the participant's:

1. Proof of identification or draw confirmation number; and

2. Purchase of a current license or permit which allows or includes statewide deer hunting privileges;

(5) Check out at the designated check station:

(a) If finished hunting;

(b) If the hunter's bag limit is reached; or

(c) By 8 p.m. Eastern time on the final day of the hunt;

(6) Take a harvested deer to the designated check station by 8 p.m. Eastern time the day the deer was harvested;

(7) Be declared ineligible to apply for the next year's drawing if the hunter or the hunter's assistant fails to check out properly;

(8) Telecheck a harvested deer or check a harvested deer on the department's Web site at fw.ky.gov if there is not a designated check station at the quota hunt; and

(9) Comply with all species quota hunt requirements or be ineligible to apply for any quota hunt or no-hunt option for these species the following year.

Section 6. Wildlife Management Area Requirements.

(1) Dr. Norman and Martha Adair WMA.

(2) Ballard WMA.

(a) On the main tract, the quota hunt shall be for two (2) consecutive days beginning on the first Saturday in November.

(b) On the main tract, the archery, crossbow, and October youth gun seasons shall be open pursuant to statewide and zonewide requirements through October 14, except that the two (2) mile driving loop marked by signs shall be closed to all hunting.

(c) The archery, crossbow, modern gun, youth gun, and muzzleloader seasons shall be open pursuant to statewide and

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zonewide requirements only on the 400-acre tract south of Sallie Crice Road.

(d) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(3) Beaver Creek WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(b) The limit shall be one (1) antlered deer during the quota hunt.

(c) The youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(4) Big Rivers WMA.

(a) The youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) There shall be a firearms quota hunt for two (2) consecutive days beginning the first Saturday in November.

(c) The archery and crossbow quota hunt shall begin on October 25 and continue through November 30, except that it shall be closed beginning the Friday before the two (2) day quota hunt as established in paragraph (b) of this subsection.

(d) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the archery and crossbow quota hunt as established in paragraph (c) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(5) Boatwright WMA. The area shall be open pursuant to statewide and zonewide requirements, except that on the Swan Lake Unit the:

(a) Archery, October youth gun, and crossbow seasons shall only be open through October 14; and

(b) December free youth weekend shall be closed.

(6) Cane Creek WMA.

(a) The youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) There shall be an unstaffed firearms quota hunt for two (2) consecutive days beginning the first Saturday in November.

(c) The archery and crossbow unstaffed quota hunt shall begin on October 25 and continue through November 30, except that it shall be closed beginning the Friday before the two (2) day quota hunt as established in paragraph (b) of this subsection.

(d) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the quota hunts as established in paragraphs (b) and (c) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(7) Cedar Creek Lake WMA.

(8) Clay WMA.

(a) On the main tract, muzzleloader and youth gun seasons shall be open pursuant to statewide and zonewide requirements, except archery hunting shall be prohibited during the quota fox hunting field trials as established in 301 KAR 2:049.

(b) The remainder of the WMA shall be open pursuant to statewide and zonewide requirements for the archery, crossbow, muzzleloader, and youth gun seasons, except during the quota deer hunt.

(c) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(d) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked-in, up to a maximum of four (4) points.

(e) Hunters drawn for the quota hunt may harvest up to four (4) deer, only one (1) of which may be antlered.

(9) Decker WMA.

(10) Dewey Lake WMA.

(a) The December muzzleloader and youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) Guns shall be prohibited for deer hunting on the:

1. Western side of the lake, north of the Terry Boat Ramp; and
2. Eastern side of the lake, north of the ridge that begins across the lake from the Terry Boat Ramp, and extends eastward to the WMA boundary.

(c) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in November.

(d) There shall be a limit of one (1) antlered and one (1) antlerless deer during the quota hunt.

(11) Dix River WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(12) Fishtrap Lake WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning on the Saturday before Thanksgiving.

(b) The limit for the quota hunt shall be one (1) deer.

(c) The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(13) Grayson Lake WMA.

(a) An open youth hunt shall:

1. Be the first Saturday in November for two (2) consecutive days; and

2. Have a two (2) deer bag limit, only one (1) of which may be an antlered deer.

(b) A person who has not checked in shall not enter the Grayson Lake WMA during the open youth hunt, except to:

1. Travel through the WMA on an established public road; or

2. Use an area designated as open by signs.

(c) The crossbow season shall be from the first Saturday in September through the third Monday in January, except that the archery and crossbow seasons shall be closed during the November open youth hunt.

(d) The youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(e) The muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(14) Green River Lake WMA and Dennis-Gray WMA.

(a) The youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(c) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(d) Fifteen (15) openings shall be reserved in the quota hunt for mobility-impaired persons.

(e) The Green River Lake and Dennis-Gray WMAs shall be considered to be located in the Eastern Time Zone.

(f) The December muzzleloader season shall be open pursuant to statewide and zonewide requirements.

(15) Griffith Woods WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(16) Higginson-Henry WMA.

(a) The youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) There shall be a firearms quota hunt for two (2) consecutive days beginning the first Saturday in November.

(c) The archery and crossbow quota hunt shall begin on October 25 and continue through November 30, except that it shall be closed beginning the Friday before the two (2) day quota hunt as established in paragraph (b) of this subsection.

(d) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the archery and crossbow quota hunt as established in paragraph (c) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(17) J.C. Williams WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(18) Kentucky River WMA.

(a) The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(b) There shall be a quota hunt for two (2) consecutive days beginning on the first Saturday in November.

(19) Kleber WMA.

(a) The quota hunts shall be for:

1. Two (2) consecutive days beginning the first Saturday in November; and

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2. Two (2) consecutive days beginning the first Saturday in December.

(b) The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(20) Knobs State Forest WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(21) Lake Barkley WMA shall be open pursuant to statewide and zonewide requirements except:

(a) The North Refuge shall be closed from November 1 to February 15; and

(b) Duck Island shall be closed from October 15 to March 15, except that it shall be open for the October muzzleloader season, pursuant to statewide and zonewide requirements.

(22) Livingston County WMA. The youth gun, muzzleloader, and modern gun seasons shall be open pursuant to statewide and zonewide requirements, except a person shall not hunt deer with a modern gun during the modern gun deer season.

(23) Curtis Gates Lloyd WMA.

(a) The December muzzleloader and youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) There shall be an unstaffed firearms quota hunt beginning the second Saturday in November for eight (8) consecutive days.

(c) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the archery and crossbow quota hunt as established in paragraph (b) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(24) Mill Creek WMA.

(a) The youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) The modern gun season shall be open pursuant to statewide and zonewide requirements for two (2) consecutive days beginning the second Saturday in November.

(25) Miller-Welch Central Kentucky WMA.

(26) Mullins WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(27) Ohio River Islands WMA, Stewart Island Unit.

(a) The muzzleloader season shall be for two (2) consecutive days beginning the third Saturday in October.

(b) The archery season shall be from the first Saturday in September through October 14.

(c) The crossbow season shall be from October 1 through October 14.

(d) The October youth gun season shall be open pursuant to statewide and zonewide requirements.

(e) The remainder of the WMA shall be open pursuant to statewide and zonewide requirements.

(28) Paintsville Lake WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(b) The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(c) A person shall not use a gun for deer hunting on:

1. The area extending eastward from the drainage of Glade Branch, along the north edge of the lake, to the No Hunting Area surrounding Rocky Knob Recreation Area and enclosing all property from the WMA boundary downslope to the lake edge; and

2. The islands to the south and that portion of the area extending eastward along the south edge of the lake from the drainage of Shoal Branch to the No Hunting Area surrounding the dam and ranger station, and extending downslope to the edge of the lake.

(29) Peabody WMA.

(a) The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(b) The modern gun season shall be open pursuant to statewide and zonewide requirements for ten (10) consecutive days beginning the second Saturday in November.

(30) Pennyryle State Forest-Tradewater WMA.

(a) There shall be a quota hunt for two (2) consecutive days beginning on the first Saturday in November.

(b) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(31) Ping-Sinking Valley WMA. The December muzzleloader and youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(32) Pioneer Weapons WMA. Statewide and zonewide requirements shall apply except that a person:

(a) Shall not use a modern gun;

(b) Shall not use an in-line muzzleloader;

(c) Shall not use a scope;

(d) May use a crossbow during the entire archery season; and

(e) Shall use only open or iron sights on any weapon.

(33) Redbird WMA.

(a) The youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) The modern gun season shall be open pursuant to statewide and zonewide requirements for two (2) consecutive days beginning the second Saturday in November.

(34) Dr. James R. Rich WMA.

(a) There shall be a quota hunt for two (2) consecutive days beginning on the first Saturday in:

1. November; and

2. December; and

(b) The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(35) Robinson Forest WMA.

(a) A person shall not hunt deer on the main block of Robinson Forest.

(b) The remainder of the WMA shall be open pursuant to statewide and zonewide requirements.

(36) Rockcastle River WMA.

(a) The youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) The modern gun season shall be open pursuant to statewide and zonewide requirements for two (2) consecutive days beginning the second Saturday in November.

(37) Sloughs WMA.

(a) On the Sauerheber Unit, the archery, crossbow, muzzleloader, and youth gun seasons shall be open pursuant to statewide and zonewide requirements through October 31.

(b) The remainder of the WMA shall be open pursuant to statewide and zonewide requirements.

(38) South Shore WMA.

(a) The youth gun, October muzzleloader, and modern gun seasons shall be open pursuant to statewide and zonewide requirements through November 14, except that the use of centerfire rifles and handguns shall be prohibited.

(b) The archery and crossbow seasons shall be open pursuant to statewide and zonewide requirements, except that the area shall be closed November 15 through January 15.

(c) The December free youth weekend and December muzzleloader season shall be closed.

(39) T.N. Sullivan WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(40) Taylorsville Lake WMA.

(a) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in:

1. November; and

2. December.

(b) Seven (7) openings shall be reserved in each quota hunt for mobility-impaired persons.

(c) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(d) The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(41) Twin Eagle WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

(42) Paul Van Booven WMA.

(43) Veteran's Memorial WMA.

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(a) The December muzzleloader and youth gun seasons shall be open pursuant to statewide and zonewide requirements.

(b) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in November.

(44) West Kentucky WMA.

(a) Tracts 2 - 7 shall be open pursuant to statewide and zonewide requirements for the archery and crossbow seasons, except that the statewide and zonewide archery and crossbow seasons shall be closed during department administered quota or mentor deer hunts.

(b) Tracts 2-6 shall be open to shotgun and muzzleloader hunters participating in the quota hunt.

(c) Tract 7 and "A" tracts shall not be open for department administered quota or mentor deer hunts, except as established in paragraph (d) of this subsection.

(d) The "A" tracts shall be open to shotgun hunters participating in the mentor hunt.

(e) The quota hunt shall be for four (4) consecutive days beginning the Saturday prior to Thanksgiving.

(f) There shall be a mentor hunt for four (4) consecutive days beginning the Saturday prior to Thanksgiving in which:

1. There shall be no more than two (2) youths per adult;
2. There shall be no more than one (1) adult per youth; and
3. The adult may take a deer.

(g) Gun hunters shall not use centerfire rifles or handguns.

(h) All persons shall check in daily at the designated check-in locations before entering the "A" tracts.

(i) A participant in the quota or mentor hunt shall:

1. Sign in for the hunting tract of his or her choice at check-in prior to each day's hunt; and
2. Not hunt outside of that tract, except after noon.

(45) Yellowbank WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide and zonewide requirements.

Section 7. State Park Deer Seasons and Requirements.

(1) A state park may allow archery and crossbow hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer.

(2) A state park may allow up to sixteen (16) days of modern gun hunting and up to eleven (11) days of muzzleloader hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer.

(3) A person shall not hunt on a state park unless:

(a) Selected by a random drawing as established in Section 3 of this administrative regulation; or

(b) The person is a member of a successful applicant's quota hunt party; or

(c) The person is participating in a first come, first served or an open hunt.

(4) A person participating in a state park quota hunt shall:

(a) Check in and check out as required in Section 5 of this administrative regulation;

(b) Furnish at check-in a driver's license or other form of government-issued identification or if the individual is a juvenile, be accompanied by an adult who furnished such an identification; ~~and~~

(c) Not be eligible to apply for a quota hunt the following year if the person does not check out as required in Section 5 of this administrative regulation; ~~and~~

(d) Comply with the hunter orange and weapon requirements established in 301 KAR 2:172; and

(e) Check a harvested deer by completing the telecheck or online check-in process as established in 301 KAR 2:172; ~~and~~

(5) A person participating in a state park deer hunt shall not:

(a) Take more than one (1) antlered deer;

(b) Hunt over bait;

(c) Use:

1. A tree stand except a portable stand;
2. Climbing devices that nail or screw to the tree; or
3. Climbing spikes;

(d) Leave a deer stand unattended for more than twenty-four (24) hours;

(e) Discharge a gun within 100 yards of a maintained road or building; or

(f) Hunt:

1. In an area posted as closed by signs or maps;

2. Outside park boundaries; or

3. From a ground blind, if gun deer hunting is allowed, unless first attaching a hat or vest made of solid, unbroken hunter orange material to the blind so that it is visible from all sides.

(6) A person participating in a state park deer hunt or in possession of harvested wildlife on state park property shall comply with all posted state park rules and regulations concerning the possession, storage, or disposal of harvested wildlife.

(7) If a state park is in two (2) or more deer hunting zones, as established in 301 KAR 2:172, then the state park shall be regulated by the most liberal zone requirements of the zone in which it lies.

Section 8. Other Public Lands.

(1) On Daniel Boone National Forest, Jefferson National Forest, and Land Between the Lakes, a person shall not use bait.

(2) The areas established in paragraphs (a) through (h) of this subsection may schedule a gun, crossbow, or archery deer hunting season between September 1 and January 31:

(a) Big South Fork National River and Recreation Area;

(b) Clark's River National Wildlife Refuge;

(c) Daniel Boone National Forest;

(d) Green River National Wildlife Refuge;

(e) Jefferson National Forest;

(f) Land Between the Lakes National Recreation Area;

(g) Ohio River Islands National Wildlife Refuge; and

(h) Reelfoot National Wildlife Refuge.

(3) An area listed in subsection (2) of this section may issue a bonus permit for antlered or antlerless deer, which shall:

(a) Not count against a hunter's statewide or zonewide bag limit; and

(b) Only be issued for a hunt that is open to the general public.

(4) At Land Between the Lakes, a person:

(a) Shall not take more than:

1. Two (2) deer during archery hunts; and

2. One (1) deer during quota hunts;

(b) Who is a quota deer hunter shall:

1. Apply in advance at Land Between the Lakes; and

2. Only hunt from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset; and

(c) Who harvests a deer shall:

1. Check in the carcass pursuant to U.S. Forest Service requirements; and

2. Affix a game check card pursuant to U.S. Forest Service requirements.

(5) At Reelfoot National Wildlife Refuge:

(a) On the Long Point Unit, a valid hunting license and deer permit from either Kentucky or Tennessee shall be required for deer hunting; ~~and~~

(b) Zone 1 bag limits shall apply during the open archery season and quota youth hunt;

(c) A person shall not take more than two (2) deer by gun during the quota hunt, only one (1) of which shall be antlered;

(d) A quota gun hunt participant shall:

1. Tag deer as instructed by the Refuge; and

2. Comply with the Refuge check-in requirements; and

(e) A person who is archery hunting or in a quota youth hunt shall:

1. Only take deer using the appropriate statewide or additional deer permit; and

2. Check harvested deer through the department's telephone or online check-in systems.

(6) At Twin Knobs Campground, the area shall be closed to all statewide and zonewide seasons, except that there shall be a quota hunt on the second Saturday in December during odd-numbered years for mobility-impaired persons.

(7) At Zilpo Campground, the area shall be closed to all statewide and zonewide seasons, except that there shall be a quota hunt on the second Saturday in December during even-numbered years for mobility-impaired persons.

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Section 9. Special Areas under Federal Control.

(1) The areas established in paragraphs (a) through (e) of this subsection may schedule a gun, archery, or crossbow deer hunting season between September 1 and January 31:

- (a) Bluegrass Army Depot;
- (b) Fort Campbell;
- (c) Fort Knox;
- (d) Hidden Valley Training Center; and
- (e) Wendell Ford Regional Training Center.

(2) An area listed in subsection (1) of this section may issue a bonus permit for antlered or antlerless deer, which shall:

- (a) Not count against a hunter's statewide or zonewide bag limit; and
- (b) Only be issued for a hunt that is open to the general public.
- (3) Except on the Hidden Valley Training area, on the areas listed in subsection (1) of this section, a deer hunter shall:
 - (a) Obtain a permit from the area before hunting;
 - (b) Only hunt on assigned dates;
 - (c) Remain in assigned areas;
 - (d) Tag deer with tags issued on the area, unless otherwise established in this section;
 - (e) Keep the area tag attached to the deer until the carcass is processed; and
 - (f) Check deer at a designated check station before leaving the area.

(4) At Bluegrass Army Depot, a person shall not take an antlered deer whose outside antler spread is less than fifteen (15) inches.

(5) At Fort Knox, a person shall:

- (a) Not take an antlered deer whose outside antler spread is less than twelve (12) inches;
- (b) Not use bait; and
- (c) Record harvested deer on a Fort Knox harvest log and check harvested deer pursuant to area requirements and as established in 301 KAR 2:172.

(6) At Hidden Valley Training Area, a person shall not use a gun to hunt deer.

Section 10. County, City, and Municipality Properties.

(1) Local governments may allow archery or crossbow hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer on their properties as they deem necessary.

(2) Local governments may allow up to sixteen (16) days of modern gun hunting and up to eleven (11) days of muzzleloader hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer on their properties as they deem necessary.

(3) Local governments that wish to conduct a department-administered/Department administered quota hunt shall submit a Quota Hunts on Government Lands application to the Department by May 1 annually.

(4) All quota hunts offered by local governments shall:

- (a) Be posted to the Department's website by September 1 annually; and
- (b) Be open to the general public via an online drawing as established in Section 4 of this administrative regulation.

(5) Local governments that conduct a department-administered/Department administered quota hunt may issue a bonus permit for antlered or antlerless deer, which shall:

- (a) Not count against a hunter's statewide or zonewide bag limit; and
- (b) Only be issued for a hunt that is open to the public.
- (6) A hunter participating in a quota hunt offered by a local government shall:

(a) Comply with hunter orange and weapon requirements as established in 301 KAR 2:172; and

(b) Check a harvested deer by completing the telecheck or online telecheck process as established in 301 KAR 2:172; and

(c) Comply with additional requirements as described by the local government; and

(d) Be given one (1) preference point for each antlerless deer taken, up to a maximum of four (4) points; and

(e) Not hunt:

- 1. In an area posted as closed by signage; or

2. Outside of the established quota hunt zone; or

3. In a ground blind, where gun deer hunting is allowed, without first attaching a hat or vest of solid, unbroken orange so that it is visible from all sides.

(7) A person participating in a quota hunt offered by a local government or in possession of harvested deer on local government property shall comply with all posted government rules concerning the possession, storage, and disposal of harvested deer.

Section 11. Incorporation by Reference. The following material shall be incorporated by reference:

(1) "Quota Hunts on Government Lands Application", March 2026 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. Eastern Time or online at: Quota Hunts on Government Lands Application: <https://fw.ky.gov/Licenses/Documents/Quota-Hunts-on-Government-Lands-App.pdf>

FILED WITH LRC: September 3, 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: fw.publicaffairs@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 Motor Carriers

(As Amended at ARRS, September 9, 2026)

601 KAR 1:200. Administration of taxes imposed in KRS 138.655 through 138.7291.

RELATES TO: KRS 138.655-138.7291, 186.650, 49 C.F.R. 390.21, 49 U.S.C. 317

STATUTORY AUTHORITY: KRS 138.725(1), 281.600, 49 U.S.C. 317

NECESSITY, FUNCTION, AND CONFORMITY: 49 U.S.C. 31705 and KRS 138.227 authorize the department to enter into the provisions of the International Fuel Tax Agreement (IFTA). If a motor carrier operates in interstate commerce, the motor fuel taxes imposed by Kentucky statutes that are subject to the provisions of IFTA are KRS 138.660(1) and (2). If the motor carrier operates exclusively in intrastate commerce, the taxes imposed by KRS 138.660(1) and (2) are not subject to the requirements of IFTA. The tax imposed by KRS 138.660(3) is not subject to the IFTA federal mandate. All three (3) of these taxes are administered under the provisions of KRS 138.655 through 138.7291. This administrative regulation establishes the administrative procedures for the implementation of the International Fuel Tax Agreement in Kentucky, establishes the differences between the requirements of IFTA and Kentucky state law, establishes if the provisions of IFTA preempt state law, and provides for uniformity in the interstate and intrastate administration of KRS 138.660(1) and (2) so as not to violate the interstate commerce clause of the United States Constitution.

Section 1. Definitions.

(1) "Base jurisdiction" or "base state" means the member jurisdiction where qualified motor vehicles are based for vehicle registration purposes and where: "Apportioned" means to divide and distribute fees to member International Registration Plan jurisdictions according to mileage operated.]

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(a) The operational control and operational records of the fuel tax licensee's qualified motor vehicles are maintained or can be made available; and

(b) Some travel is accrued by qualified motor vehicles within the fleet.

(2) "Ceased operation" means that the licensee no longer operates in Kentucky.["Amended return" means a corrected tax return.]

(3) "Division" means the Division of Motor Carriers.["Base jurisdiction" or "base state" means the member jurisdiction where qualified motor vehicles are based for vehicle registration purposes and where:]

[(a)] [The operational control and operational records of the fuel tax licensee's qualified motor vehicles are maintained or can be made available; and]

[(b)] [Some travel is accrued by qualified motor vehicles within the fleet.]

(4) "Fuel tax license" means either an IFTA license or a Kentucky Intrastate Tax (KIT) license.["Ceased operation" means that the licensee no longer operates in Kentucky.]

(5) "IFTA" means the International Fuel Tax Agreement.["Combined licensed weight" means the greater of the registered weight of the vehicle or the maximum gross weight of the vehicle and load.]

(6) "IFTA license" means a motor fuel tax license issued in accordance with the IFTA Articles of Agreement and the IFTA Procedures Manual.["Fuel tax license" means either an IFTA license or a KIT license.]

(7) "Jurisdiction" means a state of the United States, the District of Columbia, or a province or territory of Canada, or a state of the United Mexican States.["IFTA" means the International Fuel Tax Agreement.]

(8) "KIT license" means the Kentucky intrastate tax license issued by the Kentucky Transportation Cabinet to an intrastate motor carrier subject to the taxes imposed by KRS 138.660(1) and (2).["IFTA license" means a motor fuel tax license issued in accordance with the IFTA Articles of Agreement and the IFTA Procedures Manual.]

(9) "KYU license (KYU)" means the weight distance tax license issued by the Kentucky Transportation Cabinet to a motor carrier subject to the tax imposed by KRS 138.660(3).["Jurisdiction" means a state of the United States, the District of Columbia, or a province or territory of Canada, or a state of the United Mexican States.]

(10) "Motor carrier" is defined by KRS 138.655(6).["KIT license" means the Kentucky intrastate tax license issued by the Kentucky Transportation Cabinet to an intrastate motor carrier subject to the taxes imposed by KRS 138.660(1) and (2).]

(11) "Motor Carrier Portal" means the web-based platform where motor carriers shall apply, renew, file taxes, and update motor carrier credentials.["KYU license" means the Kentucky Highway Use License issued by the Kentucky Transportation Cabinet to a motor carrier subject to the tax imposed by KRS 138.660(3).]

(12) ["Motor carrier" is defined by KRS 138.655(5).]

(a) "Qualified motor vehicle" means a motor vehicle operated by a motor carrier that is used, designed, or maintained for the transportation of persons or property and that meets at least one (1) of the following criteria:

1. A single vehicle having two (2) axles and a gross vehicle weight or a registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms;

2. A single vehicle having three (3) or more axles, regardless of weight; or

3. A vehicle used in combination, if the weight of the combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle weight or registered gross vehicle weight.

(b) A qualified motor vehicle shall not mean:

1. A recreational vehicle;

2. A motor vehicle registered pursuant to KRS 186.050(4) or under another jurisdiction's law as a farm vehicle; or

3. A motor vehicle used to transport persons for hire.

(13) "Quarterly Tax Filing" means a period of time consistent with the calendar quarterly periods of January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

[(a)] ["Qualified motor vehicle" means a motor vehicle operated by a motor carrier that is used, designed, or maintained for the transportation of persons or property and that meets at least one (1) of the following criteria:]

[1.] [A single vehicle having two (2) axles and a gross vehicle weight or a registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms;]

[2.] [A single vehicle having three (3) or more axles, regardless of weight; or]

[3.] [A vehicle used in combination, if the weight of the combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle weight or registered gross vehicle weight.]

[(b)] [A qualified motor vehicle does not mean:]

[1.] [A recreational vehicle;]

[2.] [A motor vehicle registered pursuant to KRS 186.050(4) or under another jurisdiction's law as a farm vehicle; or]

[3.] [A motor vehicle used to transport persons for hire.]

(14) "Tax-paid fuel" means motor fuel purchased either in bulk or over-the-road by a motor carrier on which the motor fuel taxes imposed by a jurisdiction are paid at purchase.["Quarterly reporting period" means a period of time consistent with the calendar quarterly periods of January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.]

[(15)] ["Tax-paid fuel" means motor fuel purchased either in bulk or over-the-road by a motor carrier on which the motor fuel taxes imposed by a jurisdiction are paid at purchase.]

Section 2. Governing IFTA Documents. Unless otherwise specified in this administrative regulation, the following IFTA documents prepared and adopted by the membership of the International Fuel Tax Association shall govern the administration of Kentucky's collection of the taxes imposed by KRS 138.660(1) and (2) [unless otherwise specified in this administrative regulation]:

(1) International Fuel Tax Agreement Articles of Agreement;

(2) International Fuel Tax Agreement Procedures Manual; and

(3) International Fuel Tax Agreement Audit Manual.

Section 3. IFTA Fuel Tax License Application, Renewal, and Tax Filing.

(1) A carrier that operates a qualified motor vehicle in interstate commerce and has Kentucky as the base jurisdiction for the operations of its qualified motor vehicles shall apply for an IFTA license.

[(a)] [A motor carrier that operates a qualified motor vehicle in interstate commerce and has Kentucky as the base jurisdiction for the operation of its qualified motor vehicles shall apply each year to the Division of Motor Carriers for an IFTA license or license renewal.]

[(b)] [A motor carrier that operates exclusively in intrastate commerce may apply for an IFTA license.]

[(c)] [An applicant for an IFTA license shall submit to the division Kentucky Training Application, TC Form 95-1.]

[(d)]

[1.] [An incomplete or deficient Kentucky Trucking Application, TC Form 95-1, shall be returned to the applicant within thirty (30) days of submission to the cabinet.]

[2.] [The applicant shall correct any filing deficiencies and resubmit the form to the cabinet within thirty (30) days of receipt.]

(2) An applicant for an IFTA License or an annual IFTA Renewal shall apply using the motor carrier portal.

[(a)] [A motor carrier that operates all of its qualified motor vehicles exclusively in intrastate commerce and that does not apply for an IFTA license pursuant to subsection (1) of this section shall apply each year for a KIT license or its renewal.]

[(b)] [An applicant for a KIT license shall submit Kentucky Trucking Application, TC Form 95-1.]

[(c)]

[1.] [An incomplete or deficient Kentucky Trucking Application, TC Form 95-1 shall be returned to the applicant within thirty (30) days of submission to the cabinet.]

[2.] [The applicant shall correct any filing deficiencies and resubmit the form to the cabinet within thirty (30) days of receipt.]

(3) An IFTA license issued by Kentucky authorizes a qualified motor vehicle for motor fuel tax purposes to be operated in any IFTA

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jurisdiction.[A fuel tax license shall expire on December 31 of the year in which the license was issued.]

(4) The division shall issue two (2) IFTA decals per qualified motor vehicle to a holder of an IFTA fuel tax license.

(a) One (1) decal shall be placed on the driver side door and the second decal on the passenger side door.[The original or a legibly reproduced copy of a fuel tax license issued by the Kentucky Transportation Cabinet or an IFTA license issued by another jurisdiction shall be carried in each qualified motor vehicle when operating on any public highway of Kentucky.]

(b) A licensee can access the motor carrier portal to request additional decals.[An IFTA license issued by Kentucky authorizes a qualified motor vehicle for motor fuel tax purposes to be operated in any IFTA jurisdiction.]

(5) A fuel tax license shall expire on December 31 of the year in which the license was issued.

[(a)] [The Transportation Cabinet shall issue two (2) decals per qualified motor vehicle to a holder of a fuel tax license.]

[(b)]

[1.] [Unless the qualified motor vehicle is being operated on a trip permit pursuant to KRS 138.665 and Section 10 of this administrative regulation, a fuel tax decal issued by the Transportation Cabinet or a decal issued by another IFTA jurisdiction denoting proof of issuance of an IFTA license shall be displayed on the lower rear exterior portion of both sides of the cab of each qualified motor vehicle.]

[2.] [The decal shall be located so as to be totally visible and the view of the decal shall not be obstructed by any part of the truck.]

[(c)] [A decal shall not be transferred between qualified motor vehicles.]

[(d)] [A new decal shall be issued each calendar year.]

(6) Quarterly tax filings shall be filed and paid using the motor carrier portal following the schedule in Section 1 (13) of this administrative regulation.[Each fuel tax licensee that does not have a U.S. Department of Transportation motor carrier identification number or an Interstate Commerce Commission motor carrier identification number shall submit a Kentucky Trucking Application, Form TC 95-1, to apply for an interstate or intrastate motor carrier identification number.]

(a) Failure to file or pay the IFTA quarterly tax shall result in a \$500 failure to file or pay fee.

[1.] [An incomplete or deficient Kentucky Trucking Application, TC Form 95-1 shall be returned to the applicant within thirty (30) days of submission to the cabinet.]

[2.] [The applicant shall correct any filing deficiencies and resubmit the form to the cabinet within thirty (30) days of receipt.]

(b) A tax filing is required every quarter even if there were no operations during that quarter. In this instance, a licensee shall file zero miles for that quarter to avoid cancellation of the license.[The intrastate motor carrier identification number assigned to a KIT licensee shall be displayed on each qualified motor vehicle operated by the KIT licensee as required in 49 C.F.R. Part 390.21, except the KIT identification number shall be preceded by the letters "USDOT" and followed by the letters "KY".]

[(c)] [A fuel tax licensee shall display the name of the motor carrier on each of its qualified motor vehicle in accordance with the provisions of 49 C.F.R. part 390.21.]

(7)

(a) An IFTA licensee shall immediately report any change in the principal business address, legal status, or business name to the Federal Motor Carrier Safety Administration by visiting fmcsa.dot.gov. Once the Federal Motor Carrier Safety Administration reports the updates to the division the motor carrier portal shall be updated.[Each fuel tax licensee shall immediately report any change in the principal business address, legal status, or business name to the Transportation Cabinet.]

(b) All motor carrier operations subject to KRS 138.660(1)(2) shall be conducted in the name in which the IFTA[fuel tax] license is issued or the duly assumed business name of the licensee as it appears on the license.

[(c)] [A licensee shall use the name utilized in the application for the license in all documents relating to its operation. Both this name and the fuel tax license number shall be used in correspondence with the Transportation Cabinet.]

(8) A licensee may request to cancel their IFTA license after all tax liabilities have been paid by requesting the cease operations option.

Section 4. KIT Fuel License Application, Renewal, and Tax Filing.[KYU License].

(1) A carrier that operates a qualified motor vehicle in intrastate commerce and Kentucky as the base jurisdiction for the operations of its qualified motor vehicles shall apply for a KIT license.[A motor carrier subject to the tax imposed by KRS 138.660(3) shall apply for a KYU license prior to operating on the highways of Kentucky.]

(2) An applicant for a KIT[KYU] license or an annual KIT Renewal shall apply using the motor carrier portal.[shall submit a Kentucky Trucking Application, TC Form 95-1.]

(3) A KIT license issued by Kentucky authorizes a qualified motor vehicle for motor fuel tax purposes to be operated in Kentucky only.

[(a)] [An incomplete or deficient Kentucky Trucking Application, TC Form 95-1 shall be returned to the applicant within thirty (30) days of submission to the cabinet.]

[(b)] [The applicant shall correct any filing deficiencies and resubmit the form to the cabinet within thirty (30) days of receipt.]

(4) The division shall issue two (2) IFTA decals per qualified motor vehicle to a holder of a KIT fuel tax license.

(a) One (1) decal shall be placed on the driver side door and the second decal on the passenger side door.[A KYU licensee shall assign a unique number to each individual motor vehicle subject to the tax in KRS 138.660(3).]

(b) A licensee can access the motor carrier portal to request additional decals.[The unique vehicle identification number shall:]

[1.] [Be displayed on the front of the vehicle readily legible in daylight hours from a distance of 100 feet when the vehicle is not in motion:]

[2.] [Be in sharp contrast to the background of the vehicle; and]

[3.] [Not be placed higher than the bottom of the windshield or lower than the bottom of the front bumper.]

(5) A fuel tax license shall expire on December 31 of the year in which the license was issued.[A KYU licensee shall display the KYU number on each motor vehicle subject to the tax imposed by KRS 138.660(3) and operated in the same manner as required by to 49 C.F.R. Part 390.21.]

(6) Quarterly tax filings shall be filed and paid using the motor carrier portal following the schedule in Section 1(13) of this administrative regulation.

(a) Failure to file or pay the KIT quarterly tax shall result in a \$500 failure to file or pay fee.[A KYU licensee shall immediately report any change in the principal business address, legal status, or business name to the Transportation Cabinet.]

(b) A tax filing is required every quarter even if there were no operations during that quarter. In this instance, a licensee shall file zero miles for that quarter to avoid cancellation of the license.[All motor carrier operations subject to KRS 138.660(3) shall be conducted in the name in which the KYU license is issued or the duly assumed business name of the licensee as it appears on the license.]

[(c)] [A KYU licensee shall use the name utilized in the application for the license in all documents relating to the licensee's operations. Both this name and the KYU license number shall be used in correspondence with the Transportation Cabinet.]

(7)

(a) A KIT licensee shall immediately report any change in the principal business address, legal status, or business name to the Federal Motor Carrier Safety Administration by visiting fmcsa.dot.gov. Once the Federal Motor Carrier Safety Administration reports the updates to the division the motor carrier portal shall be updated.

[1.] [A KYU licensee shall register each vehicles subject to the tax imposed by KRS 138.660(3) with the Transportation Cabinet.]

[2.] [The registration shall be reported on Vehicle Additions or Deletions Subject to Kentucky Weight Distance (KYU) Tax, TC Form 95-38 or electronically at <http://transportation.ky.gov/dmcf/>.]

(b) All motor carrier operations subject to KRS 138.660(1)(2) shall be conducted in the name in which the KIT license is issued or the duly assumed business name of the licensee as it appears on

the license.[If the licensee sells, leases, or buys a vehicle subject to the tax imposed by KRS 138.660(3), the KYU licensee shall immediately file Vehicle Additions or Deletions Subject to Kentucky Weight Distance (KYU) Tax, TC Form 95-38, with the Transportation Cabinet showing the addition to or deletion from its fleet.]

(8) A licensee may request to cancel their KIT license after all tax liabilities have been paid by requesting the cease operations option.

Section 5. KYU License Application and Tax Filing.[Leasing of Motor Vehicles. The following shall apply to a lessor, lessee, independent contractors, and household goods agents:]

(1) A motor carrier subject to the tax imposed by KRS 138.660(3) shall apply for a KYU license prior to operating on the highways of Kentucky.

[(a)] [A lessor that is regularly engaged in the business of leasing or renting a motor vehicle without a driver to a licensee or other lessee shall be deemed to be the licensee.]

[(b)] [The lessor shall be issued a license if an application has been:]

[1.] [Properly filed; and]

[2.] [Approved pursuant to the provisions of Sections 3 and 4 of this administrative regulation.]

(2) An applicant for a KYU license shall apply using the motor carrier portal.[If a motor carrier uses independent contractors under leases of thirty (30) days or more, the lessor and lessee shall have the option of designating which party is to report and pay the fuel use tax imposed by KRS 138.660(1) and (2) and the fuel taxes imposed by other jurisdictions.]

(3) Quarterly tax filings shall be filed and paid using the motor carrier portal following the schedule in Section 1(13) of this administrative regulation.[If the lessee assumes responsibility for reporting and paying motor fuel taxes pursuant to subsection (2) of this section, the base jurisdiction for IFTA purposes shall be the base jurisdiction of the lessee, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes by the lessor.]

(a) Failure to file or pay the KYU quarterly tax shall result in a \$500 failure to file or pay fee.

(b) A tax filing is required every quarter even if there were no operations during that quarter. In this instance, a licensee shall file zero miles for that quarter to avoid cancellation of the license.

(4) For ease of enforcement it is recommended that a KYU licensee display the KYU number on each motor vehicle subject to the tax imposed by KRS 138.660(3) and operated in the same manner as required by 49 C.F.R. Part 390.21.[If a motor carrier rents a motor vehicle for a period of less than thirty (30) days from a lessor described in subsection (1) of this section, the lessor shall pay the fuel use taxes unless the lessor has a:]

[(a)] [Written rental contract that designates the lessee as the party responsible for reporting and paying the fuel use tax; and]

[(b)] [Copy of the lessee's IFTA fuel tax license that is valid for the term of the rental.]

(5) [If the motor carrier uses independent contractors under leases of thirty (30) days or less, the trip lessor shall report and pay all fuel taxes.]

(a) A KYU licensee shall immediately report any change in the principal business address, legal status, or business name to the Federal Motor Carrier Safety Administration by visiting fmcsa.dot.gov. Once the Federal Motor Carrier Safety Administration reports the updates to the division the motor carrier portal shall be updated.

(b) All motor carrier operations subject to KRS 138.660(3) shall be conducted in the name in which the KYU license is issued or the duly assumed business name of the licensee as it appears on the license.

(6) A KYU licensee shall register all vehicles subject to the tax imposed by KRS 138.660(3) with the division using the motor carrier portal.[If the motor carrier is a household goods carrier using independent contractors, agents, or service representatives, under intermittent leases, the party liable for all motor fuel taxes shall be:]

[(a)] [The lessee if the qualified motor vehicle is being operated under the lessee's jurisdictional operating authority. The base jurisdiction for purposes of IFTA shall be the base jurisdiction of the

lessee, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes by the lessor or lessee; or]

[(b)] [The lessor who is the independent contractor, agent, or service representative if the qualified motor vehicle is being operated under the lessor's jurisdictional operating authority. The base jurisdiction for purpose of IFTA shall be the base jurisdiction of the lessor, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes.]

(7) A licensee may request to cancel their KYU license after all tax liabilities have been paid by requesting the cease operations option.[The lease shall be made available by either the lessee or the lessor upon request of the Transportation Cabinet.]

Section 6. Leasing of Motor Vehicles. The following shall apply to a lessor, lessee, and independent contractors.[Bonding Requirements:]

(1) [The Transportation Cabinet shall require the bond for a payment of the taxes imposed by KRS 138.660 if the licensee meets one (1) of the following criteria:]

(a) A lessor that is regularly engaged in the business of leasing or renting a motor vehicle without a driver to a licensee or other lessee shall be deemed to be the licensee. [The licensee has failed to timely file a report required by Section 7 of this administrative regulation for three (3) quarters of sixteen (16) consecutive quarters:]

(b) The lessor shall be issued a license if an application has been.[The licensee has failed to remit all of the tax due for a taxable quarter:]

1. Properly filed on the motor carrier portal; and

2. Approved pursuant to the provisions of Sections 3 and 5 of this administrative regulation.

[(c)] [An audit of the licensee indicates a recordkeeping or other administrative problem; or]

[(d)] [The licensee has had a KYU, KIT, or IFTA license revoked, suspended, or canceled.]

(2) If a motor carrier uses independent contractors under leases of thirty (30) days or more, the lessor and lessee shall have the option of designating which party is to report and pay the taxes imposed by KRS 138.660(1), (2) and (3). This shall include fuel taxes imposed by other jurisdictions.[A licensee required to post a bond pursuant to this section shall deposit with the Transportation Cabinet one (1) of the following:]

[(a)] [A surety bond;]

[(b)] [Bonds or other obligations of the United States, Canada, or the Commonwealth of Kentucky made payable to the Commonwealth of Kentucky;]

[(c)] [Automatically renewable time certificates of deposit issued by a bank doing business in the Commonwealth of Kentucky and insured by the Federal Deposit Insurance Corporation, made in the name of licensee, payable to the Commonwealth of Kentucky and containing the provision that interest earned shall be payable to the licensee, but that the certificates shall only be canceled by written authorization from the Transportation Cabinet; or]

[(d)] [A cash bond submitted in the form of a cashier's check, money order, or other certified funds payable to the Commonwealth of Kentucky.]

(3) If the lessee assumes responsibility for filing and paying motor fuel taxes pursuant to subsection (2) of this section, the base jurisdiction for IFTA purposes shall be the base jurisdiction of the lessee, regardless of the jurisdiction in which the qualified motor vehicle is registered for vehicle registration purposes by the lessor.[The licensee shall be the principal obligor, and the Commonwealth of Kentucky shall be the obligee.]

(4) If a motor carrier rents a motor vehicle for a period of less than thirty (30) days from a lessor described in subsection (1) of this section, the lessor shall pay the KYU taxes and the fuel use taxes unless the lessor has a:[A licensee shall file proof of the bond required pursuant to subsection (1) of this section, by submitting a notarized form TC 95-204.]

(a) Written rental contract that designates the lessee as the party responsible for filing and paying the fuel use tax and the KYU taxes; and

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(b) Copy of the lessee's KYU issuance letter and the IFTA fuel tax license that is valid for the term of the rental.

(5) If the motor carrier uses independent contractors under leases of thirty (30) days or less, the trip lessor shall report and pay all fuel taxes and KYU taxes.

(6) The lease shall be made available by either the lessee or the lessor upon request of the division.

Section 7. Tax Recordkeeping[Payment and Reporting]. Each fuel tax licensee or KYU licensee shall maintain records as established in 601 KAR 1:201.

[(1)] [The Transportation Cabinet shall by the last day of each quarterly reporting period mail the appropriate tax report form to each fuel tax licensee.]

[(a)] [A Kentucky-based IFTA licensee shall be mailed IFTA Quarterly Fuel Use Tax Return IFTA-100-MN and IFTA Quarterly Fuel Use Tax Schedule, IFTA-101.]

[(b)] [A KIT licensee shall be mailed the Highway Quarterly Tax Return, TC Form 95-103.]

[(c)] [A fuel tax licensee or a KYU tax licensee with no operations during the reporting quarter shall file a tax reporting form.]

[(2)]

[(a)] [The Transportation Cabinet shall provide or make available to each KYU licensee the KRS 138.660(3) quarterly tax report forms, including Kentucky Weight Distance Tax Form, TC Form 95-101.]

[(b)] [A KYU licensee shall comply with the provisions of KRS 138.685.]

[(3)]

[(a)] [If filing a motor fuel tax report, an IFTA licensee shall apply the overpayment generated in one (1) jurisdiction to the motor fuel taxes owed to another jurisdiction, remitting the net amount owed to the Transportation Cabinet.]

[(b)] [IFTA licensees shall present one (1) check to the Transportation Cabinet to pay the motor fuel taxes due pursuant to KRS 138.660(1) and (2) as well as the motor fuel taxes due all other IFTA jurisdictions.]

[(c)] [If a fuel tax licensee has been required to file a bond pursuant to Section 6 of this administrative regulation, the check to pay the motor fuel taxes due shall be certified.]

[(d)] [The requirement for a certified check for KYU licensees shall be waived pursuant to KRS 138.665 unless the motor carrier is notified by the Transportation Cabinet to the contrary. The cabinet may require a certified check from a motor carrier if the motor carrier:]

[1.] [Is required to post a bond for its fuel taxes pursuant to Section 6 of this administrative regulation;]

[2.] [Has not established a record of consistent and continued compliance with KRS 138.655 through 138.7291; or]

[3.] [Is operating on the highways of Kentucky without a KYU license.]

[(4)] [A computer-generated tax return shall not be used in place of Transportation Cabinet forms unless the licensee receives advance written approval of the format from the Division of Motor Carriers, Tax Branch. The format submitted for approval shall provide the same information as the Kentucky Weight Distance Tax Form, TC Form 95-101 and be substantially the same format.]

Section 8. Assessment[Tax Recordkeeping]. Each fuel tax licensee or KYU licensee shall maintain records as established in 601 KAR 1:201.

(1)

(a) If a fuel tax licensee fails, neglects, or refuses to file a tax report when due, the division shall, on the basis of the best information available, determine the fuel tax liability of the licensee for each jurisdiction and the tax liability of the license as established in KRS 138.660(3).

(b) If a motor carrier fails, neglects, or refuses to obtain either a fuel tax license or a KYU license, the division shall, on the basis of the best information available to the cabinet, determine the KRS 138.660(1) and (2) or (3) tax liability of the motor carrier for Kentucky.

(2)

(a) The motor carrier shall be notified of additional tax assessments by email and mail.

(b) In the absence of protest, payment including interest from the original due date shall be made within forty-five (45) days from the date of the notice of tax due.

(3)

(a) Pursuant to KRS 131.110(1), a written protest may be filed by the motor carrier or other persons representing the motor carrier and shall include a supporting statement and documents that identify the specific adjustments requested or the portions of the assessment being protested and setting forth the reasons the protest is being made.

(b) The protest shall be submitted to or presented at the Transportation Cabinet Building, Division of Road Fund Audits, 4th floor, 200 Mero Street, Frankfort, Kentucky 40622 within forty-five (45) days from the date of the notice of tax due.

(4) If an IFTA license motor carrier elects to exercise the right under Section 1450.200 of the IFTA Articles of Agreement for Further Requests for Appeal, the cabinet shall consider this a protest of the assessment by the taxpayer and place the taxpayer into protest status.

(5) If an IFTA member jurisdiction elects to exercise the right under Section 1360.100 of the IFTA Articles of Agreement to reaudit the motor carrier, the cabinet shall consider this a protest of the assessment by the taxpayer.

(6) If the supporting statements and documentation are not sufficient to change the assessment results, the motor carrier may request an information gathering or protest conference with the Division of Road Fund Audits.

(7)

(a) Within sixty (60) days of the taxpayer submitting complete additional information or within sixty (60) days of a protest conference being held, the Division of Road Fund Audits shall issue a final ruling to the taxpayer that includes the final assessment and the procedures to follow if the taxpayer chooses to appeal to the Kentucky Board of Tax Appeals as established in KRS 131.110.

(b) Upon agreement by both parties, the sixty (60) day time period shall be altered by an agreed waiver that specifies the new time period for completion.

(8) If the motor carrier does not request a conference, the cabinet shall issue a final ruling to the taxpayer stating the final assessment results and detailing the procedures for an appeal to the Kentucky Board of Tax Appeals.

(9) Within thirty (30) days from the date of the final ruling, a written protest may be filed with the Kentucky Board of Tax Appeals by the taxpayer or other persons representing the taxpayer as established in KRS 131.110.

Section 9. Trip Permits.[Assessment.]

(1) A motor carrier who does not have a required license may operate on Kentucky's highways using a temporary trip permit issued pursuant to KRS 138.665.

[(a)] [If a fuel tax licensee fails, neglects, or refuses to file a tax report when due, the Transportation Cabinet shall, on the basis of the best information available to the cabinet, determine the fuel tax liability of the licensee for each jurisdiction and the tax liability of the license as established in KRS 138.660(3).]

[(b)] [If a motor carrier fails, neglects, or refuses to obtain either a fuel tax license or a KYU license, the Transportation Cabinet shall, on the basis of the best information available to the cabinet, determine the KRS 138.660(1) and (2) or (3) tax liability of the motor carrier for Kentucky.]

(2) Temporary trip permits shall be purchased using the Motor Carrier Portal.

(a) Pursuant to KRS 138.710(2), the charge for a temporary IFTA permit is forty (40) dollars plus the administrative charge of the financial institution.[The motor carrier shall be notified of additional tax assessments by mail.]

(b) Pursuant to KRS 138.710(2), the charge for temporary KIT permit is forty (40) dollars plus the administrative charge of the financial institution.[In the absence of protest, payment including interest from the original due date shall be made within forty-five (45) days from the date of the notice of tax due.]

(c) Pursuant to KRS 138.710(2), the charge for a temporary KYU permit is forty (40) dollars plus the administrative charge of the financial institution.][(3)]

[(a)] [A written protest may be filed by the motor carrier or other persons representing the motor carrier and shall include a supporting statement and documents that identify the specific adjustments requested or the portions of the assessment being protested and setting forth the reasons the protest is being made (KRS 131.110(1)).]

[(b)] [The protest shall be submitted to or presented at the Transportation Cabinet Building, Division of Road Fund Audits, 4th floor, 200 Mero Street, Frankfort, Kentucky 40622 within forty-five (45) days from the date of the notice of tax due.]

[(4)] [If an IFTA license motor carrier elects to exercise the right under Section 1450.200 of the IFTA Articles of Agreement for Further Requests for Appeal, the cabinet shall consider this a protest of the assessment by the taxpayer and place the taxpayer into protest status.]

[(5)] [If an IFTA member jurisdiction elects to exercise the right under Section 1360.100 of the IFTA Articles of Agreement to reaudit the motor carrier, the cabinet shall consider this a protest of the assessment by the taxpayer.]

[(6)] [If the supporting statements and documentation are not sufficient to change the assessment results, the motor carrier may request an information gathering or protest conference with the Division of Road Fund Audits.]

[(7)]

[(a)] [Within sixty (60) days of the taxpayer submitting complete additional information or within sixty (60) days of a protest conference being held, the Division of Road Fund Audits shall issue a final ruling to the taxpayer that includes the final assessment and the procedures to follow if the taxpayer chooses to appeal to the Kentucky Board of Tax Appeals, KRS 131.110.]

[(b)] [Upon agreement by both parties, the sixty (60) day time period shall be altered by an agreed waiver that specifies the new time period for completion.]

[(8)] [If the motor carrier does not request a conference, the cabinet shall issue a final ruling to the taxpayer stating the final assessment results and detailing the procedures for an appeal to the Kentucky Board of Tax Appeals.]

[(9)] [Within thirty (30) days from the date of the final ruling, a written protest may be filed with the Kentucky Board of Tax Appeals by the taxpayer or other persons representing the taxpayer as established in KRS 131.110.]

Section 10. Fuel Tax Refunds or Credits.[Trip Permits.]

(1) A fuel tax licensee shall be allowed to carry forward a motor fuel tax credit for eight (8) quarters.[A motor carrier who does not have a required license may operate on Kentucky's highways using a temporary trip permit issued pursuant to KRS 138.665.]

(2) A refund request, using the TC95-640 Tax Overpayment/ Credit Refund Application/ Refund Request form, from a fuel tax licensee shall be emailed to tax.dmc@ky.gov/refund.dmc@ky.gov. [Application for a temporary trip permit shall be made by applying to the Division of Motor Carriers. The application may be made in person, in writing, or by telephone or facsimile communication.]

[(a)] [The address for written requests is P.O. Box 2007, Frankfort, Kentucky 40602.]

[(b)] [The location for in person requests is Transportation Cabinet Building, Division of Motor Carriers, 2nd floor, 200 Mero Street, Frankfort, Kentucky 40622.]

[(c)] [The telephone number of the Division of Motor Carriers is (502) 564-4540.]

[(d)] [The telephone number for the facsimile machine in the Division of Motor Carriers is (502) 564-4138.]

(3) [The application for a temporary trip permit shall contain the following information:]

(a) A full credit shall be allowed to IFTA and KIT licensees for tax-paid fuel purchases placed in a qualified motor vehicle.[The name and address of the applicant;]

(b) Any excess of fuel tax paid over liability in any member jurisdiction shall be credited in full to tax liability in other member jurisdictions or to the IFTA licensee's account ledger.[The year, make, and serial number or vehicle identification number of the motor vehicle for which the application is being made; and]

[(c)] [The combined gross weight of the motor vehicle.]

(4)

(a) A motor fuel tax refund to an IFTA licensee shall not be made unless the motor fuel tax liability, including an audit assessment, has been satisfied for all member jurisdictions.

(b) If a fuel tax licensee's refund request is determined to be properly due, the refund shall be paid within ninety (90) days after receipt of a request for payment from a fuel tax licensee.

(5)

(a) A fuel tax licensee may apply within two (2) quarters to the division for refund of the fuel tax imposed by KRS 138.660(1) or (2) if the fuel:

1. Is consumed on the public highways;

2. Is from the same tank that is permanently attached to the power unit of the qualified motor vehicle;

3. Serves to power the operation of the qualified motor vehicle on the highways; or

4. Is issued for power take-off equipment.

(b) The application for the Power take-off equipment refund of fuel established in subsection 5(a)4 of this section shall be made by contacting The Kentucky Transportation Cabinets Division of Road Fund Audits at KYTC.PTORefunds@ky.gov to obtain the application for Fuel Tax Refund for Use of Power Take-off Equipment form, to substantiate the non-highway use of the fuel.

Section 11. Incorporation by Reference.[Fuel Tax Refunds or Credits.]

(1) "TC 95-640, Tax Overpayment/ Credit Refund Application" September 2026/Refund Request", May 2018, is incorporated by reference.[A fuel tax licensee shall be allowed to carry forward a motor fuel tax credit for eight (8) quarters.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:00 p.m. or at drive.ky.gov.[A refund request from a fuel tax licensee shall be presented in writing and detail the reason for the requested refund.]

[(3)]

[(a)] A full credit shall be allowed to IFTA and KIT licensees for tax-paid fuel purchases placed in a qualified motor vehicle.

[(b)] Any excess of fuel tax paid over tax liability in any member jurisdiction shall be credited in full to tax liability in other member jurisdictions or to the IFTA licensee's account ledger.

[(4)]

(a) A motor fuel tax refund to an IFTA licensee shall not be made unless the motor fuel tax liability, including an audit assessment, has been satisfied for all member jurisdictions.

(b) If a fuel tax licensee's refund request is determined to be properly due, the refund shall be paid within ninety (90) days after receipt of a request for payment from a fuel tax licensee.

[(5)]

(a) A fuel tax licensee may apply within two (2) quarters to the Transportation Cabinet for refund of the fuel tax imposed by KRS 138.660(1) or (2) if the fuel:

1. Is consumed on the public highways;

2. Is from the same tank that is permanently attached to the power unit of the qualified motor vehicle;

3. Serves to power the operation of the qualified motor vehicle on the highways; and

4. Is used for:

[a.] A mixer;

[b.] Pumps;

[c.] A load lift;

[d.] A refrigeration unit; or

[e.] Similar power take-off equipment.

(b) The application for the refund of fuel established in paragraph (a) of this subsection shall be made on Application for Fuel Tax Refund for Use of Power Take-off Equipment, Form TC 95-214 to substantiate the nonhighway use of the fuel.

[Section 12.] [Tax Penalties and Interest.]

[(1)] [The penalty for the late payment of the motor fuel tax imposed by KRS 138.660(3) shall be as established in KRS 138.715.]

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[(2)] [The interest on the late payment of any of the taxes administered pursuant to this administrative regulation shall be as established in KRS 138.715.]

[(3)] [The taxes, penalties, and interest identified in KRS 138.675 shall also include the motor fuel taxes, penalties, and interest owed to other IFTA jurisdictions.]

[(4)] [The penalties and interest due for the overpayment of a refund shall begin to accrue fifteen (15) days after the motor carrier is notified of the overpayment.]

[Section 13.] [License Cancellation, Refusal, and Reinstatement.]

[(1)] [If a motor carrier fails to comply with the provisions of KRS 138.655 through 138.7291 or this administrative regulation, the fuel tax license or KYU license shall be canceled in accordance with the provisions of KRS 138.675.]

[(2)] [A license shall not be issued and shall be cancelled for the following reasons:]

[(a)] [Improper use of license or decal;]

[(b)] [Failure to file a tax return when due;]

[(c)] [Failure to pay all of the taxes owed;]

[(d)] [Failure to produce records after written request for the records;]

[(e)] [Failure to maintain records in the required manner;]

[(f)] [Notification from another IFTA jurisdiction of motor fuel tax violations in that jurisdiction; or]

[(g)] [A similar action or inaction by the licensee; or]

[(h)] [If a motor carrier has applied for new authority for the purpose of avoiding its former authority's tax liability;]

[(3)] [A motor carrier shall be notified of the pending license cancellation or license refusal and offered the opportunity for an administrative hearing pursuant to Section 14 of this administrative regulation.]

[(4)] [If a license is canceled by the Transportation Cabinet, the motor carrier shall immediately return the license.]

[(5)] [If a motor carrier desires to have a canceled license reinstated, the carrier shall:]

[(a)] [Prove to the Transportation Cabinet that sufficient records are being and shall be maintained to file accurate tax reports;]

[(b)] [Submit quarterly tax reports for all missed reporting periods;]

[(c)] [Pay all taxes, penalties, and interest owed;]

[(d)] [Provide a bond pursuant to Section 6 of this administrative regulation; and]

[(e)] [Provide evidence of liability insurance, operating authority, and other items of KRS Chapter 281 applicable to the motor carrier.]

[Section 14.] [Appeal Procedure.]

[(1)] [An appeal of a nontax action by the Transportation Cabinet related to KRS 138.655 through 138.7295 shall be in writing and directed to the Transportation Cabinet Building, Office of Legal Services, 6th floor, 200 Mero Street, Frankfort, Kentucky 40622.]

[(2)] [An administrative hearing shall be conducted in accordance with the provisions of KRS Chapter 13B.]

[Section 15.] [Incorporation by Reference.]

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

[(a)] [“International Fuel Tax Agreement Audit Manual”, January 2007 edition, International Fuel Tax Association;]

[(b)] [“Vehicle Additions or Deletions Subject to Kentucky Weight Distance (KYU) Tax”, TC Form 95-38, December 2]009[;]

[(c)] [“Kentucky Highway Use Bond”, TC Form 95-201, April 2010;]

[(d)] [“Kentucky Trucking Application”, TC Form 95-1, April 2010;]

[(e)] [“IFTA Quarterly Fuel Use Tax Return” IFTA-100-MN, April 2006;]

[(f)] [“Kentucky Weight Distance Tax Form”, TC Form 95-101, March 2010;]

[(g)] [“Application for Fuel Tax Refund for Use of Power Take-off”, TC Form 95-214, April 2010;]

[(h)] [“Highway Quarterly Tax Return”, TC Form 95-103, December 2007;]

[(i)] [“International Fuel Tax Agreement Procedures Manual”, January 2008 edition, International Fuel Tax Agreement;]

[(j)] [“International Fuel Tax Agreement Articles of Agreement”, revised January 2010, International Fuel Tax Agreement; and]

[(k)] [“IFTA Quarterly Fuel Use Tax Schedule”, IFTA-101, August 1998.]

[(2)] [This material may be inspected, copied, or obtained at the Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m.]

FILED WITH LRC: September 9, 2026

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

EDUCATION AND LABOR CABINET Board of Education Department of Education (As Amended at ARRS, September 9, 2026)

701 KAR 5:090. Teacher disciplinary hearings.

RELATES TO: KRS 161.770, 161.790

STATUTORY AUTHORITY: KRS 156.070, 161.770, 161.790(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.790(4) and 161.770 require[s] the commissioner of education to appoint an impartial three (3) member tribunal to conduct an administrative hearing and issue a[make the] final decision when[determination on charges concerning] a local school district seeks[district's proposal] to discipline [or place on involuntary leave] a teacher or place a[if the] teacher on involuntary leave, if the teacher timely requests a hearing[gives timely notice of his or her intent to answer the charges]. This administrative regulation establishes the[administrative and hearing] procedures governing tribunal hearings and sets the qualifications and training requirements for tribunal members[with respect to the tribunal process and identifies the required training for tribunal members designated to serve as tribunal members on an ongoing basis].

Section 1. Definitions.

(1) "Commissioner" means the commissioner of the Kentucky Department of Education.

(2) "Department" means the Kentucky Department of Education.

(3) "Hearing officer" means the attorney member of the tribunal appointed by the commissioner.

(4) "Timely request" means written notification from a teacher meeting all requirements of KRS 161.790(3), and received by the commissioner within ten (10) days following the receipt of written charges by teacher.

(5) "Tribunal" means the three (3) member panel appointed pursuant to KRS 161.790(4).

(6) "Written charges" means the written rationale provided by a school district to an employee supporting:

(a) Contract termination, suspension without pay, or public reprimand pursuant to KRS 161.790; or

(b) Involuntary leave pursuant to KRS 161.770.

Section 2.[Section 4.] Notification to the Commissioner of Discipline or Involuntary Leave. If a[A][local school district] superintendent proposes[proposing to] discipline of a teacher pursuant to KRS 161.790, other than private reprimand, or a board of education places[placing] a teacher or superintendent on involuntary leave pursuant to KRS 161.770, the district shall immediately send[, after notice to the employee, transmit a copy of

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~~the notice of the action to~~ the commissioner ~~[of education]~~ a copy of the written charges and documentation of the date the employee received the written charges, along with advice as to the date of the receipt of the notice by the employee].

Section 3.~~[Section 2.]~~ Hearing Officer Qualifications. Upon receipt of a timely request, the commissioner shall appoint a hearing officer who shall hold the following qualifications~~[notification from a teacher pursuant to KRS 161.790(3) of the teacher's intention to answer the charges against him or her, the commissioner shall appoint a hearing officer in accordance with KRS 161.790(4) who meets the following qualifications]:~~

(1) ~~Be~~~~[The hearing officer shall be]~~ an attorney licensed to practice law in the Commonwealth of Kentucky and in good standing with the state licensing authority for attorneys~~[Kentucky Bar Association];~~

(2) ~~Completed~~~~[The hearing officer shall complete]~~ biennial training ~~[as]~~ approved by the department~~[Kentucky Department of Education]~~ on the following topics:

(a) Teacher employment law; and

(b) The Professional Code of Ethics in 16 KAR 1:020; and

(3) Satisfies all training requirements in 40 KAR 5:010~~[related to the employment of teachers];~~

~~[(3)]~~ ~~[The hearing officer shall complete biennial training as approved by the Kentucky Department of Education related to the professional code of ethics for Kentucky school-certified personnel set forth in 16 KAR 1:020; and]~~

~~[(4)]~~ ~~[The hearing officer shall meet the training requirements set forth in 40 KAR 5:010].~~

Section 4.~~[Section 3.]~~ Teacher and Administrator Tribunal Members~~[Qualifications].~~

(1) ~~Every~~~~[Beginning in 2019 and every]~~ four (4) years~~[thereafter]~~, the department~~[Kentucky Department of Education]~~ shall establish and maintain a pool consisting of not more than twenty (20) teacher members and not more than twenty (20) administrator members who may be assigned to a tribunal. The department shall solicit applications for the purpose of identifying qualified individuals to serve as potential tribunal members.

(2) Any individual seeking consideration for inclusion in the pool shall submit a completed Teacher and Administrator Tribunal Member Application in accordance with procedures established by the department~~[to establish a pool of potential teacher or administrator tribunal members. Individuals who wish to be considered for the pool of potential teacher or administrator tribunal members shall apply using the Teacher and Administrator Tribunal Member Application. The Kentucky Department of Education shall select no more than twenty (20) potential teacher tribunal members for the pool using procedures developed by the Kentucky Department of Education for the receipt, review, and selection of applicants. The Kentucky Department of Education shall select no more than twenty (20) potential administrator tribunal members for the pool using procedures developed by the Kentucky Department of Education for the receipt, review, and selection of applicants].~~

~~[(3)]~~~~[(2)]~~ Teacher~~[To be a member of the pool of potential teacher tribunal members of the tribunal]~~~~[designated to serve as a teacher tribunal member on an ongoing basis, a person] shall:~~

(a) Hold a valid Kentucky teaching certificate issued by the Education Professional Standards Board and be in good standing; or

(b) Be retired and previously~~[have]~~ held a valid Kentucky teaching certificate issued by the Education Professional Standards Board that was not revoked or surrendered as a result of disciplinary~~[revocation]~~ proceedings.

~~[(4)]~~~~[(3)]~~ Administrator~~[To be a member of the pool of potential administrator tribunal members of the tribunal]~~~~[designated to serve as an administrator tribunal member on an ongoing basis, a person] shall:~~

(a) Hold a valid Kentucky teaching certificate for the performance of administrative duties issued by the Education Professional Standards Board and be in good standing; or

(b) Be retired and previously~~[have]~~ held a valid Kentucky teaching certificate for the performance of administrative duties issued by the Education Professional Standards Board that was not

revoked or surrendered as a result of disciplinary~~[revocation]~~ proceedings.

~~[(5)]~~~~[(4)]~~ Teacher and administrator tribunal members shall complete~~[Individuals selected for the pool of potential teacher or administrator tribunal members designated to serve as a teacher or administrator tribunal member on an ongoing basis shall complete]~~ training approved by the department~~[Kentucky Department of Education]~~ on the following topics at least once every four (4) years:

(a) The hearing process;

(b) Roles of tribunal members and the hearing officer~~[The role of the tribunal];~~

(c) Fact-finding and deliberation~~[The role of the hearing officer];~~

(d) How to determine facts;

(e) Fundamental fairness;

~~[(e)]~~~~[(f)]~~ [The law on teacher disciplinary actions set forth at]~~KRS 161.790; and~~

~~[(f)]~~~~[(g)]~~ The professional code of ethics ~~[for Kentucky school-certified personnel]~~~~[set forth in 16 KAR 1:020]; and]~~

~~[(h)]~~ [The deliberative process].

~~[(6)]~~~~[(5)]~~ For attending training approved by the department~~[Kentucky Department of Education]~~, teacher and administrator tribunal members~~[required to be a member of the pool of potential teacher or administrator tribunal members, a person]~~ shall receive a \$100 per diem~~[of \$100]~~ and travel reimbursement~~[of travel expenses]~~ from the department~~[Department of Education]~~.

Section 5.~~[Section 4.]~~ Expenses~~[Reimbursement].~~

(1) The local school district shall be responsible for paying the assigned hearing officer's costs as billed by the department, including~~[pay all]~~ travel expenses of the hearing officer~~[tribunal member]~~~~[pursuant to]~~~~[in accordance with]~~ 200 KAR 2:006.

(2) No later than the convening of the tribunal hearing, the local school district shall advise the teacher and administrator tribunal members how to claim their per diem and travel expenses, to be paid by the school district.

Section 6.~~[Section 5.]~~ Conduct of Hearing.

(1) Hearings~~[A hearing before the tribunal]~~ shall be conducted in accordance with KRS Chapter 13B.

(2) The tribunal shall be presented with the written charges~~[notification described in Section 1, which sets forth the charges for discipline or involuntary leave].~~

(3) The hearing officer shall instruct the tribunal regarding the burden of proof, including which party bears the burden of proof.

(4) If, for any reason and after testimony has commenced, a tribunal member becomes unavailable to complete the hearing of the evidence of both parties, an appropriate substitute tribunal member shall be appointed by the commissioner ~~[of education]~~ and provided by the school district with a written transcript of all prior proceedings at the hearing unless waived under subsection (5) of this section.

(5) A hearing may be concluded and a decision rendered by a two (2) member tribunal upon express agreement of both parties so long as one (1) of the two (2) tribunal members is a hearing officer ~~[member in accordance with Section 2 of this administrative regulation].~~

Section 7.~~[Section 6.]~~ Continuances.

(1)

(a) If, after a requested hearing has been scheduled by the commissioner~~[of education or his or her designee]~~, a continuance is requested by the teacher, the teacher shall specifically and in writing waive the statutory hearing deadlines and any subsequent backpay award for the period of the requested continuance. A continuance initiated by the teacher shall not be granted without the appropriate waiver.

(b) If the continuance request was initiated by the school district, a waiver shall not be required.

(2) A continuance requested by the teacher may be granted for good cause shown, including pending criminal charges making it inadvisable for the employee to testify at an administrative hearing or late entry of an attorney into the case on behalf of the employee.

(3) A continuance requested by the school district, and not agreed to by the employee, may be granted upon documentation of

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good cause making it impossible or prejudicially impractical for the district to adequately present its case at the scheduled hearing.

(4) A request for continuance made prior to the ~~three (3) member~~ tribunal hearing commencing ~~(convening)~~ shall be submitted in writing to the hearing officer.

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

(1) The "Teacher and Administrator Tribunal Member Application", June ~~2026~~~~[2019]~~, 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 a.m. to 4:30 p.m.

FILED WITH LRC: September 9, 2026

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

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

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

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

RELATES TO: KRS Chapter 13B, 438.305 to 438.350

STATUTORY AUTHORITY: KRS 438.340, 438.3055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.305 to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate relevant statutory provisions or the department's administrative regulations related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and report statistics relating to the illegal sale to persons under the age of twenty-one (21) of tobacco products, alternative nicotine products, and vapor products, and the enforcement of KRS 438.305 to 438.350. Specifically, KRS 438.340 authorizes the department to promulgate administrative regulations necessary to implement and carry out the provisions of KRS 438.305 to 438.350, and KRS 438.3055 requires the department to carry out the enforcement provisions of KRS 438.305 to 438.350, including the promulgation of administrative regulations that govern the sale and distribution of alternative nicotine products, tobacco products, and vapor products. Additionally, KRS 438.340(2) requires~~[2026 Ky. Acts Ch. 70 (SB 245) mandates that]~~ the department prescribe and publish application forms for tobacco, nicotine, or vapor product licenses within thirty (30) days of April 10, 2026~~[its passage]~~.

Section 1. Definitions.

(1) "Department" is defined by~~[in]~~ KRS 438.305(5).

(2) "License" means a tobacco, nicotine, or vapor product license.

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

Section 3. Requests for Hearing.

(1) A person or business receiving an administrative citation pursuant to KRS 438.305 to 438.350, a revocation of their license pursuant to KRS 438.3069, or a denial of their application for a

license pursuant to KRS 438.3067, may request an administrative hearing on the matter ~~[t]~~ to be conducted by the department in accordance with KRS Chapter 13B.

(2) A request for hearing to contest the following shall be made in writing by the person or business receiving the administrative citation, revocation, or denial, or their attorney, within thirty (30) days of receipt:

(a) An administrative citation for a violation of KRS 438.305 to 438.350;

(b) A license revocation pursuant to KRS 438.3069; or

(c) A license application denial pursuant to KRS 438.3067.

(3) A request for a hearing shall include:

(a) A copy of the administrative citation, notice of revocation, or notice of denial;

(b) The name, address, and contact information of the person or business that received the administrative citation, revocation, or denial; and

(c) The name, address, and contact information of their agent for service, if that differs from the information provided pursuant to paragraph (b) of this subsection.

(4) A request for a hearing shall be mailed to the Department of Alcoholic Beverage Control, ATTN: Tobacco Hearing Request, 500 Mero Street, Frankfort, Kentucky 40601, or emailed to the department at abc.legal@ky.gov.

(5) Upon receipt of a timely request for hearing, the department shall refer the matter to an administrative hearing officer for adjudication in accordance with KRS Chapter 13B.

(6) If a request for hearing is not made within thirty (30) days of receipt of an administrative citation, revocation, or denial, the opportunity for a hearing shall be ~~[deemed to have been]~~ waived and the disciplinary action imposed shall ~~[thereby]~~ be ~~[deemed]~~ effective.

Section 4. Prepayment of Fines. A fine imposed pursuant to an administrative citation shall be prepayable within thirty (30) days of issuance of the administrative citation. A person not wishing to contest the allegations in the citation may resolve the charge by making a payment in the amount set forth in the administrative citation through any of the following methods:

(1) Mailing or otherwise submitting a cashier's check, certified check, business check, or money order payable to the Kentucky State Treasurer, to the Department of Alcoholic Beverage Control, 500 Mero Street, Frankfort, Kentucky 40601; or

(2) Making an electronic Tobacco Citation Payment on the department's online payment portal at <https://abcportal.ky.gov/BELLEExternal>.

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

Section 6. Disposition of Records and Evidence.

(1) The department shall preserve the confidentiality of all juvenile records by maintaining a separate filing system with access limited to the parties and their legal counsel. The department shall maintain statistical summaries of case information, including date of buy, geographical location of buy, name and address of retail seller, date of purchase, date of birth and gender of underage buyer, and disposition of case. Statistical summaries relating to underage buyers shall not identify the underage buyer by name.

(2) Physical property seized as contraband property, as defined by KRS 438.305(4), in the course of investigations of administrative violations of KRS 438.305 to 438.350 shall be maintained by the department in a secured evidentiary storage facility and destroyed after the administrative matter is resolved, unless it is found that the

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evidence was not used in violation of the law, in which case the property shall be returned to its owner.

(3) The disposition of contraband property and evidence shall not occur until all appeals associated with the administrative matter have been exhausted.

Section 7. Application Forms.

(1) A tobacco, nicotine, or vapor product retailer shall initially apply for an annual tobacco, nicotine, or vapor product license by submitting the Initial Tobacco, Nicotine, or Vapor Product License Application Form to the department.

(a) The Initial Tobacco, Nicotine, or Vapor Product License Application Form shall be submitted with the following documents:

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

2. Proof of registration with the Department of Revenue; and

3. A ~~fifty (50) dollar~~**[\$50]** non-refundable application fee.

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

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

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

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

Section 8. Batch Application Form.

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

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

(b) A tobacco, nicotine, or vapor product license or multiple licenses for multiple premises, in conjunction with one **(1)** or more alcoholic beverage retail licenses.

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

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

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

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

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

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

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

(2) If a material change has occurred as defined in **KRS 438.3064[26 RS SB 245]** Section **[2](2)(b)**:

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

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

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

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

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

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

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

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

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

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

FILED WITH LRC: September 9, 2026

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

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

CABINET FOR HEALTH AND FAMILY SERVICES

Office of Medical Cannabis

(As Amended at ARRS, September 9, 2026)

915 KAR 2:050. Qualifying Medical Conditions.

RELATES TO: KRS Chapter 218B

STATUTORY AUTHORITY: KRS 218B.020~~;~~**—KRS** 218B.140(1)(c)~~;~~**—KRS** 218B.010(26)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 218B.020 charges the Cabinet for Health and Family Services with the implementation, operation, oversight, and regulation of the medicinal cannabis program established in KRS Chapter 218B. KRS 218B.140(1)(c)21 ~~requires/authorizes~~ the Cabinet for Health and Family Services to promulgate administrative regulations that establish standards, procedures, or restrictions that the cabinet deems necessary to ensure the efficient, transparent, and safe operation of the medicinal cannabis program. This administrative regulation provides clarification regarding the definition of ~~[""]~~qualifying medical condition~~[""]~~ contained in KRS 218B.010(26).

Section 1. The Definition of ~~[""]~~Qualifying Medical Condition. ~~[""]~~

(1) The definition of ~~[""]~~qualifying medical condition~~[""]~~ contained in KRS 218B.010(26) may encompass additional medical conditions if an underlying symptom of those conditions is:

(a) Expressly defined as a ~~[""]~~qualifying medical condition~~[""]~~ in KRS 218B.010(26); and

(b) Properly diagnosed by a medical cannabis practitioner or the medical cannabis practitioner properly confirms the diagnosis provided by another health care provider.

(2) The following list of medical conditions have been recommended for express inclusion within the definition of ~~[""]~~qualifying medical condition~~[""]~~ by the Kentucky Board of Physicians and Advisors and are recognized as having at least one (1) underlying symptom that is defined as a ~~[""]~~qualifying medical condition~~[""]~~ under KRS 218B.010(26):

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- (a) Amyotrophic Lateral Sclerosis;
- (b) Parkinson's Disease;
- (c) Crohn's Disease;
- (d) Ulcerative Colitis;
- (e) Sickle Cell Anemia;
- (f) Cachexia or Wasting Syndrome;
- (g) Neuropathies;
- (h) Severe Arthritis;
- (i) Fibromyalgia;
- (j) Muscular Dystrophy;
- (k) Huntington's Disease;
- (l) Human Immunodeficiency Virus (HIV);
- (m) Acquired Immunodeficiency Syndrome (AIDS);
- (n) Glaucoma; and
- (o) Terminal Illness.

FILED WITH LRC: September 9, 2026

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of
Legislative and Regulatory Affairs, 275 East Main Street 5 W-A,
Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-
7091; CHFSregs@ky.gov.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING
OR RECEIPT OF WRITTEN COMMENTS

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

BOARDS AND COMMISSIONS
Board of Optometric Examiners
(Amended After Comments)

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[ef]~~ 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[ef]~~ 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[ef]~~ 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>.

201 KAR 005:010.

MARY BETH MORRIS, O.D., President

APPROVED BY AGENCY: August 11, 2026

FILED WITH LRC: September 15, 2026 at 10:50 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christi LeMay, Phone: (502) 234-2114, Email: christi.lemay@ky.gov

Subject Headings: Occupations and Professions, Optometry, Licensing

(1) Provide a brief summary of:

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

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

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

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative

regulation set forth the requirements for licensure so applicants, licensees, and the public are aware of the requirements.

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

(a) How the amendment will change this existing administrative regulation: This amendment clarifies the examinations that are required for licensure, adds an additional exam requirement effective January 2027 and removes OEBC as an alternative. This amendment corrects the deadline for submitting an application to conform with applications incorporated by reference and allow adequate time for the Board to review all materials as required by current regulation. The amendment also requires the board to notify licensees of any proposed change in licensure.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish the examinations required for licensure effective January 1, 2027.

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

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides the examinations required for licensure effective January 1, 2027.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment affects all individuals seeking licensure after April 15, 2026.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: All applicants are required to provide passing scores of the licensing examinations established in this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants must continue to pay the licensing examinations for each required examination.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this amendment is necessary to be licensed to practice optometry. (6) Provide an estimate of how much it will cost the administrative body to implement this amendment:

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

(a) Initially: \$0

(b) On a continuing basis: \$0

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes fees for licensure. This amendment does not change any of these fees.

(10) TIERING: Is tiering applied? No, each group of applicants has the same requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, 320.280

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Optometric

Examiners

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

1. Expenditures:

For the first year: \$0 expenditure increase with this amendment.

For subsequent years: \$0 expenditure increase with this amendment.

2. Revenues:

For the first year: \$0 revenue increase with this amendment.

For subsequent years: \$0 revenue increase with this amendment.

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: N/A

(b) Methodology and resources used to reach this conclusion: N/A

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.

(b) The methodology and resources used to reach this conclusion: This amendment does not change any applicant fees paid to the Kentucky Board of Optometric Examiners.

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

**TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(Amended After Comments)**

601 KAR 1:018. Special overweight or overdimensional motor vehicle load permits.

RELATES TO: KRS 175.450, 177.390-177.570, 177.9771, 186.010(8), 186.050, 189.221, 189.222, 189.2225(3), 189.270, 189.271, [189.2715,]189.2716, 189.2717, 227.550, 281.838, 23 C.F.R. 658.17, 49 C.F.R. 367, 393.11

STATUTORY AUTHORITY: KRS 189.270(6), 189.271(9)(b), [189.2715(1),]189.2717(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.270(6), 189.271(9)(b), [189.2715(1),]189.2716, and 189.2717(1) authorize the Secretary of the Kentucky Transportation Cabinet to issue permits for the movement of motor vehicles with divisible or nondivisible loads exceeding legal weights or dimensions. This administrative regulation establishes the procedures and requirements for the issuance of an overweight or overdimensional single trip or annual permit including the height, width, and length necessary for vehicles and loads; escort safety requirements; the requirements to move a house or building; and the criteria necessary to obtain a permit for a sealed, containerized, ocean-going cargo unit.

Section 1. Definitions.

(1) "Axle spacing" means the measurable distance between the axle centers of the axle unit.

(2) "Boat" means a vehicle used for movement on the water and includes the trailer on which it is placed for transporting the vehicle on the highway.

(3) "Designated National Truck Network" means routes approved for use by increased dimension as established in KRS 189.222.

(4) "Height pole" means a vertical clearance measuring device.

(5) "International bill of lading" means a receipt or ticket for property tendered for transportation by a common motor carrier or private carrier in foreign commerce including:

(a) Consignor;

(b) Consignee;

(c) Origin and destination points;

(d) Number of packages;

(e) Description of freight or goods; and

(f) Date.

(6) "Manufactured home" is defined by KRS 227.550(7).

(7) "Nondivisible" means a load, cargo unit, or vehicle that if separated into smaller loads or vehicles would:

(a) Compromise the intended use of the vehicle, making it unable to perform the function for which it was intended;

(b) Destroy the value of the load or vehicle, making it unusable for its intended purpose; or

(c) Require more than four (4) or eight (8) work hours to dismantle and reassemble contingent on the route traveled.

(8) "Overdimensional" means the motor vehicle exceeds the dimension limits established in 603 KAR 5:070.

(9) "Overweight" means the motor vehicle exceeds:

(a) The gross weight limit established in 603 KAR 5:066;

(b) The axle weight limit established in 603 KAR 5:066;

(c) The gross weight limits established by KRS 177.9771 for a motor vehicle transporting coal or coal by-products;

(d) The bridge weight limit established by 603 KAR 5:066; or

(e) The gross weight limit posted at a bridge or other structure.

(10) "Permit fee" means the fee established [in KRS 189.270, 189.2715, or 189.2717] for the issuance of an overweight or overdimensional trip or annual permit, to cover the cost of processing the permit application, including:

(a) A qualification check of the applicant;

(b) A statutory compliance check; and

(c) An initial bridge and weight analysis.

(11) "Pole trailer" means a motor vehicle without motive power that is:

(a) Designed to be drawn by a motor vehicle and attached to the towing motor vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing motor vehicle; and

(b) Used for transporting long or irregularly shaped loads such as poles, pipes, or structural members that generally are capable of sustaining themselves as beams between the supporting connections.

(12) "Sealed, containerized, ocean-going cargo unit" means a nondivisible unit of cargo that is part of international trade due to importation from, or exportation to, another country.

(13) "Self-propelled specialized mobile equipment" means every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways.

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(14) "Steering axle" means the axle or axles of a vehicle or combination of vehicles by which the vehicle or vehicles are guided or steered.

(15) "Tandem" means any two (2) axles with centers forty-two (42) inches or more apart but less than ninety-six (96) inches apart.

(16) "Tridem" means any three (3) consecutive axles with centers forty-two (42) inches or more apart and less than 120 inches apart.

(17) "Trunnion axle" means an axle configuration with two (2) individual axles mounted in the same transverse plane with four (4) tires on each axle connected at a pivot point that allows each individual axle to oscillate in a vertical plane to provide constant and equal weight distribution on each individual axle.

Section 2. Overweight or Overdimensional Permit Application.

(1) ~~To apply~~[An application] for a Kentucky Overweight/Overdimensional Single Trip Permit [Worksheet, TC Form 95-10, and] ~~or an [Application for] Annual Overweight or Overdimensional Permit, [TC Form 95-25, shall be submitted to the Division of Motor Carriers by:]~~access the online motor carrier permitting system at <http://drive.ky.gov/motor-carriers/Pages/Purchase-Overweight-Over-Dimensional-Permits.aspx>.

[(a)] [Hand delivery;]

[(b)] [Mail;]

[(c)] [Fax; or]

[(d)] ~~[The online motor carrier permitting system at <http://drive.ky.gov/motor-carriers/Pages/Purchase-Overweight-Over-Dimensional-Permits.aspx>]~~

(2) An applicant for an overweight or overdimensional single trip permit shall submit a completed Kentucky Overweight/Overdimensional Permit Worksheet[, TC Form 95-10 to the Division of Motor Carriers].

(3) An overweight or overdimensional single trip permit shall be valid for one (1) move and a duration of ten (10) days.

(4) An overweight or overdimensional single trip permit application shall specify the following information regarding the towing vehicle:

(a) The year, make, and vehicle identification number;

(b) The license plate number and jurisdiction;

(c) The maximum weight for which the towing vehicle is registered;

(d) The jurisdiction or state of the apportioned registration;

(e) The name, address, and telephone number of the operator or owner;

(f) A general description of the cargo;

(g) The effective date of travel;

(h) The serial number for a manufactured home;

(i) The specific routes of travel requested;

(j) The Kentucky Highway Use License (KYU License) or the DOT number; and

(k) The axle spacing and axle group configuration.

(5) An applicant for an overweight or overdimensional annual permit shall submit a completed Application for Annual Overweight or Overdimensional Permit[, TC Form 95-25 to the Division of Motor Carriers].

(6) An overweight or overdimensional annual permit shall be valid for an unlimited number of moves for a duration of 365 days.

(7) An overweight or overdimensional annual permit application shall specify the following information regarding the towing vehicle:

(a) The year, make, and vehicle identification number;

(b) The license plate number, jurisdiction, and unit number;

(c) The maximum weight for which the towing vehicle is registered;

(d) The jurisdiction or state of the apportioned registration;

(e) The name, address, and telephone number of the operator or the owner;

(f) A general description of the cargo;

(g) The effective date of travel;

(h) The Kentucky Highway Use License (KYU License) or the DOT number; and

(i) The axle spacing and axle group configuration.

Section 3. Permit Fees[Validity and Availability].

(1) The following are the fees for all overweight or overdimensional single trip and annual permits and shall be paid using a credit card or an electronic funds transfer (EFT). In addition to the permit fee there shall also be a financial institution fee:

(a) Single trip shall cost \$120[A valid overweight or overdimensional annual or single trip permit issued by the Division of Motor Carriers shall be carried in the overweight or overdimensional vehicle during transit].

(b) S05 Single Trip Metal Commodities shall cost \$200[The permit shall be presented upon request to law enforcement or authorized personnel of the Department of Vehicle Regulation].

(c) A01 Non-divisible Annual less than fourteen (14) feet wide shall cost \$750[A modification by the permittee to the permit that is not authenticated by the Division of Motor Carriers shall render the permit invalid].

(d) A02 Non-divisible Annual less than fourteen (14) feet wide shall cost \$1500.

(e) A05 Metal Commodity shall cost \$1250.

(f) A06 Non-divisible Steel statewide shall cost \$1000.

(g) A09 Feed Annual shall cost \$300.

(h) A10 Annual Manufactured Home permit shall cost \$1500.

(i) Riverport Annual Permit shall cost \$500.

(j) Superload bridge analysis cost an additional \$500.

[(2)] [A separate overweight or overdimensional permit shall be required for each vehicle involved in a movement.]

[(3)] [An overweight or overdimensional permit shall not be issued for a divisible load that if reasonably divided, dismantled, disassembled, or rearranged would no longer be overweight or overdimensional except as provided by KRS 189.2715, 189.2716, or 189.2717.]

[(4)] [A special overweight or overdimensional annual or trip permit to allow the movement of a motor vehicle with a gross weight or gross dimension in excess of the weights and dimensions established in KRS 189.270, 189.271, 189.2715, and 189.2717 may be issued by the Division of Motor Carriers if the movement is necessary to provide transportation for specified cargo that is in the interest of the health, welfare, or economy of the Commonwealth.]

Section 4. Permit Validity and Availability[Changes to Overweight or Overdimensional Permits].

(1) ~~[A duplicate overweight or overdimensional permit that is needed to replace a lost, stolen, or destroyed annual permit or to transfer or amend the permit to another towing vehicle shall be obtained from the Division of Motor Carriers by a payment of ten (10) dollars.]~~

(a) A valid overweight or overdimensional annual or single trip permit issued by the Division of Motor Carriers shall be carried in the overweight or overdimensional vehicle during transit.

(b) The permit shall be presented upon request to law enforcement or authorized personnel of the Department of Vehicle Regulation.

(c) A modification by the permittee to the permit that is not authenticated by the Division of Motor Carriers shall render the permit invalid.

(2) A separate overweight or overdimensional permit shall be required for each vehicle involved in a movement[One (1) transfer to another towing vehicle or one (1) amendment of vehicle information shall be allowed for each overweight or overdimensional annual permit during the permit's effective year].

(3) Except as provided by KRS 189.2716 or 189.2717, an overweight or overdimensional permit shall not be issued for a divisible load that if reasonably divided, dismantled, disassembled, or rearranged would no longer be overweight or overdimensional.[The original overweight or overdimensional permit shall be returned to the Division of Motor Carriers prior to the transfer of an annual permit].

Section 5. Changes to Overweight or Overdimensional Permits[Travel Restrictions].

(1) A duplicate overweight or overdimensional permit that is needed to replace a lost, stolen, or destroyed annual permit or to transfer or amend the permit to another towing vehicle shall be obtained from the Division of Motor Carriers by a payment of ten (10)

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dollars.[In accordance with 23 C.F.R. 658.17, the Division of Motor Carriers may deny an overweight or overdimensional permit application if:]

[(a)] [The route includes a portion of the interstate highway system; and]

[(b)] [The load is divisible.]

(2) One (1) transfer to another towing vehicle or one (1) amendment of vehicle information shall be allowed for each overweight or overdimensional annual permit during the permit's effective year.[The cabinet shall deny or restrict an overweight or overdimensional permit for the use of a route that may cause damage to property or is detrimental to public safety or convenience. The following shall be considered in making a determination on the application:]

[(a)] [The strength of bridges and structures on the route;]

[(b)] [Traffic congestion on the route;]

[(c)] [Horizontal and vertical clearance on the route;]

[(d)] [The availability of alternate routes that afford greater safety;]

[(e)] [Urban development in residential and commercial areas on the route; and]

[(f)] [The proximity of schools to the route.]

(3) The original overweight or overdimensional permit shall be returned to the Division of Motor Carriers prior to the transfer of an annual permit.[Overdimensional restrictions shall not prohibit a utility company from working in an emergency situation to restore utility service to an area otherwise experiencing an outage.]

[(4)]

[(a)] [As needed for public safety, the department shall prohibit movements in congested areas within the peak traffic hours.]

[(b)] [Additional restrictions shall be noted on the overweight or overdimensional permit upon issuance.]

[(5)]

[(a)] [Travel on an overweight and overdimensional permit shall not be permitted in Boone, Kenton, Campbell, Fayette, Jefferson County (Louisville) or at the Owensboro, Kentucky 2155 bridge from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday.]

[(b)] [An overweight or overdimensional load originating in Fayette County shall be exempt from traffic rush hour restrictions on Interstate 64 and Interstate 75 in Fayette County and on connecting routes to both interstates up to a distance of three (3) miles from the interstates.]

[(6)] [If proof of an emergency is submitted to the Division of Motor Carriers, a move shall be authorized during the hours restricted by KRS 189.270(14)(a).]

[(7)] [Each vehicle transporting a load under the provisions of an overweight or overdimensional annual or single trip permit shall obtain prior approval from the Division of Motor Carriers for a deviation from the routes approved by the Transportation Cabinet.]

Section 6. Travel Restrictions[Height].

(1) In accordance with 23 C.F.R. 658.17, the Division of Motor Carriers may deny an overweight or overdimensional permit application if:[A vehicle and load with a height in excess of thirteen (13) feet, six (6) inches shall obtain an overweight or overdimensional single-trip permit pursuant to KRS 189.270(2) prior to movement.]

(a) The route includes a portion of the interstate highway system; and

(b) The load is divisible.

(2) The cabinet shall deny or restrict an overweight or overdimensional permit for the use of a route that may cause damage to property or is detrimental to public safety or convenience. The following shall be considered in making a determination on the application:[An overweight or overdimensional annual permit shall not be issued or used for the movement if the height of the combination load and towing vehicle exceeds thirteen (13) feet, six (6) inches.]

(a) The strength of bridges and structures on the route;

(b) Traffic congestion on the route;

(c) Horizontal and vertical clearance on the route;

(d) The availability of alternate routes that afford greater safety;

(e) Urban development in residential and commercial areas on the route; and

(f) The proximity of schools to the route.

(3) Overdimensional restrictions shall not prohibit a utility company from working in an emergency situation to restore utility service to an area otherwise experiencing an outage. [The maximum height for each overweight or overdimensional single-trip permit shall be determined by the cabinet based upon underpass and bridge height along the designated route.]

(4) [A vehicle and load exceeding (15) feet, (6) inches in height shall submit a completed Overweight or Overdimensional Proposed Route Survey, TC Form 95-625 in addition to TC Form 95-40 to the Division of Motor Carriers.]

(a) As needed for public safety, the department shall prohibit movements in congested areas within the peak traffic hours.

(b) Additional restrictions shall be noted on the overweight or overdimensional permit upon issuance.

(5)

(a) Travel on an overweight and overdimensional permit shall not be permitted in Boone, Kenton, Campbell, Fayette, or Jefferson Counties, or at the Owensboro Kentucky 2155 bridge from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday.

(b) An overweight or overdimensional load originating in Fayette County shall be exempt from traffic rush hour restrictions on Interstate 64 and Interstate 75 in Fayette County and on connecting routes to both interstates up to a distance of three (3) miles from the interstates.

(6) If proof of an emergency is submitted to the Division of Motor Carriers, a move shall be authorized during the hours restricted by KRS 189.270(12)(a).

(7) Each vehicle transporting a load under the provisions of an overweight or overdimensional annual or single trip permit shall obtain prior approval from the Division of Motor Carriers for a deviation from the routes approved by the Transportation Cabinet.

Section 7. Height[Weight].

(1) A vehicle and load with a height in excess of thirteen (13) feet, six (6) inches shall obtain an overweight or overdimensional single-trip permit pursuant to KRS 189.270(2) prior to movement.[Gross or axle overweight shall not be permitted on:]

[(a)] [A unit that does not have a registered weight of at least 80,000 lbs; or]

[(b)] [A towing vehicle whose horsepower or braking capacity is not adequate to safely transport the overdimensional or overweight load.]

(2) An overweight or overdimensional annual permit shall not be issued or used for the movement if the height of the combination load and towing vehicle exceeds thirteen (13) feet, six (6) inches, unless allowed pursuant to KRS 189.270(7).[The weight on a single axle in any combination shall not exceed the product of 700 pounds times the aggregate width in inches established by the manufacturer's stamped tire measurement of all the tires on the axle, or the following axle or axle group weights, whichever is less:]

[(a)] [Single axle – 24,000 pounds;]

[(b)] [Steering axle – 20,000 pounds;]

[(c)] [Tandem axle group if the combination vehicle has only five (5) axles total – 45,000 pounds;]

[(d)] [Tandem axle group if the combination vehicle has six (6) or more axles total – 48,000 pounds;]

[(e)] [Tridem axle group – 60,000 pounds;]

[(f)] [Five (5) axle combination units not exceeding 96,000 pounds gross weight;]

[(g)] [Six (6) axle combination units not exceeding 120,000 pounds gross weight; or]

[(h)] [Seven (7) axle combination units not exceeding 160,000 pounds gross weight.]

(3) The maximum height for each overweight or overdimensional single-trip permit shall be determined by the cabinet based upon underpass and bridge height along the designated route.[Trunnion axle group maximum gross weights shall be determined by a route and bridge analysis performed by the cabinet's Bridge Preservation Branch].

(4) A vehicle and load exceeding (15) feet, (6) inches in height shall submit a completed Overweight or Overdimensional Proposed Route Survey, TC Form 95-625 to the Division of Motor Carriers.[Maximum weights shall not be permitted unless each of the

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bridges and roads on the moving route have sufficient capacity to accommodate the load].

[(5)] [Self-propelled specialized mobile equipment shall not exceed the following axle, axle group, or gross weight:]

[(a)] [Single axle: 23,000 pounds;]

[(b)] [Tandem axle group: 46,000 pounds; and]

[(c)] [Tridem axle group: 69,000 pounds.]

[(6)] [The maximum gross weight for a four (4) axle self-propelled specialized mobile equipment shall be 92,000 pounds.]

[(7)] [The maximum gross weight for a five (5) axle self-propelled specialized mobile equipment shall be 115,000 pounds.]

Section 8. Weight[Manufacturers of Self-Propelled Specialized Mobile Equipment].

(1) Gross or axle overweight shall not be permitted on:

(a) A unit that does not have a registered weight of at least 80,000 lbs; or[A manufacturer of self-propelled construction equipment that is not licensed as a motor vehicle may obtain an annual permit for the sole purpose of road-testing the equipment prior to its sale.]

(b) A towing vehicle whose horsepower or braking capacity is not adequate to safely transport the oversized or overweight load[Operation of the equipment during the road-testing shall be limited to employees of the manufacturer upon designated routes within the Commonwealth].

(2) The weight on a single axle in any combination shall not exceed the product of 700 pounds times the aggregate width in inches established by the manufacturer's stamped tire measurement of all the tires on the axle, or the following axle or axle group weights, whichever is less[The annual permit issued to a manufacturer of self-propelled construction equipment shall be limited to equipment that is:]

(a) Single axle - 24,000 pounds;[A maximum width of ten (10) feet; and]

(b) Steering axle - 20,000 pounds;[A gross vehicle weight not in excess of 160,000 pounds.]

(c) Tandem axle group if the combination vehicle has only five (5) axles total - 45,000 pounds;

(d) Tandem axle group if the combination vehicle has six (6) or more axles total - 48,000 pounds;

(e) Tridem axle group - 60,000 pounds;

(f) Five (5) axle combination units not exceeding 96,000 pounds gross weight;

(g) Six (6) axle combination units not exceeding 120,000 pounds gross weight; or

(h) Seven (7) axle combination units not exceeding 160,000 pounds gross weight.

(3) Trunnion axle group maximum gross weights shall be determined by a route and bridge analysis performed by the cabinet's Bridge Preservation Branch.

[(a)] [A manufacturer desiring to road test equipment shall submit a completed Application for Annual Overweight or Overdimensional Permit, TC Form 95-25 to the Division of Motor Carriers.]

[(b)] [The application for a permit shall designate the model of the equipment and the requested or intended route. A separate TC Form 95-25 shall be submitted or required for each model, and each requested or intended route.]

[(c)] [The cost of each annual permit shall be \$250 dollars.]

[(d)] [A permit issued to the manufacturer of self-propelled construction equipment shall be valid for twenty-four (24) hours a day except that pursuant to the concerns cited in Section 5 of this administrative regulation, the department may restrict operation under the permit on Monday through Friday between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m.]

(4) Maximum weights shall not be permitted unless each of the bridges and roads on the moving route have sufficient capacity to accommodate the load.

(5) Self-propelled specialized mobile equipment shall not exceed the following axle, axle group, or gross weight:

(a) Single axle: 23,000 pounds;

(b) Tandem axle group: 46,000 pounds; and

(c) Tridem axle group: 69,000 pounds.

(6) The maximum gross weight for a four (4) axle self-propelled specialized mobile equipment shall be 92,000 pounds.

(7) The maximum gross weight for a five (5) axle self-propelled specialized mobile equipment shall be 115,000 pounds.

Section 9. Manufacturers of Self-Propelled Specialized Mobile Equipment[Length].

(1) [A front overhang on a combination vehicle shall be prohibited.]

(a) A manufacturer of self-propelled construction equipment that is not licensed as a motor vehicle may obtain an annual permit for the sole purpose of road-testing the equipment prior to its sale.

(b) Operation of the equipment during the road-testing shall be limited to employees of the manufacturer upon designated routes within the Commonwealth.

(2) The annual permit issued to a manufacturer of self-propelled construction equipment shall be limited to equipment that is:[A manufactured home that has a combined length of the manufactured home and towing vehicle greater than 120 feet shall not be towed upon a Kentucky highway.]

(a) A maximum width of ten (10) feet; and

(b) A gross vehicle weight not in excess of 160,000 pounds.

(3) [A manufactured home shall not exceed ninety (90) feet in length.]

(a) A manufacturer desiring to road test equipment shall submit a completed Application for Annual Overweight or Overdimensional Permit, using the process described in Section 2(1)(a) of this regulation.

(b) The application for a permit shall designate the model of the equipment and the requested or intended route. A separate Application shall be submitted or required for each model, and each requested or intended route.

(c) The cost of each annual permit shall be \$750.

(d) A permit issued to the manufacturer of self-propelled construction equipment shall be valid for twenty-four (24) hours a day except that pursuant to the concerns cited in Section 5 of this administrative regulation, the department may restrict operation under the permit on Monday through Friday between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m.

Section 10. Length[Width].

(1) A front overhang on a combination vehicle shall be prohibited[Prior to movement, a vehicle and load with a width in excess of eight and a half (8 1/2) feet shall obtain an overweight or overdimensional permit pursuant to KRS 189.270(2)].

(2) A manufactured home that has a combined length of the manufactured home and towing vehicle greater than 120 feet shall not be towed upon a Kentucky highway[Prior to movement, a vehicle and load with a width in excess of eight (8) feet traveling on routes not included on the Designated National Truck Network shall obtain an overweight or overdimensional permit except as provided in KRS 189.2225(3)].

(3) A manufactured home shall not exceed ninety (90) feet in length.[An annual permit shall not be issued for the movement of an overweight or overdimensional load in excess of sixteen (16) feet in width.]

[(4)]

[(a)] [A move of an overweight or overdimensional load more than twelve (12) feet wide shall not be made on a highway if a wind advisory has been issued by the National Weather Service; or]

[(b)] [If adverse weather conditions or road conditions would cause the move to be dangerous.]

[(5)] [A move of an overweight or overdimensional load that is more than twelve (12) feet wide operating pursuant to an annual permit shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Division of Motor Carriers.]

Section 11. Width[Power Unit Flag and Sign Requirements]

(1) Prior to movement, a vehicle and load with a width in excess of eight and a half (8 1/2) feet shall obtain an overweight or overdimensional permit pursuant to KRS 189.270(2).[Red or orange fluorescent flags that are a minimum of eighteen (18) inches square (11,612.7 millimeters square) shall be displayed on each vehicle and

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load operating under the provisions an overweight or overdimensional permit.]

[(a)] [A vehicle operating overwidth shall display four (4) warning flags, one (1) at each of the four (4) corners. If a portion of the load extends beyond the four (4) corners, additional flags shall be displayed at the widest points of the load.]

[(b)] [A vehicle operating overlength, or with a rear overhang, shall display two (2) warning flags located to indicate the maximum width at the extreme rear of the vehicle or load.]

(2) Prior to movement, a vehicle and load with a width in excess of eight (8) feet traveling on routes not included on the Designated National Truck Network shall obtain an overweight or overdimensional permit except as provided in KRS 189.2225(3). [A vehicle exceeding twelve (12) feet (3.65 meters) in width, or having front overhang shall display two (2) warning signs.]

[(a)] [A warning sign shall be six (6) to eight (8) feet in width stating "OVERSIZE LOAD" in black letters on a yellow background.]

[(b)] [The black letters shall be at least eighteen (18) inches high (11,612.7 millimeters) with a brush stroke of at least one and four tenths (1.4) inches (35.56 millimeters).]

[(c)] [A warning sign shall be displayed at the:]

[1.] [Front of the power unit;]

[2.] [Rear of the towed unit; or]

[3.] [Rear of the load.]

(3) An annual permit shall not be issued for the movement of an overweight or overdimensional load in excess of sixteen (16) feet in width [If a front overhang exceeds ten (10) feet (3.05 meters), an amber strobe or flashing light shall be placed on the power unit of the towing vehicle and shall be in use while the power unit is in operation].

(4) [The lighting devices and reflectors established in 49 C.F.R. 393.11 for pole trailers and projecting loads shall be required.]

(a) A move of an overweight or overdimensional load more than twelve (12) feet wide shall not be made on a highway if a wind advisory has been issued by the National Weather Service; or

(b) If adverse weather conditions or road conditions would cause the move to be dangerous.

(5) A move of an overweight or overdimensional load that is more than twelve (12) feet wide operating pursuant to an annual permit shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Division of Motor Carriers [As a special provision of the permit, and due to safety considerations, the Division of Motor Carriers may require additional lighting or warning flags].

Section 12. Power Unit Flag and Sign Requirements. [Braking Requirements.]

(1) Red or orange fluorescent flags that are a minimum of eighteen (18) inches square (11,612.7 millimeters square) shall be displayed on each vehicle and load operating under the provisions of an overweight or overdimensional permit [The number, type, size, and design of brake assemblies required to assist the towing vehicle in controlling and stopping a manufactured home or boat shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour shall not exceed forty (40) feet].

(a) A vehicle operating overwidth shall display four (4) warning flags, one (1) at each of the four (4) corners. If a portion of the load extends beyond the four (4) corners, additional flags shall be displayed at the widest points of the load.

(b) A vehicle operating overlength, or with a rear overhang, shall display two (2) warning flags located to indicate the maximum width at the extreme rear of the vehicle or load.

(2) A vehicle exceeding twelve (12) feet (3.65 meters) in width, or having front overhang shall display two (2) warning signs. [If required, a manufactured home not equipped with brakes on all axles shall certify to law enforcement that the towing unit has sufficient brake assemblies to meet the braking distance specified in this section by producing:]

(a) A warning sign shall be six (6) to eight (8) feet in width stating "OVERSIZE LOAD" in black letters on a yellow background. [A manufacturer's statement;]

(b) The black letters shall be at least eighteen (18) inches high (11,612.7 millimeters) with a brush stroke of at least one and four

tenths (1.4) inches (35.56 millimeters). [Documented technical data; or]

(c) A warning sign shall be displayed at the: [An engineering analysis or its equivalent stating that the braking distance has been met.]

1. Front of the power unit;

2. Rear of the towed unit; or

3. Rear of the load.

(3) If a front overhang exceeds ten (10) feet (3.05 meters), an amber strobe or flashing light shall be placed on the power unit of the towing vehicle and shall be in use while the power unit is in operation [The certification shall be carried in the towing unit and presented upon request to law enforcement].

(4) The lighting devices and reflectors established in 49 C.F.R. 393.11 for pole trailers and projecting loads shall be required.

(5) As a special provision of the permit, and due to safety considerations, the Division of Motor Carriers may require additional lighting or warning flags.

Section 13. Braking Requirements [Escort Vehicle Safety Requirements].

(1) The number, type, size, and design of brake assemblies required to assist the towing vehicle in controlling and stopping a manufactured home or boat shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour shall not exceed forty (40) feet. [A required escort vehicle shall accompany the overweight or overdimensional vehicle at a distance of 300 feet (91.44 meters) on open highways unless it is necessary to travel at a distance closer or farther away from the vehicle accompanied for safety or due to road conditions. An escort vehicle shall:]

[(a)] [Maintain radio contact with the load;]

[(b)] [Have amber strobe lights or flashing lights;]

[(c)] [Keep its headlamps lit during transit; and]

[(d)] [Use a height pole front escort if the escorted load is in excess of fourteen (14) feet eleven (11) inches.]

(2) If required, a manufactured home not equipped with brakes on all axles shall certify to law enforcement that the towing unit has sufficient brake assemblies to meet the braking distance specified in this section by producing: [A warning sign stating "OVERSIZE LOAD" shall be displayed on a lead escort vehicle so that it is visible to oncoming traffic for a vehicle and load with a width in excess of twelve (12) feet.]

(a) A manufacturer's statement;

(b) Documented technical data; or

(c) An engineering analysis or its equivalent stating that the braking distance has been met.

(3) The certification shall be carried in the towing unit and presented upon request to law enforcement.

Section 14. Escort Vehicle Safety Requirements [Escorts required].

(1) A required escort vehicle shall accompany the overweight or overdimensional vehicle at a distance of 300 feet (91.44 meters) on open highways unless it is necessary to travel at a distance closer or farther away from the vehicle accompanied for safety or due to road conditions. An escort vehicle shall [A lead escort shall be required on two (2) lane routes of travel if:]

(a) Maintain radio contact with the load; [The vehicle and load width is in excess of twelve (12) feet.]

(b) Have amber strobe lights or flashing lights; [The vehicle and load length is in excess of seventy five (75) feet; or]

(c) Keep its headlamps lit during transit; and [The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.]

(d) Use a height pole front escort if the escorted load is in excess of fourteen (14) feet eleven (11) inches.

(2) A warning sign stating "OVERSIZE LOAD" shall be displayed on a lead escort vehicle so that it is visible to oncoming traffic for a vehicle and load with a width in excess of twelve (12) feet. [A trail escort shall be required on two (2) lane routes of travel if:]

[(a)] [The vehicle and load width is in excess of twelve (12) feet;]

[(b)] [The vehicle and load length is in excess of eighty five (85) feet; or]

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~~[(c)] [The vehicle and load do not maintain the posted speed limit.]~~

~~[(3)] [A lead escort shall be required on four (4) lane routes of travel if:]~~

~~[(a)] [The vehicle and load width is in excess of fourteen (14) feet; or]~~

~~[(b)] [The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.]~~

~~[(4)] [A trail escort shall be required on four (4) lane routes of travel if:]~~

~~[(a)] [The vehicle and load width is in excess of twelve (12) feet;]~~

~~[(b)] [The vehicle and load length is in excess of 110 feet; or]~~

~~[(c)] [The vehicle and load width is in excess of twelve (12) feet and does not maintain a speed of forty five (45) miles per hour.]~~

~~[(5)] [Due to safety considerations, the Division of Motor Carriers may require additional escort vehicles as a special provision of the permit.]~~

Section 15. Escorts required[House or Building Permits].

~~(1) A lead escort shall be required on two (2) lane routes of travel if:~~

~~(a) The vehicle and load width is in excess of twelve (12) feet;[An application for a permit to move a house or building shall be made on House Moving Application, TC Form 95-310, and submitted to the Division of Motor Carriers via mail, hand delivery, or the motor carrier online permitting system at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m., or via fax at (502) 564-0992.]~~

~~(b) The vehicle and load length is in excess of seventy five (75) feet; or[The mover shall provide all escorts and flagmen deemed necessary during the move to ensure the safety of the public.]~~

~~(c) The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.~~

~~(2) A trail escort shall be required on two (2) lane routes of travel if:[A house moving permit shall not be issued for the movement of a permanent building other than a portable storage unit on a parkway or an interstate highway.]~~

~~(a) The vehicle and load width is in excess of twelve (12) feet;~~

~~(b) The vehicle and load length is in excess of eighty five (85) feet; or~~

~~(c) The vehicle and load do not maintain the posted speed limit.~~

~~(3) A lead escort shall be required on four (4) lane routes of travel if:~~

~~(a) The vehicle and load width is in excess of fourteen (14) feet; or[The Division of Motor Carriers shall contact the appropriate cabinet district office for specific routing restrictions or local highway conditions prior to the issuance of a house moving permit.]~~

~~(b) The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.[Specific restrictions shall be identified on the house moving permit and a deviation from the restrictions shall void the house moving permit.]~~

~~(4) A trail escort shall be required on four (4) lane routes of travel if:~~

~~(a) The vehicle and load width is in excess of twelve (12) feet;~~

~~(b) The vehicle and load length is in excess of 110 feet; or~~

~~(c) The vehicle and load width is in excess of twelve (12) feet and does not maintain a speed of forty five (45) miles per hour.~~

~~(5) Due to safety considerations, the Division of Motor Carriers may require additional escort vehicles as a special provision of the permit.~~

Section 16. House or Building Permits[Building Materials.—A vehicle hauling building materials to a home or home site may travel fifteen (15) miles off of a state highway for purpose of delivery if the highway is classified to carry the registered weight of the vehicle].

(1) [The vehicle shall meet the requirements and limits of its registration and also be within the axle weight limits. The vehicle shall not be required to have a permit for overweight or overlength dimensions.]

(a) An application for a permit to move a house or building shall be made on House Moving Application, TC Form 95-310, and submitted to the Division of Motor Carriers by mail, hand delivery, or the motor carrier online permitting system at the Division of Motor

Carriers, Transportation Cabinet Building, 200 Mero Street Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m., or by fax at (502) 564-0992.

(b) The mover shall provide all escorts and flagmen deemed necessary during the move to ensure the safety of the public.

(2) A house moving permit shall not be issued for the movement of a permanent building other than a portable storage unit on a parkway or an interstate highway[An operator shall be required to provide a bill of lading either to vehicle enforcement, or to a cabinet designee, while engaged in the transportation of home building materials].

(3)

(a) The Division of Motor Carriers shall contact the appropriate cabinet district office for specific routing restrictions or local highway conditions prior to the issuance of a house moving permit.

(b) Specific restrictions shall be identified on the house moving permit and a deviation from the restrictions shall void the house moving permit.

Section 17. Building Materials. A vehicle hauling building materials to a home or home site may travel fifteen (15) miles off of a state highway for purpose of delivery if the highway is classified to carry the registered weight of the vehicle[Permits for sealed, containerized, ocean-going cargo units].

(1) The vehicle shall meet the requirements and limits of its registration and also be within the axle weight limits. The vehicle shall not be required to have a permit for overweight or overlength dimensions[A vehicle moving a sealed, containerized, ocean-going cargo unit that meets the requirements and limitations established in KRS 189.222, 189.270, and Section 7 of this administrative regulation shall be eligible for an overweight single trip or annual permit].

(2) An operator shall be required to provide a bill of lading either to vehicle enforcement, or to a cabinet designee, while engaged in the transportation of home building materials.[An applicant for an overweight or overdimensional single trip permit shall submit the following to the Division of Motor Carriers:]

[(a)] [A completed Kentucky Overweight or Overdimensional Permit Worksheet, TC Form 95-10;]

[(b)] [A payment of sixty (60) dollars pursuant to KRS 189.270(2);]

[(c)]

[1.] [Either a copy of an international bill of lading signed by a custom's official; or]

[2.] [An international bill of lading with an equipment interchange and inspection report; and]

[(d)] [The seal number and container number for the load.]

[(3)] [An applicant for an overweight or overdimensional annual permit shall submit the following to the Division of Motor Carriers:]

[(a)] [A completed Kentucky Overweight/Overdimensional Permit Worksheet, TC Form 95-25;]

[(b)] [A payment of 250 dollars pursuant to KRS 189.270(3); and]

[(c)]

[1.] [Either an acknowledgement of possession of a copy of an international bill of lading signed by a custom's official; or]

[2.] [An international bill of lading with an equipment interchange and inspection report containing the seal number and container number for each load.]

[(4)] [During transit, an operator shall have in his or her possession either a copy of the international bill of lading signed by a custom's official, or an international bill of lading with an equipment interchange and inspection report containing the seal number and container number for the load.]

Section 18. Permits for sealed, containerized, ocean-going cargo units[Incorporation by Reference].

(1) A vehicle moving a sealed, containerized, ocean-going cargo unit that meets the requirements and limitations established in KRS 189.222, 189.270, and Section 7 of this administrative regulation shall be eligible for an overweight single trip or annual permit.[The following material is incorporated by reference:]

[(a)] ["Kentucky Overweight/Overdimensional Permit Worksheet", TC Form 95-10, February, 2017; and]

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[(b)] [~~"Application for Annual Overweight or Overdimensional Permit", TC Form 95-25, September, 2014;~~]

[(c)] [~~"House Moving Application", TC Form 95-310, August, 2012;~~]

[(d)] [~~"Overweight or Overdimensional Proposed Route Survey", TC Form 95-625, February, 2017;~~]

(2) An applicant for an overweight or overdimensional single trip permit shall submit the following to the Division of Motor Carriers using the process described in:~~[This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m.]~~

(a) A completed Kentucky Overweight or Overdimensional Permit Application.

(b) A payment of \$120 pursuant to section 3(1)(a) of this administrative regulation.

(c)

1. Either a copy of an international bill of lading signed by a custom's official; or

2. An international bill of lading with an equipment interchange and inspection report; and

(d) The seal number and container number for the load.

(3) An applicant for an overweight or overdimensional annual permit shall submit the following to the Division of Motor Carriers:

(a) A completed Kentucky Overweight/Overdimensional Permit Application;

(b) A payment of \$750 pursuant to section 3(1)(b) of this administrative regulation; and

(c)

1. Either an acknowledgement of possession of a copy of an international bill of lading signed by a custom's official; or

2. An international bill of lading with an equipment interchange and inspection report containing the seal number and container number for each load.

(4) During transit, an operator shall have in his or her possession either a copy of the international bill of lading signed by a custom's official, or an international bill of lading with an equipment interchange and inspection report containing the seal number and container number for the load.

Section 19. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "House Moving Application", TC Form 95-310, August, 2012; and

(b) "Overweight or Overdimensional Proposed Route Survey", TC Form 95-625, May 2018[;]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m.

APPROVED BY TRANSPORTATION CABINET

REBECCA GOODMAN, Secretary

MATTHEW COLE, Commissioner

APPROVED BY AGENCY: September 14, 2026

FILED WITH LRC: September 15, 2026 at 11:00 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson, Phone: 502-782-8180, Email: jon.johnson@ky.gov

Subject Headings: Transportation, Highways & Roadways, Motor Carriers

(1) Provide a brief summary of:

(a) What this administrative regulation does: It establishes overweight, overdimensional permit fees.

(b) The necessity of this administrative regulation: Road fund revenue and increased construction costs for infrastructure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: It establishes the permit fees for the movement of overweight and overdimensional cargo.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It establishes the fees for the movement of overweight and overdimensional cargo and updates the application process.

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

(a) How the amendment will change this existing administrative regulation: It establishes permit fees and updates the application process.

(b) The necessity of the amendment to this administrative regulation: To establish permit fees and update the application process.

(c) How the amendment conforms to the content of the authorizing statutes: It establishes the fees for each of the permits and updates the application process.

(d) How the amendment will assist in the effective administration of the statutes: Collection of road fund revenues.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? 2024 RS, SB 107

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 2100 business will be affected. The Amended After Comments regulation excludes transporters of manufactured housing, per KRS 189.270(7).

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Permit fees are being increased to meet the rising construction costs of repairing the infrastructure of the Commonwealth.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): See section 3 of this administrative reg for the fee increase.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Improved infrastructure and safer transportation of overweight, overdimensional cargo.

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

(a) Initially: KYTC will be able to update the fee increase without involving the vender, so zero cost to the administrative body.

(b) On a continuing basis: Annual Maintenance costs estimated at \$150,000.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation and enforcement costs will be zero. Once the online system is updated with the fees it will start charging them immediately. The Amended After Comments regulation has no impact.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Fees are being increased to compensate for rising construction costs. The Amended After Comments regulation has no impact.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Permit fees are being increased to assist with rising infrastructure construction costs. The Amended After Comments regulation has no impact.

(10) TIERING: Is tiering applied? No. Tiering is not applied. The Amended After Comments regulation has no impact.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 189.270 Special permits to exceed limits -- Administrative regulations. The Amended After Comments regulation has no impact.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the

act: 2024 RS, SB 107

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Carriers, Overweight Overdimensional Permit Section. The Amended After Comments regulation has no impact.

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

1. Expenditures:

For the first year: Zero cost as the Division of Motor Carrier has administrative rights to the system to update permit costs.

For subsequent years: Zero cost

2. Revenues:

For the first year: \$9,000,000

For subsequent years: Roughly the same

3. Cost Savings:

For the first year: No cost savings

For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None affected. The Amended After Comments regulation has no impact.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A. The Amended After Comments regulation has no impact.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: (3)(a) \$9,000,000.00 increase to the Road Fund, (4)(a) N/A, (5)(a) N/A

(b) Methodology and resources used to reach this conclusion:

(3)(a) Using the proposed fee increase in this regulation and fiscal year 2024's number of permits processed by the Division of Motor Carriers was the method used to calculate the fiscal impact.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.

(b) The methodology and resources used to reach this conclusion: No single company will have a major economic impact.

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.

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Education Professional Standards Board
(Amendment)**

16 KAR 2:010. Kentucky professional and provisional teacher certificates.

RELATES TO: KRS 161.020, 161.028(1), 161.030

STATUTORY AUTHORITY: KRS 161.028(1)(a); ~~and~~ (f), 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(a) authorizes the Education Professional Standards Board (EPSB ~~or board~~) to establish the standards for obtaining and maintaining a teaching certificate. KRS 161.028(1)(b) authorizes the board to set standards for programs for the preparation of teachers and other professional school personnel. KRS 161.028(1)(f) authorizes the board to issue and renew any certificate. This administrative regulation establishes the Kentucky certification to be issued for teaching positions.

Section 1. Definitions.

(1) "Approved program of preparation" means a program which has been approved by the board pursuant to 16 KAR 5:010 ~~and 16 KAR 5:015~~ for a specific certification.

(2) "Base certificate" means a professional certificate that allows a teacher to teach introductory and interdisciplinary courses in related fields.

(3) "Certificate endorsement" means an addition to a base or restricted base certificate, which is limited in scope.

(4) ~~["Certificate extension" means an additional base or restricted base certificate in a content area or grade range.]~~

~~[(5)]~~ "Major" means an academic area of concentration consisting of at least thirty (30) hours of coursework.

~~[(5)]~~ Other Licensed School Professionals includes school counselors certified pursuant to 16 KAR 3:060, school social workers certified pursuant to 16 KAR 2:070 or 16 KAR 2:080, and school psychologists certified pursuant to 16 KAR 2:090.

(6) "Restricted base certificate" means a certificate that allows a teacher to teach in a specific limited content area.

~~[(7)] ["Statement of eligibility" means a candidate has met the requirements necessary to receive a provisional certificate.]~~

Section 2. Types of Certificates Issued.

(1) Provisional certificate;

(a) Conditional certificate;

~~[(b)] [Provisional internship certificate – one (1) year certificate;]~~

~~[(b)]~~ ~~[(e)]~~ Temporary provisional certificate;

~~[(c)]~~ ~~[(d)]~~ Probationary provisional certificate;

~~[(d)]~~ ~~[(e)]~~ Proficiency provisional certificate;

~~[(e)]~~ ~~[(f)]~~ Occupation-based career and technical education provisional certificate;

~~[(f)]~~ ~~[(g)]~~ One (1) year provisional alternative certificate issued pursuant to KRS 161.048(2), (4), or (6);

~~[(g)]~~ ~~[(h)]~~ Adjunct certificate;

~~[(h)]~~ ~~[(i)]~~ Emergency certificate;

~~[(i)]~~ ~~[(j)]~~ Temporary certificate for Instructional Leadership:

1. In-state; and

2. Out-of-state;

~~[(j)]~~ ~~[(k)]~~ Temporary certificate; and

~~[(k)]~~ ~~[(4)]~~ Provisional certificate for Other Licensed School Professionals ~~["other school professionals"]~~.

(2) Professional certificate.

(a) ~~[Initial certificate – four (4) year certificate;]~~

~~[(b)]~~ Initial certificate - five (5) year certificate;

~~[(b)]~~ ~~[(e)]~~ Renewal certificate - five (5) year certificate;

~~[(c)]~~ ~~[(4)]~~ Occupation-based career and technical education professional certificate; and

~~[(d)]~~ ~~[(e)]~~ Professional certificate for Other Licensed School Professionals ~~["other school professionals"]~~.

(3) Junior Reserve Officer Training Corps (JROTC) Certificate.

(4) ~~Additional certificates and endorsements.~~ ~~[Certification;]~~

~~[(a)] [Certificate extension; and]~~

~~[(b)] [Certificate endorsement.]~~

(5) Substitute teaching certificate.

(a) Certified substitute certificate - five (5) year certificate; ~~and]~~

~~[(b)]~~ Certified substitute certificate - ten (10) year certificate; and

~~[(c)]~~ Emergency substitute certificate.

(6) All other existing certificates shall remain valid and the terms for renewal shall be determined by the laws and regulations in effect at the time the certificate was issued pursuant to KRS 161.020 ~~(3)~~.

Section 3. Certificate Issuance.

(1) Prior to the issuance of a certificate ~~[or statement of eligibility]~~, the applicant shall disclose certain background information as established in Section ~~9~~ ~~[8]~~ of this administrative regulation. If the applicant answers "yes" to any of the questions established in Section ~~9~~ ~~[8]~~ (1)(a)-(f) of this administrative regulation, the EPSB may still issue a certificate ~~[or statement of eligibility]~~ for that applicant, but the board shall retain final authority to deny a request for certification ~~[or statement of eligibility]~~ if the board so chooses.

(2) The EPSB shall issue a professional certificate ~~[statement of eligibility]~~ to a teacher candidate who:

(a) Has successfully completed a traditional initial preparation program that resulted in the issuance of a bachelor's degree or higher with either:

1. A cumulative grade point average of 2.75 on a 4.0 scale; or

2. A grade point average of 3.0 on a 4.0 scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework.

3. Grade point average (GPA) shall be calculated by beginning with the most recent course completed and proceeding backward for two (2) semesters in the order the grades fall on the transcript to accumulate the last thirty (30) hours completed for determining the GPA.

4. If it is necessary to go back further than two (2) semesters, then the courses in the third semester shall be chosen based on the highest grades earned during that third semester;

(b) Earns a passing score on all assessments required for the certification sought as established in 16 KAR Chapter 6.

(3) All certificates issued shall either be a base or restricted base certificate as established in Section 4 of this administrative regulation.

(4) Provisional Certificates.

(a) Conditional Certificate.

~~[(1-)]~~ The EPSB may issue a conditional certificate to a teacher candidate who meets the requirements of 16 KAR 2:180 and who attempted ~~[unable to earn a passing score on]~~ all assessments required for the certification sought pursuant to KRS 161.030(3)(b) but was unable to earn a passing score on one or more such assessments ~~[if the teacher candidate meets the requirements of 16 KAR 2:180].~~

~~[(2-)]~~ ~~[A teacher candidate with only a conditional certificate is not eligible to participate in the Kentucky Teacher Internship Program (KTIP).]~~

(b) ~~[Provisional Internship Certificate. The EPSB shall issue a provisional internship certificate to a teacher candidate who has completed a traditional preparation program upon confirmation of employment in an assignment for the grade level and content area identified on an unexpired statement of eligibility for the duration of the KTIP.]~~

~~[(e)] Temporary Provisional Certificate.~~

1. The EPSB shall issue a temporary provisional certificate pursuant to KRS 161.048 with a grade level and content area recommended by the institution that will be valid for employment in the area of certification sought.

2. The certificate shall be issued at the appropriate rank pursuant to the requirements established in 16 KAR 8:020.

3. Prior to issuance of the certificate, pursuant to 16 KAR Chapter 9:

a. The teacher candidate shall submit to the EPSB an official transcript from each college or university attended; and

b. The institution shall submit to the EPSB a mentoring collaboration agreement with the district if the teacher candidate is seeking certification through the enrollment of a university-based alternative certification program.

4. The EPSB shall renew the temporary provisional certificate yearly upon the recommendation of the institution. The institution shall base its recommendation pursuant to KRS 161.048 and 16 KAR Chapter 9.

~~[5.] [A teacher candidate shall be eligible for KTIP upon completion of all program requirements and after successfully passing all applicable assessments pursuant to 16 KAR 6:010.]~~

~~[(c)] [(d)] Probationary Provisional Certificate.~~

1. A probationary ~~[provisional]~~ certificate shall be initiated by the school district to fill an area of need.

2. The EPSB shall issue a probationary ~~[provisional]~~ certificate pursuant to 16 KAR 2:110, 16 KAR 2:130, 16 KAR 2:140, ~~[16 KAR 2:150, 16 KAR 2:160,]~~ 16 KAR 2:170, and 16 KAR 2:200~~[, 16 KAR 3:030, or 16 KAR 3:040].~~

~~[(d)] [(e)] Proficiency Provisional Certificate.~~

1. The EPSB shall issue a proficiency provisional certificate in accordance with a grade level and content area recommended by the university that will be valid for employment in the area of certification sought.

2. The certificate shall be issued at the appropriate rank pursuant to the requirements established in 16 KAR 8:020.

3. Prior to issuance of the certificate, pursuant to 16 KAR 5:030 the:

a. Teacher candidate shall submit to the EPSB an official transcript from each college or university attended; and

b. College or university shall submit to the EPSB an educator learning plan (ELP)~~[-and]~~

~~[(c.) [Candidate shall have a written offer of employment in the content area in which certification is being sought].~~

4. The EPSB shall renew the proficiency provisional certificate yearly upon the recommendation of the college or university. The college or university shall base its recommendation on the ELP pursuant to 16 KAR 5:030.

~~[(e)] [(f)] Occupation-based Career and Technical Education Provisional Certificate. The EPSB shall issue an occupation-based career and technical education provisional certificate following the completion of the appropriate requirements established in 16 KAR 2:020.~~

~~[(f)] [(g)] One (1) year Provisional Alternative Certificate. The EPSB shall issue a one (1) year provisional alternative certificate to a teacher candidate who is enrolled in a local school district training program following the completion of the appropriate requirements established in KRS 161.048(3) and [16 KAR 9:050,] 16 KAR 9:060, and 16 KAR 9:070].~~

~~[(g)] [(h)] Adjunct Certificate. The EPSB shall issue an adjunct instructor certificate following completion of the appropriate requirements established in KRS 161.048(5) [16 KAR 9:020].~~

~~[(h)] [(i)] Emergency Certificate. The EPSB shall issue an emergency certificate pursuant to 16 KAR 2:120.~~

~~[(i)] [(j)] Temporary Certificate for Instructional Leadership.~~

1. In-state. The EPSB shall issue a temporary certificate for instructional leadership pursuant to KRS 161.027(6) and 16 KAR 3:090 [16 KAR 6:030, Section 8].

2. Out-of-state. The EPSB shall issue a temporary certificate for institutional leadership pursuant to KRS 161.027(6).

~~[(j)] [(k)] Temporary Certificate.~~

~~[1.] Unless a candidate qualifies under the Interstate Teacher Mobility Compact as adopted in KRS 161.135, [The EPSB shall issue a temporary certificate to out-of-state teachers with less than two (2) years of experience pursuant to KRS 161.030(3)(c).]~~

~~[2.] [A] a temporary certificate may be issued for a period up to six (6) months, not to exceed the end of the semester in which the temporary certificate is issued, during which the teacher must successfully pass all required assessments pursuant to 16 KAR 6:010.~~

~~[(k)] [(l)] Provisional Certificate for Other Licensed School Professionals["Other School Professionals"]. The EPSB shall issue a provisional certificate for Other Licensed School Professionals["other school professionals"] pursuant to [16 KAR 2:060,] 16 KAR 2:080, 16 KAR 2:090, or 16 KAR 3:060.~~

~~(5) Professional Certificates.~~

~~(a) [Initial Four (4) Year Certificate. The EPSB shall issue an initial four (4) year certificate to a teacher candidate who has successfully completed KTIP while holding a provisional internship certificate issued by the EPSB unless otherwise waived pursuant to KRS 161.030 based on preparation and experience completed outside of Kentucky.]~~

~~[(b)] Initial Five (5) Year Certificate.~~

~~[1.] The EPSB shall issue an initial five (5) year certificate to a teacher candidate who has met the requirements set forth in Section 3 of this regulation [successfully completed KTIP while holding a temporary provisional certificate issued by the EPSB; or]~~

~~[2.] [To a teacher candidate based on preparation and experience completed outside of Kentucky pursuant to KRS 161.030].~~

~~[(b)] [(e)] Renewal Five (5) Year Certificate. Requirements for renewal certificates are set forth in 16 KAR 4:060.~~

~~[1.] [The first five (5) year renewal shall require:]~~

~~[a.] [Completion of a minimum of fifteen (15) semester hours of graduate credit applicable to the fifth-year approved program of preparation established in 16 KAR 8:020 by September 1 of the year of expiration of the certificate; or]~~

~~[b.] [Completion of the required components of the continuing education option for initial certificate renewal as established in 16 KAR 8:030.]~~

~~[2.] [The second five (5) year renewal shall require:]~~

~~[a.] [Completion of the fifth-year approved program of preparation established in 16 KAR 8:020 by September 1 of the year of expiration of the certificate; or]~~

~~[b.] [Successful completion of the continuing education option as established in 16 KAR 8:030.]~~

~~[3.] [Each subsequent five (5) year renewal shall require completion of the renewal requirements established in 16 KAR 4:060.]~~

~~[(c)] [(d)] Occupation-based Career and Technical Education Professional Certificate. The EPSB shall issue an occupation-based career and technical education professional certificate pursuant to 16 KAR 2:020.~~

~~[(d)] [(e)] Professional Certificate [certificate] for Other Licensed School Professionals["Other School Professionals"]. The EPSB shall issue a professional certificate for Other Licensed School Professionals [other school professionals] pursuant to [16 KAR 2:060,] 16 KAR 2:070, 16 KAR 2:090, or 16 KAR 3:060.~~

~~(6) Junior Reserve Officer Training Corps (JROTC) Certificate. The EPSB shall issue a JROTC certificate pursuant to 16 KAR 2:100.~~

~~(7) Substitute Certificates. The EPSB shall issue a certified substitute teaching certificate or an emergency substitute certificate pursuant to 16 KAR 2:030 and 16 KAR 2:120, Section 2.~~

Section 4. Grade Levels and Specializations.

(1) Preparation for a teaching certificate shall be based on:

(a) The Kentucky teacher standards established in 16 KAR 1:010;

(b) The accreditation and program approval standards established in 16 KAR 5:010 and 16 KAR 5:015, including the

content standards of the relevant national specialty program associations; and

(c) The goals for the schools of the Commonwealth established in KRS 158.6451 and the student academic expectations established in 703 KAR 4:060.

(2) A base certificate shall be issued specifying one (1) or more of the following grade levels and specialization authorizations:

(a) Interdisciplinary early childhood education birth to primary, as established in 16 KAR 2:040; and

(b) Elementary school: primary through grade 6[5] to include preparation in the academic disciplines taught in the elementary school.

[4:] ~~[The elementary certificate shall be valid for teaching grade 6 if grade 6 is taught in a self-contained classroom or in a school organization in which grade 6 is housed with grade 5 in the same building.]~~

[2:] ~~[A candidate for the elementary certificate may simultaneously prepare for certification for teaching exceptional children.]~~

(c)

1. Middle school option 1: grades 4[5] through 9 with the equivalent of one (1) major to be selected from:

- a. English and communications;
- b. Mathematics;
- c. Science; or
- d. Social studies; or

2. Middle school option 2: grades 4[5] through 9 with two (2) middle school teaching fields to be selected from:

- a. English and communications;
- b. Mathematics;
- c. Science; or
- d. Social studies;

(d) Secondary school shall be valid for teaching students in: grades 7[8] through 12 with one (1) or more of the following majors:

- 1. English;
- 2. Mathematics;
- 3. Social studies;
- 4. Biology;
- 5. Chemistry;
- 6. Physics;[or]
- 7. Earth science; or
- 8. General science.

(e) Grades 4[5] through 12 with one (1) or more of the following majors:

- 1. Agriculture;
- 2. Business and marketing education;
- 3. Family and consumer science;
- 4. Industrial education; or
- 5. Engineering and technology;

(f) All grade levels with one (1) or more of the following specialties:

- 1. Art;
- 2. A foreign language;
- 3. Health;
- 4. Physical education;
- 5. Integrated music;
- 6. Vocal music;
- 7. Instrumental music; or
- 8. School media librarian; or

(g) Grades primary through 12 for teaching exceptional children and for collaborating with teachers to design and deliver programs for preprimary children, for one (1) or more of the following disabilities:

- 1. Learning and behavior disorders;
- 2. Moderate and severe disabilities;
- 3. Hearing impaired;
- 4. Hearing impaired with sign proficiency;
- 5. Visually impaired;
- 6. Communication disorders, valid at all grade levels for the instruction of exceptional children and youth with communication disorders, which shall require a master's degree in communication or speech language pathology, pursuant to 16 KAR 2:050, Section 2; or

7. Communication disorders - SLPA only, valid at all grade levels for the instruction of exceptional children and youth with communication disorders, which shall require a baccalaureate degree in communication or speech language pathology, pursuant to 16 KAR 2:050, Section 3.

(3)

[~~(a)~~] The grades 4[5] through 9 mathematics certificate issued under subsection (2)(c)1.b. or 2.b. of this section shall be valid for teaching Algebra I and Geometry for grades 10, [and] 11, and 12.

[~~(b)~~] ~~[A candidate who chooses to simultaneously prepare for teaching in the middle school and for an additional base or restricted base certificate issued under subsection (2) or (4) of this section, including certification for teaching exceptional children, shall be required to complete one (1) middle school teaching field as established in subsection (2)(c) of this section.]~~

(4) A restricted base certificate shall be issued specifying one (1) or more of the following grade level and specialization authorizations:

- (a) Psychology, grades 8 through 12;
- (b) Sociology, grades 8 through 12;
- (c) Journalism, grades 8 through 12;
- (d) Speech or media communications, grades 8 through 12;
- (e) Theater, primary through grade 12;
- (f) Dance, primary through grade 12;
- (g) Computer information systems, primary through grade 12; or
- (h) English as a second language, primary through grade 12.

(5) An endorsement to a certificate identified in subsection (2) or (3) of this section shall be issued specifying one (1) or more of the following grade level and specialization authorizations:

- (a) Computer science, grades 8 through 12;
- (b) English as a second language, primary through grade 12;
- (c) Gifted education, primary through grade 12;
- (d) Driver education, grades 8 through 12;
- (e) Literacy specialist, primary through grade 12;
- (f) Reading, primary through grade 12;
- (g) Instructional computer technology, primary through grade

12;

(h) Teacher Leader, all grades;

(i) ~~[Other instructional services - school safety, primary through grade 12;]~~

[~~(j)~~] Other instructional services - environmental education, primary through grade 12;

[~~(j)(k)~~] Other instructional services - elementary mathematics specialist, primary through grade 5;[or]

[~~(l)~~] ~~[Learning and behavior disorders, grades 8 through 12. This endorsement shall be issued:]~~

[1:] ~~[Following completion of the requirements of Section 5(2) of this administrative regulation; and]~~

[2:] ~~[Only to candidates with preparation and certification for a base or restricted base certificate for the secondary grades 8 through 12;][or]~~

[~~(k)(m)~~] American Sign Language, primary through grade 12[.]; or

(l) Early grades, grades 1 through 3.

Section 5. Certification through Proficiency Evaluation.

(1) Proficiency evaluations shall be conducted pursuant to 16 KAR 5:030 by a Kentucky college or university with an approved educator preparation program.

(2) The EPSB may issue a proficiency provisional certificate to an individual upon request pursuant to this section provided that the individual meets the requirements established in Section 3 of this administrative regulation or any certificate area offered in Section 4 of this administrative regulation pursuant to 16 KAR 5:030.

Section 6. Additional Certification.

(1) An additional certificate ~~[extension]~~ may be issued to a certified teacher for any base or restricted base certificate offered in Section 4(1) through (4) of this administrative regulation and shall require:

(a) An unexpired base or restricted base certificate~~[, including a statement of eligibility];~~

(b) Successful completion of the applicable assessments; and

(c) Recommendation from an approved preparation program upon the demonstration of competency in the relevant teaching methodology verified via coursework, field experience, portfolio, or proficiency evaluation performed by a Kentucky college or university in accordance with 16 KAR 5:030.

(2) A certificate endorsement may be issued for any area listed in Section 4(5) of this administrative regulation and shall require:

(a) An unexpired base or restricted base certificate ~~including a statement of eligibility~~;

(b) Successful completion of the applicable assessments; and

(c) Recommendation from an approved program of preparation upon the demonstration of competency in the relevant teaching methodology verified via coursework, field experience, portfolio, or proficiency evaluation performed by a Kentucky college or university in accordance with 16 KAR 5:030.

(3)

(a) A certified teacher may add a certificate endorsement or ~~additional certificate~~ extension if the teacher applies for a certificate endorsement or ~~additional certificate~~ extension and meets the requirements established in paragraph (b) of this subsection.

(b) An additional certificate extension or certificate endorsement shall be issued if an educator:

1. Holds a valid Kentucky professional teaching certificate;

2. Submits proof that the educator has:

a. Current employment in a certified position; or

b. A bona fide offer of employment in a certified position in a Kentucky public school; or

[e.] Approval of the local district superintendent;

3. Successfully completed the applicable content assessments; and

4. Has either:

a. Completed at least fifteen (15) credit hours of post-secondary coursework [A major] in the area of certification being sought; or

b. A combination of education, experience, and professional development [awards, and achievements] in the area of certification being sought sufficient to demonstrate subject matter competency as evidenced by a score of ninety (90) points in Sections 3 and 4 within the application for the Highly Qualified route to certification [form CA-HQ]. For scoring purposes, successful completion of the appropriate content assessment(s) for the certificate area being added shall count for forty-five (45) points.

Additional points

[(i)] [Points] shall be granted only for experience, professional development, [awards,] or [achievements] coursework validated as prescribed by the EPSB and earned relative to the specific content area, student population taught, and grade range served.

[(ii)] [Coursework shall be validated on the application by a Kentucky college or university approved by the EPSB to serve as a "clearinghouse" for the purposes of this option.]

[(iii)] [Successful completion of the appropriate content assessment or assessments for the certificate area being added shall count for forty-five (45) points.]

(4) A certified teacher in secondary sciences may add additional secondary science credentials by:

(a) Before September 15, 2028:

1. Holding a valid professional certificate for teaching the secondary sciences, including biology, chemistry, earth science, or physics; and

2. Submitting proof of officially completing at least eight (8) credit hours, equivalent to two (2) courses with each including a laboratory component, in the credential content area; or

(b) On or after September 15, 2028, candidates shall complete the Highly Qualified pathway to certification outlined in subsection (3) of this section.

(5) If a teacher currently holds a professional certificate in the secondary grades 7[8] through 12, and applies for an additional certificate [extension] or endorsement in the same content area for middle school grades 4[5] through 9, the teacher shall not be required to complete the content assessment.

[(6)][(5)] An additional certificate [extension] or endorsement issued pursuant to the requirements established in subsection (3)[(e)] of this section shall be permitted in all content areas with the exception of the following:

(a) Elementary Education;

(b) Interdisciplinary Early Childhood Education;

(c) Special Education;

(d) Learning Behavior Disorders;

(e) Moderate to Severe Disabilities;

(f) Hearing Impaired;

(g) Visually Impaired; and

(h) Communications Disorders. ~~the areas of English, mathematics, sciences, foreign languages, or social studies. Health and physical education areas shall be added only if the teacher holds the correlative certificate.~~

[(7)][(6)] The EPSB shall issue the proficiency provisional certificate and the professional certificate for the certificate endorsement or and the additional certificate [extension] upon request provided that the certified teacher meets the requirements established in Section 3 of this administrative regulation.

Section 7. Alternative Routes to Certification.

(1) A candidate pursuing certification via an alternative route to certification shall receive the same certificates established in Section 4 of this administrative regulation following completion of the appropriate requirements specific to each alternative route.

(2) A candidate issued certification pursuant to KRS 161.048(2) to (6) and (9) for interdisciplinary early childhood through grade five (5) shall complete a science of reading professional learning program approved by the Kentucky Department of Education within two (2) years of initial employment in a district.

Section 8. Approval for Teaching Computer Science.

(1) The Approval for Teaching Computer Science (ACS) is a permission code that allows eligible teachers to teach all Computer Science courses in the course catalog.

(2) To be eligible for the ACS permission code, a teacher shall:

(a) Possess a base certificate, restricted base certificate, or endorsement as set forth in Section 4 of this administrative regulation that includes permissions for teaching in a secondary school, grades 7 through 12;

(b) Be scheduled to teach a minimum of one (1) Computer Science course during the fall semester of the upcoming academic year; and

(c) Enroll in a professional learning program approved by the Kentucky Department of Education.

(3) Once a teacher successfully completes an approved ACS professional learning program, the ACS permission code shall be added to that teacher's certification.

Section 9. Disclosure of Background Information.

(1) Teachers and teacher candidates shall disclose certain background information to the EPSB when applying for the issuance or renewal of the provisional certificate or the professional certificate by answering the following questions:

(a) Have you ever had a professional certificate, license, credential, or any document issued for practice denied, suspended, revoked, or voluntarily surrendered? If you have had a professional certificate, license, credential, or any other document issued for practice initially denied by a licensing body, but later issued, you shall answer "yes."

(b) Have you ever been suspended or discharged from any employment or military service because of allegations of misconduct?

(c) Have you ever resigned, entered into a settlement agreement, or otherwise left employment as a result of allegations of misconduct?

(d) Is any action now pending against you for alleged misconduct in any school district, court, or before any educator licensing agency?

(e) Have you ever been convicted of or entered a guilty plea, an "Alford" plea, or a plea of nolo contendere (no contest) to a felony or misdemeanor, even if adjudication of the sentence was withheld in Kentucky or any other state? Minor traffic violations should not be reported. Convictions for driving while intoxicated (DWI) or driving under the influence of alcohol or other drugs (DUI) shall be reported.

(f) Do you have any criminal charges pending against you?

(g) If you answered affirmatively to any of the questions in this Section, has the EPSB previously reviewed the information?

(2) The EPSB shall provide teachers and teacher candidates with the opportunity to submit a narrative to the board to consider before the board approves the request for issuance or renewal of a provisional certificate or a professional certificate. The teacher or teacher candidate may include in his or her narrative any dates, locations, school systems, court records, or any other information he or she would like the board to consider.

[Section 9.] [Incorporation by Reference.]

[(1)] ["Form-CA-HQ", 02/18, is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

L. AMBER SNELL, Board Chair

APPROVED BY AGENCY: August 31, 2026

FILED WITH LRC: August 31, 2026 at 3:10 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 10 a.m. ET, 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 (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 November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen 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 implements the Kentucky certification requirements for teachers as set forth in KRS 161.030. This administrative regulation also identifies the types of Kentucky professional and provisional teacher certificates available as well as the content areas associated with each certification. It also sets forth the different procedures that may be used to obtain a Kentucky teaching certificate.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide notice to applicants, educator preparation providers, and administrators of Kentucky public school districts of the types of certificates issued by the Education Professional Standards Board (EPSB) as well as the content areas associated with each certificate. It also provides notice to applicants, educator preparation providers, and administrators of Kentucky public school districts of the different procedures that may be used to obtain a Kentucky teaching certificate.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.020 provides that "[n]o person shall be eligible to hold the position of teacher for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position." KRS 161.028 provides the EPSB with the authority and responsibility to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030 provides that the EPSB alone has the authority to certify all teachers in public schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation implements the Kentucky certification requirements for teachers as set forth in KRS 161.030. This administrative regulation also identifies the types of Kentucky professional and provisional teacher certificates available as well as the content areas associated with each certification. It also sets forth the different procedures that may be used to obtain a Kentucky teaching certificate.

(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 implements certification recommendations of the Certification Structure Workgroup, which were presented to and adopted by the EPSB at its meeting on April 21, 2026, aimed at providing Kentucky public school districts with additional flexibility to meet staffing needs while, simultaneously, continuing to enforce rigorous certification standards for Kentucky educators as well as ensure there is a high quality educator in every Kentucky classroom. Specifically, at the recommendation of the Certification Structure Workgroup, this amendment updates the grade bands for certification by adjusting elementary to cover Kindergarten through Grade 6, middle to cover Grade 4 through Grade 9, and secondary to cover Grade 7 through Grade 12. The amendment also expands permissions for middle school math certificates to be valid for teaching Algebra I and Geometry in Grades 10 through 12; adds a secondary General Science certificate; and, provides a pathway for a certified teacher in secondary sciences to add additional secondary science credentials. Overall, the amendment is intended

(b) The necessity of the amendment to this administrative regulation: At the recommendation of the Certification Structure Workgroup, this amendment updates the grade bands for certification, specifically by adjusting elementary to cover Kindergarten through Grade 6, middle to cover Grade 4 through Grade 9, and secondary to cover Grade 7 through Grade 12. The amendment also expands permissions for middle school math certificates to be valid for teaching Algebra I and Geometry in Grades 10 through 12; adds a secondary General Science certificate; and, provides a pathway for a certified teacher in secondary sciences to add additional secondary science credentials. These amendments are intended to provide Kentucky public school districts with additional flexibility to meet staffing needs while, simultaneously, continuing to enforce rigorous certification standards for Kentucky educators as well as ensure there is a high-quality educator in every Kentucky classroom.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.020 provides that "[n]o person shall be eligible to hold the position of teacher for which certificates may be issued, or receive salary for services rendered in the position, unless he or she holds a certificate of legal qualifications for the position." KRS 161.028 provides the EPSB with the authority and responsibility to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.030 provides that the EPSB alone has the authority to certify all teachers in public schools. (d) How the amendment will assist in the effective administration of the statutes: At the recommendation of the Certification Structure Workgroup, this amendment updates the grade bands for certification, specifically by adjusting elementary to cover Kindergarten through Grade 6, middle to cover Grade 4 through Grade 9, and secondary to cover Grade 7 through Grade 12. The amendment also expands permissions for middle school math certificates to be valid for teaching Algebra I and Geometry in Grades 10 through 12; adds a secondary General Science certificate; and, provides a pathway for a certified teacher in secondary sciences to add additional secondary science credentials. These amendments are intended to provide Kentucky public school districts with additional flexibility to meet staffing needs while, simultaneously, continuing to enforce rigorous certification standards for Kentucky educators as well as ensure there is a high-quality educator in every Kentucky classroom.

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

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, House Bill 253 (2026) mandated the EPSB to "require all interdisciplinary early childhood through grade five (5) educators who receive certification pursuant to KRS 161.048(2) to (6) and (9) to complete within two (2) years of initial employment a science of reading professional learning program approved by the department." This requirement has been codified in Section 7(2) of this amended regulation.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Applicants for educator certification in Kentucky, Kentucky public school districts, Kentucky Department of Education, and educator preparation programs.

(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 educator certification in Kentucky will have to meet applicable certification requirements in this regulation when seeking new certifications from the EPSB. Kentucky public school districts will have to ensure certified staff meet applicable certification requirements in this regulation. Kentucky Department of Education staff that support the work of EPSB will have to implement the requirements of this regulation. And, educator preparation programs may have to adjust programmatic components to ensure their students, as prospective applicants for educator certification in Kentucky, can meet applicable certification requirements in this regulation when seeking new certifications from the EPSB.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Implementation of this amendment is not expected to substantially increase costs for any entity identified in question (4). Minimal administrative burdens may result to Kentucky Department of Education staff implementing the amended regulation as well as to educator preparation programs in the event adjustments to programmatic components are necessary to align with this amendment. Any costs or burdens to applicants for educator certification in Kentucky as well as to Kentucky public school districts are anticipated to be minimal, at most, and to be the same under this amendment as they were under the prior regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): One of the EPSB's goals is that every certified position in a Kentucky public school is staffed by a properly credentialed educator. In furtherance of this goal, the EPSB undertakes a continuous review of the certification structure to ensure that it aligns with the Kentucky academic standards and the workforce needs to best serve the students of the Commonwealth. All entities identified in question (4) will benefit from the adoption of the recommendations of the Certification Structure Workgroup, who consulted state and national data as well as sought feedback from Kentucky school districts and educator preparation providers to propose a grade band structure that meets current needs as well as alter teacher certifications in hard to fill positions such as the sciences and mathematics. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: There will be minimal, if any, cost to the EPSB and the Kentucky Department of Education to implement this administrative regulation.

(b) On a continuing basis: There will be minimal, if any, cost to the EPSB and the Kentucky Department of Education 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: 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: This

administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(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 161.030 and 161.028(1)(a).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 161.030 and 161.028(1)(a).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Education Professional Standards Board 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): Kentucky public school districts.

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

1. Expenditures:

For the first year: No expenditures are expected.

For subsequent years: No expenditures are expected.

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 significant cost savings are anticipated; however, there may be decreased administrative burdens when hiring for hard to fill certified positions (e.g., the sciences and mathematics).

For subsequent years: No significant cost savings are anticipated; however, there may be decreased administrative burdens when hiring for hard to fill certified positions (e.g., the sciences and mathematics).

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Applicants for educator certification in Kentucky and educator preparation programs.

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

1. Expenditures:

For the first year: For applicants for educator certification in Kentucky, no expenditures are expected. For educator preparation programs, any expenditures are expected to be minimal.

For subsequent years: For applicants for educator certification in Kentucky, no expenditures are expected. For educator preparation programs, 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.

(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: Minimal administrative burdens may result to Kentucky Department of Education staff implementing the amended regulation as well as to educator preparation programs in the event adjustments to programmatic components are necessary to align with this amendment. Any costs or burdens to applicants for educator certification in Kentucky as well as to Kentucky public school districts are anticipated to be minimal, at most, and to be the same under this amendment as they were under the prior regulation.

(b) Methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The administrative regulation is not expected to have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.

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

**EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Amendment)**

16 KAR 5:040. Admission, placement, and supervision in student teaching.

RELATES TO: KRS 161.020, 161.028, 161.030, 161.042

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.042

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028 requires that an educator preparation institution be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board (EPSB). KRS 161.030 requires that a certificate be issued to a person who has completed a program approved by the EPSB [Education Professional Standards Board]. KRS 161.042 requires the EPSB [Education Professional Standards Board] to promulgate an administrative regulation relating to student teachers, including the qualifications for cooperating teachers. This administrative regulation establishes the standards for admission, placement, and supervision in student teaching.

Section 1. Cooperating Teacher Eligibility Requirements.

(1) The cooperating teacher, whether serving in a public or nonpublic school, shall have:

(a) A valid teaching certificate or license for each grade and subject taught; and

(b) At least three (3) years of teaching experience as a certified educator. Notwithstanding the foregoing, a teacher with less than three (3) years of experience may serve as a cooperating teacher if the teacher has at least two (2) years of teaching experience, the employing district recommends the teacher to serve as a cooperating teacher, and the educator preparation provider determines the teacher is qualified.

(2) A teacher assigned to a teaching position on the basis of a provisional or emergency certificate issued by the EPSB [Education Professional Standards Board] shall not be eligible for serving as a cooperating teacher.

(3) Prior to student teacher placement, a cooperating teacher shall receive training approved by the EPSB [Education Professional Standards Board] and provided at no cost to the cooperating teacher by the educator preparation institution which shall include the following components:

- (a) Basic responsibilities of a cooperating teacher;
- (b) Best practice in supporting the student teacher; and
- (c) Effective assessment of the student teacher.
- (4) Each educator preparation institution shall file an electronic report with the EPSB [Education Professional Standards Board] every semester which identifies the following:
 - (a) Each candidate at the educator preparation institution enrolled in student teaching;
 - (b) The candidate's assigned school;
 - (c) The cooperating teacher assigned to each candidate;
 - (d) The cooperating teacher's area of certification;
 - (e) The cooperating teacher's years of experience as a certified or licensed educator; and
 - (f) The number of days the cooperating teacher supervised the student teacher during the semester.

Section 2. Admission to Student Teaching. Admission to student teaching shall include a formal application procedure for each teacher candidate.

(1) Prior to and during the student teaching experience, the teacher candidate shall adhere to the Professional Code of Ethics for Kentucky School Personnel established in 16 KAR 1:020.

(2) Prior to admission to student teaching, each teacher candidate shall complete a minimum of 200 clock hours of field experiences in a variety of primary through grade 12 (P-12) school settings which allow the candidate to participate in the following:

(a) Engagement with diverse populations of students which include:

- 1. [Students from a minimum of two (2) different ethnic or cultural groups of which the candidate would not be considered a member;]
- 2. [3.] Students from different socioeconomic groups;
- 2. [3.] English language learners;
- 3. [4.] Students with disabilities; and
- 4. [5.] Students from across elementary, middle school, and secondary grade levels;

(b) Observation in schools and related agencies, such as [including]:

- 1. Family Resource Centers; or
- 2. Youth Service Centers;
- (c) Student support programs [tutoring];
- (d) Interaction with families of students;
- (e) Observation of [Attendance at] school board and school-based council meetings;
- (f) Observation of [Participation in] a school-based professional learning community; and
- (g) Opportunities to assist teachers or other school professionals.

(3) The educator preparation institution shall maintain electronic records that confirm all candidates enrolled in student teaching have fulfilled the field experiences required in subsection (2) of this section. [Beginning July 1, 2019, the educator preparation institution shall maintain electronic records in the Kentucky Field Experience Tracking System (KFETS) that confirm all candidates enrolled in student teaching have fulfilled the field experiences required in subsection (2) of this section.]

Section 3. Cooperating Teacher to Student Teacher Ratio. The ratio of student teachers to cooperating teachers shall be one-to-one.

Section 4. University Supervisor.

(1) The university supervisor shall conduct a minimum of four (4) observations of the student teacher in the actual teaching situation, with a maximum of two (2) that may be remote [a portion of which may be remote. Requests for remote observation(s) shall be submitted to and approved by EPSB prior to observation(s)].

(2) The observation reports shall be filed as a part of the student teacher record and used as a validation of the supervisory function.

(3) The university supervisors shall be available to work with the student teacher and personnel in the cooperating school regarding any problems that may arise relating to the student teaching situation.

(4) University supervisors shall receive training approved by the EPSB [Education Professional Standards Board] and provided at no

cost to the university supervisor by the educator preparation institution which shall include the following components:

- (a) Basic responsibilities of a university supervisor;
- (b) Best practice in supporting the student teacher; and
- (c) Effective assessment of the student teacher.

Section 5. Professional Experience.

(1) The educator preparation institution shall provide opportunities for the student teacher to assume major responsibility for the full range of teaching duties, including extended co-teaching experiences, in a real school situation under the guidance of qualified personnel from the educator preparation institution and the cooperating elementary, middle, or high school. The educator preparation institution and the school district shall make reasonable efforts to place student teachers in settings that provide opportunities for the student teacher to develop and demonstrate the practical skills, knowledge, and professional dispositions essential to help all P-12 students learn and develop.

(2) A student teacher shall be placed in the corresponding grade level(s) of certification being issued upon completion of designated program ~~not be placed in a setting that is not consistent with his or her planned certification content and grade range~~.

(3) The student teacher placement shall provide the student teacher with the opportunity to engage with diverse populations of students.

(4) Each educator preparation institution shall provide a full professional semester to include a period of student teaching for a minimum of seventy (70) full days, or its equivalent, in instructional settings that correspond to the grade levels and content areas of the student teacher's certification program. Institutions unable to locate a placement aligned with grade level requirements in this section shall submit an alternative placement request to EPSB staff. EPSB staff may pre-approve the alternative placement request if the alternative placement request includes:

- (a) A description of the efforts of the institution to locate a placement aligned with grade level requirements in this section;
- (b) The rationale for the choice of the identified alternative placement; and
- (c) ~~Statements of support for the alternative placement from the principal and the cooperating teacher; and~~

~~[(d)] Evidence of the candidate's variety of field experiences prior to student teaching. All alternative placement requests shall be placed on the consent agenda for the next regularly scheduled meeting of the EPSB[board] and shall be contingent upon [board] approval by the EPSB. The EPSB waiver committee may review submissions prior to the EPSB[board] meeting and recommend that the EPSB[board] move items from the consent items to the action or waiver items on the agenda. Pre-approval shall not be granted if the alternative placement does not meet the criteria set forth in this subsection. All alternative placements that are not eligible for pre-approval shall be placed on the agenda of the next regularly scheduled meeting of the board as a waiver item for consideration.~~

1. Candidates pursuing a primary through grade 12 certificate shall have their student teaching balanced, as determined by the educator preparation provider to meet candidate needs, between an elementary school placement and middle school or high school placement.

2. Candidates pursuing an elementary certificate shall have their student teaching balanced, as determined by the educator preparation provider to meet candidate needs, between a placement in primary through grade 3 and a placement in grade 4 or grade 5.

3. Candidates seeking dual certification in either middle school or secondary content areas shall have their student teaching balanced, as determined by the educator preparation provider to meet candidate needs, between ~~equal placements~~ ~~[in]~~ both content areas.

4. Candidates seeking dual certification in elementary and special education shall have their student teaching balanced, as determined by the educator preparation provider to meet candidate needs, between an elementary placement and either a middle school or secondary placement.

(5) ~~The educator preparation institution shall use the Kentucky Teacher Internship Program Teacher Performance Assessment documents established in 16 KAR 7:040.]~~

~~[(6)] A student teacher shall not have responsibility for the supervision or instruction of P-12 students without the direct supervision of a certified educator. Notwithstanding the foregoing, a student teacher with the requisite certification to do so may serve as an emergency certified substitute teacher as set forth in subsection (6) of this section.~~

~~[(6)] An educator preparation provider may allow experience that a candidate gains as a properly certified emergency certified substitute teacher to count towards the student teacher placement.~~

~~[(7)] A student teacher shall not receive direct compensation for student teaching.]~~

~~[(8)] The educator preparation institution shall maintain electronic records that confirm that all students meet the requirements of this section.~~

Section 6. Compensation of Cooperating Teachers.

(1) The ~~EPSB[Education Professional Standards Board]~~ may make arrangements with local school districts to compensate a cooperating teacher.

(2)

(a) The educator preparation institution shall electronically submit a report of all cooperating teachers and their corresponding student teachers to the ~~EPSB[Education Professional Standards Board]~~:

- 1. On or before September 30 for a cooperating teacher supervising a student teacher during the fall semester; or
- 2. On or before February 15[4] for a cooperating teacher supervising a student teacher during the spring semester.

(b) Each report shall include:

- 1. The number of contract weeks that the cooperating teacher is working with each student teacher for that semester;
- 2. The cooperating teacher's full name and ~~EPSB Identification~~ Social Security number;
- 3. The student teacher's full name, ~~EPSB Identification~~ Social Security number, demographic data, and contact information;
- 4. The student teacher's preparation and certification area by assigned certification code; and
- 5. The names of the school district and school where the cooperating teacher is employed and the student teaching requirement is being fulfilled. If the certified cooperating teacher is employed in a nonpublic school which meets the state performance standards as established in KRS 156.160 or which has been accredited by a regional or national accrediting association, the institution shall submit the name of the school.

(c) If an educator preparation institution fails to provide the report by the date established in paragraph (a) of this subsection, the ~~EPSB[Education Professional Standards Board]~~ shall not be liable for payment under this administrative regulation.

(3)

(a) The electronic voucher shall be electronically signed by the cooperating teacher and the university supervisor as verification of the cooperating teacher's service to the student teacher and submitted to the ~~EPSB[Education Professional Standards Board]~~:

- 1. On or before December 15 during the fall semester; or
- 2. On or before May 15[4] during the spring semester.

(b) If a cooperating teacher fails to provide the completed electronic payment voucher by the date established in paragraph (a) of this subsection, the cooperating teacher shall not be eligible to receive any compensation available under this administrative regulation.

(4)

(a) The payment to a cooperating teacher shall be determined based upon available funding allocated under the biennial budget bill and the total number of days served by all cooperating teachers reported for the fiscal year.

(b) The payment shall be allocated to a cooperating teacher based upon the number of days the teacher supervised a student teacher as reported in subsections (2) and (3) of this section, not to exceed more than seventy (70) days in a semester.

(5) Payments to cooperating teachers shall be disbursed to the school districts or to cooperating teachers in nonpublic schools by the ~~EPSB[Education Professional Standards Board]~~:

- (a) On an annual basis; and
- (b) On or before June 30.

(6) Any payment of state funds under this administrative regulation shall:

(a) Be a supplement to the compensation provided by an educator preparation institution to a cooperating teacher who is supervising an institution's student teacher; and

(b) Not supplant the educator preparation institution's compensation responsibility.

L. AMBER SNELL, Board Chair

APPROVED BY AGENCY: August 31, 2026

FILED WITH LRC: August 31, 2026 at 3:10 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 10 a.m. ET, 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 (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 November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen 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 complies with KRS 161.042, which requires the Education Professional Standards Board (EPSB) to promulgate an administrative regulation relating to student teachers as well as cooperating teachers, by establishing the standards for admission, placement, and supervision in student teaching.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with KRS 161.042, which requires the EPSB to promulgate an administrative regulation relating to student teachers as well as cooperating teachers, by establishing the standards for admission, placement, and supervision in student teaching.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.042(1) states: "The Education Professional Standards Board shall provide through administrative regulation for the utilization of the common schools for the preparation of teacher education students from the colleges and universities." Further, in (3) of that same statute, it says: "The Education Professional Standards Board shall promulgate administrative regulations defining the professional requirements and general duties of a supervising teacher and requirements for a local school district and school to be used for this purpose." This administrative regulation establishes the standards for admission, placement, and supervision in student teaching, including the requirements of the cooperating teacher.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation complies with KRS 161.042, which requires the EPSB to promulgate an administrative regulation relating to student teachers as well as cooperating teachers, by establishing the standards for admission, placement, and supervision in student teaching.

(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 allow a teacher with less than three (3) years of experience to serve as a cooperating teacher; remove the requirement for the student teaching experience to including "[e]ngagement with [s]tudents from different ethnic or cultural groups"; permit up to two (2) of the four (4) observations of student teachers to be done remotely; clarify that dual certification in elementary and special education requires student teaching in an elementary placement as well as a middle or high school placement; and, permit an educator preparation provider to allow experience as an emergency certified substitute teacher to count towards the student teacher placement.

(b) The necessity of the amendment to this administrative regulation: This amendment provides for increased flexibility as it allows more individuals to serve as cooperating teachers, specifically teachers with less than three (3) years of experience under certain conditions. Further, the amendment allows for experience as an emergency certified substitute teacher to count towards the student teacher placement. Additionally, this amendment also adds clarity to the regulation, particularly around the use of remote observations during the student teacher placement as well as on balancing placements for candidates seeking dual certification in elementary and special education. This latter change is intended to ensure all students, regardless of certification pursued, are completing two student teacher placements. The need for two placements split between elementary school and middle or high school remains, particularly in light of literacy and numeracy requirements.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.042(1) states: "The Education Professional Standards Board shall provide through administrative regulation for the utilization of the common schools for the preparation of teacher education students from the colleges and universities." Further, in (3) of that same statute, it says: "The Education Professional Standards Board shall promulgate administrative regulations defining the professional requirements and general duties of a supervising teacher and requirements for a local school district and school to be used for this purpose." This administrative regulation, as revised by this amendment, establishes the standards for admission, placement, and supervision in student teaching, including the requirements of the cooperating teacher. (d) How the amendment will assist in the effective administration of the statutes: This administrative regulation, as revised by this amendment, establishes the standards for admission, placement, and supervision in student teaching, including the requirements of the cooperating teacher. Specifically, it provides for increased flexibility as it allows more individuals to serve as cooperating teachers, specifically teachers with less than three (3) years of experience under certain conditions. Further, this amendment allows for experience as an emergency certified substitute teacher to count towards the student teacher placement. Additionally, this amendment also adds clarity to the regulation, particularly around the use of remote observations during the student teacher placement as well as on balancing placements for candidates seeking dual certification in elementary and special education. This latter change is intended to ensure all students, regardless of certification pursued, are completing two student teacher placements. The need for two placements split between elementary school and middle or high school remains, particularly in light of literacy and numeracy requirements.

(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: Student teachers in Kentucky, Kentucky public school districts, Kentucky Department of Education, and educator preparation programs.

(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: Student teachers in Kentucky will have to meet applicable requirements in this regulation prior to seeking educator certification from the EPSB. Kentucky public school districts hosting student teachers will have to collaborate with educator preparation programs to ensure the student teaching experience, including the assignment of a qualified cooperating teacher, meets the requirements of this regulation. Kentucky Department of Education staff that support the work of EPSB and educator preparation programs will have to implement the requirements of this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Implementation of this amendment is not expected to substantially increase costs for any entity identified in question (4). Minimal administrative burdens may result to Kentucky Department of Education staff as well as to educator preparation programs implementing the amended regulation. Any costs or burdens to student teachers as well as to Kentucky public school districts are anticipated to be minimal, at most, and to be the same under this amendment as they were under the prior regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Educator preparation programs and Kentucky public school districts hosting student teachers will benefit from the increased flexibility provided in this amendment allowing more individuals to serve as cooperating teachers, specifically teachers with less than three (3) years of experience under certain conditions. Further, student teachers as well as Kentucky public school districts will benefit from the increased flexibility provided in this amendment allowing experience as an emergency certified substitute teacher to count towards the student teacher placement. Finally, all entities will benefit from the clarity this amendment adds around the use of remote observations during the student teacher placement as well as on balancing placements for candidates seeking dual certification in elementary and special education. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: There will be minimal, if any, cost to the EPSB and the Kentucky Department of Education to implement this administrative regulation.

(b) On a continuing basis: There will be minimal, if any, cost to the EPSB and the Kentucky Department of Education 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: 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: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(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 161.030, 161.028, and KRS 161.042.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 161.030, 161.028, and KRS 161.042.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Education Professional Standards Board 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): Kentucky public school districts hosting student teachers.

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

1. Expenditures:

For the first year: No expenditures are expected.

For subsequent years: No expenditures are expected.

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 significant cost savings are anticipated; however, administrative burdens may be decreased due to the increased flexibility provided in this amendment, particularly the change to allow experience as an emergency certified substitute teacher to count towards the student teacher placement.

For subsequent years: No significant cost savings are anticipated; however, administrative burdens may be decreased due to the increased flexibility provided in this amendment, particularly the change to allow experience as an emergency certified substitute teacher to count towards the student teacher placement.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Student teachers and educator preparation programs.

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

1. Expenditures:

For the first year: For student teachers, no expenditures are expected. For educator preparation programs, any expenditures are expected to be minimal.

For subsequent years: For student teachers, no expenditures are expected. For educator preparation programs, 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: For student teachers, cost savings are expected to be minimal but may be seen with allowing experience as an emergency certified substitute teacher to count towards the student teacher placement. For educator preparation programs, cost savings are expected to be minimal but may be seen with permitting up to two (2) of the four (4) observations of student teachers to be done remotely.

For subsequent years: For student teachers, cost savings are expected to be minimal but may be seen with allowing experience as an emergency certified substitute teacher to count towards the student teacher placement. For educator preparation programs, cost savings are expected to be minimal but may be seen with permitting up to two (2) of the four (4) observations of student teachers to be done remotely.

(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: Minimal administrative burdens may result to Kentucky Department of Education staff as well as to educator preparation programs implementing the amended regulation. Any costs or burdens to student teachers as well as to Kentucky public school districts are anticipated to be minimal, at most, and to be the same under this amendment as they were under the prior regulation. Due to the

increased flexibility provided by this amendment, educator preparation programs, student teachers, and Kentucky public school districts may see minimal cost savings in implementing this administrative regulation.

(b) Methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The administrative regulation is not expected to have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.

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

**OFFICE OF THE GOVERNOR
Department of Veterans Affairs
Office of Veterans Centers
(Amendment)**

17 KAR 3:042. Eligibility requirements for state veterans' nursing homes.

RELATES TO: KRS 40.320, 40.325

STATUTORY AUTHORITY: KRS 40.325(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.320 authorizes the establishment of state veterans' nursing homes. KRS 40.325(3) authorizes the Department of Veterans' Affairs to promulgate any administrative regulations necessary to operate the homes in compliance with applicable state and federal statutes and regulations. This administrative regulation establishes the eligibility requirements for admission into state veterans' nursing homes.

Section 1. Eligibility Requirements.

(1) Except as provided in subsection (2) of this section, to be admitted to a Kentucky Veterans' home[Center], a person shall:

- (a) Be a veteran;
- (b) Be disabled by reason of disease, wounds, or age, or otherwise be in need of nursing care;
- (c) Be a Kentucky resident as of the date of admission to a Kentucky Veterans' home[Center]; and
- (d) Have a military discharge that is not of a dishonorable nature.

(2) A person shall not be eligible for admission if the person has needs that cannot be met by the Kentucky Veterans' Home[Veterans' Center].

Section 2. Admission to a Kentucky Veterans' Home. The Kentucky Department of Veterans Affairs shall maintain a standardized, systemwide process for tracking and communicating admission decisions:

(1) The Kentucky Veterans' Home shall review available clinical, financial, and military records to determine admission eligibility.

(2) Once a determination has been made, the Kentucky Veterans' Home shall provide verbal and written notification to all qualified, and denied applicants. Initial deferred determinations may be communicated verbally, with written notification provided if the deferral remains in effect beyond thirty (30) days.

(3) This notification shall be delivered to the Veteran and/or their authorized representative.

(4) Written notification of deferred or denied eligibility determinations shall include information regarding the OKVC appeal and reconsideration process.

Section 3. Qualified, deferred or denied Admission to a State Veterans' Nursing Home.

(1) Each Kentucky Veterans' Home shall maintain a standardized, systemwide process to manage applicants.

(2) Qualified applicants have been determined to meet all admission eligibility requirements and are admitted, subject to bed availability in the service area for which admission has been approved.

(3) Deferred applicants remain under consideration pending receipt of additional information, resolution of identified concerns or other factors affecting admission eligibility.

(4) A qualified or deferred applicant may be denied admission, if:

(a) The applicant's health care needs have changed to the extent that the service for which he/she was originally approved or deferred can no longer meet his/her health care needs; or

(b) The applicant's service needs have changed to such an extent that the facility can no longer meet the applicant's health care/service needs.

(5) Applicants with a qualified or deferred status who have remained in this status over thirty (30) days may be required to provide current medical information to verify continued eligibility prior to admission.

(6) If a qualified applicant declines an admission offer, the next qualified applicant will be invited for admission. The declining applicant will be considered for admission at a later date if services are requested and eligibility met.

Section 4. Appeal and Reconsideration Process for Denied or Deferred Veterans.

(1) Appeal Request Process: A veteran applicant or the applicant's designated representative may request reconsideration or appeal of a denial of admission or a deferral extending beyond thirty (30) calendar days.

(2) Appeal Request Form. The applicant or designated representative shall submit the Admission Appeal/Reconsideration Request Form OKVA 001A, which shall be provided with and attached to each denial or deferral determination notice.

(3) Time for Filing. An appeal or request for reconsideration shall be submitted within thirty (30) calendar days from the date of the denial or deferral determination notice.

(4) Supporting Documentation. The applicant or designated representative shall provide any supporting documentation or information that establishes the basis for the appeal or request for reconsideration. The applicant may submit documentation or information that was not available or considered at the time of the initial determination.

(5) Review and Final decision. The Executive Director or Deputy Executive Director of the Office of Kentucky Veterans Centers shall review the appeal or request for reconsideration and issue a written decision within ten (10) business days of receipt of the appeal. The written decision shall state whether the original denial or deferral determination is affirmed, modified, or reversed and shall provide the basis for the decision. The decision shall constitute the final administrative determination of the Kentucky Department of Veterans Affairs regarding the applicant's eligibility for admission.

(6) Vacancy or Unavailability. If the Executive Director and Deputy Executive Director of the Office of Kentucky Veterans Centers are not available to perform the review because of a vacancy in the positions or otherwise an OKVC Nurse Consultant shall review the appeal or request for reconsideration and issue the final written decision.

This is to certify that the Executive Director of the Office of Kentucky Veteran Services and the Commissioner of the Kentucky Department of Veterans Affairs have reviewed and recommended this administrative regulation prior to its adoption, as required by KRS 156.070(4).

LADONNA SCOTT, Deputy Executive Director
WHITNEY P. ALLEN, JR., Commissioner
WILLIAM BONILLA, Staff Attorney III

APPROVED BY AGENCY: September 15, 2026

FILED WITH LRC: September 15, 2026 at 9:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026 at 10:00 am at 1111 Louisville Rd., Suite B, 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 November 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: LaDonna Scott, Deputy Executive Director, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601; phone (502) 564-9203 or fax (502) 564.9240; email: ladonna.scott@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: LaDonna Scott, Office of the Commissioner, Deputy Executive Director OKVC Phone: (502) 564-9203 Email: ladonna.scott@ky.gov

Subject Headings: Veteran's Affairs, Nursing Facilities, Long-Term Care

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation clarifies eligibility for admission, establishes a standardized, systemwide process for communicating admissions decisions to applicants for admission to a Kentucky Veterans Home, and explains the process by which an applicant may appeal a denial or extended deferral.

(b) The necessity of this administrative regulation: The administrative regulation ensures that prospective applicants understand the eligibility requirements for admission, receive uniform written admission decisions from Kentucky Veterans Homes, and are informed of their right to appeal a denial or extended deferral.

(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 acknowledging KDVA's responsibility to operate veterans' homes and establish eligibility requirements and an application process for admission.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation streamlines the process for determination eligibility for admission to KDVA Veterans Homes, ensures consistent communication of admission decisions to applicants, and establishes a process for applicants to appeal a denial or extended deferral.

(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: Provides consistent language to align with federal Department of Veterans Affairs and Centers for Medicare and Medicaid Services language with the use of "veterans homes". It also establishes a standardized, systemwide process for communicating admissions decisions across all Kentucky Veterans' skilled nursing homes and established an appeal process.

(b) The necessity of the amendment to this administrative regulation: KDVA is adopting recommendations of the Legislative Oversight and Investigations Committee that have been reviewed by the Veterans, Military Affairs, and Public Protection Committee.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the requirements of the authorizing statutes by recognizing KDVA's responsibility to operate veterans' homes and establish eligibility requirements and an application process for admission.

(d) How the amendment will assist in the effective administration of the statutes: This amendment is being promulgated by KDVA in response to recommendations of the Legislative Oversight and Investigations Committee, as reviewed by the Veterans, Military

Affairs, and Public Protection Committee. The regulation recognizes KDVA's responsibility to operate veterans' homes and establish eligibility requirements for admission.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes from 017 KAR 003:042. 51 Ky.R. 1825; 52 Ky.R. 82, 169; eff. 11-4-2025.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation include: N/A

(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: KDVA does not foresee a change in the administration of Kentucky Veterans Homes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The Kentucky Veterans Homes will have a better and clearer admissions process.

(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.

(b) On a continuing basis: There are no additional costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: KDVA does not anticipate an increase in fees or funding.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: KDVA does not anticipate an increase in fees or funding.

(10) TIERING: Is tiering applied? Tiering is not appropriate in assessments undertaken with this administrative regulation because the requirements will be equally applied to all individuals or entities subject to the regulation. Disparate treatment of persons or entities subject to this administrative regulation would undoubtedly raise Constitutional inquiries of KDVA's arbitrariness based on the Fourteenth Amendment to the U.S. Constitution (i.e., the Equal Protection or Due Process clauses).

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: The state statutes, federal statutes, or federal regulations that require or authorize the action taken by the administrative regulation include KRS 164.479(2) which requires the Kentucky Department of Veterans Affairs to promulgate administrative regulations concerning the eligibility of applicants to participate in tuition waiver programs.

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

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The affected state units, parts, or divisions include the Kentucky Department of Veteran's Affairs as the promulgating agency. (a) Estimate the following for the first year.

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

1. Expenditures:

For the first year:

For subsequent years:

2. Revenues:

For the first year:

For subsequent years:

3. Cost Savings:

For the first year:

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For subsequent years:

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): (a) Estimate the following for the first year: NA

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

(5)(a) Identify any affected regulated entities not listed in (3)(a) or

(4)(a):

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

(5)(a):

1. Expenditures:

For the first year:

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: There are no fiscal impacts. (b) Methodology and resources used to determine the fiscal impact: There are no fiscal impacts because the administrative regulation defines eligibility for admissions only. (6) Explain: (a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) NA

(b) Methodology and resources used to reach this conclusion:

(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):

(b) The methodology and resources used to reach this conclusion: NA as there are no major economic impacts incurred with this 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.

PERSONNEL CABINET Office of the Secretary (Amendment)

101 KAR 2:210. 2027[2026] Plan Year Handbook for the Public Employee Health Insurance Program.

RELATES TO: KRS 18A.030, 18A.225, 18A.2254

STATUTORY AUTHORITY: KRS 18A.030(2)(b), 18A.2254(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.2254(1)(a)1 requires the secretary of the Personnel Cabinet to promulgate an administrative regulation to incorporate by reference the plan year handbook distributed by the Department of Employee Insurance to public employees covered under the self-insured plan and establishes the minimum requirements for the information included in the handbook. This administrative regulation incorporates by reference the plan year Benefits Selection Guide, which is the handbook distributed by the department to public

employees for the 2027[2026] Plan Year as required by KRS 18A.2254(1)(a)1.

Section 1. The Department of Employee Insurance shall distribute or make available to the public employees covered under the self-insured plan the 2027[2026] Plan Year Kentucky Employees' Health Plan Benefits Selection Guide, which shall include the premiums, employee contributions, employer contributions, and a summary of benefits, copays, coinsurance, and deductibles for each plan provided to the public employees covered under the self-insured plan.

Section 2. Incorporation by Reference.

(1) "2027[2026] Plan Year Kentucky Employees' Health Plan Benefits Selection Guide", 2027[2026] edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Personnel Cabinet, 501 High Street, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. The material incorporated by reference is also available on the Personnel Cabinet's website on the Kentucky Employees' Health Plan page under KEHP Documents at <https://personnel.ky.gov/Pages/Kentucky-Employees'-Health-Plan.aspx>.

MARY ELIZABETH BAILEY, Secretary

APPROVED BY AGENCY: September 15, 2026

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

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 10:00 a.m. at 501 High Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. 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 November 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: Will Adams, Staff Attorney, Office of Legal Services, Personnel Cabinet, 501 High Street, 4th Floor, Frankfort, Kentucky 40601, phone: (502) 782-4370, fax: (502) 564-5278, email: Will.Adams@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Will Adams, Phone: (502) 782-4370, Email: Will.Adams@ky.gov

Subject Headings: Personnel, State Employee Health Plans, State Employees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation incorporates by reference the 2027 plan year handbook containing information about the self-insured health insurance plans offered through the Public Employee Health Insurance Program. The handbook, commonly referred to as the Benefits Selection Guide, is distributed to plan holders participating in the self-insured program. The Benefits Selection Guide contains the premiums, employee contributions, employer contributions, and a summary of benefits, co-pays, coinsurance, and deductibles for each plan available to public employees through the self-insured program in 2027.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the statutory mandate of KRS 18A.2254. More specifically, KRS 18A.2254(1)(a) requires the Personnel Cabinet to promulgate an administrative

regulation that incorporates by reference the 2027 plan year handbook that will be distributed to the public employees covered by the Public Employee Health Insurance Program. The handbook must be filed with the Legislative Research Commission on or before September 15 each year.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation complies with KRS 18A.2254(1), the statute that establishes the self-insured plan and mandates the promulgation of the administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation aids in the effectuation of the statute, KRS 18A.2254, by incorporating by reference the 2027 plan year handbook for the Public Employee Health Insurance Program in an administrative regulation. Further, this administrative regulation is the method by which the Personnel Cabinet will comply with KRS 18A.2254.

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

(a) How the amendment will change this existing administrative regulation: This is an amendment. The existing administrative regulation incorporates by reference the 2026 plan year handbook, which constitutes a compilation of the premium rates and contributions, benefit options, eligibility rules, and enrollment information for participants of the Public Employee Health Insurance Program for plan year 2026. The amendment adds and incorporates by reference the 2027 plan year handbook, which contains the premiums, employee contributions, employer contributions, and a summary of benefits, co-pays, coinsurance, and deductibles for each plan available to public employees for plan year 2027.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to give notice regarding the premiums, employee contributions, employer contributions, benefits, co-pays, coinsurance, and deductibles for each plan available to public employees under the Public Employee Health Insurance Program for plan year 2027. This amendment is also necessary to comply with the statutory mandate in KRS 18A.2254 to annually update the regulation incorporating the plan year handbook.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 18A.2254, the statute authorizing the self-insured plan under the Public Employee Health Insurance Program. KRS 18A.2254 mandates that the plan year handbook be incorporated by reference in an administrative regulation on or before September 15 each year. This amendment incorporates the 2027 plan year handbook by reference in accordance with KRS 18A.2254.

(d) How the amendment will assist in the effective administration of the statutes: This amendment conforms to the requirements of KRS 18A.2254, the statute authorizing the self-insured plan under the Public Employee Health Insurance Program. KRS 18A.2254 mandates that the plan year handbook be incorporated by reference in an administrative regulation on or before September 15 each year. This amendment incorporates the 2027 plan year handbook by reference in accordance with KRS 18A.2254.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects employees of state and select county and local government entities, including employees of the local school boards and districts. This administrative regulation also affects certain retirees as specified by KRS 18A.225. More specifically, and as defined by KRS 18A.225(1)(a), this administrative regulation affects approximately 192,653 employees and retirees eligible to participate in the Public Employee Health Insurance Program. In total, this administrative regulation affects approximately 314,761 members in the self-insured plan and those waiving coverage, including employees, retirees, and qualifying dependents.

(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 entities will not be required to take any additional action to comply with this administrative regulation that incorporates the 2027 plan year handbook. The 2027 Benefits Selection Guide will provide information to the public employees covered under the Public Employee Health Insurance Program about the premiums, employee contributions, employer contributions, and a summary of benefits, co-pays, coinsurance, and deductibles for the 2027 plan year.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This administrative regulation provides employer and employee premium contribution information for health plans available under the Public Employee Health Insurance Program for plan year 2027. There is no direct cost impact to employers participating in the Public Employee Health Insurance Program as a result of incorporating the 2027 plan year handbook into the administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): For plan year 2027, participating employers (entities) and participating employees and retirees and their beneficiaries and dependents covered under the Public Employee Health Insurance Program will have access to comprehensive health insurance benefits under all plans offered through the self-insured program. For plan year 2027, employer contributions to health coverage premiums will increase 5% across all plans combined, as compared to 2026 premiums. Employee contributions to health coverage premiums will increase 3% across all plans, as compared to 2026 premiums.

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

(a) Initially: Costs of implementing this administrative regulation initially are believed to be minimal.

(b) On a continuing basis: Costs of implementing this administrative regulation initially are believed to 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: The source of funding to be used for the implementation of this administrative regulation will be the Public Employee Health Insurance Trust 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 is an amendment. This administrative regulation will not require an increase in funding or 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 fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all participants in the Public Employee Health Insurance Program.

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 18A.030(2)(b), 18A.2254(1)(a)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: The most recent act that expressly authorizes the Personnel Cabinet Secretary to promulgate this administrative regulation is 2024 Ky. Acts ch. 104, sec. 14. The specific authorizing statute, KRS 18A.2254, was created by 2006 Ky. Acts ch. 252, Pt. XXIX, sec. 1.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Personnel Cabinet is the promulgating agency. All state agencies and employees participating in the Public Employee Health Insurance Program are affected by the provisions of the incorporated plan year handbook.

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

1. Expenditures:

For the first year: This administrative regulation itself is not anticipated to trigger direct expenditures.

For subsequent years: This administrative regulation itself is not anticipated to trigger direct expenditures.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): All county and local government employees and entities, including local school boards and districts and their employees, that participate in the Public Employee Health Insurance Program are affected by the provisions of the incorporated plan year handbook.

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

1. Expenditures:

For the first year: This administrative regulation itself is not anticipated to trigger direct expenditures.

For subsequent years: This administrative regulation itself is not anticipated to trigger direct expenditures.

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The plan year handbook incorporated in this administrative regulation also affects retirees under the age of 65 who are eligible to participate in the Program by virtue of their participation in one of the state-administered retirement systems.

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

1. Expenditures:

For the first year: This administrative regulation itself is not anticipated to trigger direct expenditures.

For subsequent years: This administrative regulation itself is not anticipated to trigger direct expenditures.

2. Revenues:

For the first year: None

For subsequent years: None

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: This administrative regulation does not have a significant fiscal impact.

(b) Methodology and resources used to reach this conclusion: The provisions of this administrative regulation were reviewed, and a significant 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): An overall negative or adverse major economic impact is not anticipated. This administrative regulation only serves to incorporate the Public Employee Health Insurance Program handbook. It does not, by itself, impose requirements or fees on Program participants.

(b) The methodology and resources used to reach this conclusion: The provisions of the administrative regulation were reviewed, and a significant fiscal impact was not 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.

**FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(Amendment)**

103 KAR 1:150. Electronic data match and levy procedures.

RELATES TO: KRS 131.670, 131.672, 131.674, 131.676, 205.772, 205.774

STATUTORY AUTHORITY: KRS 131.672(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.672(7) requires the Department of Revenue to promulgate an administrative regulation to establish the procedures to be followed by the Department of Revenue and Kentucky financial institutions in implementing and operating a data match and levy system to assist the Department of Revenue in collecting delinquent taxes and debts owed to the Commonwealth. This administrative regulation establishes the electronic data match and levy procedures.

Section 1. Definitions.

(1) "Debt" is defined by KRS 131.670(1).

(2) "Debtor" is defined by KRS 131.670(2).

(3) "Delinquent taxpayer" is defined by KRS 131.670(4).

(4) "Department" is defined by KRS 131.670(3).

(5) "Financial Institution" is defined by KRS 131.670(5).

(6) "Levy" is defined by in KRS 131.500(10).

Section 2. Electronic Data Match and Levy Program Implementation. The department shall have access to identifying information for a delinquent taxpayer or debtor who the department has identified to a financial institution through a data match for the purpose of levying the account of the delinquent taxpayer or debtor to pay the delinquent tax or debt.

Section 3. Electronic Data Match Reporting. A financial institution shall:

(1) Select a preferred matching method in the Data Matching Memorandum of Agreement;

(2) Exchange information with the department by way of an automated data exchange system. If the financial institution demonstrates to the department that it does not have the necessary computer capabilities to exchange information by way of an automated data exchange system, the department may issue a waiver to allow the financial institution to exchange information by paper;

(3) Submit information to the department on a quarterly basis in the format prescribed by the Financial Data Match Specifications Handbook, using ~~either~~ the all accounts method or the matched accounts method.

(a) If a financial institution agrees to provide the information according to the all accounts method, the financial institution shall:

1. Submit to the department, or the department's authorized agent, within fifteen (15) days after requested by the department, data files of open accounts for the data match; and

2. Report the name, record address, Social Security number, Federal Employer Identification number, and account status on any account maintained by the financial institution;

(b) If a financial institution agrees to provide the information according to the matched accounts method, the financial institution shall, within fifteen (15) days after submission to the financial institution by the department of an inquiry, file:

1. Match the inquiry file of delinquent taxpayers and debtors identified and provided by the department, or by the department's authorized agent, against open accounts maintained by the financial institution; and

2. Submit a report of matched accounts to the department or its authorized agent containing the name, record address, Social

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Security number, Federal Employer Identification number, and account status on any account maintained by the financial institution;

(4) Maintain a security process to assure that information received from the department or its authorized agent concerning a delinquent taxpayer or debtor shall:

(a) Be maintained and safeguarded as confidential; and

(b) Not be copied or given to any other entity without the written permission of the department, or the delinquent taxpayer or debtor; and

(5) Incur no liability for providing a file to the department in accordance with an approved format as described by the Financial Data Match Specifications Handbook.

Section 4. Levy.

(1) If a financial data match occurs, a financial institution shall:

(a) Hold, encumber, or surrender an account to the department upon receipt of a notice of levy issued by the department; [Notice of Levy, Revenue Form 12B020, which is incorporated by reference in 403 KAR 3:010, Section 2(1)(rr);]

(b) Address and send to the department notices, paperwork, tapes, or other electronic communication resulting from a financial institution data match program; and

(c) Submit the data [date]-files required by Section 3 of this administrative regulation to the department.

(2) The match of an account holder to a delinquent taxpayer or debtor record provided by the department shall not constitute a levy. An account shall not be held, encumbered, or surrendered to the department without a financial institution having received a notice of levy from the department.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Data Matching Memorandum of Agreement", July 2008; and

(b) "Financial Data Match Specifications Handbook", edition 11/07.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Revenue, Division of Collections, 501 High Street, 8th Floor, Frankfort, Kentucky 40620, Monday through Friday, 8 a.m. to 5 p.m.

103 KAR 1:150

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: August 20, 2026

FILED WITH LRC: August 24, 2026 at 11:03 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 25, 2026, at 10:00 a.m. E.T./9:00 a.m. C.T. in Room 11A, State Office Building, 501 High Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Gary Morris, Executive Director, Office of Tax Policy and Regulation, Department of Revenue, 501 High Street, Station 1, Frankfort, Kentucky 40601, (502) 564-0424 (telephone), (502) 564-3875 (fax), DORTAXPOLICY@ky.gov (email).

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

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

Subject Headings: Finance and Administration; Taxation; Banks and Financial Institutions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative

regulation establishes procedures for electronic data match and levy procedures to be followed by the Department of Revenue and Kentucky financial institutions.

(b) The necessity of this administrative regulation: This regulation is necessary to provide relevant guidance on the electronic data match and levy procedures.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 131.672 requires the Department of Revenue to promulgate an administrative regulation to establish the procedures for a data match and levy system to assist the Department in collecting delinquent taxes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in providing necessary guidance for the electronic data match and levy procedures.

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

(a) How the amendment will change this existing administrative regulation: This amendment includes minor KRS 13A changes and strikes a reference to a regulation that was repealed.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to strike an outdated reference.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c).

(d) How the amendment will assist in the effective administration of the statutes: This amendment will continue to provide guidance on electronic data match and levy procedures.

(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 impacts the Department of Revenue and financial institutions. However, this amendment is simply a clean-up and does not impact those procedures.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: This amendment is not anticipated to impact the entities identified in question (4) because it should not change current practices.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The Department does not anticipate implementation costs for the entities to implement this amendment because the amendment does not change current practices.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This amendment continues to provide guidance on the electronic data match and levy procedures while removing outdated references.

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

(a) Initially:

(b) 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: Any negligible costs associated with this amendment would be absorbed by the Department's budget; however, no costs are anticipated.

(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.

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

(10) TIERING: Is tiering applied? Tiering is not applied because all taxpayers will be 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: KRS 131.672 requires the Department of Revenue to promulgate an administrative regulation to establish the procedures for a data match and levy system to assist the Department in collecting delinquent taxes.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: See the answer to (1). This amendment is not due to recent legislation passed by the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Revenue is the promulgating agency and the only state agency impacted by this administrative regulation.

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

1. Expenditures:

For the first year: There is no anticipated impact on expenditures.

For subsequent years: There is no anticipated impact on expenditures.

2. Revenues:

For the first year: There is no anticipated impact on revenues.

For subsequent years: There is no anticipated impact on revenues.

3. Cost Savings:

For the first year: There is no cost savings anticipated.

For subsequent years: There is no cost savings anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The amendment to this administrative regulation will not impact local entities.

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

1. Expenditures:

For the first year: No impact to local entities.

For subsequent years: No impact to local entities.

2. Revenues:

For the first year: No impact to local entities.

For subsequent years: No impact to local entities.

3. Cost Savings:

For the first year: No impact to local entities.

For subsequent years: No impact to local entities.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation applies to Kentucky banks and financial institutions, but the amendment is not anticipated to impact regulated entities because current practices remain unchanged.

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

1. Expenditures:

For the first year: No impact to regulated entities.

For subsequent years: No impact to regulated entities.

2. Revenues:

For the first year: No impact to regulated entities.

For subsequent years: No impact to regulated entities.

3. Cost Savings:

For the first year: No impact to regulated entities.

For subsequent years: No impact to regulated entities.

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

(a) Fiscal impact of this administrative regulation: The Department does not anticipate that the amendment to this regulation will have a fiscal impact.

(b) Methodology and resources used to reach this conclusion: This amendment includes KRS 13A related changes and strikes and reference to a previously repealed 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): The amendment to this administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: This amendment includes KRS 13A related changes and strikes and reference to a previously repealed regulation.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:045. Technicians.

RELATES TO: KRS 142.301, 315.010, 315.020, 315.136, 315.191(1)

STATUTORY AUTHORITY: KRS 315.010(21), 315.020(4)(b), 315.191(1)(a), (g), (l)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations governing pharmacy technicians. KRS 315.020(4)(b) authorizes the board to establish the scope of practice for pharmacy technicians. KRS 315.010(21) and 315.191(1)(l) authorize the board to promulgate administrative regulations establishing that a pharmacy technician may practice under the general, rather than immediate, supervision of a pharmacist. This administrative regulation establishes the qualifications required for a pharmacy technician to practice under the general supervision of a pharmacist and establishes the scope of practice for a pharmacy technician.

Section 1. Certified Pharmacy Technician Recognition. A person shall be recognized by the board as a certified pharmacy technician if the person has successfully completed the:

(1) Pharmacy Technician Certification Exam (PTCE) administered by the Pharmacy Technician Certification Board (PTCB) or the Examination for the Certification of Pharmacy Technicians (ExCPT) by the National Healthcareer Association (NHA) and the certificate issued by the PTCB or NHA is current; or

(2) Nuclear Pharmacy Technician Training Program at the University of Tennessee or other entity approved by the Board of Pharmacy.

Section 2. Registered Pharmacy Technician.

(1) A registered pharmacy technician may, under the immediate supervision of a pharmacist, engage in the following activities at a permitted location to the extent that the activities do not require the exercise of professional judgment:

(a) Initiate or receive telephonic or electronic communication from a practitioner or practitioner's agent concerning refill authorization. If the practitioner or practitioner's agent communicates information that does not relate to the refill authorization:

1. The technician shall immediately inform the pharmacist; and
2. The pharmacist shall receive the communication;

(b) Enter information into and retrieve information from a database or patient profile, including order entry;

(c) Prepare and affix labels;

~~[(d)] [Stock and retrieve, or return product to or from the pharmacy inventory, including the stocking and loading of an automated filling or dispensing system with the use of barcode technology;]~~

~~[(d)]~~[(e)] Count and pour prescription drugs into patient storage containers;

~~[(e)]~~[(f)] Obtain, record, or maintain information for a patient record;

~~[(f)]~~[(g)] Make an offer to counsel;

~~[(g)]~~[(h)] Sell and record the sale of an over-the-counter ephedrine, pseudoephedrine, or phenylpropanolamine product;

~~[(h)]~~[(i)] Prepare for delivery unit dose mobile transport systems that have been refilled by another technician in an institutional pharmacy;

~~[(i)]~~[(j)] Receive diagnostic orders within a nuclear pharmacy; and

~~[(j)]~~[(k)] Non-sterile and sterile drug compounding.

(2) A registered pharmacy technician may, under electronic supervision, perform order entry from a location outside of the permitted pharmacy pursuant to KRS 315.020(5)(b) and (c) and 201 KAR 2:480.

(3) A registered pharmacy technician may, under general supervision:

(a) Administer a vaccine to an individual if the technician:

1. Completes a minimum of two (2) hours of immunization-related continuing education accredited by the Accreditation Council for Pharmacy Education (ACPE) per each state registration period;

2. Completes, or has completed, a practical training program accredited by ACPE that includes hands-on injection technique and the recognition and treatment of emergency reactions to vaccines; and

3. Possesses a current certificate in basic cardiopulmonary resuscitation.

(b) Stock and retrieve, or return product to or from the pharmacy inventory, including the stocking and loading of an automated pharmacy[dispensing] system with the use of machine-readable technology [in a residential hospice facility if a pharmacist is on-site]; and

(c) Administer point of care tests.

Section 3. Certified Pharmacy Technician. A certified pharmacy technician, under the general supervision of a pharmacist, may be delegated by the supervising pharmacist to perform any function within the practice of pharmacy except the following:

(1) Patient counseling, including clinical advisement necessary to all areas of a patient's health;

(2) Drug evaluation, utilization, and regimen review;

(3) Interpretation of medical orders and prescriptions;

(4) Final product verification;

(5) Receipt of new verbal prescription drug or medical orders; and

(6) Other acts, services, or decisions that require professional judgement.

Section 4. Directing Pharmacist Responsibility.

(1) A function performed by a certified pharmacy technician or registered pharmacy technician shall be performed subject to the review of the pharmacist who directed the technician to perform the function.

(2) A pharmacist who directs a certified pharmacy technician or registered pharmacy technician to perform a function shall be responsible for the technician and the performance of the function.

Section 5. Pharmacy Technician Application and Renewal.

(1) Initial registration for pharmacy technician.

(a) An applicant shall provide a completed Application for Registration as a Pharmacy Technician form.

(b) The initial application shall be submitted no more than thirty (30) calendar days after the applicant commences employment at a pharmacy.

(2) Annual renewal requirement for pharmacy technician.

(a) Registered pharmacy technician licenses shall expire on March 31 of the year following the initial registration.

(b) A registered pharmacy technician shall renew the registration annually by providing a completed Application for Pharmacy Technician Renewal form.

(3) Fee exception: charitable. An applicant for registration as a pharmacy technician who serves only on a voluntary basis as a pharmacy technician with a pharmacy operated by a charitable provider as defined in KRS shall not be required to pay the application fee.

(4) Display of registration certificate for pharmacy technician.

(a) The registration certificate for a pharmacy technician shall be on display at his or her primary place of employment.

(b) The registration shall be exhibited upon request of a member, inspector, or agent of the board.

(5) Notification requirement. A pharmacy technician shall notify the board of a change of employer within fourteen (14) calendar days of the change.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Registration as a Pharmacy Technician", 08/2025; and

(b) "Application for Pharmacy Technician Renewal", 08/2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Board's website at: <https://pharmacy.ky.gov/statutesandregulations/Documents/Applications%20for%20Individuals%20-%20Incorporated%20By%20Reference.pdf>.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 15, 2026 at

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2026, at 10:00 a.m. EST via Zoom Meetings. 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 November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow, Phone: 502-564-7910, Email: christopher.harlow@ky.gov

Subject Headings: Pharmacy, Workforce Development, Licensing
(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the functions that pharmacy technicians are authorized to perform. This regulation also establishes the criteria for registration as a certified pharmacy technician.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to assist pharmacists in the practice of pharmacy. Without this regulation there is no indication as to what a pharmacy technician may or may not do.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 315.191(1)(a) provides the Board with the authority to promulgate administrative regulations necessary to regulate and control all matters set forth in KRS 315 relating to pharmacy technicians.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides clarity as to what technicians may or may not do. KRS 315.135 and KRS 315.136 authorize the registration of pharmacy technicians.

(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 permits a registered pharmacy technician to stock or load an automated pharmacy system under the general supervision of a pharmacist, provided the system utilizes machine-readable technology and so long as the activity occurs under the general supervision of a pharmacist.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify the circumstances under which registered pharmacy technicians may perform specified inventory-related activities without the immediate supervision of a pharmacist. The amendment establishes appropriate safeguards by

requiring general pharmacist supervision and, when stocking or loading an automated pharmacy system, the use of machine-readable technology. These changes allow pharmacy personnel to perform inventory-related functions efficiently while maintaining pharmacist oversight and safeguards intended to reduce the risk of medication selection and stocking errors.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 315.191(1)(a) and the authority to promulgate regulations to control and regulate pharmacy technicians.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides clarity as to what technicians may or may not do. KRS 315.135 and KRS 315.136 authorize the registration of pharmacy technicians

(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: Pharmacies, pharmacists, pharmacy technicians and pharmacist interns will be impacted 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: Pharmacies, pharmacists, pharmacy technicians and pharmacist interns will have to familiarize themselves with the changes in tasks that pharmacy technicians may perform.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will not cost regulated entities anything to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Registered pharmacy technicians and permitted pharmacies will benefit from increased operational flexibility and efficiency by allowing registered pharmacy technicians to perform specified inventory-related activities under the general supervision of a pharmacist rather than requiring immediate pharmacist supervision. Pharmacies utilizing automated pharmacy systems will also benefit from the efficient use of registered pharmacy technicians to stock and load those systems while maintaining safeguards through the required use of machine-readable technology and pharmacist oversight.

(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 Board will enforce this regulation through regular pharmacy inspections which are already funded through the Board's budget.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees established directly or indirectly by this regulation.

(10) TIERING: Is tiering applied? Certified technicians are provided with the ability to perform more tasks, as delegated by a supervising pharmacist, because they have attained a level of competency with a national exam. A non-certified technician has no special education or credential.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.191(1)(a)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 315.135.

(3)(a) Identify the promulgating agency and any other affected

state units, parts, or divisions: {Response}

(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): {Response}

(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): {Response}

(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: There could be some cost savings because a pharmacy technician may be able to perform a task previously reserved for a pharmacist only.

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

(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact.

(b) Methodology and resources used to reach this conclusion: An analysis of the Board's budget and what it will take regulated entities to comply with 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 Board reviewed what it would cost permitted entities to comply with this statute.

BOARDS AND COMMISSIONS

Board of Pharmacy (Amendment)

201 KAR 2:074. Pharmacy services in hospitals.

RELATES TO: KRS 315.010, 315.020, 315.030, 315.121

STATUTORY AUTHORITY: KRS 315.002, 315.005, [KRS] 315.191(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the Kentucky Board of Pharmacy to establish requirements to regulate and control pharmacies. KRS 315.002 and 315.005 require standards of practice in all settings where drugs are handled and requires the board to ensure the safety of all drug

products provided to the citizens of Kentucky. This administrative regulation establishes requirements for pharmacy services in hospitals.

Section 1. Definitions.

(1) "Automated pharmacy system" means a mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information and shall be either:

(a) A decentralized automated pharmacy system that is located outside the pharmacy department, but within the same institution, and under the supervision of a pharmacist; or

(b) A centralized automated pharmacy system from which medications are prepared for final distribution that require the approval of a pharmacist.

(2) "Institutional pharmacy" means:

(a) A pharmacy in an acute care hospital licensed pursuant to 902 KAR 20:016; or

(b) An onsite pharmacy serving an infusion center where medication is administered.

(3) "Investigational drug" means a drug that has not been approved for use in the United States, but for which an investigational drug application has been approved by the FDA.

(4) "Unit dose distribution" means a system in which drug therapy profiles are maintained in the pharmacy and doses are scheduled, prepared, and delivered in a ready-to-administer form to the patient care area as the doses are needed.

(5) "Within the same institution" means a location that is not separated from the primary hospital facility by other commercial or residential property.

Section 2. Pharmacy Administration.

(1) General.

(a) The pharmacy, organized as a separate department or service, shall be directed by a pharmacist, who shall be thoroughly knowledgeable about institutional pharmacy practice and management.

(b) The director of pharmacy services shall be responsible for departmental management and the development and implementation of goals and objectives to meet the needs of the institution and shall be responsible to the chief executive officer of the institution or the chief executive officer's designee.

(c) If the director of pharmacy services is not employed full time, the institution shall establish an ongoing arrangement in writing with a pharmacist to provide services required by this administrative regulation and KRS 315.020(1).

(d) If a hospital pharmacy is decentralized, each decentralized section or separate organizational element shall be under the immediate supervision of a pharmacist responsible to the director of pharmacy services.

(2) Pharmacy personnel.

(a) The institutional pharmacy shall maintain additional pharmacists in cooperation with the institution's administration, either full time or part time, as required to operate safely and effectively to meet the needs of the patients.

(b) If nonpharmacist personnel are employed, nonpharmacist personnel shall perform all duties under the supervision of a pharmacist and shall not be assigned and shall not perform duties that are to be performed only by a pharmacist.

(3) Responsibilities.

(a)

1. Lines of authority and areas of responsibility within the pharmacy shall be clearly defined.

2. Written job descriptions for all categories of pharmacy personnel shall be prepared and revised as necessary.

(b)

1. There shall be policies and procedures to provide for selection of drugs as well as a distribution system to serve the needs of the patient.

2. Provision for procurement of drugs in an emergency situation shall be provided for.

(4) Supportive personnel.

(a) Sufficient supportive personnel (technical, clerical, and other) shall be available in order to optimize the participation of pharmacists in activities requiring professional judgment.

(b) The training and supervision of supportive personnel shall be the responsibility of the pharmacist.

(5) Availability.

(a) The services of a pharmacist shall be available continuously.

If around-the-clock operation of the pharmacy is not feasible, the pharmacist shall be available on an on-call basis, and an adequate night drug cabinet shall be established. The pharmacy itself shall not be designated as the night drug cabinet.

(b) A hospital not having a full-time pharmacist, but in which drugs are prepackaged or relabeled or transferred from one (1) container to another, shall obtain a pharmacy permit and have at least a part-time pharmacist designated to perform those functions or to provide personal supervision of those functions.

Section 3. Physical Facility.

(1) The institutional pharmacy shall have adequate space, equipment, and supplies sufficient to provide for safe and efficient drug storage, preparation, and distribution, patient education and consultation, drug information services, and proper management of the department.

(2) Legal requirements. The physical facility shall meet state and federal regulations and shall be accessible by authorized pharmacy personnel only.

(3)

(a) A currently licensed hospital shall be exempt from the provisions of subsection (2) of this section if it:

1. Is authorized by the Department for Health and Human Services to provide pharmacy services; and

2. Does not currently possess a pharmacy permit.

(b) A currently licensed hospital exempt from the provisions of subsection (2) of this section shall permit access by authorized personnel only.

(4) Location. Locked storage or locked medication carts shall be provided for use in each nursing unit or service area.

(5) Reference materials. The pharmacy shall have current pharmaceutical reference materials in accordance with 201 KAR 2:090. References related to the following subjects shall also be available:

(a) Drug identification;

(b) Toxicology;

(c) Drug interactions;

(d) Parenteral drug compatibility; and

(e) Microbiology.

Section 4. Drug Distribution and Control.

(1) General. The institutional pharmacy shall be responsible for the procurement, distribution, and control of all drugs and parenteral solutions used within the institution. Policies and procedures governing these functions shall be developed by the pharmacist with input from other involved hospital, or infusion center, staff (for example, nurses) and committees (for example, pharmacy and therapeutics committee and patient care committee).

(2) Dispensing. The pharmacist shall dispense medications only on the order of a licensed medical practitioner.

(3) Prescriber's order. The pharmacist shall review the medication order.

(4) Recordkeeping. The pharmacist shall maintain appropriate records of each medication order. The records shall be retained for the time and in the manner prescribed by state and federal law.

(5) Patient medication profile. A medication profile shall be maintained for all inpatients and for those ambulatory patients routinely receiving care at the institution. The pharmacist shall utilize this profile to properly review, schedule, prepare, and distribute medications except in an emergency situation.

(6) Labeling and packaging.

(a) Each licensee shall comply with U.S.P. Standards established pursuant to federal law and all state and federal laws and regulations regarding labeling and packaging.

(b) Labeling and packaging of medications used for outpatients shall meet the requirements of state and federal law.

(7) Dispensing. The pharmacist shall dispense medications by the unit dose distribution system if feasible. If the unit dose distribution system is not utilized, adequate safeguards shall be in place to protect patients.

(8) Stop orders. There shall be established written stop order policies or other methods of assuring that drug orders are not continued inappropriately in accordance with the status of the patient.

(9) Administration.

(a) Drugs shall be administered only upon order of a licensed medical practitioner.

(b) The institutional pharmacy shall participate in the establishment of policies and procedures regarding the administration of medications. Specific procedures shall be developed in cooperation with appropriate hospital, infusion center, or other health care facility personnel and shall include personnel authorized to schedule, prepare, and administer medications.

(10)

(a) Unused medication. The institutional pharmacy shall establish policies and procedures for the disposition of patients' unused medications.

(b) Medication in unit dose form may be reissued if package integrity has been maintained and the product has not expired.

(11) Hospital floor stocks.

(a) Floor stocks of drugs shall be kept as small as possible. The pharmacist in charge shall be responsible for authenticating the need for floor stock.

(b) A pharmacist shall review all orders distributed through floor stock.

(c) The pharmacist in charge shall be responsible for defining those areas of the hospital requiring floor stock (for example, emergency room, surgery, critical care, or medical or surgical wards).

(d) All drug storage areas within the hospital shall be routinely inspected by pharmacy personnel at least monthly, and documentation shall be maintained to ensure that:

1. Unusable items shall not be present; and

2. All stock items shall be properly labeled and stored.

(e) This subsection shall apply to infusion centers where medications are administered with an onsite pharmacy.

(12) Drug recall. There shall be a system for removing from use a drug that has been recalled.

(13) Sample medications. The institutional pharmacy shall establish policies and procedures regarding medical representatives and the obtaining, storage, and dispensing of complimentary packages of medications.

(14) Emergency drugs.

(a) The institutional pharmacy shall establish policies and procedures for supplying emergency drugs.

(b) For expediency and efficiency, emergency drugs shall be limited in number to include only those whose prompt use and immediate availability are generally regarded by physicians as essential in the proper treatment of sudden and unforeseen patient emergencies.

(c) Emergency stocks shall be routinely inspected by pharmacy personnel on a monthly basis and documentation maintained to determine if contents have become outdated and if the stocks are being maintained at adequate levels.

(15) Investigational drugs.

(a) Policies and procedures controlling the use of investigational drugs (if used in the institution) shall be developed and followed.

(b) The pharmacy shall be responsible for storing, packaging, labeling, distributing, maintaining inventory records (including lot numbers and expiration date), and providing information about investigational drugs (including proper disposal).

(16) Controlled substances. All permit holders shall comply with state and federal laws regarding controlled substances.

(17) Compounding. Compounding at a location that is not within the same institution shall require a separate pharmacy permit.

Section 5. Assuring Rational Drug Therapy.

(1) Appropriate clinical information about patients shall be available and accessible to the pharmacist for use in daily practice activities.

(2) The pharmacist shall be a member of the pharmacy and therapeutics committee and any other committees where input concerning the use of drugs is required.

(3) The pharmacist shall provide a means to ensure that patients receive adequate information about the drugs they receive. Patient education activities shall be in coordination with the nursing and medical staffs and patient education department, if any.

Section 6. Responsibility. The pharmacist-in-charge of a pharmacy utilizing an automated pharmacy system shall be responsible for:

(1) An initial validation of system accuracy prior to use for distribution to patients;

(2) Ensuring the system:

(a) Is properly maintained;

(b) Is in good working order;

(c) Accurately dispenses the correct strength, dosage form, and quantity of drug prescribed; and

(d) Complies with the recordkeeping, access, and security safeguards pursuant to all applicable state and federal laws;

(3) Assuring medications are reviewed prior to loading into an automated pharmacy system and distribution;

(4) Implementing an ongoing quality assurance program that monitors performance of the pharmacy compounding robotics, which is evidenced by written policies and procedures and requires a continued documented validation of doses distributed on a routine basis and annual review of the quality assurance program;

(5) Establishing policies and procedures if there is a system failure of an automated pharmacy system;

(6) Providing the board with prior written notice of installation or removal of an automated pharmacy system. This notification shall include the:

(a) Name and address of the pharmacy; and

(b) Initial location of the automated pharmacy system;

(7) Oversight for assigning, discontinuing, or changing personnel access to the system, including establishment of written policies and procedures for security and control;

(8) Reviewing personnel access on at least an annual basis;

(9) Assuring that the decentralized automated pharmacy system stock is checked at least monthly in accordance with established policies and procedures, including checking for:

(a) Accuracy;

(b) Integrity of packaging; and

(c) Expiration dates;

(10) Maintaining in the pharmacy the following documentation relating to an automated pharmacy system:

(a) The name and address of the pharmacy or inpatient health care facility where the system is being used;

(b) The automated pharmacy system manufacturer's name, model, serial number, and software version;

(c) A description of how the system is used;

(d) Written quality assurance procedures and accompanying documentation of use to determine continued appropriate use of the system as established in subsections (7) and (8) of this section; and

(e) Written policies and procedures for system operation, safety, security, accuracy, emergency medication access, access, and malfunction which includes clearly defined down time and procedures;

(11) Maintaining adequate security systems and procedures, evidenced by written policies and procedures to:

(a) Prevent unauthorized access;

(b) Maintain patient confidentiality;

(c) Allow user access modification; and

(d) Comply with federal and state laws; and

(12) Maintaining in the pharmacy a current list of all locations where automated pharmacy systems are located and providing the list to the board upon request.

Section 7. Standards.

(1)

(a) All events involving the contents of the automated pharmacy system shall be recorded electronically.

(b) Records shall be maintained by the pharmacy and be available to the board and shall include the following:

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1. The date, time, and location of the system accessed;
 2. Identification of the individual accessing the system;
 3. Type of transaction;
 4. Name, strength, dosage form, and quantity of drug accessed;
- and
5. Name of the patient for whom the drug was ordered, if applicable.

(2)

(a) All medications to be stocked into the centralized automated pharmacy system shall:

1. Have been previously validated by a machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance, and safety; and

2. Be utilized by a pharmacist, pharmacist intern, or certified pharmacy technician.

(b) Integrity and accuracy shall be validated by a pharmacist.

(3) The stocking of medications in a decentralized automated pharmacy system utilizing a machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance, and safety shall be done by a pharmacist, pharmacist intern, or a [certified]-pharmacy technician.

(4) The stocking of medications in a decentralized automated pharmacy system without a machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance, and safety shall be done by a pharmacist, pharmacist intern, or a certified pharmacy technician. Integrity and accuracy shall be validated by a pharmacist.

(5) If a hospital licensed pursuant to 902 KAR 20:016 utilizes technology that validates appropriate drug, dose, dosage form, route of administration, time of administration, and patient at the exact time of medication administration, the stocking of the decentralized automated pharmacy system shall be done by a pharmacist, pharmacist intern, or [certified]-pharmacy technician.

(6) A record of medications stocked in an automated pharmacy system shall be maintained for at least five (5) years and shall include:

- (a) The name of the person repacking the medications; and

- (b) Documentation of the pharmacist checking the medications.

(7) All containers of medications stored in the automated pharmacy system shall be packaged and labeled in accordance with federal and state laws.

(8) The automated pharmacy system shall provide a mechanism for securing and accounting for medications removed from and subsequently returned to the automated pharmacy system, in accordance with federal and state laws.

(9) All medications initially received in the pharmacy for use in an automated pharmacy system shall be quarantined until validation by a machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance, safety, accuracy, and existence of the item in the database powering automated pharmacy system by a certified pharmacy technician, pharmacist intern, or pharmacist.

(10) If a medication needs to be repackaged:

(a) A pharmacist, pharmacist intern, or certified pharmacy technician shall:

1. Perform the repackaging and validate the presence of an accurate machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance, and safety on the unit dose packaging; and

2. Document the repackaging process including:

- a. Manufacturer;

- b. Date and time of repackaging;

- c. The person repackaging;

- d. The lot number or batch number;

- e. The expiration date; and

- f. The quantity repackaged; and

- (b) A pharmacist shall:

1. Validate for accuracy and integrity prior to the addition to the automated pharmacy system; and

2. Document the validation including:

- a. The date and time of the validation;

- b. The name of the pharmacist validating;

- c. The lot number or batch number;

- d. The expiration date; and

e. The quantity validated.

(11) A medication returned to the pharmacy from a patient care area shall follow the processes established pursuant to Section 4(10) of this administrative regulation.

(12) A medication distributed by the centralized automated pharmacy system shall be distributed in the delivery device utilized by that system.

(13) A medication distributed by an automated pharmacy system shall be accessed and administered by a professional licensed to administer medications.

(14) A medication distributed by an automated pharmacy system shall not be dispensed.

(15) Board inspectors may inspect and investigate complaints regarding an automated pharmacy system on all premises owned by the hospital where an automated pharmacy system is located and supplied with medications purchased under the hospital's pharmacy permit.

(16) All transfers of medications to automated pharmacy systems shall be in accordance with federal and state laws.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 15, 2026 at 8:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2026, at 10:00 a.m. EST via Zoom Meetings. 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 November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow, Contact Phone No.: 502-564-7910, Contact email: Christopher.harlow@ky.gov

Subject Headings: Pharmacy, Hospitals and Workforce Development

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the standards for hospital pharmacies.

(b) The necessity of this administrative regulation: KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides the criteria that the statute requests be provided in regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides the criteria that the statute requests be provided in regulation.

(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 aligns this regulation with the proposed amendment for 201 KAR 2:045 which permits registered pharmacy technicians to stock or load an automated pharmacy system under the general supervision of a pharmacist, provided the system utilizes machine readable coding technology and so long as the activity occurs under the general supervision of a pharmacist.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify the

circumstances under which a registered pharmacy technician may perform specified inventory-related activities in an automated pharmacy system that uses machine readable coding within a hospital.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides further clarity on what registered pharmacy technicians can and cannot do within a hospital setting.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates hospital pharmacies and pharmacists will be minimally impacted by the amendments proposed here.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with amended language. The board will help to educate pharmacists, pharmacy technicians and hospital pharmacies of these changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the entities identified to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This amendment assists hospital systems by allowing registered pharmacy technicians to participate in the stocking and loading of an automated pharmacy system under the general supervision of a pharmacist so long as the system includes machine-readable coding technology safeguards.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding for the implementation of the regulation.

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

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

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all hospital pharmacies and registered pharmacy technicians that desire license transfer into the Commonwealth of Kentucky.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.002, KRS 315.005, KRS 315.191(1)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Pharmacy. (b) Estimate the following for each affected state unit, part or division identified in (3)(a): We do not

anticipate any other state units to be impacted by this regulation.

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

1. Expenditures:

For the first year: 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): We do not anticipate any local entities to be impacted by this 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): We do not anticipate any other affected regulated entities.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

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

(a) Fiscal impact of this administrative regulation: The amendment is not anticipated to result in additional costs to the Kentucky Board of Pharmacy, other state or local government entities, or regulated entities. The amendment permits, but does not require, registered pharmacy technicians to perform specified inventory-related activities under the general supervision of a pharmacist when machine-readable coding technology is utilized. Regulated entities may choose whether to utilize the additional flexibility provided by the amendment based upon their existing staffing, technology, and operational needs. To the extent regulated entities elect to utilize the provisions of the amendment, they may experience operational efficiencies or cost savings associated with the allocation of pharmacist and pharmacy technician personnel; however, any such savings vary by entity and cannot be reliably quantified.

(b) Methodology and resources used to reach this conclusion: The Board reviewed the nature and scope of the amendment, the existing requirements of 201 KAR 2:074, and the anticipated operational effect on hospital pharmacies and pharmacy personnel. Because the amendment authorizes additional flexibility in the supervision and utilization of registered pharmacy technicians but does not require regulated entities to purchase new equipment, employ additional personnel, modify existing automated pharmacy systems, or otherwise incur new expenditures, the Board does not anticipate an adverse fiscal impact. Any potential cost savings will depend upon the staffing structure, technology, and operational practices of individual regulated entities and therefore cannot be reasonably quantified. (7) Explain, as it relates to the entities identified in (3)(a), (4)(a) and (5)(a):

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

(a) Whether this administrative regulation will have a "major

economic impact", as defined by KRS 13A.010(14): The amendment does not impose additional mandatory expenditures on state or local government or regulated entities and is not anticipated to result in an aggregate negative or adverse economic impact of \$500,000 or more.

(b) The methodology and resources used to reach this conclusion: The Board considered the scope of the amendment, the existing regulatory requirements applicable to hospital pharmacies, and the nature of the activities authorized by the amendment. The amendment is permissive and provides regulated entities with additional staffing and operational flexibility; it does not mandate the purchase or implementation of machine-readable coding technology or require additional personnel, equipment, or expenditures. Because regulated entities may elect whether to utilize the additional flexibility provided by the amendment and no new mandatory costs are imposed, the Board determined that the amendment will not result in an aggregate negative or adverse economic impact meeting the threshold established in KRS 13A.010(14).

BOARDS AND COMMISSIONS Board of Pharmacy (Amendment)

201 KAR 2:160. Licensees; inactive status.

RELATES TO: KRS Chapter 315

STATUTORY AUTHORITY: KRS 315.065, 315.110, 315.120, 315.191(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the board to promulgate administrative regulations to regulate and control all matters set forth in KRS Chapter 315 relating to pharmacists. KRS 315.120(4) authorizes an inactive pharmacist to apply for inactive license upon application provided for by the board in administrative regulations. This administrative regulation establishes requirements for licensees to be issued inactive status and for those who desire to apply for renewal of a license to return to active practice.

Section 1. A pharmacist may apply for inactive status by:

- (1) Completing the annual renewal application, as incorporated by reference in 201 KAR 2:020; and
- (2) Paying the annual fee for inactive status established by 201 KAR 2:050, Section 1(5).

Section 2. Pharmacists ~~[maintaining an active license to practice in another state or jurisdiction]~~ shall not be eligible to submit an application for inactive status in Kentucky under the following circumstances:-]

- (1) The pharmacist maintains an active license to practice in another state or jurisdiction; or
- (2) The pharmacist is under current investigation by the Board.

Section 3. Pharmacists seeking relicensure from inactive to active status shall fulfill the following requirements:

- (1) If the pharmacist has been inactive for no more than five (5) consecutive years, the pharmacist shall:
 - (a) Provide written notice to the board requesting their consideration to active status. The board shall act upon the request within sixty (60) days;
 - (b) Satisfy the board's continuing education requirements for each year of inactive status; and
 - ~~[(c)] [Successfully complete a jurisprudence examination given by the board; and]~~
 - ~~[(d)]~~ Pay all cumulative annual renewal fees required for active licensees established by 201 KAR 2:050, Section 1(3).
- (2) If a pharmacist has had inactive status for more than five (5) consecutive years, the pharmacist shall:

(a) Provide written notice to the board requesting their consideration to active status. The board shall act upon the request within sixty (60) days;

(b) Successfully complete the North American Pharmacist Licensure Examination (NAPLEX) and Multistate Pharmacy Jurisprudence Examination (MPJE)~~[any satisfactory examinations];~~ and

(c) Pay all cumulative annual renewal fees required of active licensees established by 201 KAR 2:050, Section 1(3).

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: September 10, 20266

FILED WITH LRC: September 15, 2026 at 8:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2026 at 10:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow, Phone: (502) 564-7910, Email: Christopher.harlow@ky.gov

Subject Headings: Pharmacy; Licensing; Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides a framework for a pharmacist to make his or her license "inactive" and provides guidance on seeking relicensure after a period of inactivity.

(b) The necessity of this administrative regulation: Senate Bill 241 of the General Assembly, Commonwealth of Kentucky, Regular Session 1982, provided for changes in KRS Chapter 315. This necessitated requirements for licensees to be issued inactive status and for those who desire to apply for renewal of a license to return to active practice.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation provides a framework for inactive license status and relicensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment updates the regulation to reflect the modern method for making a license inactive and for relicensure.

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

(a) How the amendment will change this existing administrative regulation: The amendment provides clarification for a pharmacist seeking relicensure as it relates to the testing requirement and what is required.

(b) The necessity of the amendment to this administrative regulation: The regulation language was outdated and reflected a prior time when an applicant had to appear before the Board to request relicensure. That process has been simplified and is now completed through the licensure portal.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies the process for inactive status and relicensure as was directed by Senate Bill 241 of the General Assembly in 1982.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the most accurate and up to date information regarding inactive licensure and the request process for relicensure.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No. The regulation implements legislation from 1982.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as it is just an update but reflects existing practices.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no significant changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Pharmacists and the public can refer to the correct information for inactive license status and relicensure process. (6) Provide an estimate of how much it will cost to implement this administrative Regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

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

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Senate Bill 241 of General Assembly, Commonwealth of Kentucky, Regular Session 1982.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Senate Bill 241 of General Assembly, Commonwealth of Kentucky, Regular Session 1982.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS Board of Pharmacy (Amendment)

201 KAR 2:280. Prescription dispensing for formulary Compliance.

RELATES TO: KRS 217.822, 315.191

STATUTORY AUTHORITY: KRS 315.191(1)(a), (f)

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)(a) authorizes the board to promulgate administrative regulations necessary to regulate and control all matters set forth in KRS Chapter 315 relating to pharmacists. KRS 315.191(1)(f) authorizes the board to promulgate administrative regulations to control the storage, retrieval, dispensing, refilling, and transfer of prescription drug orders within and between qualifying pharmacists and pharmacies. This administrative regulation establishes procedural and substantive requirements for dispensing an equivalent drug product pursuant to a practitioner declaration of formulary compliance approval.

Section 1. Dispensing.

(1) A pharmacist 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 of the following ways:

1. In the practitioner's own handwriting or an equivalent designation within an electronic system; or

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

3. By indicating a "formulary compliance approval" through a note, prescriber comment or other designation within an electronic prescription system.

(b) The pharmacist receives a formulary change as a consequence of the patient's third-party plan unless the dispensing is occurring pursuant to a legend drug repository program; and

(c) The product designated as "preferred" by the third-party formulary is in the same therapeutic class as the prescribed drug.

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

(a) That the pharmacist engaged in formulary compliance; and

(b) The therapeutic equivalent drug product that was dispensed.

Section 2. The pharmacist may make adjustments in the quantity and directions to provide for an equivalent dose of the preferred formulary therapeutic alternative.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 15, 2026 at 8:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2026 at 10:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow, Phone: (502) 564-7910, Email: Christopher.harlow@ky.gov.

Subject Headings: Pharmacy; Drugs and Medicines; Medical and Health Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the conditions under which a pharmacist may dispense a therapeutic equivalent drug product when a prescriber has authorized "formulary compliance approval" and a patient's third-party plan requires a formulary change. It sets procedural requirements for such medication substitutions.

(b) The necessity of this administrative regulation: The regulation is necessary to implement KRS 217.822 by establishing the procedure that pharmacists must follow when dispensing a therapeutic equivalent under "formulary compliance approval." The framework ensures that substitutions required by insurance plans occur safely, consistently and with the appropriate prescriber notification, therefore protecting patients while allowing pharmacists to comply with statutory authority and third-party formulary requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms with KRS 315.191 and KRS 217.822 by establishing the procedures and oversight framework under which a pharmacist may make a formulary-driven therapeutic substitution. The regulation directly implements the statutory grant of authority by defining how substitutions must occur, including prescriber authorization and notice, ensuring the practice aligns with the scope and safeguards required by the statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the effective administration of the statutes by providing clear, enforceable procedures for therapeutic substitutions made under formulary compliance approval. These standards ensure consistent pharmacist practices, proper prescriber notification, and safe patient care, enabling the Board to oversee and enforce the statutory framework established in KRS 217.822.

(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 the content of the original regulation but rather strengthens its applicability in modern medicine by providing explicit provisions for the use of the legend drug repository program in Kentucky.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because it encourages professional judgment when the legend drug repository program is being utilized by a pharmacist.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment is consistent with the intention of KRS 217.822 and enhances the procedures and conditions under which a pharmacist may make a formulary driven therapeutic substitution. Allowing electronic communication of this substitution creates efficiency for the prescriber, pharmacists and the patient.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides a modern way for all parties involved in the prescription cycle to communicate formulary compliance approval as is required by KRS 217.822.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, KRS 217.822.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as this is already practiced within electronic prescription systems.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Allowing electronic prescription system notes or designations for formulary compliance will streamline workflow for pharmacists, reduce administrative burden, and minimize delays in patient care. It also provides prescribers with a more efficient and consistent method of granting formulary compliance approval, increases accuracy by reducing handwritten or verbal ambiguity, and facilitates clearer documentation and auditing for both pharmacies and insurers.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

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

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

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 217.822

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 217.822 (2016)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation does not have an overall negative or

adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

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 17:120. Audiology and Speech-Language Pathology Interstate Compact.

RELATES TO: KRS 334A.188

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.188

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.188, Section 15.B.1. requires the Board of Speech-Language Pathology and Audiology to review any rule adopted by the Audiology and Speech-Language Pathology Interstate Compact pursuant to Section 10 of KRS 334A.188 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 Audiology and Speech-Language Pathology Interstate Compact.

Section 1. The Board of Speech-Language Pathology and Audiology shall comply with all rules of the Audiology and Speech-Language Pathology Interstate Compact, which includes the Audiology and Speech-Language Pathology Interstate Compact Rules as of June 29, 2026. [September 20, 2025.]

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Audiology and Speech-Language Pathology Interstate Compact Rules", September 20, 2025, and as revised.

(a) Chapter 1 – Rule on Definitions, adopted April 17, 2023;

(b) Chapter 2 – Rule on Data System Reporting Requirements, adopted September 20, 2025;

(c) Chapter 3 – Rule on Implementation of Criminal Background Check Requirement, adopted June, 30, 2025;

(d) Chapter 4 – Rulemaking on Fees, adopted June 30, 2025; [.]

(e) Chapter 5 – Rule on Dispute Resolution, adopted June 29, 2026;

(f) Chapter 6 – Rule on Joint Investigations, adopted June 29, 2026;

(g) Chapter 7 – Rule on Post Graduate Professional Experience, adopted June 29, 2026;

(h) Chapter 8 – Rule on National Examination, adopted June 29, 2026; and

(i) Chapter 9 – Rule on Military Identification, adopted June 29, 2026.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Speech-Language Pathology and Audiology, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Speech-Language Pathology and Audiology website at <https://slp.ky.gov/>.

(3) This material may also be obtained at:

(a) The Audiology and Speech-Language Pathology Interstate Compact Commission, 1776 Avenue of the States, Lexington, Kentucky 40511; or

(b) <https://aslpcompact.com/commission/commission-governance-documents/>.

201 KAR 17:120

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

APPROVED BY AGENCY: August 11, 2026

FILED WITH LRC: August 18, 2026 at 1:10 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 11:00 A.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127 CW. 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 November 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#2 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, Compacts, Interstate

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements KRS 334A.188, the Audiology and Speech-Language Pathology Interstate Compact ("ASLP-IC").

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 334A.188, SECTION 15.B.1. requires rules adopted by the Audiology and Speech-Language Pathology Interstate Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific requirements of the authorizing statute, KRS 334A.188, SECTION 15.B.1. which requires rules adopted by the ASLP-IC 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 conforms to the content of KRS 334A.188 which requires this promulgation.

(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 add new rules on dispute resolution, joint investigations, post-graduate professional experience, the national examination, and military identification, as adopted by the ASLP-IC on June 29, 2026.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to meet the statutory requirements of KRS 334A.188, SECTION 15.B.1. which requires rules adopted by the ASLP-IC to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms with the authorizing statute by being filed within the sixty (60) day period after adoption of the new rule by the ASLP-IC.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will put all licensees who wish to participate in the ASLP-IC on notice of the Compact rules relating to dispute resolution, joint investigations, post-graduate professional experience, the national examination, and military identification.

(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 3774 active and 73 inactive speech-language pathologists, 334 active and 9 inactive audiologists who are eligible to apply for the privilege to practice in another Member State. This regulation may affect the 204 active and 1 inactive interim speech-language pathologists and 1 active interim audiologist who elect to apply for full licensure; and will also affect new applicants for speech-language pathology and 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: No action is necessary.

(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): They will be in compliance with the regulation.

(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 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 state fees or funding will be required.

(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 in Kentucky. However, if a Kentucky licensee wishes to obtain the privilege to practice in another compact state, they will be required to pay an application fee to the ASLP-IC to obtain the privilege.

(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 334A.080(3), 334A.188. 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.

(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 334A.188, Section 15.B.1.

(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: The compact became operational in 2025, however, the expenditures needed in the first year are currently indeterminable. There may be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in Kentucky, and possibly for Kentucky licensees with the privilege to practice in other states.

For subsequent years: The expenditures needed in subsequent years are currently indeterminable. There may be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in Kentucky, and possibly for Kentucky licensees with the privilege to practice in other states.

2. Revenues:

For the first year: The board will establish a fee for licensees in other states who wish to obtain a privilege to practice in Kentucky under the ASLP-IC to cover the cost of administration. However, at this time potential revenues are indeterminable.

For subsequent years: The board will also establish a renewal fee for out of state licensees who obtain the privilege to practice in Kentucky. However, at this time potential revenues are indeterminable.

3. Cost Savings:

For the first year: Indeterminable.

For subsequent years: Indeterminable.

(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 (6)(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: The fiscal impact is currently indeterminable since there are no known duties outlined for the state in relation to the compact. It is possible there will be a fiscal impact for administering applications for compact privileges for in-state licensees who apply for the privilege to practice in another state, and for out of state licensees who apply for the privilege to practice in Kentucky. The ASLP-IC remains in its infancy and the work to be conducted by the state board as a result of the compact is yet to be determined.

(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 Services.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for in-state licensees to practice in another state and out of state licensees to obtain the privilege to practice in Kentucky, this administrative regulation will not have a 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 Services.

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 Social Work
(Amendment)

201 KAR 23:070. Qualifying education and clinical practice experience under supervision.

RELATES TO: KRS 335.010, 335.020, 335.080(1)(b)(e), (3), 335.100(1)(a), (b), (3), 335.158

STATUTORY AUTHORITY: KRS 335.070(4)(3), 335.080(1)(b)(e), (3), 335.100(1)(a), (b), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(4) authorizes the board to promulgate administrative regulations to carry out KRS 335.010 to 335.160, 335.990, and KRS 335.070(7) authorizes the board to require and approve continuing education. KRS 335.080 (1)(b) and 335.100(1)(a) require an applicant for a certified social worker license or a licensed clinical social worker license to have a master's degree or a doctoral degree in social work from an educational institution approved by the board. KRS 335.080(3), 335.100(1)(b), and 335.100(3) require a certified social worker to practice clinical social work only under a written contract with and the supervision of a licensed clinical social worker, require two (2) years of post-master's supervised experience for clinical licensure and direct the board to establish those requirements by administrative regulation. This administrative regulation establishes the educational institutions approved by the board, the qualifications, approval, and required training of supervisors; the requirements for qualifying supervised clinical practice experience for in-state and out-of-state applicants and the content of forms incorporated by reference. [335.080(1)(e) and 335.100(1)(a) require an applicant for a certified social worker license or a licensed clinical social worker license to have a master's degree or a doctoral degree in social work from an educational institution approved by the board. KRS 335.080(3) authorizes a certified social worker to engage in the practice of clinical social work under the supervision of a licensed clinical social worker as directed by the board by promulgation of an administrative regulation. KRS 335.100(1)(b) requires an applicant for a licensed clinical social worker license to have acquired post-master's experience under approved supervision as established by the board by promulgation of an administrative regulation. KRS 335.100(3) requires a licensed clinical social worker (LCSW) to assume responsibility for and supervise the certified social worker's (CSW) practice of clinical social work as directed by the board by promulgation of an administrative regulation. This administrative regulation establishes the educational institutions approved by the board, the content of a Clinical Social Work Supervision Contract, the content of a Request to Provide Supervision form, and the requirements for qualifying experience under supervision for in state and out-of-state applicants.]

Section 1. Definitions.

(1) "Active supervisee" means a supervisee practicing under a current approved contract that has not been terminated or suspended.

(2)(4) "Additional supervisor" means an LCSW-S approved under an approved contract to provide supervision, in addition to the supervisor of record and responsible for the supervision personally provided to an active supervisee and client-care matters addressed during that supervision [the supervisor who holds a licensed clinical social worker license issued by this board, and who assumes responsibility for the practice of a certified social worker pursuant to KRS 335.080(3), 335.100(3), and this administrative regulation].

(3)(2) "Client" is defined by KRS 335.020(2). "Educational institution approved by the board" means a graduate school of social work accredited by the Council on Social Work Education.]

(4)(3) "Clinical practice hour" means an hour spent providing clinical social work services or activities directly related to the care of an identified client, including assessment, diagnosis, treatment, treatment planning, crisis intervention, consultation, documentation, coordination, or continuity of care. "Electronic supervision" means the use of computers and other electronic means by which the supervisor and supervisee use interactive video technology, in real-time, with video and audio interaction for individual and group supervision.]

(5)(4) "Contract" means the Contract for Clinical Social Work Supervision form incorporated by reference in Section 18 of this administrative regulation, as completed and signed by the supervisee and the supervisor of record and verified by the employer, and includes a modified or replacement contract. "Approved contract" means a contract approved by the board. "Practice of clinical social work" means the practice of social work that focuses on the evaluation, diagnosis, and treatment of a mental disorder as related to the total health of the individual and that meets the requirements of Section 3 of this administrative regulation.]

(6)(5) "Educational institution approved by the board" means an institution offering a master's or doctoral degree through a social work program accredited by the Council on Social Work Education. "Supervision" means the educational process of utilizing a partnership between an LCSW supervisor and a CSW supervisee aimed at enhancing the professional development of the supervisee in providing clinical social work services.]

(7)(6) "Employment setting" means the employer and clinical practice arrangement covered by an approved contract. It may include multiple locations operated by the same employer if the supervisee's job description, clinical duties, supervisor of record, and supervision arrangements are the same and each location is identified in the contract. "Supervisor of record" means the supervisor who holds a licensed clinical social worker license issued by this board, and who assumes responsibility for the practice of a certified social worker pursuant to KRS 335.080(3), 335.100(3), and this administrative regulation.]

(8) "Extraordinary circumstances" means a significant unforeseen event beyond a party's reasonable control that materially prevents compliance with the contract, including death, incapacity, sudden unavailability, a client-welfare or ethical concern, or a substantial unanticipated change in the practice setting.

(9) "Group supervision" means supervision provided simultaneously to two (2) or more active supervisees who participate in clinical discussion and receive supervision applicable to their practice.

(10) "Individual supervision" means supervision provided by one (1) approved supervisor to one (1) active supervisee in a private setting.

(11) "LCSW-S" means a licensed clinical social worker approved by the board to provide clinical supervision under this administrative regulation.

(12) "Multistate license" is defined in KRS 335.135.

(13) "Party" means the supervisee or supervisor of record who enters into a contract pursuant to this administrative regulation.

(14) "Supervised clinical practice experience" means post-master's clinical social work performed by an active supervisee under an approved contract to satisfy KRS 335.100(1)(b).

(15) "Supervisee" means a certified social worker licensed by the board who applies for or practices clinical social work under an approved contract.

(16) "Supervision" means the educational and evaluative process by which an LCSW-S provides clinical oversight, instruction, consultation, and assessment of an active supervisee's competence and professional development.

(17) "Supervisor of record" means the LCSW-S who assumes primary responsibility for supervising a certified social worker's clinical social work practice under KRS 335.080(3), 335.100(3), and this administrative regulation.

(18) "Virtual supervision" means individual or group supervision through synchronous audio and video technology that permits the participants to see and hear each other in real time.

Section 2. Education Requirements. An applicant for a certified social worker license or a licensed clinical social worker license shall have a Master of Social Work degree or Doctorate of Social Work degree from an educational institution approved by the board.

Section 3. Practice of Clinical Social Work. The practice of clinical social work has the meaning established in KRS 335.020(5). A social worker engaged in the practice of clinical social work shall comply with the Kentucky Code of Ethical Conduct established in 201 KAR 23:080 and, when providing services through telehealth, with KRS 335.158 and 201 KAR Chapter 23.

(1) [The practice of clinical social work shall be based on knowledge of psychodynamics, human relations, crisis intervention, psychopathology, and group dynamics.]

(2) [A practitioner of clinical social work shall:]

(a) [Possess competencies including skills necessary for:]

[1.] [Individual, marital, family, and group psychotherapy; and]

[2.] [Other recognized treatment modalities; and]

(b) [Establish a therapeutic relationship with his or her client that includes:]

[1.] [Assessment and diagnosis of mental disorders using professionally recognized clinical nomenclature;]

[2.] [Safe and appropriate treatment planning that includes development, implementation, modification of the plan, and coordination of treatment with other clinicians who may be involved in the client's care;]

[3.] [Evaluation of progress;]

[4.] [Termination of the treatment process; and]

[5.] [Face-to-face contact with the client throughout the treatment process, and which may include telehealth in accordance with KRS 335.158 and 201 KAR Chapter 23.]

Section 4. Supervision Requirements.

(1) To qualify for board approval as an LCSW-S, an applicant shall [A supervisor shall be a licensed clinical social worker who:]

(a) Hold an active Kentucky LCSW license not subject to an order or restriction prohibiting or limiting clinical supervision. A multistate license under KRS 335.135 shall not qualify a person for the LCSW-S designation [Provides supervision to a certified social worker pursuant to KRS 335.080(3) and 335.100(3)];

(b) Have practiced clinical social work for at least two (2) years after initial licensure for independent clinical social work practice in Kentucky or another jurisdiction whose clinical licensure requirements are substantially equivalent; [Does not have:]

[1.] [An unresolved citation filed against him or her by the board;]

[2.] [A suspended or probated license; or]

[3.] [A previous or existing personal relationship with a supervisee; and]

(c) Complete the board-approved initial six (6)-hour supervision course established in Section 15 [Has:]

[1.] [Been engaged in the practice of clinical social work for two (2) years following licensure in Kentucky or another jurisdiction as an independent licensed clinical social worker; or]

[2.] [Been engaged in the practice of clinical social work in another jurisdiction pursuant to Section 9 of this administrative regulation]; and

(d) Submit the Request to Provide Supervision form and documentation of completion of the course required by paragraph (c) of this subsection.

[1.] [Completed an initial board-approved six (6) hour training course on supervisory practices and methods for licensed clinical social workers relating to the requirements in KRS 335.010 to 335.160 and 335.990, and 201 KAR Chapter 23; and]

[2.] [The initial supervisory training course on supervisory practice and methods for licensed clinical social workers shall be completed no later than January 1, 2022 for supervisors currently approved as of the effective date of this administrative regulation; and]

[(e)] [In addition to the initial board-approved six (6) hour training course established in paragraph (d) of this subsection, each supervisor shall complete a board-approved three (3) hour refresher supervisory training course each licensure renewal period thereafter to maintain supervisory status with the board.]

(2) Supervised clinical practice experience obtained in Kentucky under a supervisor who was not approved as an LCSW-S shall not be accepted, except as provided by Section 7 or Section 17 of this administrative regulation.[Supervisory experience obtained in Kentucky with a supervisor who has not completed the courses required by subsection (1)(d)1. and paragraph (e) of this section shall not be approved by the board.]

(3) An[A]LCSW-S [licensed clinical social worker] shall provide supervision in a private setting appropriate for confidential clinical discussion; monitor competence, ethical practice, and client welfare; not supervise a supervisee with whom the supervisor has a familial, romantic, sexual, financial, or other relationship that impairs or reasonably could impair professional judgment or objectivity or jeopardize oversight.[not serve as a supervisor of record for more than six (6) certified social workers with whom he or she has a contract to be held accountable to the board at the same time.]

(4) An LCSW-S shall complete a three (3) hour board-approved renewal course during each licensure renewal period beginning with the first complete renewal period after approval. The course shall count toward LCSW continuing education.[To be approved as a supervisor, a licensed clinical social worker who meets the requirements of this section shall submit a Request to Provide Supervision form to become a supervisor in Kentucky along with a copy of the initial supervisory training course certificate.]

(5) A supervisor charging a fee shall provide written notice of the fee, payment terms, cancellation policy, and refund terms to the supervisee before supervision begins and shall comply with 201 KAR 23:080.

(6) An LCSW-S shall not serve as supervisor of record for more than six (6) active supervisees or supervise more than fifteen (15) active supervisees in total. A supervisee shall be counted once for each LCSW-S.

(7) The LCSW-S designation identifies board approval to supervise and is not a separate license. Approval remains active while the supervisor maintains an unrestricted active Kentucky LCSW license, completes required training, and remains qualified. A supervisor approved by the board before the effective date of this administrative regulation is deemed to hold the designation in accordance with Section 17(4) of this administrative regulation.

(8) A supervisor who fails to maintain approval as an LCSW-S shall not provide qualifying supervision or use the LCSW-S designation until restored. The supervisor and board shall notify affected supervisees. Properly earned hours shall not be forfeited solely because of the interruption.

(9) If a supervisor of record becomes ineligible or unavailable, the supervisee shall cease clinical practice unless Section 7 permits temporary continuation. If an additional supervisor becomes ineligible, practice may continue under the supervisor of record, but supervision provided by the ineligible supervisor shall not count.

(10) Supervision by an employment supervisor.

(a) An LCSW-S who is also the supervisee's employment supervisor, with authority over the supervisee's hiring, assignment, compensation, discipline, or job performance evaluation, may serve as supervisor of record or as an additional supervisor if the dual role is disclosed in the contract in accordance with Section 5(4) of this administrative regulation.

(b) An employment action, performance dispute, or grievance involving the supervisee shall not be a basis for withholding, altering, or refusing to verify documentation of hours actually completed.

Section 5. Contract for Clinical Social Work Supervision.[Clinical Social Work Supervision Contract. The Clinical Social Work Supervision Contract required by KRS 335.080(3) and 335.100(3) shall be submitted to the board for approval before the certified social worker begins supervision and shall contain:]

(1) Except for practice authorized under 201 KAR 23:160, a supervisee shall not begin the practice of clinical social work or accrue qualifying hours until the board approves a contract for the employment setting.[The name and license number of the certified social worker supervisee:]

(2) The supervisee shall submit a separate contract for each employer. A contract may cover multiple locations of the same employer if the conditions in the definition of employment setting are satisfied. [The name and license number of the supervisor of record:]

(3) The contract shall identify the supervisee, employer, each covered location, supervisor of record, and any additional supervisor; describe the clinical duties, populations, services, treatment methods, telehealth practice, and supervision schedule and format; allocate responsibility among supervisors; provide for continuity of care, modification, and termination, include an individualized employer-approved job description; and contain the signatures required by the Contract for Clinical Social Work Supervision form.[The name and license number of additional supervisors:]

(4) The contract shall acknowledge that the supervisor of record retains overall responsibility; each additional supervisor is responsible for supervision personally provided and client-care matters addressed; the parties shall comply with Sections 8 and 10 of this administrative regulation; the supervisor of record and each additional supervisor have disclosed any relationship with the supervisee described in Section 4(3) of this administrative regulation and any dual role described in Section 4(10) of this administrative regulation; the contract authorizes practice only for the employer and setting identified; and material changes require board approval under Section 12 of this administrative regulation.[The agency, institution, or organization where the experience will be received:]

(5) The employer shall verify, on the Contract for Clinical Social Work Supervision form, that the supervisee is an employee of the organization, has no direct or indirect interest in the organization other than employment, is not an independent contractor, and performs the duties stated in the job description, consistent with KRS 335.080(3).[A detailed description of the nature of the practice including the type of:]

[(a)] [Clients who will be seen:]

[(b)] [Therapies and treatment modalities that will be used including the prospective length of treatment; and]

[(c)] [Mental disorders that will be treated:]

(6) Review of a contract.[The nature, duration, and frequency of the supervision, including the:]

(a) Within fifteen (15) days after receiving a contract, the board shall determine whether the submission is complete and contains the information required by Section 4 of this administrative regulation and this section.[Number of hours of supervision per week:]

(b) If the submission is incomplete, the board shall notify the supervisee in writing of each item required to complete the submission.[Amount of individual and group supervision; and]

(c) The board shall approve or deny a complete contract within thirty (30) days after the board receives the complete contract.[Methodology for transmission of case information:]

(7) The[conditions or procedures for termination of the supervision including a provision that the terminating party shall provide at least thirty (30) days' written notice of termination to the certified social worker,] supervisor or supervisee of record shall notify the board in writing of a material change in employment or in the supervisee's job description or clinical duties within five (5) business days.[- additional supervisor, and certified social worker's employer by the terminating party:]

(8) The contract shall remain effective until the board issues the supervisee an LCSW license or the contract is terminated under Section 13 of this administrative regulation.[conditions and procedures for evaluation of the supervision process every six (6) months in which both the certified social worker and the supervisor of record evaluate areas of strength, areas of improvement, and

overall satisfaction with the supervision process by the supervisor and the supervisee;]

[(9)] [A statement that:]

[(a)] [The supervisor of record understands and agrees that he or she shall be held accountable to the board for the care given to the supervisee's clients;]

[(b)] [The certified social worker is an employee of an agency, institution, or organization, and has Social Security and income tax deducted from his or her salary;]

[(c)] [The supervisor of record and additional supervisors meet the criteria established in Section 4(1) through (4) of this administrative regulation;]

[(d)] [The certified social worker supervisee has completed the training course described in Section 12 of this administrative regulation; and]

[(e)] [The supervisor and supervisee agree to use electronic supervision, in accordance with KRS 335.158 and 201 KAR Chapter 23;]

[(10)] [An individualized job description attached to the Clinical Social Work Supervision Contract that:]

[(a)] [Describes the nature of the clinical social work services the certified social worker supervisee shall provide to a client including assessment, evaluation, diagnosis, and treatment of a mental disorder;]

[(b)] [Describes in detail how the requirements of Sections 6 and 7 of this administrative regulation shall be met; and]

[(c)] [Is on office or agency letterhead and is signed by the executive director, the agency director, or the individual who heads the office; and]

[(11)] [Each supervisor of record and additional supervisor shall record and submit to the board documentation of the hours of individual or group supervision completed during the period of supervised clinical practice experience or upon termination of the Clinical Social Work Supervision Contract, whichever occurs first;]

Section 6. Documentation and Evaluation[Notice to Client]. [If an employee is practicing clinical social work under the supervision of a licensed clinical social worker, the employee shall notify in writing each client at the start of treatment during the period of the supervision. The notification shall contain:]

(1) The supervisee and each supervisor of record shall maintain contemporaneous records of clinical practice and supervision in the manner required by the board. Records shall identify the dates, duration, format, employment setting, and supervisor and shall not contain client-identifying information. [name, office address, telephone number, email address, and license number of the supervisor of record; and]

(2) Each supervisor shall complete and sign the Clinical Supervision Recording Form for supervision personally provided. The supervisor of record shall review each Clinical Supervision Recording Form completed under the contract and reconcile discrepancies with each additional supervisor. [A statement that the employee is licensed by the board].

(3) The supervisor of record shall complete a written evaluation at least every six (6) months from the time the contract is approved and at termination of supervision. The evaluation shall address the active supervisee's competence, ethical practice, professional development, client and public protection, and readiness for independent practice. The supervisee shall receive a copy and may submit a written response to the supervisor of record. The supervisor of record shall submit any written response with the evaluation required by subsection (5) of this section.

(4) Before each six (6) month evaluation, the supervisor of record shall evaluate the supervisee's practice using at least one of the following methods:

- (a) Process notes;
- (b) Case review;
- (c) Audio or video recording; or
- (d) Live observation.

(e) Client consent shall be obtained as necessary prior to utilizing audio/video recording or live observation. The supervisor shall document the method of review utilized, provide feedback, and incorporate the results into the supervisee evaluation. Time spent conducting live observation or reviewing audio/video recordings

shall count toward the supervision hours required by Section 10(2) of this administrative regulation, as shall any subsequent individual review of and feedback on the work sample.

(5) The supervisor of record shall submit each six (6) month evaluation, signed by the supervisor of record and the supervisee, and the Clinical Supervision Recording Forms for the evaluation period within thirty (30) days after the evaluation period.

(6) Each party shall retain supervision records until the supervisee is issued a licensed clinical social worker license, or for two (2) years after the contract ends, whichever is later, and shall provide them to the board upon request. A supervisor shall not withhold documentation required by this section from the supervisee or the board.

(7) A supervisor who ceases providing supervision to an active supervisee for any reason shall submit the Supervision Experience Documentation Form and the Clinical Supervision Recording Form within seven (7) days after the date supervision ceases.

Section 7. Additional Supervisors and Continuity of Supervision. [Experience under Supervision. Experience under supervision shall consist of:]

(1) An additional supervisor shall hold an active LCSW-S designation, satisfy the requirements of Section 4 of this administrative regulation, and be identified in and sign the contract for each supervisee and each employment setting at which the additional supervisor provides clinical supervision. An additional supervisor shall be approved by the board before providing supervision that may be credited under this administrative regulation. An additional supervisor added to an approved contract under Section 12(3) of this administrative regulation shall sign the Request for Additional Supervisor Form, and that signature shall satisfy the signature requirement of this subsection. [At least sixty (60) percent of the required experience in a direct client-professional relationship;]

(2) An additional supervisor shall provide supervision in accordance with the approved contract and Section 10 of this administrative regulation, assess the supervisee's competence and readiness for independent clinical practice, protect client welfare, maintain and submit the documentation required by Section 6 of this administrative regulation, and promptly report to the supervisor of record any concern regarding client safety, ethical practice, the supervisee's competence, or compliance with this administrative regulation. [Direct responsibility for providing clinical social work services to a specific individual or group of clients; and]

(3) Temporary coverage during a planned or otherwise foreseeable absence of the supervisor of record that does not constitute extraordinary circumstances [Broad exposure and opportunity for skill development with a variety of mental disorders, diagnoses, acuity levels, and population groups].

(a) Coverage may be provided only by an additional supervisor identified in the approved contract for that employment setting. If no additional supervisor is identified in the approved contract for that employment setting, the supervisee shall not practice clinical social work during the absence unless the board approves a new or modified contract in accordance with Section 12 of this administrative regulation.

(b) The supervisee or the supervisor of record shall notify the board in writing before the absence begins, identifying the covering additional supervisor and the expected beginning and ending dates of the absence.

(c) The supervisor of record shall retain the responsibility established in Section 10(9) of this administrative regulation during the coverage period.

(d) Supervision provided during the coverage period shall count toward the supervision hours required by Section 10(2) of this administrative regulation if documented in accordance with Section 6 of this administrative regulation and shall be counted toward the limit on supervision provided by additional supervisors established in Section 10(4) of this administrative regulation.

(e) Coverage under this subsection shall not exceed thirty (30) consecutive days. A longer absence shall require a new or modified contract in accordance with Section 12 of this administrative regulation.

(4) If extraordinary circumstances make the supervisor of record unable to serve, an additional supervisor approved under the affected contract may assume temporary primary responsibility for the supervisee's clinical social work practice at that employment setting if:

(a) The supervisee and the additional supervisor notify the board in writing within three (3) business days; and

(b) A new contract identifying the additional supervisor as the proposed supervisor of record is submitted within five (5) business days.

(5) As the sole exception to prior board approval of a replacement supervisor and new contract, a supervisee may continue clinical social work practice during a transition under subsection (4) of this section if an approved additional supervisor is available, the required notice and contract are timely submitted, and supervision continues in accordance with Section 10 of this administrative regulation. The supervisee shall cease practice if any condition is not met or the board orders cessation.

(6) Clinical practice hours and supervision hours properly completed and verified shall remain credited to the supervisee and shall not be repeated because of a change in the supervisor of record or a temporary interruption in supervision.

Section 8. Notice to Client[Supervision Requirements].

(1) Before providing clinical social work services, a supervisee or temporary permit holder practicing under supervision shall give the client or legal representative written notice of the supervised status.[Supervision shall relate specifically to the qualifying supervised clinical practice experience and shall focus on:]

[(a)] [The accurate assessment and diagnosis of a client's mental disorder leading to proficiency in applying professionally recognized clinical nomenclature;]

[(b)] [The development and modification of the treatment plan;]

[(c)] [The development of treatment skills suitable to each phase of the therapeutic process;]

[(d)] [Ethical problems in the practice of clinical social work and application of the Code of Ethical conduct established in 201 KAR 23:080; and]

[(e)] [The development and use of the professional self in the therapeutic process.]

(2) The notice shall identify the social worker and supervisor of record, provide their credential and contact information and a means to verify licensure, and state that treatment information may be discussed in supervision subject to confidentiality requirements. Updated notice shall be provided within ten (10) business days after required information changes.[]

[(a)] [Supervision shall total a minimum of 150 hours, which shall include individual supervision of at least two (2) hours during every two (2) weeks of supervised clinical social work practice, over the two (2)-year minimum time period of supervised practice experience under supervision described in KRS 335.100(3).]

[(b)] [Virtual supervision may be utilized for supervision hours, if the supervisor and supervisee can see each other, face-to-face, via electronic means.]

[(c)] [Electronic supervision shall conform to state and federal laws governing electronic practice or telehealth to ensure that confidentiality of client records and personal health information shall be maintained as required by KRS 335.158, the Code of Ethical Conduct established in 201 KAR 23:080, and other applicable state and federal laws].

[(d)] [A supervisee shall obtain a minimum of 100 hours of the required supervision by individual supervision.]

[(e)] [A supervisee may obtain up to fifty (50) hours of group supervision.]

[(f)] [Group supervision shall be in groups of not more than six (6) supervisees and shall not include supervisees from other behavioral health professions who are attaining supervised clinical practice experience.]

(3) The social worker shall document the date and method of notice and retain a copy of the written notice, signed and dated by the client or legal representative if a signature is obtained, in the client record.

(4) Advertising or marketing that offers the supervised social worker's clinical services shall disclose the supervised status and identify, or provide a means to identify, the supervisor of record.

Section 9. Qualifying Clinical Practice Experience Under Supervision[~~A licensed clinical social worker from another jurisdiction requesting approval to provide clinical supervision.~~]

(1) An applicant for licensure as a[~~who holds or has held a~~licensed[~~license to practice~~] clinical social worker[~~work or an equivalent license in another jurisdiction and has been engaged in the active practice of clinical social work for at least two (2) years prior to the filing of a Request to Provide Supervision form with the board~~] shall complete at least 3,000 clinical practice hours under supervision in accordance with KRS 335.100 and this administrative regulation[~~meet the requirements for supervision established in this administrative regulation unless the license, certificate, registration, or other authorization issued by the other jurisdiction.~~]

[(a)] [Has been expired for more than two (2) years;]

[(b)] [Is not in good standing; or]

[(c)] [Has been suspended or revoked for disciplinary reasons].

(2) The qualifying clinical practice experience shall[~~An applicant who receives clinical practice experience under supervision in another jurisdiction shall demonstrate that:~~]

(a) Include direct responsibility for providing clinical social work services to an identified client or group of clients[~~His or her clinical practice experience under supervision met the legal requirements of that jurisdiction; and~~]

(b) Provide broad exposure and an opportunity for skill development involving a variety of mental, emotional, or behavioral disorders, conditions, or addictions and levels of acuity; and[~~The board shall give credit for supervision hours obtained in accordance with the legal requirements of the other jurisdiction.~~]

(c) Be completed under an approved contract. Hours completed under a temporary permit issued under 201 KAR 23:160 shall not count toward the requirements of KRS 335.100(1)(b).

(3) The supervisor of record and each additional supervisor shall complete and submit to the board a Supervision Experience Documentation Form verifying the clinical practice hours and supervision hours completed under that supervisor, at the times required by Sections 6, 10, and 13 of this administrative regulation. Each supervisor shall provide a copy of the completed form to the supervisee.[~~An applicant from another jurisdiction shall submit proof of issuance of a valid license, permit, certificate, registration, or other authorization issued by another jurisdiction that is in good standing]~~]

Section 10. Supervision Requirements[~~– Evaluation by the Board.~~]

(1) Supervision shall relate to the supervisee's practice of clinical social work and shall address assessment and diagnosis, treatment planning and intervention, clinical skills across the phases of treatment, clinical documentation, professional boundaries, the supervisee's development of professional identity and therapeutic use of self, cultural responsiveness in clinical practice, ethics and compliance with 201 KAR 23:080, client and public protection, and the supervisee's competence and readiness for independent practice.[~~The supervised experience required by KRS 335.100(1)(b) shall be evaluated by the board according to one (1) of the methods established in this subsection.~~]

[(a)] [Post experience evaluation. An applicant who obtained his or her supervised experience while licensed in another jurisdiction shall submit his or her Request to Provide Supervision form along with documentation of supervision and qualifications of his or her supervisor.]

[(b)] [Transitional evaluation. An applicant who has accumulated an amount less than the full amount of qualifying experience while licensed in another jurisdiction or while working in a clinical social][~~work setting that does not meet the requirements under Section 7(3) of this administrative regulation shall submit his or her Request to Provide Supervision form along with documentation of supervision completed prior to the date of his or her Request to Provide Supervision form. The applicant shall also submit with his or her Request to Provide Supervision form a Clinical Social Work Supervision Contract under paragraph (c) of this subsection for the remainder of the supervised experience.~~]

~~[(c)] [Preapproved evaluation. Prior to beginning supervised practice experience, an applicant shall submit a Clinical Social Work Supervision Contract for the supervised experience and the applicant shall have the contract approved by the board. This contract shall be evaluated by the board to determine whether or not it is compliant with Section 4 and Section 5 of this administrative regulation and shall be approved or denied within ninety (90) days of its submission.]~~

~~(2) The supervisee shall complete at least 150 supervision hours during the two (2) years of post-master's experience required by KRS 335.100(1)(b), which shall consist of not less than twenty-four (24) months of active supervised clinical practice. At least 100 hours of the required 150 supervision hours shall be individual supervision, and not more than fifty (50) hours may be group supervision. [A certified social worker who desires to practice clinical social work that does not qualify as supervised experience pursuant to KRS 335.100(1)(b) shall submit a Clinical Social Work Supervision Contract pursuant to KRS 335.080(3). This contract shall be evaluated by the board to determine whether or not it is compliant with Section 4 and Section 5 of this administrative regulation and shall be approved or denied within ninety (90) days of its submission.]~~

~~(3) During each two (2) week period in which the active supervisee practices at an employment setting, the active supervisee shall receive at least two (2) hours of individual supervision addressing practice at that setting. This requirement applies separately to each employment setting and continues after completion of 150 hours while the supervisee practices under the contract. A supervisee who practices at more than one (1) location under a single approved contract shall receive two (2) hours of supervision during each two (2) week period for that contract, and not two (2) hours for each location [A certified social worker who desires to practice clinical social work that meets all the other supervised experience requirements, other than the requirement established in Section 7(3) of this administrative regulation, shall submit a Clinical Social Work Supervision Contract pursuant to KRS 335.080(3). The supervision hours obtained in this clinical setting may be considered by the board].~~

~~(4) The supervisor of record shall provide at least seventy-five (75) of the required 150 supervision hours. Additional supervisors may collectively provide not more than seventy-five (75) of the required 150 supervision hours.~~

~~(5) Hours under multiple approved contracts may be combined. Additional hours shall not reduce the twenty-four (24) month minimum established in subsection (2) of this section. A period during which the supervisee practices under more than one (1) approved contract shall be counted only once toward that minimum. No clinical practice hour or supervision hour shall be counted more than once.~~

~~(6) Suspension of a contract.~~

~~(a) A supervisee who temporarily suspends clinical practice and supervision under a contract shall:~~

- ~~1. Submit the Suspension of Contract Form to the board before the suspension takes effect;~~
- ~~2. Give the employer written notice of the suspension before the suspension takes effect;~~
- ~~3. Cease clinical practice at that employment setting during the suspension; and~~
- ~~4. Notify the board in writing before resuming clinical practice and supervision under the contract.~~

~~(b) The supervisor of record shall confirm the resumption in writing within seven (7) business days.~~

~~(c) A period during which all of a supervisee's contracts are suspended shall not count toward the twenty-four (24) month minimum established in subsection (2) of this section.~~

~~(d) A contract suspended for more than twelve (12) consecutive months shall terminate in accordance with Section 13 of this administrative regulation. Hours properly completed before the suspension shall remain credited.~~

~~(7) Within seven (7) days after the supervisee's last date of clinical social work practice at that setting, the supervisor of record shall submit the Supervision Experience Documentation Form, the Clinical Supervision Recording Form, and a written evaluation under Section 6(3) of this administrative regulation, and each additional~~

supervisor under the suspended contract shall submit the Supervision Experience Documentation Form and the Clinical Supervision Recording Form.

(8) Virtual supervision is permitted if authorized by the contract and conducted through secure synchronous audio and video from private locations. Time during which the participants cannot see and hear each other shall not count and shall be documented.

(9) The supervisor of record retains overall responsibility for supervision, client care, public protection, and compliance with the contract. An additional supervisor remains responsible for supervision personally provided and shall report concerns regarding safety, ethics, or competence to the supervisor of record.

(10) Group supervision shall include no more than six (6) active supervisees. Any observer shall be occasional, shall not interfere, and shall have the advance consent of the supervisees and comply with confidentiality requirements.

(11) Completion of the qualifying hours and of the twenty-four (24) month minimum established in subsection (2) of this section does not terminate the contract. Until LCSW licensure or termination under Section 13, a supervisee who continues clinical practice shall continue required supervision. The supervisor of record shall submit the Documentation of Continued Supervision Form within seven (7) days after LCSW licensure or termination.

(12)

(a) Properly completed and verified hours shall remain credited despite an interruption or change in setting.

(b) The board may require additional education or supervision if verified evidence establishes a material deficiency in current competence.

(13) Misrepresentation of supervisory approval, knowingly practicing without required supervision, false documentation, or failure or refusal to submit documentation required by this administrative regulation shall be referred to the board for disciplinary action.

Section 11. Evaluation of Clinical Practice Experience and Supervision [Modification of Existing Contract].

(1) The board [Changes to Section A of the Plan of Clinical Social Work Activities of the Clinical Social Work Supervision Contract that describes the clinical setting and nature of the practice and experience that the supervisee is to obtain, as required by Section 5(5) of this administrative regulation,] shall evaluate the clinical practice experience and supervision submitted to satisfy KRS 335.100(1)(b) in accordance with this section. This section applies to every applicant and supervisee, whether the clinical practice experience and supervision were obtained in Kentucky, in another jurisdiction, or both [be submitted to the board for approval, and approved, prior to implementation].

(2) An applicant for licensure as a licensed clinical social worker relying on clinical social work experience or supervision obtained in another jurisdiction [A new Clinical Social Work Supervision Contract] shall [be] submit [submitted] to the board, in the manner required by the board, documentation of the jurisdiction, authorization held, supervisor's legal authority, dates and setting, nature and number of clinical practice and supervision hours, and compliance with that jurisdiction's law, together with verification from each applicable licensing authority [immediately for approval if the supervisee changes his or her:]

[(a)] [Supervisor of record; or]

[(b)] [Place of employment].

(3) If documentation required by subsection (2) of this section is unavailable, the applicant may submit verification from the other jurisdiction's licensing authority, contemporaneous employment or supervisor records, a sworn statement from the supervisor or employer, or other reliable documentation. Proof that the applicant satisfied another jurisdiction's licensing requirements shall not, by itself, establish the number or type of hours completed [A supervisee shall notify the board in writing of changes of additional supervisors who are not the supervisor of record, but who are identified in the Clinical Social Work Supervision Contract pursuant to Section 5(3) of this administrative regulation and attach a copy of the supervisor's supervisory training certificate].

(4) The board shall accept supervised clinical social work experience lawfully completed in another jurisdiction to the extent

the experience is substantially equivalent to KRS 335.100 and this administrative regulation. The board shall credit accepted hours and issue a written determination identifying the clinical practice hours and supervision hours accepted, whether the twenty-four (24) month minimum established in Section 10(2) of this administrative regulation is satisfied, and each requirement that remains incomplete. The board shall not require accepted hours to be repeated solely because they were completed elsewhere.

(5) An applicant who holds an active, unencumbered license for the independent practice of clinical social work issued by a jurisdiction whose requirements the board determines are substantially equivalent to KRS 335.100 shall be deemed to satisfy Sections 9 and 10 of this administrative regulation.

(6) Completion of remaining requirements.

(a) An applicant for licensure as a licensed clinical social worker who has not completed all requirements of Sections 9 and 10 of this administrative regulation may complete the remaining requirements in Kentucky under a contract.

(b) Before beginning clinical social work practice in Kentucky, the applicant shall:

1. Hold the Kentucky license or other authorization required by KRS Chapter 335;

2. Submit a contract that identifies each deficiency stated in the board's written determination and explains how each deficiency will be completed; and

3. Obtain the board's approval of the contract.

(7) Separate evaluation of clinical practice and supervision.

(a) The board shall evaluate clinical practice hours and supervision hours separately.

(b) If clinical practice hours do not qualify under Section 9 of this administrative regulation, the board may credit supervision hours that independently satisfy Section 10 of this administrative regulation.

(c) Credit for supervision hours shall not cause the related clinical practice hours to qualify if those hours do not satisfy Section 9 of this administrative regulation.

(8) The board shall approve a supervisee to sit for the examination required by KRS 335.100(1)(d) upon verification that the supervisee has completed the clinical practice hours and supervision hours required by Sections 9 and 10 of this administrative regulation and the twenty-four (24) month minimum established in Section 10(2) of this administrative regulation and receipt of a completed Supervision Experience Documentation Form from the supervisor of record and each additional supervisor attesting to the supervisee's readiness for independent clinical practice. Conflicting attestations shall be resolved in accordance with subsection (9) of this section.

(9) If supervisors submit conflicting Supervision Experience Documentation Forms regarding the supervisee's readiness for independent practice, the board shall resolve the conflict and issue a final written determination.

(10) An attestation by a supervisor that the supervisee is not ready for independent clinical practice shall state the basis for the determination on the Supervision Experience Documentation Form and it shall be provided to the supervisee, and the supervisee may submit a written response to the board.

(11) Failure or refusal to submit required documentation.

(a) If a supervisor does not submit a Supervision Experience Documentation Form or other documentation required by this administrative regulation within fifteen (15) days after written request by the supervisee or the board, the supervisee may petition the board in writing for a determination under this subsection.

(b) Upon petition, the board may accept other reliable documentation of the clinical practice hours and supervision hours completed, including Clinical Supervision Recording Forms and evaluations previously submitted under Section 6 of this administrative regulation, contemporaneous records maintained by the supervisee under Section 6(1) of this administrative regulation, employer records, and a sworn statement of the supervisee.

(c) The board shall issue a written determination identifying the clinical practice hours and supervision hours accepted under this subsection and each requirement that remains incomplete.

(12) An applicant or supervisee aggrieved by a determination of the board under this section may request a hearing in accordance with KRS Chapter 13B.

Section 12. Contract Modification[Supervision Training Course for a Certified Social Worker Under Supervision].

(1) Except as provided by Section 7 of this administrative regulation, a material change in an approved contract shall be approved by the board before the supervisee practices under the change[Prior to beginning supervised clinical social work practice, a certified social worker supervisee shall complete a one (1) hour board-approved training course on supervised clinical practice experience, provided at no cost by the board, and relating to the requirements in KRS 335.010 to 335.160 and 335.990, and 201 KAR Chapter 23; and].

(2) A new contract is required for a change in employer, employment setting, or supervisor of record, or for an additional employment setting. A separate contract is required for each employer and for a location where the job description, clinical duties, supervisor of record, or supervision arrangements materially differ. A supervisee adding an employment setting shall also submit the Request for Additional Work Setting Form to the board[Submit a copy of the certificate of completion with his or her Clinical Social Work Supervision Contract].

(3) An additional supervisor may be added by submitting the Request for Additional Supervisor Form to the board and may not provide qualifying supervision until approved. An additional supervisor may be removed without a new contract if the supervisor of record remains, Section 10 continues to be satisfied, and the board is notified within ten (10) business days. The departing supervisor shall submit required documentation within seven (7) days.

(4) A material change in clinical duties, populations, services, treatment methods, service location within the setting, or supervision frequency, format, or allocation requires prior board approval in accordance with subsection (1) of this section. A change in contact information requires written notice to the board within ten (10) business days but not prior approval.

(5) While a request is pending, practice may continue only under the unchanged existing approved contract. Practice under the proposed change shall not begin before approval.

(6) Modification shall not cause hours properly completed before the modification to be forfeited or repeated.

Section 13. Termination of a Contract for Clinical Social Work Supervision[Incorporation by Reference].

(1) The requirements of this section shall apply separately to each contract and employment setting[The following material is incorporated by reference:]

[(a)] ["Clinical Social Work Supervision Contract," 4/2021; and]

[(b)] ["Request to Provide Supervision", 4/2021].

(2) A contract may terminate due to:[This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

(a) Issuance of a licensed clinical social worker license to the supervisee;

(b) Change of the supervisor of record;

(c) Change or termination of the supervisee's employment;

(d) Mutual agreement of the supervisee and supervisor of record;

(e) Withdrawal from the contract by the supervisee or supervisor of record;

(f) Death, incapacity, or unavailability of the supervisee or supervisor of record;

(g) Inactive, expired, suspended, restricted, surrendered, or revoked status of a license required for the contract;

(h) Failure of a party to comply with the contract, KRS Chapter 335, or this administrative regulation;

(i) An order or other action of the board; or

(j) Another reason identified in writing on the Contract Termination Notice form and approved by the board.

(3) Except as provided in subsection (4), the initiating party shall submit the Contract Termination Notice to the board and give at least thirty (30) days' written notice to the other party, each additional supervisor, and the employer. The notice shall identify the contract, effective date, reason, whether a replacement contract has been or will be submitted, and whether practice will cease or continue as permitted by subsection (7) of this section.

(4) Thirty (30) days' notice is not required upon LCSW licensure or board order, an unanticipated end of employment or required licensure, risk to a client or the public, or extraordinary circumstances. The Contract Termination Notice and an explanation shall be provided to the board and to the persons identified in subsection (3) of this section as soon as practicable.

(5) During the notice period, the contract and supervision remain in effect unless continued practice or supervision would violate law, create a risk to a client or the public, or is impossible because employment or supervision has ended. The parties shall take reasonable steps to protect clients and maintain continuity of care. Client-identifying information shall not be submitted to the board.

(6) Within seven (7) days after the effective date of termination of the contract, the supervisor of record shall submit the Supervision Experience Documentation Form, Clinical Supervision Recording Form, and final evaluation. Each additional supervisor shall submit the Supervision Experience Documentation Form and Clinical Supervision Recording Form within seven (7) days after ceasing supervision.

(7) On termination, the supervisee shall cease clinical practice at the affected setting unless the board has approved a replacement contract, Section 7 permits temporary continuation, or the board has issued an LCSW license. Another active approved contract is unaffected. A supervisee who has completed the requirements of Sections 9 and 10 of this administrative regulation shall apply for licensure as a licensed clinical social worker in accordance with KRS 335.080(3). A supervisee who has not completed those requirements shall, within thirty (30) days after the effective date of termination, submit a new or modified contract in accordance with Section 12 of this administrative regulation.

(8) Properly completed and verified hours remain credited. A fee, payment, employment, personnel, or other dispute alone shall not authorize termination without the notice required by subsection (3) of this section, excuse withholding a required form or documentation, permit refusal to verify hours actually earned, or permit abandonment of responsibility for client welfare or continuity of care during the notice period.

(9) A supervisee shall notify the board in writing within five (5) business days after the supervisee knows or reasonably should know that the supervisor of record has ceased providing supervision, has become unavailable or ineligible, or that the employment covered by the contract has ended. Notice under this subsection does not relieve a supervisor of a duty under this administrative regulation.

(10) A supervisor of record who resigns, gives or receives notice of the end of the employment covered by the contract, or otherwise learns that the supervisor's availability to supervise under the contract will end, shall notify the supervisee and the board in writing within three (3) business days after giving or receiving that notice. The notice shall state the expected last date of supervision and whether the supervisor will continue supervision through the notice period required by subsection (3) of this section. Notice under this subsection does not satisfy subsection (3) of this section or relieve a supervisor of record of any other duty under this administrative regulation until the end of the contract.

Section 14. Supervisee Training.

(1) Before submitting an initial contract, a certified social worker shall complete a one (1) hour board-provided course at no cost and submit proof of completion.

(2) The course shall address the law governing supervised practice; duties of the supervisee and supervisors; contract, supervision, documentation, evaluation, client notice, continuity, modification, termination, and reporting requirements; and applicable provisions of KRS Chapter 335 and 201 KAR Chapter 23.

Section 15. Required Training Courses for a Supervisor.

(1) Before submitting a Request to Provide Supervision form to the board, a licensed clinical social worker seeking initial approval as a supervisor shall complete a one-time, six (6) hour board-approved training course in clinical social work supervision.

(2) The initial six (6) hour training course shall address:

(a) The purposes, models, methods, and techniques of clinical social work supervision;

(b) Development and maintenance of the supervisory relationship;

(c) Ethical supervisory practice, professional boundaries, conflicts of interest, and the appropriate use of supervisory authority;

(d) The requirements of KRS 335.010 to 335.160 and 335.990 and 201 KAR Chapter 23 applicable to clinical social work supervision;

(e) The respective duties and responsibilities of the supervisor of record, each additional supervisor, and the supervisee;

(f) Development, implementation, modification, and termination of the Contract for Clinical Social Work Supervision;

(g) Individual, group, in-person, and virtual supervision;

(h) Documentation and verification of supervision and supervised clinical practice experience;

(i) Evaluation of the supervisee's competence, professional development, and readiness for independent clinical practice;

(j) The supervisor's gatekeeping responsibilities and duty to protect clients and the public;

(k) Continuity of supervision and clinical services during a supervisor's temporary or permanent unavailability; and

(l) Supervision within an organization, including the respective responsibilities of the employer and each internal or external supervisor.

(m) Guiding the supervisee's development of professional identity and therapeutic use of self, and cultural responsiveness in supervision and clinical practice.

(3) A licensed clinical social worker who has previously completed the six (6) hour board-approved training course shall not be required to repeat the course.

(4) An approved supervisor shall complete a three (3) hour board-approved professional development course in clinical social work supervision during each licensure renewal period to maintain approval as a supervisor.

(5) The professional development course required by subsection (4) of this section shall include:

(a) Material changes to KRS Chapter 335, 201 KAR Chapter 23, board-approved forms, or board procedures affecting clinical social work supervision; and

(b) One (1) or more of the following subjects:

1. Theoretical frameworks and models of clinical supervision;

2. Ethical supervisory practice;

3. Methods and techniques of supervision;

4. Development and maintenance of the supervisory relationship;

5. Use of the Contract for Clinical Social Work Supervision to support compliance and professional development;

6. Documentation, evaluation, and gatekeeping responsibilities;

7. In-person and virtual supervision;

8. Supervision within organizations;

9. Cultural responsiveness and the effect of individual differences on supervision;

10. Impairment, professional boundaries, conflicts, and corrective action in supervision;

11. Continuity and termination of supervision; or

12. Another clinical supervision subject approved by the board.

(6) A supervisor shall retain the certificate of completion for each course required by this section and submit the certificate:

(a) With the Request to Provide Supervision form for the initial six (6) hour course;

(b) With the supervisor's application for licensure renewal for the three (3) hour professional development course; or

(c) Upon request by the board.

Section 16. Training of Trainers Program.

(1) The board shall establish and maintain a training of trainers program to promote consistent and current instruction in the six (6)

hour and three (3) hour supervision courses required by Section 15 of this administrative regulation.

(2) An individual who provides a six (6) hour or three (3) hour supervision course shall complete the training of trainers program before providing the course, and the board may enter into an agreement with a qualified individual or entity to develop or provide the program.

Section 17. Transition.

(1) An applicant who begins accruing supervised clinical practice experience on or after the effective date of this administrative regulation shall complete the clinical practice experience and supervision in accordance with this administrative regulation.

(2) A contract approved before the effective date of this administrative regulation shall remain in effect, under the requirements applicable when it was approved, until the board issues the supervisee a licensed clinical social worker license or the contract is terminated in accordance with Section 13 of this administrative regulation. Clinical practice hours and supervision hours properly completed before the effective date, under the requirements then in effect, shall remain credited. The client welfare, continuity of care, and termination requirements of this administrative regulation shall apply to that contract on the effective date.

(3) The requirements applicable when an applicant began accruing supervised clinical practice experience shall not be altered by submission of a modified or replacement contract.

(4) A supervisor approved by the board before the effective date shall be deemed to hold the LCSW-S designation on the effective date of this administrative regulation. The initial six (6) hour supervision course established in Section 15 of this administrative regulation is a qualification for approval and shall not be required of a supervisor approved before the effective date.

(5) The board may require an existing contract to be updated or replaced on the incorporated forms without forfeiture of properly completed hours.

(6) At the first evaluation conducted under Section 6(3) of this administrative regulation after the effective date of this administrative regulation, the supervisor of record for a contract described in subsection (2) of this section shall review with the supervisee the client welfare, continuity of care, and termination requirements made applicable by subsection (2) of this section and shall document the review in the evaluation.

Section 18. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Contract for Clinical Social Work Supervision," 9/2026;
- (b) "Request to Provide Supervision," 9/2026;
- (c) "Supervision Experience Documentation Form," 9/2026;
- (d) "Clinical Supervision Recording Form," 9/2026;
- (e) "Request for Additional Supervisor Form," 9/2026;
- (f) "Request for Additional Work Setting Form," 9/2026;
- (g) "Documentation of Continued Supervision Form," 9/2026;
- (h) "Suspension of Contract Form," 9/2026; and
- (i) "Contract Termination Notice," 9/2026.

(2) The incorporated material may be inspected, copied, or obtained, subject to copyright law, from the Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or at <https://bsw.ky.gov>. Each form incorporated by reference is also available on the board's Web site at <https://bsw.ky.gov> and may be completed and submitted electronically through the Web site.

HANK CECIL, LCSW, Board Chair

APPROVED BY AGENCY: September 11, 2026

FILED WITH LRC: September 11, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2026, at 1:00 p.m., at the Kentucky Board of Social Work, 125 Holmes St., Suite 310, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend.

If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made 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 the proposed administrative regulation. Written comments shall be accepted through November 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: Marc Kelly, Executive Director, Kentucky Board of Social Work, 125 Holmes St., Suite 310, Frankfort Kentucky 40601, phone (502) 564-2350, email marc.kelly@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Marc Kelly, Executive Director Phone: (502) 564-2350 Email: marc.kelly@ky.gov

Subject Headings: Social Work, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for qualifying education and clinical practice experience under supervision.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with statutory directives and to clearly set out uniform requirements for qualifying education and clinical practice experience under supervision.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.070(4) authorizes the board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and KRS 335.990. KRS 335.080 (1)(b) and 335.100(1)(a) require an applicant for a certified social worker license or a licensed clinical social worker license to have a master's degree or a doctoral degree in social work from an educational institution approved by the board. KRS 335.080(3), 335.100(1)(b), and 335.100(3) require a certified social worker to practice clinical social work only under a written contract with and the supervision of a licensed clinical social worker, require two (2) years of post-master's supervised experience for clinical licensure and direct the board to establish those requirements by administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration of the statutes by establishing the educational institutions approved by the board, the qualifications, approval, and required training of supervisors; the requirements for qualifying supervised clinical practice experience for in state and out-of-state applicants, and the content of forms incorporated by reference

(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 administrative regulation by: providing additional defined terms; clarifying the requirements for a board approved supervision contract; establishing educational institutions approved by the board; setting out requirements for becoming a supervising LCSW; establishing continuing education requirements for supervisors; clarifying when a supervisee must cease clinical practice; updating supervision contract requirements and requirements for supervised clinical practice; providing for the temporary suspension of a supervision contract; specifying the board may require additional education or supervision if there is a material deficiency in competence of a supervisee; setting requirements for contract modification; providing for mandatory contract termination; establishing training requirements for supervisees, supervisors and training for trainers; and providing additional material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to adequately delineate the educational institutions approved by the board, the qualifications, approval, and required training of supervisors; the requirements for qualifying supervised clinical practice experience for in state and out-of-state applicants and the content of forms incorporated by reference

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by establishing the educational institutions approved by the board, the qualifications, approval, and required training of supervisors; the requirements for qualifying supervised clinical practice experience for in state and out-of-state applicants, and the content of forms incorporated by reference

(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 establishing the educational institutions approved by the board, the qualifications, approval, and required training of supervisors; the requirements for qualifying supervised clinical practice experience for in state and out-of-state applicants and the content of forms incorporated by reference

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 335.070.

(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 social workers under supervision and 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: The individuals identified in question (4) will have to become familiar with and abide by new training requirements, contract requirements, and new forms incorporated by reference.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Supervisees and supervisors will have to undergo additional training, which may have some minimal costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Individuals identified in question (4) will receive more effective training and supervision and have additional clarity as to the requirements of supervision contracts.

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

(a) Initially: No costs are anticipated.

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

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board is self-funded through application, license, and renewal fees. No general fund dollars will be expended.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this change.

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

(10) TIERING: Is tiering applied? No. All regulated entities have to comply with uniform requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 335.070(4), 335.080(1)(b), (3), 335.100(1)(a), (b), (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 335.070(4)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Social Work. 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.

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: The fiscal impact of this administrative regulation is expected to be minimal upon credential holders who are receiving or providing supervision.

(b) Methodology and resources used to reach this conclusion: The amendment provides for additional training that may incur some minimal costs.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have a major economic impact as defined.

(b) The methodology and resources used to reach this conclusion: Analysis of new requirements that may have associated costs.

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

BOARDS AND COMMISSIONS

Board of Podiatry (Amendment)

201 KAR 25:011. Approved schools; licensure application; fees; licensure requirements.

RELATES TO: KRS 218A.205, 311.420, 311.480

STATUTORY AUTHORITY: KRS 218A.202(3)[218A.202(2)], 311.420(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.420 requires all persons engaging in the practice of podiatry in Kentucky to be licensed by the Board of Podiatry. KRS 311.420 provides that each applicant shall submit to an examination conducted by the board. KRS 218A.202(3)[218A.202(2)] requires licensees that prescribe controlled substances to be registered with the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER). KRS 218A.205 requires the board to place restrictions on licensees and applicants that have specific convictions or restrictions related

to prescribing or dispensing controlled substances. This administrative regulation establishes the procedures to be followed in obtaining an application, the fees to be charged, and the procedures relating to the examination and issuance of a license to practice podiatry in this state.

Section 1.

(1) The board approves the following schools or colleges of podiatry as having standards and requirements adequate to satisfy the educational requirement for taking the podiatry examination for licensure:

(a) Arizona College of Podiatric Medicine at Midwestern University;

(b) ~~[(a)] Barry University School of Podiatric Medicine, Miami Shores, Florida;~~

~~[(b)] [California School of Podiatric Medicine at Samuel Merritt University, Oakland, California;]~~

(c) College of Podiatric Medicine and Surgery at Des Moines University; ~~[Des Moines University College of Podiatric Medicine and Surgery, Des Moines, Iowa;]~~

(d) Kent State University College of Podiatric Medicine, Independence, Ohio;

(e) Lake Erie College of Osteopathic Medicine School of Podiatric Medicine; ~~[Midwestern University Arizona School of Podiatric Medicine, Glendale, Arizona;]~~

(f) New York College of Podiatric Medicine at Touro University, New York, New York;

(g) Dr. William M. Scholl College of Podiatric Medicine at the Rosalind Franklin University of Medicine and Science, Chicago, Illinois;

(h) Samuel Merritt University College of Podiatric Medicine ~~(Formerly California School of Podiatric Medicine at Samuel Merritt University.~~

~~[(i)] [(h)] Temple University School of Podiatric Medicine, Philadelphia, Pennsylvania; [and]~~

~~[(j)] University of Texas Rio Grande Valley School of Podiatric Medicine; and~~

~~[(k)] [(i)] Western University of Health Sciences College of Podiatric Medicine, Pomona, California.~~

(2) All other schools or colleges of podiatry shall have academic standards and requirements equivalent to the schools or colleges listed above as evaluated by the board in order to be approved by the board. Evaluation of the academic standards and requirements shall be made by the board after an applicant has filed an Application for Podiatry License with the board.

Section 2.

(1) Every applicant, otherwise eligible to take the examination pursuant to the provisions of KRS 311.420, shall file a completed and notarized Application for Podiatry License, Form DPL-BOP-01, with the board at its principal office at least fourteen (14) days prior to the board meeting at which the application is to be reviewed. ~~[forty (40) days prior to the date of the examination in order to be eligible to take the examination.]~~

(2) The president of the board may permit a partially completed application to be filed if good cause is shown by the applicant. ~~[For the purposes of this subsection, good cause includes situations such as an applicant applying late, having to retake the board examination, or waiting for pending board examination results.]~~

(3) The fee for the examination or reexamination shall be \$300 and shall be paid when the application ~~[Application for Podiatry License]~~ is filed with the board. The fee shall be made payable to the Kentucky State Treasurer in United States currency by certified check, cashier's check, ~~[or]~~ postal money order, or ACH payment, if available, and shall not be refundable.

(4) ~~[Any applicant who fails to attain a passing score as required by the board may apply to the board for reexamination.]~~

~~[(5)]~~ The applicant shall submit the following along with the application ~~[shall]~~:

(a) Three ~~[(Have three)]~~ (3) letters of recommendation sent to the board verifying good moral character;

(b) National Board of Podiatric Medical Examiner (NBPME) transcript (Parts I, II, and III; or PMLexis) sent directly from the Federation of Podiatric Medical Boards (FPMB);

(c) Undergraduate college transcripts and podiatric college transcripts sent directly by the academic institutions to the board;

(d) Clinical evaluation from the podiatry school;

(e) Residency certificate or letter from director of the residency;

(f) National Practitioner Data Base (NPDB) self-query (except new graduates);

(g) Proof of completion of 1.5 hours of the KASPER, pain management, or addiction disorders course;

(h) Podiatry graduation date;

(i) An attestation by the applicant that they are not addicted to drugs or alcohol; [and not addicted to alcohol or drugs;]

(j) Verification ~~[(b) Have verification]~~ of licensure sent directly from the state or states from which the applicant has or has ever held a license;

(k) A ~~[(e) Attach a]~~ dated photo taken within the past six (6) months; and

~~[(d)] [Have schools, colleges, or institutions send official transcripts directly to the board; and]~~

~~[(l)] [(e)]~~ Have the Federal Bureau of Investigation background check results sent directly to the board.

(5) The application shall be notarized.

Section 3. Prior to approval for licensure, an applicant shall:

(1) Submit to a nation-wide criminal background investigation by means of fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation;

(2) Submit to a query to the National Practitioner Data Bank of the United States Department of Health and Human Services; and

(3) Report to the board, with the application ~~[Application for Podiatry License]~~, any conviction or disciplinary action on a license held by the applicant relating to prescribing or dispensing controlled substances.

(4) Submit proof of successful completion of the jurisprudence examination administered by the board.

Section 4. The board may require the personal attendance of the applicant before the board, or one (1) of its members designated for that purpose, to interview the applicant to ascertain the applicant's fitness for licensing in this state.

Section 5. ~~[Section 4.]~~

(1) Pursuant to KRS 218A.205(3)(f), an applicant for licensure by the board:

(a) Convicted after July 20, 2012, of any felony offense relating to controlled substances shall be permanently banned from prescribing or dispensing a controlled substance by the board;

(b) Convicted after July 20, 2012, of any misdemeanor offense relating to prescribing or dispensing a controlled substance shall have his or her authority to prescribe controlled substances suspended for at least three (3) months, and shall be further restricted as determined by the board; or

(c) Who has had any disciplinary limitation placed on an application or license by a licensing board of another state that resulted from improper, inappropriate, or illegal prescribing or dispensing of controlled substances shall be subject to a restriction on the license that is at least as restrictive in time and scope as that placed on the license by the licensing board of the other state.

(d) Failure to make the required report to the board of any conviction or disciplinary action covered by this subsection shall be deemed a violation and be subject to sanction as determined by the board.

(2) In addition to the actions listed in subsection (1) of this section, the board may take any other action provided for in KRS 311.480 against a licensee or applicant that comes under the provisions of that subsection.

Section 6. ~~[Section 5.]~~ Requirements for a person issued a license by the board.

(1) A person who has been approved for a license from the board shall register with the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER) administered by the Cabinet for Health and Family Services after issuance of the license and immediately submit proof of the registration to the board.

(2) A person who has received a license from the board shall not prescribe any controlled substance before he or she is registered with KASPER.

(3)

(a) The board shall temporarily suspend a license pursuant to 201 KAR 25:051, Section 5, if a licensee:

1. Fails to register with KASPER after the approval for licensure by the board; or

2. Prescribes a controlled substance prior to registration with KASPER.

(b) In addition to the temporary suspension, the board may take additional disciplinary action against a license pursuant to KRS 311.480.

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

(1) The following material is incorporated by reference: "Application for Podiatry License", Form DPL-BOP-01, Rev. March 2026 [September 2020], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Podiatry, Department of Professional Licensing, 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 bop.ky.gov.

DR. PAUL KRESTIK, President

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 11, 2026 at 11:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 9AM, at the Mayo-Underwood Building, Room 206NW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 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: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#2 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Janes Phone: 502-782-2709 Email: sara.janes@ky.gov

Subject Headings: Podiatry and Pedorthics, Licensing, Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. This regulation establishes requirements for making an application for licensure.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 311.420.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. This regulation establishes requirements for making an application for licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 311 by carrying out the legislative mandate for the board to establish requirements for licensure.

(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 makes technical corrections due to statutory changes in KRS Chapter 218A; updates the schools or colleges of podiatry that meet the educational requirements in Kentucky; updates the timeframe for filing the application for review at a board meeting and deletes the requirement that the board approve eligibility to take the podiatry examination; strikes language relating to good cause for a partially completed application to be permitted by the president of the board; authorizes payment of the application fee by ACH, if available; specifies all items and information that must be submitted with the application; clarifies that the jurisprudence examination is required for applicants; authorizes the board to require personal attendance of the applicant for an interview, if requested by the board; adds language clarifying that failure to report a conviction or disciplinary action to the board shall be a violation and subject to sanction; and updates the material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to clarify the process already required for full transparency to all applicants, including cleaning up confusing language about the podiatry examination. The board does not administer its own examination but accepts the American Podiatric Medical Licensing Examination (APMLE) and it is not efficient for the board to approve a candidate's eligibility to take the examination. Clarifications also include the board's jurisprudence exam requirements, and updating schools and forms.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so.

(d) How the amendment will assist in the effective administration of the statutes: These amendments will assist in the effective administration of KRS Chapter 311 by carrying out the legislative mandate for the board to establish requirements for licensure and by clarifying the process to do so.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect an unknown number of potential 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: Each of the applicants must meet the standards for licensure, complete the application, and submit the fee with all required documentation, including the FBI criminal background check, and take the jurisprudence exam. Applicants may be required to submit to an interview and report any conviction or disciplinary action 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): It will cost each applicant a \$300 application fee, which is the same amount that was required before the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, the applicants will have better understanding of all the requirements for applying for licensure in Kentucky.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a 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 increases in fees or funding are necessary to implement the amendment to this administrative regulation.

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

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(10) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees 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 Chapter 311, but particularly KRS 311.420.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Podiatry.

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

1. Expenditures:

For the first year: Neutral

For subsequent years: Neutral

2. Revenues:

For the first year: Neutral

For subsequent years: Neutral

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact to this administrative regulation.

(b) Methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

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

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

continuing basis: This administrative regulation does not create a cost for the administrative body.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Podiatry is self-funded

through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this

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 Podiatry (Amendment)

201 KAR 25:012. Licensing examinations.

RELATES TO: KRS 311.420

STATUTORY AUTHORITY: KRS 311.410(4), 311.420(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410(4) authorizes the board to promulgate administrative regulations to implement KRS 311.390 to 311.510, relating to the practice of podiatry. KRS 311.420(2) requires the board to prescribe examination requirements. This administrative regulation establishes the scope of the licensing examination and the passing score for the examination.

Section 1.

(1) The examination for licensure by the board shall be the American Podiatric Medical Licensing Examination (APMLE) Part I, Part II, and Part III or the PMLE ~~of the National Board of Podiatric Medical Examiners (NBPME)~~ examination.

(2) The examination shall be administered pursuant to the testing schedule of the National Board of Podiatric Medical Examiners ~~[to NBPME's testing schedule.]~~

(3) The passing score for the examination shall be seventy-five (75) ~~[seventy-one (71)]~~ percent on the entire examination.

DR. PAUL KRESTIK, President

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 11, 2026 at 11:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held November 23, 2026, at 9AM, at the Mayo-Underwood Building, Room 206NW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 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: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#2 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Janes Phone: 502-782-2709 Email: sara.janes@ky.gov

Subject Headings: Podiatry and Pedorthics, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative

regulation identifies the required examination and the passing score necessary for licensure in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to identify the required examination and score necessary for licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.420 authorizes the board to accept certified, successful National Board of Podiatry examinations in lieu of its own written examination. This regulation establishes the board's acceptance of the APMLE examinations and the score necessary for passage for licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists the board in administration by identifying the examination for licensure.

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

(a) How the amendment will change this existing administrative regulation: The amendment updates the regulation to reflect the appropriate tests, organization, and current national score for passage.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to properly reflect the passing score.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311.420 authorizes the board to accept a National Board of Podiatry examination, and KRS 311.410(4) authorizes the board to make all rules and regulations as may be necessary to implement and carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: These amendments will assist in the effective administration of KRS Chapter 311 by ensure the regulation reflects the correct score for passage of the APMLE for Kentucky licensure.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect an unknown number of potential 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: Each license applicant must take and pass the APMLE with a passing score of 75 to qualify for licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost each applicant an examination fee set by the Federation of Podiatric Medical Boards (FPMB), and paid directly to that entity.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, the applicants will understand what score is required by Kentucky for passage.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Podiatry is self-funded through the fees paid by licensees. No additional funding is necessary for 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 increases in fees or funding are necessary to implement the amendment to this administrative regulation.

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

(10) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees 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 Chapter 311, but particularly KRS 311.420 and KRS 311.410(4).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Podiatry.

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

1. Expenditures:

For the first year: Neutral

For subsequent years: Neutral

2. Revenues:

For the first year: Neutral

For subsequent years: Neutral

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact to this administrative regulation.

(b) Methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

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

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

BOARDS AND COMMISSIONS

Board of Podiatry (Amendment)

201 KAR 25:021. Annual renewal of licenses, fees.

RELATES TO: KRS 218A.205, 311.450, 311.480

STATUTORY AUTHORITY: KRS 218A.202(3)(a), 218A.205[218A.202(2)], 311.410(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.450 requires the board to send notices to all podiatrists licensed by the board to their last known address on or before June 1 of each year. KRS 218A.202(3)(a)[218A.202(2)] requires licensees that prescribe controlled substances to be registered with the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER). KRS 218A.205 requires the board to place restrictions on licensees and applicants that have specific convictions or restrictions related to prescribing or dispensing controlled substances. This administrative regulation requires all licensed podiatrists to complete the annual renewal application and return it, along with the annual renewal fee, to the board. This administrative regulation further establishes an annual license renewal fee and a delinquent penalty fee.

Section 1.

(1) The annual renewal fee in the amount of \$200 shall be attached to the completed "Application for Annual License Renewal", Form DPL-BOP-02,[Kentucky Board of Podiatry Application for Annual License Renewal] when the application is returned to the board by the podiatrist seeking licensure renewal.

(2) The annual renewal fee shall be made payable to the Kentucky State Treasurer in United States currency by certified check, cashier's check, postal money order, personal check, [or] credit card, or ACH payment, if available.

(3) All information requested on the annual renewal application[form] shall be furnished to the board when the completed annual renewal application form is returned to the board, together with a statement of compliance with the continuing education requirements in 201 KAR 25:031.

(4) Every renewal application shall include proof of current registration with the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER) administered by the Cabinet for Health and Family Services; and[.]

(5) Proof of completion of 1.5 hours of continuing education on KASPER, pain management, or addiction disorders as required by KRS 218A.205(3)(i).

Section 2.

(1) Failure to complete the requirements for annual renewal of the license by July 1 of each year shall result in a delinquent penalty fee of \$200 in addition to the renewal fee.

(2) A licensee shall immediately report to the board any conviction or disciplinary action on a license held by the applicant relating to prescribing or dispensing controlled substances.

Section 3.

(1) Pursuant to KRS 218A.205(3)(f), a licensee:

(a) Convicted after July 20, 2012, of any felony offense relating to controlled substances shall be permanently banned from prescribing or dispensing a controlled substance by the board;

(b) Convicted after July 20, 2012, of any misdemeanor offense relating to prescribing or dispensing a controlled substance shall have his or her authority to prescribe controlled substances suspended for at least three (3) months, and shall be further restricted as determined by the board; or

(c) Who has had any disciplinary limitation placed on an application or license by a licensing board of another state that resulted from improper, inappropriate, or illegal prescribing or dispensing of controlled substances shall be subject to a restriction on the license that is at least as restrictive in time and scope as that placed on the license by the licensing board of the other state.

(d) Failure to make the required report to the board of any conviction or disciplinary action covered by this subsection shall be deemed a violation and be subject to sanction as determined by the board.

(2) In addition to the actions listed in subsection (1) of this section, the board may take additional disciplinary action against a licensee pursuant to KRS 311.480.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference: "Application for Annual License Renewal", Form DPL-BOP-02, March 2026[9/2020], is incorporated by reference

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Podiatry, Department of Professional Licensing, 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 bop.ky.gov.

DR. PAUL KRESTIK, President

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Janes Phone: 502-782-2709 Email: sara.janes@ky.gov

Subject Headings: Podiatry and Pedorthics, Licensing, Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. This regulation establishes requirements for making an application for renewal of licensure.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 311.420.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. This regulation establishes requirements for making an application for renewal of licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 311 by carrying out the legislative mandate for the board to establish

requirements for licensure.

(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 makes technical corrections due to statutory changes in KRS Chapter 218A; clarifies that licensure renewal requires the applicant to submit proof of completion of continuing education on KASPER, pain management and addiction disorders; clarifies that failure of a licensee to report any conviction or disciplinary action to the board shall be a violation and subject to sanction; and updates the material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to correct statutory references and clarify requirements for renewal, and to update the renewal application form.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. This regulation establishes requirements for making an application for renewal of licensure.

(d) How the amendment will assist in the effective administration of the statutes: These amendments will assist in the effective administration of KRS Chapter 311 by carrying out the legislative mandate for the board to establish requirements for renewal and by clarifying the process to do so.

(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 257 licensed podiatrists, both active and inactive, in the Commonwealth of Kentucky.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each of the regulated entities must apply for renewal, pay the renewal fee, show proof of completion of 1.5 hours of continuing education on KASPER, and report any conviction or disciplinary action 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): It will cost each applicant a \$200 renewal, which is the same amount that was required before the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, the applicants will have better understanding of all the requirements for applying for licensure renewal in Kentucky.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Podiatry is self-funded through the fees paid by licensees. No additional funding is necessary for 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 increases in fees or funding is necessary to implement the amendment to this administrative regulation.

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

(10) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees 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 Chapter 311, and particularly KRS 311.420 and KRS 311.450.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Podiatry.

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

1. Expenditures:

For the first year: Neutral

For subsequent years: Neutral

2. Revenues:

For the first year: Neutral

For subsequent years: Neutral

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact to this administrative regulation.

(b) Methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

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

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

**BOARDS AND COMMISSIONS
Board of Podiatry
(Amendment)**

201 KAR 25:031. Continuing education, inactive license.

RELATES TO: KRS 218A.205, 311.450(2)

STATUTORY AUTHORITY: KRS 218A.205(3)(i), 311.410(4), 311.450(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.450(2) requires the board to promulgate an administrative regulation to establish continuing education requirements for a podiatrist. KRS 218A.205(3)(i) requires the board to mandate continuing education related to the use of the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER), pain management, or addiction disorders. This administrative regulation establishes those continuing education requirements.

Section 1.

(1) Each podiatrist licensed by the board shall annually complete twenty (20) hours of continuing education relating to the practice of podiatry.

(2) The twenty (20) hours shall include:

(a) At least fifteen (15) Category A continuing education hours; and

(b) Not more than five (5) Category B continuing education hours.

(3) A continuing education hour shall equal fifty (50) clock minutes of participating in continuing education instruction or presentation that meets the requirements of this administrative regulation for continuing education courses.

(4)

(a) Beginning on July 1, 2012, and annually thereafter, each podiatrist licensed by the board shall complete at least one and one-half (1.5) hours of continuing education related to the use of the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER), pain management, or addiction disorders.

(b) This requirement shall be included in the twenty (20) hours of continuing education required by this administrative regulation.

Section 2. Categories of Continuing Education Hours.

(1) A Category A continuing education hour shall specifically relate to podiatric medicine, surgery, or science and shall:

(a) Be earned by in-person attendance at:

1. A professional seminar, including the Kentucky Podiatric Medical Association's annual conference;

2. An accredited school of podiatry continuing education program; or

3. Another program approved by the board under Section 6 of this administrative regulation; and

(b) Be approved by the American Podiatric Medical Association/Council on Podiatric Medical Education (APMA/CPME), except if the course provider or the licensee that intends to take a course has requested and received board approval of the course under Section 6 of this administrative regulation prior to the course's presentation.

(c) Virtual attendance at a live Category A continuing education program shall not fulfill the requirements of this section.

(2) A Category B continuing education hour may relate to non-podiatric medical issues or general practice issues and may be earned by attendance at or participation in:

(a) Home study courses;

(b) Hospital, clinic, or in-house staff lectures; or

(c) Local or regional medical society or medical association meetings.

Section 3.

(1) A licensee shall keep a valid record of each continuing education program completed. The record shall:

(a) Include a receipt or certification received for the program;

(b) Be kept for three (3) years;

(c) Be presented upon request by the board for audit. If selected by the board for audit, the licensee shall submit the requested proof of continuing education to the board within fifteen (15) days of the request; and

(d) For Category A programs, include proof of APMA/CPME certification or a written letter of approval from the board.

(2) The period during which continuing education courses shall be completed shall be from July 1 of each year until June 30 of the following year.

Section 4.

(1) On application, the board shall consider granting a waiver 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 person holding the license; and

(b) Accompanied by a document verifying the illness or disability signed by the:

1. Licensee's personal physician; or

2. Immediate family member's personal physician.

(3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.

(4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee shall reapply for the waiver or extension.

Section 5. Inactive Status. An application for inactive status shall not be authorized after December 1, 2026.

(1) A licensee may apply for inactive status on or before December 1, 2026, by submitting a written letter to the board.

(2) A licensee granted inactive status shall be relieved of the obligation to meet the requirements for continuing education established in this administrative regulation.

(3) A person on inactive status may use the term "podiatrist" but the licensee shall not engage in the practice of podiatry. Any person who practices podiatry while on inactive status shall be deemed to be practicing podiatry without a license in violation of KRS 311.400.

(4) A licensee seeking relicensure from inactive to active status shall fulfill the requirements established in this subsection.

(a) If the licensee has been inactive for no more than five (5) consecutive years, the licensee shall:

1. Provide written notice to the board requesting reactivation to active status by filing a [~~Kentucky Board of Podiatry~~] License Renewal Application, DPL-BOP-02, as incorporated by reference in 201 KAR 25:021, and requesting in writing that the license be made active;

2. Have completed twenty (20) hours of Category A continuing education requirements within a period of six (6) months preceding the request for active status; and

3. Pay:

a. The renewal fee of \$200 established in 201 KAR 25:021, Section 1; and

b. A reactivation fee of \$250.

(b) If a licensee has been in inactive status for more than five (5) consecutive years, the licensee shall:

1. File a completed Application for Podiatry License, DPL-BOP-01, incorporated by reference in [~~accordance with~~] 201 KAR 25:011, Section 2, and pay the required examination fee;

2. Be approved by the board to take the examination; and

3. Successfully complete a satisfactory examination before the board as provided by 201 KAR 25:012.

(5) After December 1, 2026, the Board shall not approve any applications for inactive licensure status by a licensee and the

inactive license status shall sunset upon the expiration of the five (5) year period for the last approved inactive license application.

Section 6. Board Approval of Continuing Education.

(1) A course provider or a licensee shall submit a written request to the board for approval of a continuing education course.

(2) A written request for board approval shall contain:

(a) A brief summary of the continuing education;

(b) The educational objectives of the continuing education;

(c) The date, time, and place of the provision of the continuing education;

(d) The name and credentials of the individual providing the continuing education; and

(e) The name of the organization providing the continuing education, if applicable.

(3) In determining whether to approve continuing education, the board shall consider whether the continuing education:

(a) Is designed to provide current developments, skills, procedures, or treatments related to the practice of podiatry;

(b) Is developed and provided by an individual with knowledge and experience in the subject area; and

(c) Contributes directly to the professional competence of a licensee.

DR. PAUL KRESTIK, President

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 11, 2026 at 11:25 a.m.

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CONTACT PERSON: Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#2 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Janes Phone: 502-782-2709 Email: sara.janes@ky.gov

Subject Headings: Podiatry and Pedorthics, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311.450 requires that any person who wishes to renew their license comply with the continuing education regulations of the board. Further, KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. This regulation also establishes requirements for making an application for reactivation of licensure.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 311.420 and 311.450.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.450 requires that any person who wishes to renew their license comply with the continuing education regulations of the board. Further, KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. This regulation also establishes

requirements for making an application for reactivation of licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 311 by carrying out the legislative mandate for the board to establish requirements for licensure.

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

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the title of the administrative regulation by including inactive status; updates the mandatory continuing education requirements for KASPER to include pain management, or addiction disorders; clarifies that Category A continuing education shall be in-person and that virtual attendance at a live Category A continuing education program shall not fulfill the requirements; establishes a sunset provision for inactive status and reactivation with a grandfather provision for existing license holders with an inactive status; and updates references to the material incorporated by reference in 201 KAR 25:021 for reactivation.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to clarify the title of the regulation and the continuing education requirements set by the board, and to strike the procedures for applying for an inactive status and reactivation since there is no statutory authority for this, and to correct the forms needed for reactivation for the existing inactive status licensees who are grandfathered in.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311.450 requires that any person who wishes to renew their license comply with the continuing education regulations of the board. Further, KRS 311.420 requires that any person who wishes to practice podiatry in the Commonwealth of Kentucky be licensed to do so. The amendment also conforms by striking the authority for an inactive license with the ability to reactivate, which is not authorized by the statutes. Finally, KRS 311.410(4) authorizes the board to make all rules and regulations as may be necessary to implement and carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 311 by carrying out the legislative mandates for the board to establish requirements for licensure.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 257 licensed podiatrists practicing in the Commonwealth of Kentucky.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each of the regulated entities must have 20 hours of continuing education annually with at least 15 hours in-person. If a licensee wishes to go inactive, the licensee must write a letter to the board making the request and comply with the requirements for reactivation, if any.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This amendment will require each applicant to pay a fee for continuing education, which will be paid directly to the provider. If a licensee wishes to go inactive, there is no fee. If an inactive licensee wishes to reactivate, the inactive licensee must pay a fee of \$200 for renewal and \$250 for reactivation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, licensees will understand what the annual continuing education requirements are and how a licensee can go inactive and later reactivate.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Podiatry is self-funded through the fees paid by licensees. No additional funding is necessary for 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 increases in fees or funding are necessary to implement the amendment to this administrative regulation.

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

(10) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees 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 Chapter 311, and particularly KRS 311.420 and KRS 311.450.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Podiatry.

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

1. Expenditures:

For the first year: Neutral

For subsequent years: Neutral

2. Revenues:

For the first year: Neutral

For subsequent years: Neutral

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact to this administrative regulation.

(b) Methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by

the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

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

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

BOARDS AND COMMISSIONS

Board of Podiatry (Amendment)

201 KAR 25:051. Complaint management:~~[Procedure for complaints and hearings involving licensees:]~~ temporary suspension.

RELATES TO: KRS 218A.205, 311.490

STATUTORY AUTHORITY: KRS 218A.205(3), 311.410(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410 authorizes the board to promulgate administrative regulations that are necessary to implement the provisions of KRS 311.390 to 311.510. KRS 218A.205(3)(d)~~[218A.205(3)(e)]~~ requires the board to establish a procedure for temporarily suspending, limiting, or restricting a license. KRS 218A.205(3)(e)~~[218A.205(3)(d)]~~ requires the board to establish a procedure for the expedited review of complaints pertaining to improper prescribing or dispensing of controlled substances. This administrative regulation establishes procedures relating to complaint management and temporary suspension~~[the administrative adjudication procedure for all proceedings before the board]~~.

Section 1. Definitions.

(1) "Board" means the Kentucky State Board of Podiatry.

(2) ~~["Complaint review committee" means a committee of the board members appointed by 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.]~~

~~[(3)] ["Contested case" means an adjudicatory proceeding before the board in which the legal rights, duties, or privileges of any person are required by law to be determined after an opportunity for a hearing, without regard to whether the proceeding is instituted by the board or by some other person.]~~

~~[(4)] ["Order" means the whole or any part of a final disposition of an adjudication.]~~

~~[(5)] ["Party" means any person or agency named or admitted as a party to any proceedings of the board and shall include only persons who have a real interest in a matter before the board.]~~

~~[(6)] ["Person" means any individual, partnership, corporation, association, or public or private organization of any character other than an agency.]~~

~~[(7)] "Respondent" means the licensee against whom a complaint has been filed.~~

Section 2. Receipt of~~[Form of]~~ Complaints.

(1) A complaint:

(a) May be submitted by an:

1. Individual;

2. Organization; or

3. Entity;

(b) Shall be:

1. In writing and provided on the "Complaint Form with Information Sheet and Authorization for Release of Medical and Patient Records", DPL-BOP-03; and

2. Signed by the person submitting the complaint; and

(c) May be filed by the board on its own initiative either on the basis of information in its possession if the board has reasonable cause to believe there may be a violation by a licensee.

(2)

(a) Upon receipt of the complaint, a copy of the [The] complaint shall be sent to the individual named in the complaint at the last known address [of the licensee that] the board has on file along with a request for that individual's response to the complaint and a request for a copy of all relevant podiatric medical records.

(b) [(2)] The individual [licensee] shall be allowed a period of [file a response within] twenty (20) days from the date of receipt to submit a written response to the complaint and [the board's letter and include with the response] a copy of the relevant podiatric medical records requested by the board.

Section 3. Initial Review.

(1) After the receipt of a complaint and the expiration of the period for the individual's written response with the relevant podiatric medical records, the board shall review the complaint and the individual's response, if any, the relevant podiatric medical records, and any other material available, and make a determination whether there is enough evidence to warrant a formal investigation of the complaint

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall:

(a) Authorize an investigation into the matter in accordance with Section 3 of this administrative regulation; and

(b) Order a report to be made to the board at the earliest opportunity.

(4) In making its determination, the board shall consider whether the charges if proven would warrant sanction by the board.

(5) If the board determines there has been a prima facie violation based upon its review of the relevant podiatric medical records and other relevant material available, the board may refer the matter for a formal administrative hearing without investigation, and a formal administrative complaint shall be prepared which states clearly the charge or charges to be considered at the hearing. The formal administrative complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual in accordance with KRS Chapter 13B.

(6) [(5)] If the complaint involves the improper, inappropriate, or illegal prescribing of controlled substances, the board shall proceed under Section 4(5) [Section 4(2)] of this administrative regulation.

[(6)] [The board may at any time proceed against a licensee on its own initiative either on the basis of information contained in its own records or on the basis of information obtained through its own investigation.]

[(7)] [The filing of formal charges shall require the affirmative vote of a majority of the board.]

[(8)]

[(a)] [If the board finds that allegations against a licensee are insufficient for initiation of a formal disciplinary procedure, it shall dismiss the matter and notify all interested parties.]

[(b)] [If the board determines that disciplinary proceedings are appropriate, the board shall set the matter for hearing and shall notify the licensee of the charges against him and the time and place of the hearing in accordance with KRS Chapter 13B.]

[(c)]

[1.] [The board is also entitled to resolve the matter informally through mediation or negotiation.]

[2.] [Any agreed order reached through mediation or negotiation shall be approved by the board and signed by the individual who is

the subject of the complaint, the individual's attorney, and the chair of the board.]

Section 4. Results of Formal Investigation; Board Decision on Hearing.

(1) Upon completion of the investigation, if any, the investigator shall submit a report to the board of the facts regarding the complaint. The board shall review the investigative report and determine whether there has been a prima facie violation of KRS 311.380 to 311.520 or the administrative regulations promulgated thereunder and whether a formal administrative complaint shall be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal administrative complaint, it shall:

1. Dismiss the complaint; and

2. Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants the issuance of a formal administrative complaint against a respondent, a formal administrative complaint shall be prepared which states clearly the charge or charges to be considered at the hearing. The formal administrative complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B.

(4) If the board determines that a person may be in violation of KRS 311.380 to 311.510, it shall make a referral to the county attorney, Commonwealth attorney, and the Attorney General, within their respective jurisdictions, and request that appropriate action be taken under KRS 311.495.

[(5) [Section 3. Investigations. (1) Upon the receipt of a complaint and following the expiration of the twenty (20) days provided for in Section 2(3) of this administrative regulation, the board or its appointed committee may cause an investigation to be made by an individual board member, by any investigation committee, or by any agent or representative appointed by the board. The board may also cause an investigation to be made on its own initiative at any time without a complaint. (2) If a complaint involves the improper, inappropriate, or illegal prescribing of controlled substances, the board shall:

(a) Inform the Department of Kentucky State Police, the Office of the Attorney General, and the Cabinet of Health and Family Services with three (3) days of the receipt of the complaint;

(b) Commence an investigation within seven (7) days of the filing of the complaint; and

(c) Complete the investigation and determine whether to proceed with adjudicatory proceedings against the respondent within 120 days of receipt of the complaint, unless an extension for a definite period of time is requested by a law enforcement agency due to an ongoing criminal investigation.

[Section 4.] [Commencement of Adjudicatory Proceedings.]

[(1)] [Upon completion of the investigation referred to in Section 4 of this administrative regulation or after the expiration of the twenty (20) day period referred to in Section 2(3) of this administrative regulation where an investigation is not made or whenever the board has completed an investigation made on its own initiative, the board may begin formal adjudicatory proceedings in accordance with KRS Chapter 13B.]

[(2)] [In any case in which the board has denied an application for a license or failed to renew a license, a hearing shall only be scheduled upon receipt by the board of a written request submitted by or on behalf of the person whose application for license was denied or not renewed.]

Section 5. Temporary Suspension.

(1) The board chair or the board as a whole may issue an emergency order for the immediate temporary suspension of a license [or certificate] against which disciplinary action or an investigation is pending if it determines that there is a substantial likelihood that the licensee's practice constitutes a danger to patients or the public.

(2) The emergency order shall be made in accordance with KRS 13B.125 and shall be based upon a finding by the board that the emergency order is in the public interest and there is substantial

evidence of immediate danger to the health, welfare, and safety of any patient or the general public.

(3) A licensee may appeal the emergency order by a written request to the board for an emergency hearing in accordance with KRS 13B.125 within thirty (30) days after receipt of the order.

Section 6. Settlement by Informal Proceedings.

(1) The board may, at any time during this process, enter into informal proceedings with the licensee 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 president.

(3) The board may employ mediation or negotiation as a method of resolving the matter informally.

Section 7. Board Ordered Examination. If the board determines that there is reasonable cause to believe that a license holder or applicant for a license is physically or mentally incapable of practicing podiatry with reasonable skill and safety to patients, the board may order the license holder or applicant to submit to an examination by a mental health professional or a physician designated by the board to determine the license holder's or applicant's mental health or physical status to practice podiatry.

Section 8. Notice and Service of Process. A notice required by KRS 311.390 to 311.500 or this administrative regulation shall be served in accordance with KRS Chapter 13B.

Section 9. Notification.

(1) The board shall immediately submit all disciplinary and other reportable information to the National Practitioner Data Bank of the United States Department of Health and Human Services or any successor entity; and

(2) The board shall make public:

(a) Its final order in a disciplinary action under KRS 311.490; and

(b) An action to restrain or enjoin a violation of KRS 311.400.

Section 10. Authorization for Release of Medical and Patient Records. If the complaint relates to services provided by a licensee, the board or its authorized representative may contact the complainant or patient for an "Authorization for Release of Medical and Patient Records", DPL-BOP-04. This involves health oversight activities and administrative proceedings of the board and disclosure is permitted by 45 C.F.R. Section 164.512, the federal regulations implementing the Health Insurance Portability Accountability Act (HIPAA).

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Complaint Form with Information Sheet and Authorization for Release of Medical and Patient Records", DPL-BOP-03, March 2026; and

(b) "Authorization for Release of Medical and Patient Records", DPL-BOP-04, March 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Podiatry, 500 Mero Street, Frankfort, Kentucky 40601, from 8:00 a.m. to 4:30 p.m., Monday through Friday. This material is also available on the board's Web site at bop.ky.gov. [The board shall immediately submit all disciplinary and other reportable information to the National Practitioner Data Bank of the United States Department of Health and Human Services or any successor entity.]

DR. PAUL KRESTIK, President

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 11, 2026 at 11:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 9AM, at the Mayo-Underwood Building, Room 206NW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5)

workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 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: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#2 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Janes Phone: 502-782-2709 Email: sara.janes@ky.gov

Subject Headings: Podiatry and Pedorthics, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for processing complaints and disciplinary actions by the board.

(b) The necessity of this administrative regulation: KRS 311.410 authorizes the board to promulgate regulations to implement the provisions of KRS Chapter 311.390 to 510. KRS 218A.205 requires the board to establish a procedure for temporary suspension of a license. This administrative regulation establishes the procedures for complaints and temporary suspensions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.490 authorizes the board to take disciplinary action against a licensee after a hearing. KRS 218A.205, as enacted by General Assembly in 2012 (1st Extra. Sess.) Ky. Acts ch. 1, requires the board to temporarily suspend a licensee when the health or welfare of the public is endangered. This administrative regulation sets forth the procedures for the complaint and temporary suspension processes

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the procedures for disciplinary action and temporary suspension 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 will enhance the regulation by removing certain definitions and clarify procedures for filing licensee complaints in areas such as submission, licensee responses, complaint investigation, and informal settlements of complaints.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to assist licensees in the complaint review process. The updates ensure the process is informed and fair to all parties.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311.410(4) authorizes the board to make all rules and regulations as may be necessary to implement and carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 311 by carrying out the legislative mandate for the board to establish requirements for disciplinary actions and temporary suspensions pursuant to KRS Chapter 218A.

(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 257 licensed podiatrists, both active and inactive, in the Commonwealth of Kentucky, and an unknown number of potential 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: Licensees will follow the procedures in the administrative regulation when a complaint is received

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost associated with the amendment unless the licensee elects to hire an attorney.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, licensees will understand the process for any filed complaints and the health and welfare of the public will be protected from improper prescribing and dispensing of controlled substances.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Podiatry is self-funded through the fees paid by licensees. No additional funding is necessary for 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 increases in fees or funding is necessary to implement the amendment to this administrative regulation.

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

(10) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees 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 Chapter 311.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 311.410. Amended 1986 Ky. Acts ch. 166, sec. 1, effective July 15, 1986. --Amended 1976 Ky. Acts ch. 206, sec. 3. -- Amended 1974 Ky. Acts ch. 225, sec. 10. -- Amended 1962 Ky. Acts ch. 289, sec. 3. -- Amended 1954 Ky. Acts ch. 219, sec. 2. -- Amended 1952 Ky. Acts ch. 197, sec. 2. -- Created 1948 Ky. Acts ch. 176, sec. 4.; and, KRS 311.480. Amended 2017 Ky. Acts ch. 158, sec. 48, effective June 29, 2017. -- Amended 1986 Ky. Acts ch. 166, sec. 2, effective July 15, 1986. -- Amended 1974 Ky. Acts ch. 225, sec. 15. -- Amended 1962 Ky. Acts ch. 289, sec. 10. -- Created 1948 Ky. Acts ch. 176, sec. 11.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Podiatry.

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

1. Expenditures:

For the first year: Neutral

For subsequent years: Neutral

2. Revenues:

For the first year: Neutral

For subsequent years: Neutral

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact to this administrative regulation.

(b) Methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

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

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

BOARDS AND COMMISSIONS

Board of Podiatry (Amendment)

201 KAR 25:061. Licensure by endorsement[Reciprocity].

RELATES TO: KRS 311.475(2)

STATUTORY AUTHORITY: KRS 311.410(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.475(2) authorizes the board to issue licenses by endorsement, without further examination, to persons who have successfully passed an examination conducted by the National Board of Podiatry Examiners.[reciprocity and to waive examination.] This administrative regulation establishes the procedure and fee to obtain a license by endorsement[reciprocity].

Section 1. An applicant seeking licensure by endorsement[reciprocity] shall file a completed application with the board, together with a nonrefundable fee of \$300 and which includes the following: \$250[and three (3) affidavits attesting to the applicant's good moral character.]

(1) Evidence of a minimum of five (5) years of experience in the practice of podiatry in another state;

(2) Three (3) letters of recommendation sent to the board verifying good moral character;

(3) An attestation by the applicant that they are not addicted to drugs or alcohol;

(4) Verification of five (5) years of licensure sent directly from the state or states from which the applicant has or has ever held a license;

(5) A dated photo taken within the past six (6) months with the applicant's name signed in the left margin of the photo.;

(6) Primary source verification of an active license or licenses from other states, including any disciplinary action, sanctions, or suspension of license;

(7) Proof of completion of the board's jurisprudence exam;

(8) Background check results from the Federal Bureau of Investigation sent directly to the board; and

(9) A self-query from the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank at www.npdb-hipdb.com to determine past disciplinary action.

Section 2. The board may require the personal attendance of the applicant before the board, or one (1) of its members designated for that purpose, to interview the applicant to ascertain the applicant's fitness for licensing in this state.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference: "Application for Podiatry License by Endorsement", Form DPL-BOP-05, Rev. June 2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Podiatry, Department of Professional Licensing, 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 bop.ky.gov

DR. PAUL KRESTIK, President

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 11, 2026 at 11:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 9AM, at the Mayo-Underwood Building, Room 206NW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 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: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#2 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Janes Phone: 502-782-2709 Email: sara.janes@ky.gov

Subject Headings: Podiatry and Pedorthics, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements and procedures for licensure by reciprocity.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the

requirements of KRS 311.475 authorizing the board to issue podiatry licenses by reciprocity or endorsement.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms with KRS 311.421 which authorizes the board to make rules and regulations, not inconsistent with KRS 311.390 to 311.510, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.510. This regulation is also consistent with KRS 311.475, which authorizes the board to issue podiatry licenses by endorsement.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists the board in administration by identifying the procedures for licensure by endorsement.

(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 regulation and updates the regulation to reflect endorsement and sets the years of experience at five (5) years of practice in another state. Endorsement is distinguishable from reciprocity, which the latter typically relates to an agreement with another state with similar qualifications and standards at least as high as those of this state.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to establish the number of years of verified experience needed for endorsement, as well as other information needed from an applicant for licensure by endorsement.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms with KRS 311.421 which authorizes the board to make rules and regulations, not inconsistent with KRS 311.390 to 311.510, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.510. This regulation is also consistent with KRS 311.475, which authorizes the board to issue podiatry licenses by endorsement.

(d) How the amendment will assist in the effective administration of the statutes: These amendments will assist in the effective administration of KRS Chapter 311 by ensuring the regulation reflects the years of experience needed for licensure by endorsement, as well as the required information.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect an unknown number of potential 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: Each of the regulated entities must have five (5) years of experience to apply for licensure by endorsement and provide the board with specific information needed for licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Each applicant seeking licensure by endorsement will pay a \$300 application fee.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, the applicants will understand what is needed for licensure by endorsement.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Podiatry is self-funded through the fees paid by licensees. No additional funding is

necessary for 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 increases in fees or funding are necessary to implement the amendment to this administrative regulation.

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

(10) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees 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 Chapter 311, and particularly KRS 311.475 and KRS 311.421.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 311.475. Created 1972 Ky. Acts ch. 93, sec. 2

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Podiatry.

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

1. Expenditures:

For the first year: Neutral

For subsequent years: Neutral

2. Revenues:

For the first year: Neutral

For subsequent years: Neutral

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact to this administrative regulation. The board has never had an applicant for endorsement in recent years.

(b) Methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

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

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

BOARDS AND COMMISSIONS

Board of Podiatry (Amendment)

201 KAR 25:080. HIV/HBV infection control for podiatrists, infection control compliance standards.

RELATES TO: KRS 311.410(4)

STATUTORY AUTHORITY: KRS 311.410(4), 311.495(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410(4) empowers the Kentucky State Board of Podiatry to promulgate administrative regulations as necessary to implement and enforce the provisions of KRS 311.380 to 311.500~~[311.390 to 311.540]~~. The purpose of this administrative regulation is to encourage and promote infection control among all Kentucky podiatrists relating to the prevention of the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure-prone invasive procedures, including requirements for Centers for Disease Control and Prevention compliance, board inspections for reliable reports of noncompliance, and procedures relating to corrections.

Section 1. Definitions.

(1) "HIV" means the human immunodeficiency virus.

(2) "HBV" means the hepatitis B virus.

(3) "Universal precautions" means the appropriate use of hand and skin washing, protective barriers, care in the use of and disposal of needles and other sharp instruments, and those other techniques recommended in U.S. Centers for Disease Control Morbidity and Mortality Weekly Report~~[, June 24, 1988, Volume 37, Number 24, hereby incorporated by reference. A copy may be inspected or copied at the board's office during business hours]~~.

Section 2. HIV or HBV Serostatus Determination. A podiatrist who is HIV or HBV seropositive and "e" antigen positive, and who performs patient care procedures which pose a significant risk of transmission of HIV or HBV to patients, may seek counsel from the Kentucky State Board of Podiatry.

Section 3. Review and Monitoring of HIV or HBV Positive Podiatrists.

(1) The Kentucky State Board of Podiatry may convene a review panel to:

- (a) Monitor the adherence of a HIV or HBV positive podiatrist to:
 1. Universal precautions;
 2. Clinical competency; and
 3. Practice limitations or restrictions established by the review panel to monitor compliance with universal precautions; and

(b) Periodically evaluate the effects of the disease on the competency of the HIV or HBV positive podiatrist.

(2) The review panel shall include the:

- (a) Primary care physician of the HIV or HBV positive podiatrist;
- (b) A clinical infectious disease specialist;
- (c) An epidemiologist representing the Kentucky Department of Health Services; and

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(d) One (1) or more licensed podiatrists.

Section 4. Infection Prevention Control Compliance.

(1) Each licensed podiatrist in the Commonwealth of Kentucky shall:

(a) Adhere to the standard precautions outlined in the Guide to Infection Prevention for Outpatient Podiatry Settings published by the Centers for Disease Control and Prevention; and

(b) Ensure that any person under the direction, control, supervision, or employment of a licensee whose activities involve contact with patients, lower extremities, blood, body fluids, instruments, equipment, appliances, or other devices adheres with those same standard precautions.

(2) The board or its designee shall perform an infection control inspection of a podiatry practice or office utilizing the CDC Infection Prevention Checklist for Outpatient Podiatry Settings, if the board and its staff become aware of a violation or a reliable allegation of a violation, of the Guide to Infection Prevention for Outpatient Podiatry Settings which may pose imminent public risk.

(3)

(a) Any podiatrist who is found deficient upon an initial infection control inspection shall have thirty (30) days to be in compliance with the guidelines and submit a written plan of correction to the board.

(b) The podiatrist may receive a second inspection after the thirty (30) days have passed and may be required to pay reasonable expenses to the board or its designee to conduct the inspection, not to exceed the amount of the fine required for failure of a second inspection pursuant to this chapter.

Section 5.[Section 4.] Disciplinary Action. Any podiatrist who does not comply with universal precautions, infection control compliance standards, the requirements of this administrative regulation or the limitations and restrictions established by the review panel, pursuant to administrative regulation, shall be subject to disciplinary action by the Kentucky State Board of Podiatry as set forth in KRS 311.480.

Section 6.[Section 5.] Confidentiality. Information obtained by the Kentucky State Board of Podiatry pursuant to Section 3 of this administrative regulation is personal in nature as set forth in KRS 61.878(1)(a) and is excluded from the application of KRS 61.870 to 61.884.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "U.S. Centers for Disease Control Morbidity and Mortality Weekly Report", June 24, 1988, Volume 37, Number 24";

(b) "Guide to Infection Prevention for Outpatient Podiatry Settings", October 2018, or the latest version issued by the Centers for Disease Control on Infection and Prevention; and

(c) "Infection Prevention Checklist for Outpatient Podiatry Settings" issued as Appendix B to the "Guide to Infection Prevention for Outpatient Podiatry Settings", October 2018, or the latest version issued by the Centers for Disease Control on Infection and Prevention.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Podiatry, 500 Mero Street, Frankfort, Kentucky 40601, from 8:00 a.m. to 4:30 p.m., Monday through Friday. This material is also available on the board's Web site at bop.ky.gov.201 KAR 25:080

DR. PAUL KRESTIK, President

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 11, 2026 at 11:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 9AM, at the Mayo-Underwood Building, Room 206NW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to

be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 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: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#2 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Janes Phone: 502-782-2709 Email: sara.janes@ky.gov

Subject Headings: Podiatry and Pedorthics, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation is to encourage and promote infection control among all Kentucky podiatrists relating to the prevention of the transmission of the human immunodeficiency virus (HIV) and the hepatitis B virus during exposure-prone invasive procedures, including requirements for Centers for Disease Control and Prevention compliance, board inspections for reliable reports of noncompliance, and procedures relating to corrections.

(b) The necessity of this administrative regulation: KRS 311.410 authorizes the board to promulgate regulations to implement the provisions of KRS Chapter 311.380 to 311.500. This administrative regulation is necessary to require all podiatrists to adhere to universal precautions. This regulation also ensures that podiatrists recognize the duty to comply with CDC infection prevention requirements and the board's authority to inspect for compliance with the CDC standards utilizing the checklist issued by the CDC.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311.410 authorizes the board to promulgate regulations to implement the provisions of KRS Chapter 311.380 to 311.500.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist the board's effective administration of the enforcement of all provisions of KRS Chapter 311.380 to 311.500, to ensure all podiatrists adhere to universal precautions and recognize the duty to comply with CDC infection prevention requirements.

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

(a) How the amendment will change this existing administrative regulation: The amendment clarifies that podiatrists have an obligation to adhere to the infection prevention control standards established by the Centers for Disease Control; clarifies the board has the authority to inspect offices for reliable reports of noncompliance with infection prevention control standards; establishes a timeline for necessary corrections; and authorizes payment of costs for inspections.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to update the regulation to include the board's authority relating to infection prevention control standards.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311.410(4) authorizes the board to make all rules and regulations as may be necessary to implement and carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 311 by carrying out the legislative mandate for the board to make all rules and regulations, as may be necessary to implement and carry out the provisions and purposes of KRS 311.380 through 311.500.

(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 257 licensed

podiatrists, both active and inactive, in the Commonwealth of Kentucky.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Licensees will follow the procedures relating to HIV/HBV infection control for podiatrists and infection control compliance standards established by the CDC.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost associated with the amendment, unless a second inspection is required following a finding of a deficiency upon an initial infection control inspection.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, licensees will understand the process for relating to HIV/HBV precautions, and the board's duty to inspect an office upon reports of noncompliance with CDC infection prevention control standards, which will protect public health, safety, and welfare.

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

(a) Initially: This administrative regulation may create a cost for the administrative body if inspections are required based on reliable reporting. However, because there have been no prior inspections, the administrative body is unable to estimate the cost to implement this administrative regulation.

(b) On a continuing basis: This administrative regulation may create a cost for the administrative body on a continuing basis if inspections are required based on reliable reporting. However, because there have been no prior inspections, the administrative body is unable to estimate the cost of this administrative regulation on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Podiatry is self-funded through the fees paid by licensees. No additional funding is necessary for 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 increases in fees or funding are anticipated to implement the amendment to this administrative regulation.

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

(10) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees 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 Chapter 311, particularly KRS 311.410.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Podiatry.

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

1. Expenditures:

For the first year: Neutral

For subsequent years: Neutral

2. Revenues:

For the first year: Neutral

For subsequent years: Neutral

3. Cost Savings:

For the first year: None.

For subsequent years: None.

(4)(a) Identify affected local entities (for example: cities, counties,

fire departments, school districts): None.

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or

(4)(a): None

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

(5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact to this administrative regulation. However, this administrative regulation may create a cost for the administrative body if inspections are required based on reliable reporting. However, since there have been no prior inspections, the administrative body is unable to estimate the fiscal impact to implement this administrative regulation.

(b) Methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

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

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

BOARDS AND COMMISSIONS Board of Examiners of Psychology (Amendment)

201 KAR 26:280. Licensed psychological associate: application procedures and temporary license.

RELATES TO: KRS 319.064

STATUTORY AUTHORITY: KRS 319.032(1)(a), (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the Board of Examiners of Psychology to promulgate administrative regulations establishing the requirements for an [applicant] for licensure as a psychological associate. 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 319.064(2) are met, an application for a credential to perform certain functions as a licensed psychological associate 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 required by subsection (1) of this section shall be made to the board using the Application for Licensure as a Psychological Associate or to the online application management system and shall:

(a) Include 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) Be accompanied by payment of the application fee established in 201 KAR 26:160, Section 2[~~Section 4~~] that shall:

1. Be made payable [~~directly~~] to the Kentucky State Treasurer if the application is processed through the board; or

2. Be made to the online application management system as directed by the board.[:]

(c) Include three (3) letters of reference or completed Recommendation Form for Licensure as a Psychological Associate from persons qualified to evaluate the applicant's professional ability, including two (2) persons who have received a doctorate in psychology (Ph.D., Psy.D., or Ed.D.); and

(d) Include 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.

(3) Incomplete Application. An incomplete application shall be determined to be expired one (1) year from the date of filing, and may be destroyed.

Section 2. Temporary Licensure.

(1) An applicant may request permission to perform functions as a licensed psychological associate on a temporary basis pursuant to KRS 319.064(3).

(2) The request for a temporary credential shall be co-signed by the candidate and the proposed[~~pre-~~] supervisor, who shall be a licensed psychologist approved by the board and who holds the health services provider designation.

(3)

(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; and

2. Pass the Examination for Professional Practice in Psychology (EPPP).

(4)

(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 ~~on~~[~~upon~~] the temporary licensee's ability to complete the requirements in subsection (3)(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) A licensee shall submit a completed Request for Extension of Temporary Licensure as a Psychological Associate to the board to request an extension[~~under this subsection~~].

(c) If a temporary license requires an extension after one (1) year, the licensee may request a six (6) month extension.

(d) After the six (6) months, a second extension may be requested for an additional six (6) months.

(e) After a total of two (2) years of extensions, the licensee may request a second temporary license following the steps in this section.

(f) 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.

(g) Licensees shall not exceed a total of six (6) years of extensions for all temporary licenses nor hold a temporary license longer than six (6) years.

Section 3. 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 a candidate who has completed his or her degree requirements may begin employment by an agency to practice psychology under supervision with a board-approved supervisor. 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, the candidate and the licensed psychologist with health service practitioner designation who shall serve as the clinical 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 may be grounds for disciplinary action against the candidate and the clinical supervisor.

(2) It shall be the responsibility of the candidate to ensure that all materials are forwarded to the board within thirty (30) days from the date of agency employment. 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 their application material is insufficient to take any action, they shall be directed to cease practice until the requirements are met.

(3) The grace period shall not be extended beyond ninety (90) days. A candidate who fails to achieve approval within this timeframe shall not practice psychology until credentialed by the board.

(4) Upon filing the notice set forth in subsection (1) of this section, the candidate shall be practicing psychology under the jurisdiction of the board, and shall be subject to KRS Chapter 319 and 201 KAR Chapter 26.

(5) The applicant shall submit the official notice or notification of the request to ASPPB to the board within thirty (30) days of taking the examination.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Licensure as a Psychological Associate", August 2026[~~October 2025~~];

(b) "Recommendation Form for Licensure as a Psychological Associate", August 2026[~~October 2025~~]; and

(c) "Request for Extension of Temporary Licensure as a Psychological Associate", 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. This material is also available on the board's website at <https://psy.ky.gov>.

201 KAR 26.280

LISA BOND, M.S., Chair

APPROVED BY AGENCY: August 6, 2026

FILED WITH LRC: September 1, 2026 at 2:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 23, 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 November 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 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 psychological associate 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 psychological associate 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 and to define "agency" for purposes of the grace 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 psychological associate 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 and defining "agency" for purposes of the grace period.

(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 psychological associate.

(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. 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 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 Marriage and Family Therapists
(Amendment)**

201 KAR 32:010. Definitions for 201 KAR Chapter 32.

RELATES TO: KRS 335.330, KRS 335.337

STATUTORY AUTHORITY: KRS 335.320

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.320(9) requires the board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399. This administrative regulation establishes definitions for 201 KAR Chapter 32. KRS 335.337 creates a timeline for the discovery of technical errors found in an application for issuance, renewal, or reinstatement of a license. This administrative regulation establishes the definition of a technical error.

Section 1. Definitions.

(1) "Academic courses offered by an accredited postsecondary institution" means a marriage and family therapy course, designated by a marriage and family therapy course title or content, beyond the undergraduate level.

(2) "Approved" means recognized by the Kentucky Board of Licensure of Marriage and Family Therapists.

(3) "Approved supervisor" means an individual who:

(a) Holds a designation as an approved supervisor or supervisor in training granted by the American Association for Marriage and Family Therapy; or

(b) Is licensed as a marriage and family therapist in the Commonwealth of Kentucky with a minimum of five (5) years of experience in the practice of marriage and family therapy; ~~eighteen (18) months of which shall be as a therapist licensed in the Commonwealth of Kentucky].~~

(4) "Clinical supervision" means the direct, face-to-face or telehealth contact with individuals, couples, families, and groups in the practice of marriage and family therapy under the supervision of an approved supervisor. Face-to-face for the purposes of this definition includes synchronous contact via technology assisted services for those who have met the training requirements of 201 KAR 32:110. ~~direct, face-to-face interaction between the supervisor~~

and supervisee which utilizes a partnership aimed at enhancing the professional development of supervisees in providing marriage and family therapy services.]

(5) "Continuing education hour" means fifty (50) clock minutes of participating in continuing educational experiences.

(6) "Equivalent course of study" means a master's or doctoral degree from a regionally accredited institution in a mental health field closely related to marriage and family therapy which either contains, or has been supplemented by, the coursework in each of the basic core areas listed in 201 KAR 32:020, Section 2(2).

(7) "Licensee" means anyone holding any license type issued by the Kentucky Board of Licensure for Marriage and Family Therapists.

(8) ~~[(7)]~~ "Program" means an organized learning experience planned and evaluated to meet behavioral objectives; programs may be presented in one (1) session or in a series.

(9) ~~[(8)]~~ "Provider" means an organization approved by the Kentucky Board of Licensure for Marriage and Family Therapists for providing continuing education programs.

(10) ~~[(9)]~~ "Raw data" means video recorded sessions, live observation, or co-therapy with a board approved supervisor.

(11) ~~[(10)]~~ "Relevant" means having content applicable to the practice of marriage and family therapy as determined by the board.

(12) ~~[(11)]~~ "Successful completion" means that the licensee has satisfactorily met the specific requirements of the program and the licensee has earned the continuing education hours.

(13) "Systemic" means a therapeutic approach that focuses on the relationships and interactions within family systems emphasizing understanding individuals in the context of their family and broader social systems to improve communication, problem-solving, and emotional support within the family unit.

(14) "Technical error" means a clerical, administrative, or non-substantive error, omission, or defect in an application or accompanying materials that does not affect the applicant's eligibility or qualifications for licensure and that, upon correction, renders an otherwise complete application sufficient for licensure.

(15) ~~[(12)]~~ "Two (2) years experience in the practice of marriage and family therapy" means a minimum of two (2) years' of the practice of marriage and family therapy consisting of 1,000 hours of direct, face-to-face contact with individuals, couples, and families in the practice of marriage and family therapy under the supervision of an approved supervisor.

201 KAR 32:010

AMANDA BOMMER-VILLAVECES, Board Vice Chair

APPROVED BY AGENCY: May 21, 2026

FILED WITH LRC: September 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 11:00 a.m. local prevailing time at the Mayo-Underwood Building, Room 127 CW, 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 November 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: Matthew D. Ellison, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, Phone Number: (502) 782-0706 (office), Fax: (502) 564-4818, Email: matthew.ellison@ky.gov, Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.asp

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew D. Ellison, Staff Attorney III, Phone: 502-782-0706, Email: matthew.ellison@ky.gov

Subject Headings: Licensing, Marriage and Family Therapy, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes definitions for 201 KAR Chapter 32.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because it provides clear definitions to promote consistency throughout the chapter.

(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 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(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 statute by setting forth clear definitions to promote consistency throughout the chapter.

(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 terms used within the statutes and regulations governing Marriage and Family Therapy, aligns the terminology in this regulation with its use in other regulations, and defines a new term in KRS 335.337.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify terms used within the statutes and regulations governing Marriage and Family Therapy, to align the terminology in this regulation with its use in other regulations, and to define a new term in KRS 335.337.

(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 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(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 providing clear and consistent definitions for use by the licensees and the Board.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.337 Created 2026 Ky. Acts Ch. 79, 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 administrative regulation will affect approximately 916 licensees of the Board.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action will need to be taken by the licensees to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost for compliance with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The licensees will have a clearer understanding of the terms used in the governance of their license.

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

(a) Initially: There will be no 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 335.320(9) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(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 an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Marriage and Family Therapists is the promulgating agency.

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

1. Expenditures:

For the first year: There 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: There are no revenues anticipated for the first year.

For subsequent years: There are no revenues expected for 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): 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 of this administrative regulation for any entity identified in (3)(a), (4)(a), and (5)(a).

(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 for Marriage and Family Therapists (Amendment)

201 KAR 32:020. Equivalent course of study.

RELATES TO: KRS 335.330(1), (2)

STATUTORY AUTHORITY: KRS 335.320(9), 335.330(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.330(1) provides that the board shall define a course of study equivalent to a master's degree in marriage and family therapy and promulgate the equivalency standard by administrative regulations. This administrative regulation establishes the criteria for the equivalent course of study.

Section 1. Definition. "Related field" means psychology, community mental health, social work, or professional counseling.

Section 2. An applicant for licensure as a marriage and family therapist shall:

(1) Comply with the requirements of KRS 335.330; and

(2) Submit an application on the Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate form, incorporated by reference in 201 KAR 32:025.

(3) An applicant completing a postgraduate degree program, master's degree program, or doctoral degree program accredited by the Commission on Accreditation for Marriage and Family Education who also has completed a master's or doctoral degree program in a related field may count clinical contact hours and clinical supervision hours earned in a Commission on Accreditation for Marriage and Family Education postgraduate degree program, masters degree program, or doctoral degree program towards the clinical supervision requirements for licensure.

Section 3. The basic core areas that are necessary in order to qualify as an equivalent course of study, shall include the following:

(1) Marriage and family studies. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours, or 135 didactic contact hours). Courses in this area shall be theoretical in nature and have a major focus of system theory orientation, and may include:

- (a) Systems theory;
- (b) Family development;
- (c) Blended families;
- (d) Cultural issues in families;
- (e) Family subsystems;
- (f) Major models of family systems theory; or

(g) Gender issues in families;

(2) Marriage and family therapy. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours, or 135 didactic contact hours). Courses in this area shall have a major focus on family systems theory and systemic therapeutic interventions. Courses shall relate to major theories of family systems change and therapeutic practices evolving from each theoretical model. Examples include:

- (a) Structural communications family therapy;
- (b) Strategic object relations family therapy;
- (c) Behavioral family therapy;
- (d) Intergenerational family therapy;
- (e) Solution oriented family therapy;
- (f) Narrative family therapy; and
- (g) Systemic sex therapy;

(3) Human development. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours, or 135 didactic contact hours). Courses in this area shall provide knowledge of individual human personality development in both normal and abnormal manifestations. Topic areas include, for example:

- (a) Human development;
- (b) Personality theory;
- (c) Human sexuality; and
- (d) Effects of gender and cultural issues on human development;

(4) Psychopathology and Diagnostic and Statistical Manual of Mental Disorders. This area shall include a one (1) course minimum (three (3) semester hours, four (4) quarter hours, or forty-five (45) didactic contact hours). Courses in this area shall include psychopathology, diagnosis through use of the Diagnostic and Statistical Manual of Mental Disorders, or applications of the Diagnostic and Statistical Manual of Mental Disorders to marriage and family therapy;

(5) Professional studies. This area shall include a minimum of one (1) course minimum (three (3) semester hours, four (4) quarter hours, or forty-five (45) didactic contact hours). Courses include, for example:

- (a) Professional ethics in marriage and family therapy;
- (b) Legal responsibilities of the therapist;
- (c) Professional socialization and the role of the professional organization;
- (d) Licensure or certification legislation; and
- (e) Independent practice issues;
- (6) Research. This area shall include a minimum of one (1) course minimum (three (3) semester hours, four (4) quarter hours, or forty-five (45) didactic contact hours). Courses may include:

- (a) Statistics;
- (b) Research methods;
- (c) Quantitative methodology; or
- (d) Other courses designed to assist the student to understand and perform research; or

(7) Practicum or internship. The practicum or internship shall include a minimum of one (1) year or 300 hours of supervised direct client contact with individuals, couples, and families for family therapy.

(a) An applicant who did not complete a clinical practicum in graduate school may satisfy the practicum requirement with his or her first 300 post masters' client contact hours.

(b) These hours shall not be counted toward the two (2) years of required post master's experience or the 200 hours of clinical supervision.

Section 4. A course used to fulfill one (1) of the requirements established in Section 2 of this administrative regulation shall not be used to fulfill more than one (1) of the basic core area requirements.

Section 5.

(1) An applicant who completed a qualifying graduate degree in a mental health field prior to 1985 may substitute conferences, workshops, seminars, or in-service training related to marriage and family therapy attended or presented as a substitute for college coursework required in Section 3 of this administrative regulation.

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(2) Forty-five (45) contact hours of relevant content shall equal three (3) semester hours of credit.

(3) A list of equivalencies the applicant wishes to have considered shall be organized by core area as established in Section 3 of this administrative regulation.

(4) Appropriate documentation shall include:

- (a) Date;
- (b) Title;
- (c) Course description;
- (d) Sponsoring organization;
- (e) Presenter, including presenter's qualifications;
- (f) Number of contact hours attended or presented; and
- (g) Certificates of attendance.

Section 6. Other acceptable equivalencies shall be considered as follows:

(1) One (1) graduate level course taught on a subject relevant to marriage and family therapy after 1985 shall be considered equivalent to three (3) semester hours of credit.

(2) Publication on a subject relevant to marriage and family therapy dated after 1985 may be submitted as equivalencies as acceptable to the board. Credit shall be granted as follows:

(a)

1. A chapter in a book is equivalent to three (3) semester hours of credit.

2. An applicant who authors or edits a book shall be given credit equivalent to six (6) semester hours of credit.

3. An applicant shall submit a copy of the title page, table of contents, and bibliography.

(b)

1. Publication in a professional refereed journal shall be equivalent to three (3) semester hours of credit.

2. An applicant shall submit the journal table of contents and a copy of the article as it appeared in the journal including bibliography.

201 KAR 32:020

AMANDA BOMMER-VILLAVECES, Board Chair

APPROVED BY AGENCY: July 16, 2026

FILED WITH LRC: September 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 11:00 a.m. local prevailing time at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 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: Matthew D. Ellison, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, Phone Number: (502) 782-0706 (office), Fax: (502) 564-4818, Email: matthew.ellison@ky.gov, Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew D. Ellison, Staff Attorney III, Phone: 502-782-0706, Email: matthew.ellison@ky.gov

Subject Headings: Licensing, Marriage and Family Therapy, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for an equivalent course of

study as directed by KRS 335.330(1), which is an alternative educational requirement for an applicant to a master's degree in marriage and family therapy.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because the board is specifically directed by statute to promulgate an administrative regulation that establishes the criteria for an equivalent course of study.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399, and it satisfies the specific directives of KRS 335:330(1) that an equivalent course of study be established by the board.

(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 statute by setting forth the express requirements for an applicant to qualify for licensure under an equivalent course of study.

(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 corrects an inaccurate reference to the name of a national entity, but otherwise contains no substantive changes.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to correctly refer to the "Commission on Accreditation for Marriage and Family Education."

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399. Further, it conforms with the board's authority in KRS 335.330(1) to establish the requirements of an equivalent course of study for applicants who do not have a master's degree in marriage and family therapy.

(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 providing correct terminology to assist applicants in determining whether their educational background qualifies as an equivalent course of study.

(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 may affect applicants for licensure who may have educational credentials aside from a master's degree in marriage and family therapy, which is estimated to be 10 or fewer applicants in a given year.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action will need to be taken by any current licensees or potential applicants to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost for compliance with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Potential applicants will avoid any confusion as to what national entity is being referred to.

(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: KSR 335.320(9) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(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 any act of the General Assembly, aside from the general enabling statute, see KRS 335.320(9).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Marriage and Family Therapists is the promulgating agency.

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

1. Expenditures:

For the first year: There 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: There are no revenues anticipated for the first year.

For subsequent years: There are no revenues expected for 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): 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 of this administrative regulation for any entity identified in (3)(a), (4)(a), and (5)(a).

(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 for Marriage and Family Therapists (Amendment)

201 KAR 32:030. Licensure, renewals, reinstatements, endorsement, and fees.[Fees.]

RELATES TO: KRS 335.330, 335.340(1), (3), 335.342, 335.336
STATUTORY AUTHORITY: KRS 335.320(4), 335.330, 335.336, 335.340(1), (3), 335.348

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.330 requires the board to promulgate an administrative regulation establishing the initial fee for licensure required to be paid by an applicant for licensure and requires an applicant to pass a written examination prescribed by the board. KRS 335.340(1) requires that all licenses issued under KRS 335.330 shall be renewed annually, and that the board promulgate an administrative regulation establishing the fee for licensure renewal. KRS 335.340(3) requires the board to promulgate an administrative regulation establishing the late renewal fee. This administrative regulation establishes fees for licensure as a marriage and family therapist or marriage and family therapy associate. KRS 335.336 authorizes the board to issue a license to an applicant who holds an active license from another state of the United States. This administrative regulation establishes the application process for issuance of a license to a person holding a credential in another state of the United States.

Section 1. Initial Application Fee. The initial application fee for licensure as a marriage and family therapist shall be:

- (1) Fifty (50) dollars;
- (2) Nonrefundable; and
- (3) Payable to the Kentucky State Treasurer.

Section 2. Initial Licensure Fee. The initial fee for licensure as a marriage and family therapist shall be:

- (1) \$175;
- (2) Nonrefundable, unless the application is denied; and
- (3) Payable to the Kentucky State Treasurer.

Section 3. Initial Application.

(1) An applicant for licensure as a marriage and family therapist shall submit a completed Licensure as a Marriage and Family Therapist Application to the board in accordance with KRS 335.330 and with the fees required under Sections 1 and 2 of this administrative regulation.

~~[(2)] [The applicant shall complete six (6) hours of training in the field of suicide assessment, treatment, and management every six (6) years as required by 201 KAR 32:060, Section 1(4).]~~

~~[(3)] [The applicant shall complete the three (3) hours of training in the field of domestic violence, elder abuse, neglect, and exploitation within three (3) years of licensure as required by 201 KAR 32:060, Section 1(5).]~~

~~[(2)](4)] The applicant shall document professional experience obtained as a marriage and family therapy associate, including 1,000 client hours over a minimum of two (2) years, and verify clinical supervision as required by 201 KAR 32:035.~~

Section 4. Endorsement Application. An applicant seeking licensure by endorsement shall file a completed "Licensure as a Marriage and Family Therapist by Endorsement Application", DPL-MFT-06, July 2026, to the board in accordance with KRS 335.336 with the fees required under Sections 1 and 2 of this administrative regulation, which includes the following:

(1) Evidence of an active license in good standing from another state to practice as an independent marriage and family therapist with no history of serious disciplinary action; and

(2) Proof of successful completion of the examination administered and verified by the Association of Marital and Family Therapy Regulatory Boards or the California Board of Behavioral Sciences.

Section 5.[Section 4-] Examination Fee.

(1) An applicant shall pass the National Marital and Family Therapy Examination administered and verified by the Association of Marital and Family Therapy Regulatory Boards.

(2) An applicant for licensure by endorsement shall pass:

(a) The National Marital and Family Therapy Examination administered and verified by the Association of Marital and Family Therapy Regulatory Boards; or

(b) The Licensed Marriage and Family Therapist Clinical Examination administered and verified by the California Board of Behavioral Sciences.

[(2)] [The applicant shall pay the required examination fee.]

Section 6.[Section 5-] Renewal Fee.

(1) A licensed marriage and family therapist shall submit a completed Licensure as a Marriage and Family Therapist Renewal Application to the board in accordance with KRS 335.340.

(2) The fee for renewal of licensure as a marriage and family therapist shall be:

(a) \$150 annually;

(b) Nonrefundable; and

(c) Payable to the Kentucky State Treasurer.

(3) The licensee shall complete six (6) hours of training in the field of suicide assessment, treatment, and management every six (6) years as required by 201 KAR 32:060, Section 1(4).

(4) The licensee shall complete the three (3) hours of training in the field of domestic violence, elder abuse, neglect, and exploitation within three (3) years of licensure as required by 201 KAR 32:060, Section 1(5).

(5) The licensee shall submit proof of completion of the continuing education requirements under 201 KAR 32:060.

Section 7.[Section 6-] Late Renewal Fees.

(1) A licensee who renews a license during the ninety (90) day grace period provided by KRS 335.340(3) shall pay a late renewal fee of seventy-five [(75)] dollars (\$75) in addition to the payment of the renewal fee as established in Section 5 of this administrative regulation.

(2) The fee shall be:

(a) Nonrefundable; and

(b) Payable to the Kentucky State Treasurer.

[Section 7-] [Administrative Fine. A licensee who fails to meet the continuing education unit requirements as set forth in 201 KAR 32:060, by the renewal date, shall pay an additional administrative fine of seventy-five (75) dollars.]

Section 8. Reinstatement of an Expired License.

(1) In accordance with KRS 335.340, an expired license shall be reinstated by:

(a) Submitting a completed "Application for Expired License Reinstatement", DPL-MFT-08, July 2026[Reactivation];

(b) Paying of the renewal fee as established in Section 5 of this administrative regulation for each year since the date of last active licensure;

(c) Paying of a reinstatement fee of one hundred dollars (\$100)[\$100], which shall be:

1. Nonrefundable; and

2. Payable to the Kentucky State Treasurer; and

(d) Meeting all other requirements of this section of this administrative regulation.

(2) The applicant for reinstatement of an expired license shall submit proof of completion[-];

[(a)] [Completion] of fifteen (15) hours of continuing education for each year since the date of last active licensure as required by 201 KAR 32:060;

[(b)] [Completion of six (6) hours of training in the field of suicide assessment, treatment and management every six (6) years as required by 201 KAR 32:060, Section 1(4); and]

[(c)] [Completion of three (3) hours of training in the field of domestic violence, elder abuse, neglect, and exploitation within three (3) years of licensure as required by 201 KAR 32:060, Section 1(5)].

Section 9. Fees for Providers of Continuing Education.

(1) There shall be a nonrefundable fee of \$100 for a single continuing education workshop offered an unlimited number of times within one year of approval[in a calendar year, January 1 to December 31-]. The provider shall submit the "Continuing Education Program Provider Approval Application", DPL-MFT-09, July 2026, at least sixty (60) days in advance of the commencement of the program and with the applicable fee required under this subsection.

(2) There shall be a nonrefundable fee of \$300 for a provider designated as an approved sponsor for continuing education and that is providing more than one (1) continuing education program within[for] two (2) consecutive calendar years of approval[-, January 1 to December 31-]. The provider shall submit the "Application for Continuing Education Sponsor", DPL-MFT-11, July 2026, at least sixty (60) days in advance of the commencement of the program and with the applicable fee required under this subsection.

(3) The marriage and family therapist, and the marriage and family therapy associate shall submit the "Application for Continuing Education Program Post-Approval Individual", DPL-MFT-10, July 2026 for post approval only.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Licensure as a Marriage and Family Therapist Application", DPL-MFT-05, July 2026[2016];

(b) "Licensure as a Marriage and Family Therapist by Endorsement Application", DPL-MFT-06, July 2026;

(c) [(b)] "Licensure as a Marriage and Family Therapist Renewal Application", DPL-MFT-07, July 2026[2016];

(d) [(e)] "Application for Expired License Reinstatement[Reactivation]", DPL-MFT-08, July 2026[July 2016];

(e) [(d)] "Continuing Education Program Provider Approval Application", DPL-MFT-09, July 2026[2024];

(f) [(e)] "Application for Continuing Education Program Post-Approval Individual", DPL-MFT-10, July 2026[2016]; and

(g) [(f)] "Application for Continuing Education Sponsor", DPL-MFT-11, July 2026[May 2021].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Marriage and Family Therapists, 500 Mero Street, Second Floor[2SG-32], Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

201 KAR 32:030

AMANDA BOMMER-VILLAVECES, Board Vice Chair

APPROVED BY AGENCY: May 21, 2026

FILED WITH LRC: September 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 11:00 a.m. local prevailing time at the Mayo-Underwood Building, Room 127 CW, 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 November 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: Matthew D. Ellison, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, Phone Number: (502) 782-0706 (office), Fax: (502) 564-4818, Email: matthew.ellison@ky.gov, Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew D. Ellison, Staff Attorney III, Phone: 502-782-0706, Email: matthew.ellison@ky.gov

Subject Headings: Licensing, Marriage and Family Therapy, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the fees and requirements for licensure, licensure by endorsement, renewal, reinstatement, and sponsors of continuing education.

(b) The necessity of this administrative regulation: The administrative regulation is necessary under KRS 335.320(4) and 335.330, which require the Board to set by administrative regulation an initial licensure fee; KRS 335.332(3), which requires the Board to set by administrative regulation, an initial permit fee for associates; KRS 335.340(1), which requires the Board to set by administrative regulation a renewal fee; KRS 335.340(3), which requires the Board to set by administrative regulation a late fee; KRS 335.340(7), which requires the Board to prescribe administrative regulations for continuing education; KRS 335.320(9), which requires the Board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399; and KRS 335.336 which grants the Board the authority to issue licenses by endorsement.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.320(4) and 335.330 authorize the Board to charge a fee for an applicant to become licensed. KRS 335.332(3) authorizes the Board to charge a fee for an applicant to receive a permit from the Board. KRS 335.340(1) authorizes the Board to establish a fee for an applicant to renew license. KRS 335.340(3) allows the board to charge a late renewal fee. KRS 335.340(7) authorizes the Board to prescribe regulations for continuing education. KRS 335.320(9) requires the Board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: These amendments promote consistency, improve administrative efficiency, and provide clearer guidance to applicants, licenses, and continuing education providers regarding compliance with KRS Chapter 335.300 to 335.399 and the Board's administrative regulations.

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

(a) How the amendment will change this existing administrative regulation: This amendment establishes the requirements and fees for licensure by endorsement pursuant to KRS 335.336; clarifies the refundability of fees; removes redundant provisions already

addressed in other administrative regulations; permits acceptance of the California Board of Behavioral Sciences examination; eliminates an unused penalty fee, clarifies the process for reinstatement of an expired license; and clarifies applicable timelines for Board-approved continuing education providers.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish the requirements and fees for licensure by endorsement pursuant to KRS 335.336; clarify the refundability of fees; remove redundant provisions already addressed in other administrative regulations; permit acceptance of the California Board of Behavioral Sciences examination; eliminate an unused penalty fee; clarify the process for reinstatement of an expired license; and clarify applicable timelines for Board-approved continuing education providers.

(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 335.320(9), which requires the Board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399, and KRS 335.336 which grants the Board the authority to issue license by endorsement.

(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 promoting consistency, provide clearer guidance to applicants, licensees, and continuing education providers regarding compliance with KRS Chapter 335.300 to 335.399 and the Board's administrative regulations.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.336 Created 2026 Ky. Acts Ch. 79, 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 administrative regulation will affect all new applicants for licensure as well as the 916 current 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 licensure and licensees must continue to comply with the requirements of the administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for licensure and licensees must pay the fees required in order to comply 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, licensees and applicants will be eligible for licensure, licensure renewal, licensure reinstatement, and continuing education approval from the Kentucky Board of Licensure for Marriage and Family Therapists. All approved applicants will receive the benefit of licensure by the Board.

(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 establishes the fees for licensure, licensure renewal, licensure reinstatement, and continuing education approval. This administrative regulation amendment establishes a

new fee as required by KRS 335.336.

(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 335.320(4) and 335.330 authorize the Board to charge a fee for an applicant to become licensed. KRS 335.332(3) authorizes the Board to charge a fee for an applicant to receive a permit from the Board. KRS 335.340(1) authorizes the Board to establish a fee for an applicant to renew license. KRS 335.340(3) allows the board to charge a late renewal fee. KRS 335.340(7) authorizes the Board to prescribe regulations for continuing education. KRS 335.320(9) requires the Board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399. KRS 335.336 which grants the Board the authority to issue license by endorsement.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 335.336, 2026 Ky. Acts Ch. 79, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Marriage and Family Therapists is the promulgating agency.

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

1. Expenditures:

For the first year: There 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 amendment will generate revenues for the first year because it establishes a new licensure type associated with fees as established in KRS 335.336. The revenues for the first year are undeterminable as it is unclear how many applications for licensure by endorsement will be received and approved by the Board.

For subsequent years: This administrative regulation amendment will generate revenues for the first year because it establishes a new licensure type associated with fees as established in KRS 335.336. The revenues for the first year are undeterminable as it is unclear how many applications for licensure by endorsement will be received and approved by the Board.

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): 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: This administrative regulation amendment will generate revenues for the Board because it establishes a new licensure type associated with fees as established in KRS 335.336. The revenues for the first year are undeterminable as it is unclear how many applications for licensure by endorsement will be received and approved by the Board.

(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 for Marriage and Family Therapists (Amendment)

201 KAR 32:035. Supervision of marriage and family therapist[therapy] associates.

RELATES TO: KRS 335.300, 335.320(6), 335.330, 335.332

STATUTORY AUTHORITY: KRS 335.320(4), (5), (9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.320(9) requires the Board[board] to promulgate administrative regulations to implement KRS 335.300 to 335.399. KRS 335.320(4) requires the board to license applicants who satisfy the experience and educational requirements and who have paid the fee. KRS 335.320(5) requires the board to review and approve supervision contracts between marriage and family therapist[therapy] associates and their approved supervisors. This administrative regulation establishes the supervision requirements for marriage and family therapist[therapy] associates and their Board-Approved Supervisors[board-approved supervisors].

Section 1. Definitions.

(1) "Group supervision" means supervision of three (3) to six (6) supervisees with the supervisor.

(2) "Individual supervision" means supervision of one (1) or two (2) supervisees with the supervisor.

(3) "Qualified mental health professional" means a licensed marriage and family therapist, licensed psychologist, licensed psychiatrist, licensed professional clinical counselor, or licensed clinical social worker.

(4) "Raw data" means video recorded sessions, live observation, or co-therapy with a board-approved supervisor. The purpose of raw data is to provide supervision focused on developing the clinical competencies and professional growth of the associate consistent with marriage and family therapy relational/systemic philosophy, ethics, and practices of the profession of marriage and family therapy by evaluating their work first-hand with individuals.

couples, and families throughout their status as a marriage and family therapist associate.

(5) "Tracking Raw Data" means that for any portion of an hour of supervision with a board-approved supervisor, during which an associate provides and discusses the raw data, the entire hour shall be counted as one (1) hour of raw data toward the thirty-six (36) hour raw data requirement for licensure. If raw data is shown during provided Group Supervision, only the individual associate presenting the raw data shall count the raw data towards the thirty-six (36) hour raw data requirement for licensure.

(6) "Two (2) years of post-licensure experience in the practice of marriage and family therapy" means a minimum of two (2) years of the practice of marriage and family therapy consisting of 1,000 hours of direct, face-to-face or telehealth contact with individuals, couples, families, and groups in the practice of marriage and family therapy under the supervision of an approved supervisor. Face-to-face for the purposes of this definition includes synchronous contact via technology assisted services for those who have met the training requirements of 201 KAR 32:110.

Section 2. Qualifications for Board-Approved Supervisor[supervisors] Status.

(1) A Board-Approved Supervisor[Until December 31, 2015, a board-approved supervisor] shall be:

[(a)] [An American Association for Marriage and Family Therapy (AAMFT) approved supervisor in good standing;]

[(b)] [An AAMFT supervisor candidate; or]

[(c)] [A marriage and family therapist in good standing, who is licensed in Kentucky and has a minimum of five (5) years of post-licensure experience in the practice of marriage and family therapy;]

[(2)] [Except as established in subsection (3) of this section, effective January 1, 2016, a board-approved supervisor shall be:]

(a) An American Association for Marriage and Family Therapy (AAMFT) approved supervisor in good standing, who is licensed in Kentucky and has a minimum of two (2) years of post-licensure experience in the practice of marriage and family therapy;

(b) An AAMFT supervisor candidate in good standing who is licensed in Kentucky and has three (3) years of post-licensure experience in the practice of marriage and family therapy; or

(c) A marriage and family therapist in good standing, who is licensed in Kentucky and has a minimum of five (5) years of post-licensure experience in the practice of marriage and family therapy; with the last eighteen (18) months of experience being in Kentucky;]

[(3)] [AAMFT approved supervisors, AAMFT supervisor candidates, and non-AAMFT board approved supervisors, approved as of December 31, 2015, shall maintain board approved status.]

(2) [(4)] To obtain initial Board-Approved Supervisor[board-approved supervisor] status, an applicant [who is not an AAMFT supervisor or supervisor candidate in good standing] shall submit a written request to the Board and provide proof of completion of the following requirements:[of six (6) hours of board-approved continuing education courses in supervision;]

(a) If the candidate at the time of application is an AAMFT Supervisor:

1. Completion of AAMFT Approved Supervisor training; and

2. One (1) continuing education hour in Kentucky law governing the practice of marriage and family therapy, both in KRS 335.300 to 335.399 and 201 KAR Chapter 32.

(b) If the candidate at the time of application is an AAMFT Supervisor Candidate:

1. Enrollment in AAMFT Approved Supervisor training;

2. A letter of agreement of mentorship between the AAMFT Approved Supervisor Candidate and an AAMFT approved supervisor; and

3. One (1) continuing education hour in Kentucky law governing the practice of marriage and family therapy, both in KRS 335.300 to 335.399 and 201 KAR Chapter 32.

4. Upon completion of all AAMFT supervisor training requirements, an AAMFT Supervisor Candidate shall submit their request for status change to AAMFT Approved Supervisor.

(c) If the candidate at the time of application is neither an AAMFT Supervisor nor an AAMFT Supervisor Candidate:

1. Six (6) continuing education hours of board-approved continuing education courses in supervision; and

2. One (1) continuing education hour in Kentucky law governing the practice of marriage and family therapy, both in KRS 335.300 to 335.399 and 201 KAR Chapter 32.

(d) [(a)] Any continuing education[The] course shall be taken within the two (2) years preceding the date of initial application to become a board-approved supervisor.

(e) [(b)] The educational[This] requirement for obtaining board approval as a supervisor shall be in addition to the hours of continuing education required for licensure renewal.

(f) [(c)] Each approved course shall be live or online and shall include:

1. Kentucky law governing the practice of marriage and family therapy, both in KRS 335.300 to 335.399 and 201 KAR Chapter 32;
2. Theories of supervision;
3. Ethical issues involved in supervision; and
4. Supervisor responsibilities such as logs, treatment planning, and recording.

(3) Board-Approved Supervisor status shall last for one year, and is subject to renewal as follows: [(5) To maintain approved supervisor status, a non-AAMFT approved supervisor shall complete at least two (2) hours of continuing education in supervision every year. These two (2) hours shall be included in the hours of continuing education required for licensure renewal. Each approved course shall be live or online, and shall include:]

(a) If the supervisor is neither an AAMFT Approved Supervisor nor an AAMFT Supervisor Candidate, they shall complete at least two (2) continuing education hours in supervision every year. These shall be included in the hours of continuing education hours required for licensure renewal. Each approved course shall be live or online, synchronous or asynchronous, and shall include:

1. [(a)] Kentucky law governing the practice of marriage and family therapy, both in KRS 335.300 to 335.399 and 201 KAR Chapter 32;

2. [(b)] Theories of supervision;

3. [(c)] Ethical issues involved in supervision; and

4. [(d)] Supervisor responsibilities such as logs, treatment planning, and recording.

(b) If the supervisor is [(6) To renew as a board-approved supervisor, an AAMFT Approved Supervisor[approved supervisor] or AAMFT Supervisor Candidate, the supervisor[supervisor candidate] shall complete at least one (1) continuing education hour[hour of continuing education] every year in Kentucky law governing the practice of marriage and family therapy found both in KRS 335.300 to 335.399 and 201 KAR Chapter 32. The course shall be attended live or online. The one (1) hour shall be included in the hours of continuing education required for licensure renewal.

Section 3. Clinical Supervision.

(1) Clinical supervision shall:

(a) Begin promptly when the supervisee and supervisor are notified of approval of:

1. The Marriage and Family Therapist Associate Permit application; or

2. A New Supervision Plan for Clinical Experience.

(b) [(a)] Be equally distributed throughout the qualifying period and shall average at least four (4) hours per month as specified in the supervision contract;

(c) [(b)] Be clearly distinguishable from psychotherapy, didactic enrichment, or training activities;

(d) [(c)] Focus on raw data from the supervisee's clinical work within in the last twelve (12) months;

(e) [(d)] Be direct, face-to-face contact between the supervisor and supervisee or be conducted via live video conferencing if both the supervisor and supervisee have met the educational requirements of 201 KAR 32:110, Section 3(1) and (2); and

(f) [(e)] Continue until the supervisee is licensed by the board.

(2) The supervision process shall focus on:

(a) Accurate diagnosis of client problems leading to proficiency in applying professionally recognized nomenclature and developing a plan for treatment as established in the most recent edition of [DSM 5: Diagnostic and Statistical Manual of Mental Disorders, (DSM) 5th Edition (2013)];

(b) Development of treatment skills appropriate to the therapeutic process;

(c) Development of sensitivity to context and issues relating specifically to the client receiving therapy~~[family or individual being counseled]~~;

(d) Acknowledgment of an awareness of the use of the professional self of the therapist in the process of therapy;

(e) Increased theoretical and applied knowledge for the therapist;

(f) Acquisition of a greater depth of knowledge and range of techniques in the provision of marriage and family therapy; and

(g) Awareness of ethical issues in practice, in order to safeguard and enhance the quality of care available to marriage and family therapy clients.

Section 4. Annual Supervision Requirements for Marriage and Family Therapist Associate Permit Renewal.

(1) An associate shall receive a minimum of 48 hours of qualified supervision in each year that they hold an associate permit, commencing with the issuance of the permit. An associate who does not meet this annual requirement shall not be eligible for a renewal of their permit, subject to subsection (2) and (3).

(2) Notwithstanding the foregoing, an associate who did not receive a minimum of 48 hours of qualified supervision in a year may seek in writing, no later than 30 days prior to the expiration of their permit, a hardship waiver of this annual requirement for circumstances involving medical disability, illness, undue hardship, active military service, loss of a supervisor, or other extenuating circumstances that precluded the individual from attaining this requirement. Any written request shall include a detailed description of the reasons justifying such waiver along with documents or other proof evidencing same.

(3) Notwithstanding subsection (1), an associate who did not receive a minimum of 48 hours of qualified supervision in a year and does not qualify for a hardship waiver under subsection (2), may seek a one-time waiver from the Board by providing written notice of a request for a non-hardship waiver no later than 30 days prior to the expiration of their permit. The Board shall not grant more than one waiver under this subsection during the entire duration of the associate permit.

(4) Any associate who receives a hardship waiver under subsection (2) or a non-hardship waiver under subsection (3) shall make up the deficit in hours in the following year of their permit. Failure to satisfy this condition shall be grounds for denial of any future permit renewal.

(5) Any hardship waiver or non-hardship waiver granted by the Board shall not alter the requirement set forth in KRS 335.330(2)(b) for licensure as a marriage and family therapist.

(6) All clinical supervision relied upon by an applicant for a marriage and family therapist license to satisfy the requirements of KRS 335.330(2)(b), must comply with the requirements of this section and must be provided by a Board-Approved Supervisor. Any clinical supervision received by a supervisee while the supervisee does not hold a permit issued by the Board, shall not count toward either:

- (a) the requirements set forth in KRS 335.330(2)(b); or
- (b) the requirements set forth in subsection (1) of this section.

Section 5.[Section 4.] Standards for Raw Data Used for Supervision. The use of raw data in a supervision session shall constitute a minimum of thirty-six (36)~~[fifty (50)]~~ hours of the 200 hours of required supervision. In a group setting, raw data can only be used for an individual presenting or conducting the raw data, not the entire group.

Section 6.[Section 5.] In a therapy session involving a board-approved supervisor and supervisee:

(1) The role of the Board-Approved Supervisor~~[board-approved supervisor]~~ as a supervisor or co-therapist shall be clearly defined prior to beginning a therapy session; and

(2) The supervisees shall receive credit for client contact hours and supervision hours.

Section 7.[Section 6.] Documentation Requirements.

(1) The Board-Approved Supervisor~~[board-approved supervisor]~~ and marriage and family therapist~~[therapy]~~ associate

shall maintain copies of the completed Supervision~~[Supervisory]~~ Log, which shall document:

- (a) The frequency and type of supervision provided; and
 - (b) The method of supervision utilized, such as observation, dialogue and discussion, and instructional techniques employed.
- (2) No more than 100 hours of supervision shall take place in group supervision.
- (3) At least 100 hours shall take place in individual supervision.

Section 8.[Section 7.] Number of Supervisees.

(1) A Board-Approved Supervisor~~[board-approved supervisor]~~ shall not supervise more than twelve (12) marriage and family therapist~~[therapy]~~ associates at the same time, unless approved by the board.

(2) A request to supervise more than twelve (12) marriage and family therapist~~[therapy]~~ associates shall be submitted to the board for approval and shall demonstrate in writing the supervisor's plan and ability to supervise additional marriage and family therapist~~[therapy]~~ associates.

Section 9.[Section 8.] Temporary Supervision.

(1) In extenuating circumstances, if a marriage and family therapist~~[therapy]~~ associate is without supervision, the associate may continue working up to ninety (90) calendar days under the supervision of a qualified mental health professional while an appropriate Board-Approved Supervisor~~[board-approved supervisor]~~ is sought and a new supervision contract is submitted to the Board~~[board]~~. Extenuating circumstances include situations such as death or serious illness of the Board-Approved Supervisor~~[board-approved supervisor]~~, a leave of absence by the supervisor, or the termination of the supervisor's employment.

(2) (a) Within thirty (30) calendar days of a change in status of board-approved supervision, the supervisee shall:

- 1. Notify the board of these circumstances; and
- 2. Submit, in writing, a plan for resolution of the situation.

(b) The written plan shall include:

- 1. The name of the temporary supervisor;
- 2. Verification of the credential held by the temporary supervisor;
- 3. An address for the temporary supervisor; and
- 4. A telephone number for the temporary supervisor.

Section 10.[Section 9.] Board-Approved Supervisor's~~[Board-approved supervisor's]~~ Responsibilities to Clients and Supervisees.

(1) A Board-Approved Supervisor~~[board-approved supervisor]~~ shall be responsible for ensuring the proper and appropriate delivery of marriage and family therapy services to clients.

(2) A Board-Approved Supervisor~~[board-approved supervisor]~~ shall be responsible for fostering the professional competence and development of the marriage and family therapist~~[therapy]~~ associates under their~~[his or her]~~ supervision.

(3) A Board-Approved Supervisor~~[board-approved supervisor]~~ shall be responsible for compliance with the code of ethics established in 201 KAR 32:050 and take steps to ensure that supervisees comply with the code of ethics as well.

Section 11.[Section 10.] Incorporation by Reference.

(1) "Supervision~~[Supervisory]~~ Log", DPL-MFT-04, July 2026~~[7/2015]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street, Second Floor~~[2-SC-32]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 32:035

AMANDA BROMMER-VILLAVECES, Chair

APPROVED BY AGENCY: August 20, 2026

FILED WITH LRC: September 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 11:00 a.m. local prevailing time at the Mayo-Underwood Building, Room 127 CW, 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 November 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: Matthew D. Ellison, 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: Matthew.Ellison@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew D. Ellison, Staff Attorney III Phone: 502-782-0706 Email: matthew.ellison@ky.gov

Subject Headings: Licensing, Marriage and Family Therapy, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation creates certain definitions and criteria for the clinical supervision requirements of marriage and family therapist associates, that must be fulfilled under KRS 335.330(2)(b) before a person may be licensed as a marriage and family therapist. It also creates criteria for which a licensee may be approved by the board as a supervisor, and establishes certain requirements for both supervisors and supervisees.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because it provides necessary definitions, guidelines and expectations for licensees who are either providing clinical supervision, or being supervised.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399. Further, KRS 335.330(2)(b) permits the board to establish the criteria for clinical supervision toward the 200-hour statutory requirement.

(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 statute by i) providing clear definitions relevant to clinical supervision; ii) establishing qualifying criteria for licensees providing clinical supervision, along with minimum criteria and expectations for supervision for both the supervising licensee and the supervisee licensee; and iii) setting forth the requirements for supervision, for the annual renewal of a marriage and family therapist associate permit.

(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 enumerates a defined term and establishes a new definition relevant to clinical supervision. It also requires prospective action from a licensee wishing to become board-approved for clinical supervision, and it creates different continuing education requirements based upon the licensee's status that relates to rendering clinical supervision, both for initial approval and renewal. This amendment also creates an express requirement of annual supervision for the renewal of an associate permit along with a process to request a waiver, and specifies that clinical supervision must take place while the associate holds a valid board-issued permit in order to count toward the statutory requirement under KRS 335.330(2)(b). Finally, this amendment lowers the minimum requirement of use of raw data in clinical supervision from 50 hours to 36, toward the 200-hour requirement in KRS 335.330(2)(b).

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide more detailed definitions, requirements and guidelines concerning clinical supervision required for marriage and family therapist licensure. These changes will result in a more effective realization of the aims and objectives of requiring clinical supervision of associates prior to full licensure.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399. Further, KRS 335.330(2)(b) permits the board to establish the criteria for constituting clinical supervision required of applicants for a marriage and family therapist license.

(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 providing clear and consistent definitions and enumerated examples for use by the licensees and the Board, as well as reflect appropriate criteria for obtaining board-approved status as a supervisor and for renewal of such status.

(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 i) the approximately 180 current licensees of the board who currently hold a marriage and family therapist associate permit and who are therefore accruing clinical supervision hours toward statutory requirements for full licensure; and ii) the approximately 146 licensees who currently have board-approved supervisor status.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action will need to be taken by the licensees to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no increased cost for compliance with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): All licensees will have a better and clearer understanding of the requirements and expectations for clinical supervision, with respect to both quality and quantity. Such should result in better training and skill development for all licensees within the 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 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 335.320(9) authorizes the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399. KRS 335.320(4) requires the board to license applicants who satisfy the experience and educational requirements and who have paid the fee. KRS 335.320(5) requires the board to review and approve supervision contracts between marriage and family therapist associates and their board-approved supervisors.

(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 any act of the General Assembly, aside from the general enabling statute, see KRS 335.320(9).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Marriage and Family Therapists is the promulgating agency.

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

1. Expenditures:

For the first year: There 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: There are no revenues anticipated for the first year.

For subsequent years: There are no revenues expected for 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): 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 affected local entities (for example: cities, counties, fire departments, school districts): 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 of this administrative regulation for any entity identified in (3)(a), (4)(a), and (5)(a).

(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 for Marriage and Family Therapists
(Amendment)

201 KAR 32:070. Complaint procedure.

RELATES TO: KRS 335.305(1), 335.348, 335.350, 335.399

STATUTORY AUTHORITY: KRS 335.320(9), 335.325

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.320(9) requires the Kentucky State Board of Licensure for Marriage and Family Therapists to promulgate administrative regulations to implement KRS Chapter 335. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. Definitions.

(1) "Chair"["Chairman"] means the chair[chairman] or vice-chair[vice-chairman] of the board.

(2) [(2)] "Charge" means a specific allegation contained in a formal complaint, as defined in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 335 or 201 KAR Chapter 32. (3) "Complaint" means a written allegation of misconduct by a credentialed individual or other person that may constitute a violation of KRS Chapter 335 or 201 KAR Chapter 32.

(3) [(4)] "Complaint [screening] committee" means a committee consisting of three (3) persons on the board appointed by the chair[chairman] of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint, and in addition to board members, the executive director of the board or another staff member may be appointed to serve on this committee.

(4) [(5)] "Formal complaint" means a formal administrative pleading authorized by the board that provides notice to [charges] a licensed individual or other person off[with] an alleged violation and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(5) [(6)] "Informal proceedings" means the proceedings instituted at any 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.

(6) [(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.

(7) "Violation" means a specific allegation contained a formal complaint, as defined in subsection (4) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 335 or 201 KAR Chapter 32.

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 using the Complaint Form and Instructions; and
 2. Signed by the person offering the complaint; and
- (c) May be filed by the board based upon information in its possession.

(2) Upon receipt of a complaint:

- (a)
 1. 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.
 2. The individual shall have a period of twenty (20) days from the date of receipt to submit a written response.
- (b)
 1. Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant.
 2. The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 3. Initial Review.

- (1)
 - (a) After the receipt of a complaint and the expiration of the period 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.
 - (b) ~~After review of the complaint committee, the~~[The] board ~~may~~shall determine whether there is enough evidence to warrant a formal investigation of the complaint and authorize a formal investigation, or:
 - (c) Authorize the initiation of a formal complaint in accordance with the provisions of KRS 13B.
- (2) If the board determines ~~[before formal investigation]~~ that a complaint is without merit, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a complaint warrants a formal investigation, it shall:
 - (a) Authorize an investigation into the matter; and
 - (b) Order a written status report to be made to the complaint ~~[screening]~~ committee every sixty (60) days until the investigation is completed.

Section 4. Results of Formal Investigation; Board Decision on Hearing.

- (1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint ~~[screening]~~ committee of the facts regarding the complaint.
 - (a) The committee shall review the investigative report and make a recommendation to the board.
 - (b) The board shall determine whether there has been a violation of KRS Chapter 335 or 201 KAR Chapter 32 and may authorize the initiation of a formal complaint~~[and a complaint shall be filed]~~.
 - (2) If the board determines that a complaint is without merit after a formal investigation~~[does not warrant issuance of a formal complaint]~~, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
 - (3) If the board determines that a violation has occurred but ~~declines to file a formal administrative action,~~is not serious, the board shall issue a written admonishment to the licensee.
 - ~~[(a)]~~ A copy of the written admonishment shall be placed in the permanent file of the licensee.
 - ~~[(b)]~~
 - ~~[(c)]~~ [The licensee shall have the right to file a response in writing to the admonishment within thirty (30) days of its receipt and may have it placed in his permanent file. 2.]
 - ~~[(a)]~~ The~~[a. Alternatively, the]~~ licensee may file a request for a hearing with the board within thirty (30) days of the admonishment.

~~[(b)]~~[b.] Upon receipt of the request, the board shall ~~suspend~~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 pursuit of a formal administrative action, the board shall authorize such proceedings and file a formal administrative complaint pursuant to KRS Chapter 13B.~~[the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint that states clearly the charge or charges to be considered at the hearing.]~~

~~[(a)] [The formal complaint shall be reviewed by the board and, if approved, signed by the chairman and served upon the individual as required by KRS Chapter 13B.]~~

~~[(b)] [The formal complaint shall be processed in accordance with KRS Chapter 13B.]~~

(5) If the board determines that a person may be in violation of KRS 335.305(1), it shall:

- (a) Order the individual to cease and desist from further violations of KRS 335.305(1);
- (b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 335.305(1) with a request that appropriate action be taken pursuant to KRS 335.399; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 335.305(1) if violations persist subsequent to the actions taken in subsection (a) and (b) of this Section.

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 formal 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~~[man]~~and be deemed a public document unless designated confidential by a court order.

~~[(3)] [The board may employ mediation as a method of resolving the matter informally.]~~

Section 6. Notice of Formal Complaint and Service of Process. A notice required by KRS Chapter 335 or this administrative regulation shall be issued pursuant to KRS Chapter 13B. All formal complaint Notices, processes and Hearings shall be conducted under the provisions of KRS 13B.

Section 7. Notification. The board shall make public:

- (1) Its final order in a disciplinary action pursuant to KRS 335.350 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 335.305(1).

Section 8. Incorporation by Reference.

(1) "Complaint Form and Instructions", Form MFT-12 (2026)~~[2009]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 500 Mero Street, Second Floor~~[911 Leawood Drive]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 32:070

AMANDA BOMMER-VILLAVECES, Chair

APPROVED BY AGENCY: July 16, 2026

FILED WITH LRC: September 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 11:00 a.m. 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 November 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: Matthew D. Ellison, Title: Staff Attorney III Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#4 Phone Number: (502) 782-0706 (office) Fax: (502) 564-4818 Email: Matthew.Ellison@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew D. Ellison, Staff Attorney III Phone: 502-782-0706 Email: matthew.ellison@ky.gov

Subject Headings: Licensing, Marriage and Family Therapy, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the board procedure for the processing, investigation and disposition of complaints submitted against licensees.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because it sets forth the procedure by which complaints against licensees are handled by the board, which may affect their licensure.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(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 statute by providing a consistent and repeatable procedure for licensees who have had complaints raised against their conduct, and sets forth the process so licensees may understand the board's procedure and respond accordingly.

(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 modifies some defined terms and further provides that the initial review of all complaints shall be performed by a board committee, who then presents their recommendation to the board. It further establishes a required timeline for any investigation to provide status reports on the investigation to the board, if the board determines that there is enough evidence to warrant further investigation. It also clarifies the different procedures for resolution of complaints between serious and non-serious violations of applicable law or regulations, and eliminates an option for a licensee to provide a written response to an admonishment by the board for non-serious violations, while still maintaining the licensee's right to appeal the admonishment through the administrative hearing process. It also provides further clarity that agreed orders of resolution of disciplinary matters are considered public documents, even if there is no final order by the board as the result of a disciplinary inquiry.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish a consistent, repeatable procedure for the board's disposition of licensee complaints, while affording the board various options depending on the perceived severity of any violations. It is also necessary to provide licensees with a clearer understanding of the board's procedure and the licensee's rights at various steps.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(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 providing clear and consistent procedures and rules that may be relied upon by the licensees and 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 administrative regulation will affect the ap-proximately 912 licensees of the board.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action will need to be taken by the licensees to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost for compliance with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The licensees will have a clearer understanding of the steps and procedures involved in the disciplinary process employed by the board.

(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 may be a continuing cost to the board if it uses the services of an outside investigative entity to conduct any formal investigation; however, such costs are not expected to exceed \$5,000.00 in any given year.

(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 licensees 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 335.320(9) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(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 any act of the General Assembly, aside from the general enabling statute, see KRS 335.320(9).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Marriage and Family Therapists is the promulgating agency.

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

1. Expenditures:

For the first year: There 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: There are no revenues anticipated for the first year.

For subsequent years: There are no revenues expected for 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): 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):

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

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

1. Expenditures:

For the first year: 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 of this administrative regulation for any entity identified in (3)(a), (4)(a), and (5)(a).

(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. The historical number of licensee complaints which might warrant the use of an outside investigative entity to determine whether disciplinary proceedings are warranted, are not numerous enough to anticipate exceeding \$500,000 over a two-year period.

(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 for Marriage and Family Therapists
(Amendment)**

201 KAR 32:101. Reinstatement of license subject to disciplinary action.

RELATES TO: KRS 335.325(5), 335.340(5), (7)

STATUTORY AUTHORITY: KRS 335.320(9), 335.348, 335.360

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.348 empowers the board to punish a licensee for violation of the statutes and administrative regulations governing the practice of marriage and family therapy. This includes the ability to revoke a license. KRS

335.360 permits a person whose license has been revoked to apply for reinstatement after five (5) years. This administrative regulation establishes the requirements for reinstatement of a license that has been the subject of disciplinary action by the board.

Section 1. Definition. (1) "A license [~~voluntarily~~]-surrendered in lieu of revocation[~~as if revoked~~]" means the process by which a person who holds a license issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.

Section 2. Reinstatement of a License Revoked by Disciplinary Action of the Board.

(1) If a license has been revoked, an individual may apply for reinstatement by:

(a) Completing the Revoked License Reinstatement[License Reinstatement] form;

(b) Paying the initial licensure fee as set forth in 201 KAR 32:030;

~~[(e)] [Paying the examination fee as established in 201 KAR 32:030;]~~

~~[(c)]~~~~[(d)]~~ Taking the licensure examination and achieving a passing score; and

~~[(d)]~~~~[(e)]~~ The applicant shall show evidence of completion of fifteen (15) hours of continuing education with nine (9) continuing education hours being in the field of marriage and family therapy ethics[~~for each year since the date of revocation~~] in accordance with the requirements established in 201 KAR 32:060 Section 1. The continuing education hours shall be taken within one (1) year prior to applying for reinstatement.

(2) Upon submission of a completed reinstatement application:

~~[(a)] [A hearing shall be held to determine whether or not to reinstate the former licensee.]~~

~~[(a)]~~~~[(b)]~~ The board shall consider the information contained in the application and the ~~[testimony and]~~ evidence ~~[obtained in the hearing]~~.

~~[(b)]~~~~[(e)]~~ Based upon the information gathered the board shall determine if reinstatement of the license would be a threat to public safety, health ~~or~~[~~and~~] welfare.

~~[(3)]~~~~[(4)]~~ If the board upon review of the application and all supporting documentation finds that the applicant meets the qualifications for reinstatement and determines the applicant no longer poses a danger to the public, it may reinstate the license.[~~If the board finds that there no longer exists a danger to the public, it may reinstate the license.~~]

~~[(4)]~~~~[(e)]~~ If the board upon review of the application and all supporting documentation finds that the applicant does not meet the qualifications for reinstatement or determines the applicant still poses a danger to the public, it may refuse to reinstate the license.[~~If the board finds that the danger still exists, it may refuse to reinstate the license.~~]

Section 3. Reinstatement of a License [~~which was~~ Voluntarily] Surrendered in lieu of revocation[~~as if Revoked~~].

(1) If a license has been [~~voluntarily~~]-surrendered in lieu of revocation[~~as if revoked~~], an individual may apply for reinstatement by:

(a) Completing the Revoked License Reinstatement[License Reinstatement] form;

(b) Paying the initial licensure fee as set forth[~~established~~] in 201 KAR 32:030;

(c) Paying ~~the~~[~~a~~] reinstatement fee as set forth in 201 KAR 32:030[~~of fifty (50) dollars~~];

(d) The Board will confirm[~~Notifying the board, in writing,~~] that the requirements of any agreed order have been ~~[met or]~~ completed[~~;~~ and]

~~[(e)] [Notifying the board, in writing, to request that a hearing be held to determine if the issuance of a license would no longer be a threat to public safety and welfare;]~~

(2) An individual whose license has been [~~voluntarily~~]-surrendered in lieu of revocation[~~as if revoked~~] shall be required to comply with the annual continuing education requirements for the

period during which the license was [voluntarily] surrendered in accordance with the requirements established in 201 KAR 32:060.

Section 4. Incorporation by Reference.

(1) "~~Revoked License Reinstatement~~[License Reinstatement] form," DPL-MFT-13 (2026[2000] Edition), Kentucky Board of Licensure for Marriage and Family Therapists, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Kentucky Board of Licensure for Marriage and Family Therapists, 500 Mero Street, Second Floor[911 Leawood Drive, Berry Hill Annex], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 32:101

AMANDA BOMMER-VILLAVECES, Chair

APPROVED BY AGENCY: August 20, 2026

FILED WITH LRC: September 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 11:00 a.m. local prevailing time at the Mayo-Underwood Building, Room 127 CW, 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 November 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: Matthew D. Ellison, 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: Matthew.Ellison@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew D. Ellison, Staff Attorney III Phone: 502-782-0706 Email: matthew.ellison@ky.gov

Subject Headings: Licensing, Marriage and Family Therapy, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a procedure for persons whose license has been suspended or revoked, or have voluntarily surrendered their license as part of a pending disciplinary action, to seek reinstatement of that license upon meeting certain criteria.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 335.360 permits a person whose license has been revoked or surrendered, to apply for reinstatement after five (5) years. The statute also states that the reinstatement process shall be in accordance with the procedures established by the board through administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399. KRS 335.360 also enables the board to promulgate administrative regulations to implement the process of seeking reinstatement.

(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 statute by setting forth the procedure and criteria for persons seeking reinstatement of a revoked license, or license that was surrendered while being subjected to disciplinary proceedings.

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

(a) How the amendment will change this existing administrative regulation: This amendment establishes a new category of revocation of license for when the licensee agrees to the revocation of licensure in the context of the administrative hearing process, and creates a reinstatement process that is less onerous than one in which the licensee was revoked through a final order issued by the board. It also creates a single application for either category of revoked licenses, and no longer requires the board to hold a hearing to determine whether reinstatement of the license would not pose a danger to the public. It also requires applicants whose license was voluntarily surrendered in lieu of revocation, to pay the same reinstatement fee as those whose license was revoked via a final order of the board, and to use the same application. Finally, it requires that continuing education requirements for former licensees seeking reinstatement be completed within one year prior to the application for reinstatement, and specifies a minimum ethics requirement within the required hours.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide a fairer and more expedient pathway to reinstatement for persons seeking such. It also streamlines the process by creating a single required form for all persons seeking reinstatement, regardless of the specific mechanism by which their licensure was revoked.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the board's authority in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399. Further, KRS 335.360 permits the board to create a specific process for the reinstatement of licenses after a period of five (5) years.

(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 i) providing a more fair and clearer pathway to reinstatement for persons seeking same; ii) by creating a more streamlined process for determining whether the criteria for reinstatement have been met; and iii) creates a specific ethical requirement for continuing education criteria, that will better equip applicants to comply the statutory and regulatory requirements imposed upon licensees.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation may affect an unknown number of both current licensees (approximately 912) and former licensees of the board; however, based on historical precedent, there are not likely to be any more than five persons in a given year that seek reinstatement of a license previously revoked by either final board order or voluntary agreement.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action will need to be taken by any current licensees to comply with this amendment. Future applicants for reinstatement will have to ensure that they meet the revised remedial continuing education requirements, and persons applying for reinstatement whose license was voluntarily surrendered in lieu of revocation will now have to pay the full reinstatement fee.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): For former licensees who had surrendered their license in lieu of revocation, they will now have to pay a \$100 reinstatement fee, up from \$50 in the previous version of this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees seeking reinstatement will now have a more streamlined determination process, and they will have continuing education requirements with a greater focus on professional issues more relevant to the circumstances which may have initially caused the disciplinary proceedings which led to their license being revoked.

(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 itself 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 amendment to an existing administrative regulation increases the fees owed by an applicant for reinstatement who had surrendered their license in lieu of revocation, to \$100 from the previously required \$50.

(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: KSR 335.320(9) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399.

(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 any act of the General Assembly, aside from the general enabling statute, see KRS 335.320(9).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Marriage and Family Therapists is the promulgating agency.

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

1. Expenditures:

For the first year: There 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: There may be additional revenues generated by the increase in fees for a narrow class of licensees who apply to reinstate their licenses after having voluntarily surrendering them. However, this increase in revenue is not expected to exceed \$500 in any given year.

For subsequent years: Additional revenues would not be expected to exceed \$500 in any given year.

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): 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 may be a minimal fiscal impact based upon the slight increase of one category of fee for reinstatement of a license that was surrendered in lieu of revocation.

(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.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (Amendment)

301 KAR 2:041. Shooting areas, dog training areas, commercial and noncommercial foxhound training enclosures, ~~[and] bobwhite shoot-to-train season, and rabbit training enclosures.~~

RELATES TO: KRS 13B, 150.010, 150.170, 150.180, 150.280, 150.630, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(29), 150.240(2)

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 Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(29) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas. This administrative regulation establishes a bobwhite shoot-to-train season and other requirements to ensure uniform operation of shooting areas, dog training areas, ~~[and] commercial and noncommercial foxhound training enclosures, and rabbit training enclosures.~~

Section 1. Definitions.

(1) "Commercial foxhound training enclosure" means a fenced area where red fox (*Vulpes vulpes*), coyote (*Canis latrans*), or both species are to be held for the purposes of dog training and for which business transactions occur to accumulate compensations, payments, or profits.

(2) "Dog training area permit" means a permit that designates an area to allow dog training and shooting of captive-reared bobwhite quail.

(3) "Hoofed animal" means ungulate wildlife except wild hogs and javelinas.

(4) "Noncommercial foxhound training enclosure" means a fenced area where red fox (*Vulpes vulpes*), coyote (*Canis latrans*), or both species are to be held for the purposes of dog training but for which no compensations or payments are received or profits earned in any way.

(5) "Rabbit training enclosure" means a fenced enclosure permitted by the department in which native eastern cottontail rabbits (*Sylvilagus floridanus*) are held for the purpose of dog training by chase only.

~~(6)~~~~(5)~~ "Shooting area" means a place where animals are held or propagated in captivity and released to be taken by hunters.

Section 2. Seasons.

(1) The dog training area season and the dog training area hunting season shall be year-round for:

- (a) Captive-reared bobwhite quail;
- (b) Pheasant and chukar, pursuant to 301 KAR 3:030; ~~and~~
- (c) Commercial and noncommercial foxhound training enclosures for chase but not to kill red fox or coyote; ~~and~~[-]

(d) Permitted rabbit training enclosures for chase but not to kill native eastern cottontail rabbits (*Sylvilagus floridanus*).

(2) The shooting area hunting seasons shall be as follows:

- (a) Bobwhite quail: August 15 through April 15;
- (b) Mallard ducks: year-round;
- (c) Hoofed animals: September 1 through May 15; and
- (d) All other species: the statewide season in effect where the shooting area is located.

(3) The bobwhite shoot-to-train season shall be from August 15 through May 15.

Section 3. Bobwhite Shoot-to-Train Requirements.

(1) A person shall only shoot on private land.

(2) Prior to shooting, a person shall:

(a) Apply on the Bobwhite Quail Shoot-to-Train Application provided by the department;

(b) Submit the completed application to the department;

(c) Possess a valid Kentucky hunting license or be license-exempt pursuant to KRS 150.170;

(d) Possess:

- 1. Proof of purchase of captive-reared bobwhite quail; or
- 2. A captive wildlife permit;

(e) Band all captive-reared bobwhite quail with:

- 1. Aluminum, #7 leg bands; or
- 2. Department-issued, aluminum leg bands;

(f) Walk and examine the entire area to be hunted to ensure that no wild bobwhite quail are present; and

(g) Release banded birds immediately prior to dog training or shooting.

(3) A person shall contact the department to update an application that is no longer accurate.

(4) The number of leg bands on the dog training or shooting site shall not exceed the number of captive-reared bobwhite present on the site.

(5) A person shall comply with the holding and permit requirements established in 301 KAR 2:081 if:

(a) Captive-reared bobwhite quail are possessed for more than ten (10) days; or

(b) More than 100 captive-reared bobwhite quail are possessed.

Section 4. Permits, Applications, and Transfers.

(1) A person shall obtain a permit from the department before operating the following:

(a) A shooting area for birds;

(b) A rabbit training enclosure;

~~(c)~~~~(b)~~ A dog training area; or

~~(d)~~~~(e)~~ A commercial or noncommercial foxhound training enclosure, except that:

1. A commercial or noncommercial foxhound training enclosure permit shall not be issued after January 1, 2026, for a new enclosure

occurring within the Enhanced Rabies Surveillance Zone defined in 301 KAR 2:081;

2. An enclosure within the Enhanced Rabies Surveillance Zone that is permitted prior to January 1, 2026, may remain permitted so long as the permit coverage is continuously maintained; and

3. A permitted enclosure within the Enhanced Rabies Surveillance Zone may expand acreage upon existing enclosures but may not create a new, separate enclosure within the Enhanced Rabies Surveillance Zone.

(2) A new shooting area permit shall not be issued for hoofed animals.

(3) The following permits shall be valid from July 1 through June 30:

(a) Dog training area permit;

(b) Shooting area permit for birds; and

(c) For hoofed animals, a shooting area permit in existence prior to March 8, 2002.

(4) A commercial or noncommercial foxhound training enclosure permit and a rabbit training enclosure permit shall be valid for one (1) year from the date of issuance.

(5) A person shall apply using the appropriate form provided by the department:

(a) Shooting Area Permit Application;

(b) Rabbit Training Enclosure Permit Application;

~~(c)~~~~(b)~~ Foxhound Training Enclosure Permit Application and Checklist; or

~~(d)~~~~(e)~~ Dog Training Area Permit Application.

(6) Applications for rabbit training enclosures, dog training areas and commercial and noncommercial foxhound training enclosures shall not be approved until a department game warden inspects the area to determine if it meets the requirements established in ~~Sections 6 and 8 of~~ this administrative regulation.

(7) An applicant for a rabbit training enclosure, shooting area, dog training area, or commercial or noncommercial foxhound training enclosure shall provide documentation proving:

(a) The applicant is the owner of the land where the facility is to be located;

(b) The applicant is the lessee of the land where the facility is to be located; and

(c) The acreage requirements are met for~~meets the requirements of a~~ commercial or noncommercial foxhound training enclosures or rabbit training enclosure by providing:

1. A plat that lists the acreage of the~~commercial or noncommercial foxhound~~ training enclosure boundaries completed by a licensed surveyor; or

2. Aerial~~Arial~~ imagery to scale with marked boundaries and acreage of the~~commercial or noncommercial foxhound~~ training enclosure subject to verification by the department.

(8) A commercial or noncommercial foxhound training enclosure within the Enhanced Rabies Surveillance Zone that is permitted prior to January 1, 2026, may be transferred if:

(a) A currently permitted facility is sold to another entity;

(b) The facility is inspected by law enforcement personnel prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility:

1. Obtains a commercial or noncommercial foxhound training enclosure permit; and

2. Establishes the acreage meets the minimum requirements of a commercial or noncommercial foxhound training enclosure by providing:

a. A plat that lists the acreage of the commercial or noncommercial foxhound training enclosure boundaries completed by a licensed surveyor; or

b. Aerial~~Arial~~ imagery to scale with marked boundaries and acreage of the commercial or noncommercial foxhound training enclosure subject to verification by the department.

(9) If ownership or lessee of a commercial or noncommercial foxhound training enclosure or rabbit training enclosure changes, the new owner or lessee shall be responsible for applying for a new permit.

(10) A shooting area permit shall be transferable if:

(a) A currently permitted facility is sold to another entity;

(b) The facility is inspected by department law enforcement personnel prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility;

1. Completes a Shooting Area Permit Transfer Application; and

2. Provides a plat of the shooting area boundaries completed by a licensed surveyor.

(11) A transferred shooting area permit shall only be valid for the land that was permitted prior to the time of transfer.

(12) A person hunting on a shooting area shall:

(a) Possess a valid Kentucky hunting license;

(b) Possess a valid shooting area hunting license;

(c) Possess a shoot-to-retrieve field trial permit; or

(d) Be hunting license exempt pursuant to KRS 150.170.

(13) A shooting area hunting license shall be valid for only one (1) specific shooting area.

Section 5. Shooting Area Requirements.

(1) The boundary of a shooting area shall be marked with signs:

(a) At least eight (8) inches by twelve (12) inches;

(b) Having a white background with contrasting letters at least one (1) inch high;

(c) That read "Shooting Area"; and

(d) Placed no more than 500 feet apart.

(2) A person shall check in at a designated check station or with the operator of a shooting area before hunting.

(3) A permit holder shall maintain a daily record of people using the area, which shall include each person's:

(a) Name;

(b) Address; and

(c) Hunting license number.

(4) A permit holder shall:

(a) Obtain a bill of sale or receipt for each purchase that contains the number of:

1. Game birds purchased; or

2. Game bird eggs purchased; and

(b) Retain previous year's records and receipts for at least one (1) full year.

(5) A permit holder shall possess a commercial captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a shooting area year-round.

Section 6. Dog Training Area Requirements.

(1) A dog training area shall be between ten (10) and seventy-five (75) acres in size.

(2) The dog training area shall:

(a) Be contiguous;

(b) Consist of at least ninety (90) percent mowed or cut grass no greater than ten (10) inches in height; and

(c) Have a marked boundary with signs:

1. At least eight (8) inches by twelve (12) inches high;

2. Having a white background with contrasting letters at least one (1) inch high;

3. That read "Dog Training Area"; and

4. Placed no more than 150 feet apart.

(3) A permit holder shall maintain a daily record of people using the area, which shall include each person's:

(a) Name;

(b) Address; and

(c) Hunting license number.

(4) A permit holder shall retain previous year's records and receipts for at least one (1) full year.

(5) A person using a dog training area shall possess:

(a) A bill of sale or receipt for any bobwhite quail released on the area; and

(b) A captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a dog training area year-round.

Section 7. Hoofed Animals.

(1) A shooting area permit holder shall not import or release a hoofed animal.

(2) A shooting area permit holder who legally holds hoofed animals shall:

(a) Keep a record of the:

1. Total number of each hoofed species taken;

2. Name of each hunter;

3. Address of each hunter;

4. Hunting license number of each hunter; and

5. Species taken by each hunter; and

(b) Submit to the department all records each month from September through May.

(3) A permit holder shall not import, possess, release, or hunt any member of the family Suidae.

Section 8. Commercial and Noncommercial Foxhound Training Enclosures.

(1) A commercial foxhound training enclosure shall:

(a) Be at least 200 acres; and

(b) Not be divided by an interior fence that restricts the range of red fox and coyote to less than 200 acres.

(2) A noncommercial foxhound training enclosure shall:

(a) Be at least forty (40) acres; and

(b) Not be divided by an interior fence that restricts the range of red fox and coyote to less than forty (40) acres.

(3) Multiple enclosures of the same type and under the same ownership or management may be listed under the same permit if:

(a) Each enclosure is at least the minimum acreage required for the permit; and

(b) The enclosures share a common fence.

(4) Commercial and noncommercial training enclosures shall:

(a) Have an exterior fence that completely encloses the commercial or noncommercial foxhound training enclosure and is at least five (5) feet above ground level for its entire length;

(b) Have a fence consisting of woven wire, chain link, or equivalent strength material capable of preventing escape by red fox and coyote;

(c) Have at least one (1) strand of electric wire inside at the bottom of the fence capable of preventing red fox and coyote from digging out of or climbing over the fence;

(d) Have a minimum of twelve (12) inches of additional fence bent inward at a ninety (90) degree angle or at least one (1) strand of electric wire at the top of the fence capable of preventing red fox and coyote from climbing out;

(e) Have modifications in place at gates, creeks, and similar weaknesses to prevent escape of red fox or coyote; and

(f) Maintain fences and electric wire to be in working order at all times and free of debris or vegetation that enable red fox or coyote to escape.

(5) A commercial or noncommercial foxhound training permit holder shall:

(a) Limit the number of dogs to no more than one (1) dog per two (2) acres for enclosures 100 acres or greater and no more than one (1) dog per three (3) acres for enclosures less than 100 acres.

(b) Limit the number of red fox and coyote combined to no more than one (1) animal per five (5) acres maximum at any time.

(c) Only obtain red fox or coyote:

1. From a licensed trapper who has a noncommercial captive wildlife permit as established in 301 KAR 2:081;

2. During the furbearer trapping season; and

3. Within the county of the permitted commercial or noncommercial foxhound training enclosure.

(d) Quarantine red fox and coyote:

1. In a separate quarantine enclosure from the training enclosure where animals in quarantine cannot come in contact with free ranging wildlife or red fox and coyote within the training enclosure;

2. Within a separate quarantine enclosure that meets or exceeds the minimum size requirements for red fox and coyote as specified in 301 KAR 2:081; and

3. For a minimum of seven (7) days.

(e) Acclimate newly introduced red fox and coyote within the commercial or noncommercial foxhound training enclosure for a minimum of an additional seven (7) days following quarantine prior to dog training.

(f) Only release healthy and unaltered red fox and coyote that have not been physically altered in any way into commercial and noncommercial foxhound training enclosures.

(g) Only maintain red fox and coyote in captivity in a sanitary and safe condition and in a manner that does not result in the maltreatment or neglect of wildlife.

(h) Only allow dog training within an enclosure for a maximum of sixteen (16) hours within a twenty-four (24) hour period.

(i) Provide red fox and coyote with the following:

1. A diet that meets the nutritional needs of the animals;

2. Clean water;

3. Shelter from inclement weather; and

4. At least one (1) escape den per forty (40) acres and at least one (1) escape den per red fox or coyote, which are sufficient to prevent capture of red fox and coyote by dogs as follows:

a. Natural den;

b. Constructed den;

c. Box; or

d. Hollow log.

(6) A person shall not engage in an activity which would cause foxhounds to injure or kill a red fox or coyote in an enclosure at any time.

(7) Chasing red fox or coyote in permitted commercial and noncommercial foxhound training enclosures shall be considered an authorized field trial, and a hunting license shall not be required.

(8) The take of any species other than chase of red foxes or coyotes shall be prohibited within a commercial or noncommercial foxhound training enclosure.

(9) A person shall not possess or release any native or exotic wildlife in a commercial or noncommercial foxhound training enclosure with the exception of red fox and coyote.

(10) A commercial and noncommercial foxhound training enclosure operator shall abide by the following disease prevention and control measures:

(a) Without damaging the head, dispatch diseased or sick acting red fox and coyote, retain carcass, and report to the department veterinarian within twenty-four (24) hours for proper disposition of the carcass;

(b) Report escaped red fox or coyotes to department veterinarian within twenty-four (24) hours; and

(c) Allow the department to inspect a commercial or noncommercial foxhound training enclosure if reportable diseases are suspected or confirmed and take the following actions if necessary:

1. Quarantine and prohibit introduction or removal of red fox and coyote to or from an enclosure until the department determines there is no longer a threat of disease exposure to humans, wildlife, or domestic animals;

2. Dispatch animals for diagnostic testing;

3. Require disinfection of the enclosure by the training enclosure operator; and

4. Examination of records for disease exposure notification.

(11) Permits shall not confer ownership. Wildlife shall remain under the stewardship of the department and may be confiscated, relocated, or euthanized.

(12) Hunting or take of any species other than chase of red fox or coyote shall be prohibited within a commercial or noncommercial foxhound training enclosure.

(13) A commercial or noncommercial foxhound training enclosure owner or operator shall:

(a) Allow a department game warden to inspect the facility at any reasonable time;

(b) Maintain a registry of names, addresses, phone numbers, and dates hunted for one (1) year of all participants engaging in foxhound training activities or field trials to be provided to department staff upon request for purposes of disease response; and

(c) Maintain the following records and report to the department annually by submitting a Foxhound Training Enclosure Annual Report form:

1. The number of all red foxes and coyotes trapped for release into the enclosure;

2. The name, address, phone number, trapping license number, and noncommercial captive wildlife permit number of the trapper associated with each red fox and coyote;

3. The county of origin for each red fox and coyote;

4. The capture and release dates for each red fox and coyote; and

5. All missing, escaped, or killed red fox and coyote.

(d) Report shall be provided to the department within thirty (30) days of the expiration date of the permit.

Section 9. Rabbit Training Enclosures.

(1) A rabbit training enclosure shall:

(a) Be at least two (2) acres;

(b) Have an exterior fence that prevents ingress or egress by wild rabbits;

(c) Only contain native eastern cottontail rabbits (*Sylvilagus floridanus*) obtained from:

1. A licensed trapper who has a noncommercial captive wildlife permit as established in 301 KAR 2:081;

2. During the rabbit trapping season; and

3. Within the county of the permitted rabbit training enclosure.

(d) Prior to release into the rabbit training enclosure, quarantine rabbits for a minimum of seven (7) days within a separate quarantine enclosure:

1. Where animals in quarantine cannot come in contact with free ranging wildlife or rabbits within the training enclosure; and

2. That meets or exceeds the minimum size requirements for rabbits as specified in 301 KAR 2:081.

(e) Only release healthy and unaltered rabbits that have not been physically altered in any way into rabbit training enclosures;

(f) Maintain rabbits in captivity in a sanitary and safe condition and in a manner that does not result in maltreatment or neglect;

(g) Only allow dog training within an enclosure for a maximum of sixteen (16) hours within a twenty-four (24) hour period; and

(h) Provide rabbits with the following:

1. A diet that meets the nutritional needs of the animals;

2. Clean water;

3. Shelter from inclement weather; and

4. At least one (1) refuge structure per one-half (0.5) acre, including:

a. Natural den;

b. Constructed box;

c. Brush pile; or

d. Hollow log.

(2) Chasing rabbits in a permitted rabbit training enclosure shall be considered an authorized field trial and hunting license shall not be required.

(3) The take of any species other than chase of rabbits shall be prohibited within a rabbit training enclosure.

(4) A person shall not possess or release any native or exotic wildlife in a rabbit training enclosure, except for wild rabbits (*Sylvilagus floridanus*).

(5) A rabbit training enclosure operator shall comply with the following disease prevention and control measures:

(a) Dispatch diseased or sick-acting rabbits without damaging the head, retain the carcass, and report to the department veterinarian within twenty-four (24) hours for proper disposition;

(b) Allow the department to inspect a rabbit training enclosure when reportable diseases are suspected or confirmed and take the following actions if necessary:

1. Quarantine and prohibit the introduction or removal of rabbits until the department determines there is no longer a threat of disease exposure to humans, wildlife, or domestic animals;

2. Dispatch animals for diagnostic testing;

3. Require disinfection of the enclosure by the operator; and

4. Allow examination of records for disease exposure notification.

(6) Permits shall not confer ownership of wildlife. Wildlife shall remain under the stewardship of the department and may be confiscated, relocated, or euthanized.

(7) A rabbit training enclosure owner or operator shall:

(a) Allow a department game warden or law enforcement officer to inspect the facility at any reasonable time;

(b) Maintain a registry of names, addresses, phone numbers, and dates hunted for one (1) year for all participants, to be provided upon request for disease response; and

(c) Maintain the following records and report annually to the department using a Rabbit Training Enclosure Annual Report form:

1. The number of rabbits trapped for release;

2. The trapper's name, address, phone number, trapping license number, and noncommercial captive wildlife permit number of the trapper associated with each rabbit;

3. The county of origin for each rabbit; and

4. The capture and release dates for each rabbit.

(d) The report shall be submitted within thirty (30) days of permit expiration.

Section 10.[Section–9.] Revocation for Dog Training Area, Shooting Area, [and] Bobwhite Quail Shoot to Train Permits, and rabbit training enclosures.

(1) Revocation. A person who is convicted of a fish and wildlife violation, including KRS Chapter 150, KAR Title 301, or any federal fish and wildlife laws, shall have the permit revoked for a period of one (1) year.

(2) Appeal Procedures. An individual whose request for a permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 11.[Section–10.] Permit Denial and Revocation for Commercial and Noncommercial Foxhound Training Enclosures and rabbit training enclosures.

(1) Denial. The department shall deny the issuance of a new permit, deny a renewal of an existing or lapsed permit, and may confiscate wildlife of a person who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;

2. KAR Title 301; or

3. Any federal statute or regulation related to hunting, fishing, or wildlife;

(b) Provides false information on a commercial or noncommercial foxhound training enclosure permit application; captive wildlife permit application, incorporated by reference in 301 KAR 2:081; reports; facility inspection; or records;

(c) Acquires red fox or coyote prior to receiving an approved commercial or noncommercial foxhound training enclosure permit;

(d) Acquires rabbits prior to receiving a captive wildlife permit or rabbit training enclosure permit;

(e) Acquires rabbits, red fox or coyote from an illegal source, location, or outside the legal season;

(f)[(e)] Fails a facility inspection;

(g)[(f)] Fails to comply with any provision of this administrative regulation, 301 KAR 2:081, 301 KAR 2:230, or 301 KAR 2:251; or

(h)[(g)] For foxhound training enclosures, is[is] located within the Enhanced Rabies Surveillance Zone [rabies-surveillance-zone] and has previously had their permit revoked.

(2) Facility Inspections.

(a) A permit holder shall allow a game warden to inspect the foxhound training enclosure and rabbit training enclosure facilities and property prior to approval of any application and, if permitted, at any reasonable time and frequency.

(b) The game warden shall immediately notify the applicant or permit holder and the Wildlife Division director if a facility inspection reveals that the facility is not in compliance with this administrative regulation and shall provide a completed Training Enclosure Inspection portion of the applicable Rabbit Training Enclosure Permit Application and Checklist form or the Foxhound Training Enclosure Permit Application and Checklist form to the appropriate Wildlife Division personnel within three (3) business days.

(c) If an inspection determines that a facility is not in compliance with KRS Chapter 150 or KAR Title 301, the game warden shall make a second inspection after ten (10) calendar days, and the permit application shall be denied or the permit shall be revoked and all wildlife may be confiscated if the non-compliant conditions have not been corrected.

(3) Revocations.

(a) The department shall revoke the permit and may confiscate wildlife, of a person who:

1. Is convicted of a violation of any provisions of:

a. KRS Chapter 150;

b. KAR Title 301; or

c. Any federal statute or regulation related to hunting, fishing, or wildlife;

2. Provides false information on a commercial or noncommercial foxhound training enclosure permit application; rabbit training enclosure permit application; captive wildlife permit application, incorporated by reference in 301 KAR 2:081; reports; facility inspection; or records;

3. Acquires red fox or coyote prior to receiving an approved commercial or noncommercial foxhound training enclosure;

4. Acquires rabbits prior to receiving an approved rabbit training enclosure permit or captive wildlife permit;

5.~~[4.]~~ Acquires rabbits, red fox or coyote from an illegal source, location, or outside the legal season;

6.~~[5.]~~ Fails a second facility inspection; or

7.~~[6.]~~ Fails to comply with any provision of this administrative regulation, 301 KAR 2:081, 301 KAR 2:230, or 301 KAR 2:251.

(b) If a person's rabbit training enclosure or commercial or noncommercial foxhound training enclosure is revoked for one (1) enclosure, permits for all other enclosures in their name shall be revoked and the enclosures shall not be permitted for the applicable denial period.

(c) A fee shall not be refunded for a permit that is revoked.

(4) Denial period. An applicant for a rabbit training enclosure permit, commercial or noncommercial foxhound training enclosure permit, or captive wildlife permit that has been revoked or denied ~~for the grounds established in this section~~ shall be ineligible to reapply, and all applications denied:

(a) Permanently for commercial and noncommercial foxhound training enclosures within the Enhanced Rabies Surveillance Zone~~[rabies surveillance zone]~~; and

(b) For commercial and noncommercial foxhound training enclosures outside the Enhanced Rabies Surveillance Zone~~[rabies surveillance zone]~~, and for rabbit training enclosures:

1. The initial denial period, for one (1) year;
2. A second denial period, for three (3) years; and
3. A third or subsequent denial period, for five (5) years.

(5) Confiscated wildlife.

(a) All rabbits, red fox, and coyote may be confiscated if a rabbit training enclosure or commercial ~~or~~~~[and]~~ noncommercial foxhound training enclosure permit is revoked or denied, if a person possesses rabbits without a valid rabbit training enclosure permit or captive wildlife permit, or if a person possesses red fox or coyote without a valid commercial or noncommercial foxhound training enclosure permit.

(b) Confiscated wildlife shall be released, transferred, or dispatched as ordered by the department.

(c) Wildlife shall not be returned to the person, entity, or facility from which they were confiscated.

(d) Wildlife shall be surrendered to the department, for processing and disposition pursuant to this administrative regulation, upon being presented with a written order by the commissioner.

(6) Administrative hearings.

(a) An individual whose permit has been denied or revoked may request an administrative hearing, which shall be conducted pursuant to KRS Chapter 13B.

(b) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(c) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(d) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 12.~~[Section 11.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Bobwhite Quail Shoot-to-Train Application", July 2012 edition;

(b) "Dog Training Area Permit Application", May 2025 edition;

(c) "Foxhound Training Enclosure Permit Application and Checklist", May 2025 edition;

(d) "Foxhound Training Enclosure Permit Annual Report", 2024 edition;

(e) "Shooting Area Permit Application", May 2025 edition; ~~[and]~~

(f) "Shooting Area Permit Transfer Application", May 2025 edition;~~[-]~~

(g) "Rabbit Training Enclosure Permit Application and Checklist", June 2026 edition; and

(h) "Rabbit Training Enclosure Permit Annual Report", 2026 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) <https://fw.ky.gov/Wildlife/Documents/bobwhitequailapp.pdf> for the "Bobwhite Quail Shoot-to-Train Application";

(b) <https://fw.ky.gov/Licenses/Documents/Dog-Train-Area-Permit-App.pdf> for the "Dog Training Area Permit Application";

(c) <https://fw.ky.gov/Licenses/Documents/Com-Foxhound-Train-Enclosure-App.pdf> for the "Foxhound Training Enclosure Permit Application and Checklist";

(d) <https://fw.ky.gov/Wildlife/Documents/FoxhoundTrainingEnclosureAnnualReport.pdf> for the "Foxhound Training Enclosure Permit Annual Report";

(e) <https://fw.ky.gov/Licenses/Documents/Shoot-Area-Permit-App.pdf> for the "Shooting Area Permit Application"; ~~[or]~~

(f) <https://fw.ky.gov/Wildlife/Documents/Shooting-Area-Transfer-App.pdf> for the "Shooting Area Permit Transfer Application";~~[-]~~

(g) <https://fw.ky.gov/Licenses/Documents/Com-Rabbit-Train-Enclosure-App.pdf> for the "Rabbit Training Enclosure Permit Application and Checklist"; or

(h) <https://fw.ky.gov/Wildlife/Documents/RabbitTrainingEnclosureAnnualReport.pdf> for the "Rabbit Training Enclosure Permit Annual Report".

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 14, 2026 at 12:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 9:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert, Phone: 502-564-3400, Email: fw.publicaffairs@ky.gov

Subject Headings: Fish and Wildlife, Hunting, Wildlife

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a bobwhite shoot-to-train season and requirements to regulate the operation of shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures. This administrative regulation establishes requirements for the possession, holding, commercial activity, and transportation of red fox and coyote for foxhound training enclosures. This administrative regulation establishes requirements for the possession, holding, commercial activity, and transportation of rabbits for rabbit training enclosures

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide a defined process for the permitting, holding, and transportation of wildlife used during shoot-to-train season, shooting areas, dog training areas,

commercial and noncommercial foxhound training enclosures and rabbit training enclosures.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth the requirements for applying for and receiving permits to possess native wildlife and establishes requirements for shoot-to-train season, shooting areas, dog training areas, and commercial, noncommercial foxhound training enclosures and rabbit training enclosures.

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

(a) How the amendment will change this existing administrative regulation: These amendments will establish requirements for species and number of animals that may be maintained within rabbit training enclosures, the possession and transport of native rabbits, fencing to maintain rabbits within rabbit training enclosures, size of enclosures, quarantine and disease response, record keeping and reporting, and permitting and enforcement.

(b) The necessity of the amendment to this administrative regulation: These amendments are necessary to establish requirements for rabbit training enclosures and the possession of native rabbits for dog training purposes.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment falls within the reach of the authorizing statute KRS 150.025 (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are currently no legally operating rabbit training enclosures in the Commonwealth. Based on the number of previously issued captive wildlife permits for similar activities, the department estimates that between five and ten facilities may begin operating under this legal framework.

(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: Individuals will need to comply with rabbit training enclosure requirements and obtain a permit prior to establishing a rabbit training enclosure or possessing native rabbits for the purpose of training dogs.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There may be a cost to individuals to build enclosures that meet the requirements of the regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Individuals will be able to engage in rabbit dog training activities within an enclosed area with the proper permits.

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

(a) Initially: There will be no initial administrative cost to the department to implement this administrative regulation beyond staff time to review permit applications, issue permits, and enforcement.

(b) On a continuing basis: There will be no cost to the department on a continuing basis beyond reviewing permit applications, issuing permits, and enforcement.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or

this amendment: The source of funding is the State Game and Fish Fund.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase fees or funding to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: An annual permit fee of \$25 will be charged for a rabbit training enclosure permit, however, individuals will no longer be required to pay a \$75 fee every three years for a captive wildlife permit.

(10) TIERING: Is tiering applied? No. Tiering is not applied because all permit holders within each permit type 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: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No. The amendment is not being promulgated pursuant to a specific act of the General Assembly

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Fish and Wildlife Resources will be impacted by this amendment in terms of staff time to review applications, issue permits, and enforce regulations.

(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: \$25 per permit issued (estimated less than 50)

For subsequent years: \$25 per permit issued per year (estimated less than 50)

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): No local governmental entities are expected to be affected 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): n/a

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

1. Expenditures:

For the first year: n/a

For subsequent years: n/a

2. Revenues:

For the first year: n/a

For subsequent years: n/a

3. Cost Savings:

For the first year: n/a

For subsequent years: n/a

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

(a) Fiscal impact of this administrative regulation: regulation has minimal fiscal impact.

(b) Methodology and resources used to reach this conclusion: There will be no additional costs to administer 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 regulation will not have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate), considering the \$25 permit application fee and no substantial increase in time for issuing permits and enforcement

(b) The methodology and resources used to reach this conclusion: There will be no additional costs to administer this regulation.

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)**

301 KAR 2:140. Requirements for wild turkey hunting.

RELATES TO: KRS 150.010, 150.170, 150.175, 150.305, 150.360, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.390(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 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 such requirements apply to a limited area. KRS 150.390(1) requires that wild turkeys shall not be taken in any manner contrary to any provisions of KRS Chapter 150 or Title 301 KAR. This administrative regulation establishes legal methods of take and checking and recording requirements for wild turkey hunting.

Section 1. Definitions.

(1) "Adult" means an individual who is at least eighteen (18) years of age.

(2) "Archery equipment" means a long bow, recurve bow, or compound bow incapable of holding an arrow at full or partial draw without aid from the archer.

(3) "Arrow" means the projectile fired from a bow or crossbow.

(4) "Baited area" means an area where feed, grains, or other substances capable of luring wildlife[wild turkeys] have been placed.

(5) "Bonus bird" means a wild turkey that does not count toward a statewide season bag limit as established in Section 6.

(6) "Crossbow" means a bow capable of holding an arrow at full or partial draw without human aid.

(7) "Fall turkey permit" means a permit that, in conjunction with appropriate licenses, seasons, and methods, allows a hunter to take[harvest] up to the fall season bag limit of wild turkeys.

(8) "Junior turkey permit" means a permit that, in conjunction with appropriate licenses, seasons, and methods, allows a youth hunter to harvest one (1) turkey during a license year.

(9) "KDSS" means the Kentucky Direct Sales System.

(10) "License year" means the period from March 1 through the last day of February.

(11) "Special Area" means a tract of land listed in Section 6 where requirements for wild turkey hunting may differ from those established in this administrative regulation.

(12) "Spring turkey permit" means a permit that, in conjunction with appropriate licenses, seasons, and methods, allows a hunter to take[harvest] up to the spring season bag limit of wild turkeys.

(13) "Statewide wild turkey hunting requirements" means season dates, bag limits, and other requirements for wild turkey hunting established in this administrative regulation.

(14) "Wild turkey" means the species *Meleagris gallopavo*.

(15) "Wildlife Management Area" or "WMA" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That has "Wildlife Management Area" or "WMA" as part of its official name.

(16) "Youth" means a person under the age of sixteen (16) by the day of the hunt.

(17) "Youth turkey permit" means a permit that, in conjunction with appropriate licenses, seasons, and methods, allows a youth hunter to take one (1) wild turkey during a license year.

Section 2. License and Wild Turkey Permit Requirements.

(1) Unless exempted by KRS 150.170, a person sixteen (16) years of age or older hunting wild turkeys shall carry a valid:

(a) Kentucky hunting license; and

(b) Spring turkey permit during a spring season; or

(c) Fall turkey permit during a fall season.

(2) Unless exempted by KRS 150.170, a youth hunting wild turkeys shall carry a valid:

(a) Kentucky Youth Hunting License; and

(b) Youth turkey permit during a spring or fall season.

(3) A person who is accompanying or calling a wild turkey for a legal hunter shall not be required to possess a hunting license or turkey permit.

[Section 2.] [Wild Turkey Season Dates and Bag Limits.]

(1) [A person shall only take a wild turkey during the seasons established in:]

(a) [301 KAR 2:142;]

(b) [301 KAR 2:144; and]

(c) [301 KAR 2:144.]

(2) [A person shall not harvest more than the established bag limits, pursuant to:]

(a) [301 KAR 2:142;]

(b) [301 KAR 2:144; and]

(c) [301 KAR 2:144.]

Section 3. Spring Seasons, Dates, Bag Limits, and Season-Specific Restrictions.

(1) Spring seasons and dates. A person shall only take a wild turkey during:

(a) A statewide youth-only spring season, when a youth may hunt wild turkeys for two (2) consecutive days beginning on the first Saturday in April;

(b) A statewide general spring season, when a youth or person sixteen (16) years of age or older may hunt wild turkeys for twenty-three (23) consecutive days beginning on the Saturday closest to April 15; and

(c) Other spring season dates on Special Areas as established in Section 6.

(2) Bag limits. A person shall not take more than the following bag limits during the spring turkey season:

(a) A person sixteen (16) years of age or older hunting wild turkeys shall not take more than:

1. One (1) male wild turkey per day statewide;

2. One (1) male wild turkey per WMA per season; and

3. Two (2) male wild turkeys per season statewide, except for bonus birds as established in Section 6.

(b) A youth hunting wild turkeys shall not take more than:

1. One (1) wild turkey that is male or has a visible beard per day statewide;

2. One (1) wild turkey that is male or has a visible beard per WMA per season; and

3. Two (2) wild turkeys that are male or have visible beards per season statewide, except for bonus birds as established in Section 6.

(3) Hunter restrictions during spring seasons.

(a) A person sixteen (16) years of age or older hunting wild turkeys shall not take a female wild turkey during a spring season.

(b) In an area open to wild turkey hunting and where wild turkeys are reasonably expected to occur, a person shall not mimic the sound of a wild turkey from:

1. March 1 until the opening of the youth wild turkey season; and
2. The close of the youth wild turkey season and the opening of the statewide wild turkey season.

(c) A person shall not use a dog to aid in taking a wild turkey during a spring season.

(d) A person shall not hunt or take wild turkeys:

1. On a baited area; or
2. For thirty (30) days after the bait has been removed from a baited area.

(e) A field shall be considered a baited area if grain, feed, or other substance grown on the field is removed and later returned to the field. [License and Wild Turkey Permit Requirements. Unless exempted by KRS 150.170, a person hunting a wild turkey shall possess proof of purchase of a valid Kentucky hunting license and a valid:]

- [(1)] [Spring turkey permit during the spring season;]
- [(2)] [Fall turkey permit during a fall season; or]
- [(3)] [Junior turkey permit, if applicable.]

Section 4. Fall Seasons, Dates, Bag Limits, and Season-Specific Restrictions.

(1) Fall seasons and dates. A person shall only take a wild turkey during:

(a) A statewide fall archery season open from the first Saturday in September through the third Monday in January;

(b) Two (2) statewide fall crossbow seasons open:

1. From October 1 through the end of the third full weekend in October; and
2. From the second Saturday in November through December 31; and

(c) Two (2) statewide fall shotgun seasons open:

1. For seven (7) consecutive days beginning the fourth Saturday in October; and
2. For seven (7) consecutive days beginning the first Saturday in December.

(d) Other fall season dates established in Section 5 for WMAs or in Section 6 for Special Areas.

(2) Bag limits. A person shall not take more than the following bag limits for the fall turkey season, except as established in Section 5 for WMAs or in Section 6 for Special Areas:

(a) One (1) wild turkey per day statewide.

(b) Two (2) wild turkeys in total across all statewide fall seasons per license year, of which only:

1. One (1) shall have a visible beard at least three (3) inches long; and
2. One (1) shall have no visible beard or a beard less than three (3) inches long.

(3) Equipment restrictions during fall seasons. A person shall only use the following to take a wild turkey during fall seasons:

(a) During a fall archery season, archery equipment may be used to take a male wild turkey.

(b) During fall crossbow seasons, crossbows and archery equipment may be used to take a male wild turkey.

(c) During fall shotgun seasons:

1. Shotguns, crossbows, and archery equipment may be used to take a male wild turkey.

2. Shotguns may be used to take a female wild turkey.

(4) Hunter restrictions during fall seasons.

(a) A person may use dogs to aid in taking a wild turkey during any fall season.

(b) A person shall not take a female wild turkey using archery equipment or a crossbow during any fall season.

(c) Except as provided in subsection (4)(d) of this section, a person shall not hunt or take wild turkeys:

1. On a baited area;
2. For thirty (30) days after the bait has been removed from a baited area; or
3. Within 600 feet of a baited area.

(d) A field shall be considered a baited area if grain, feed, or other substance grown on the field is removed and later returned to the field.

(e) The take restrictions established in subsection (4)(c) of this section shall not apply:

1. To bona fide agricultural practices;
2. To crop manipulation for a wildlife management purpose; or
3. Across property boundaries. [Harvest Recording.]

[(1)]
[(a)] [Immediately after harvesting a wild turkey, and prior to moving the carcass, a person shall record in writing on one (1) of the items established in paragraph (b) of this subsection, the:]

- [1.] [Species taken;]
- [2.] [Date taken;]
- [3.] [County where taken; and]
- [4.] [Sex of the wild turkey.]

[(b)] [A person who has harvested a turkey shall record the information established in paragraph (a) of this subsection on:]

- [1.] [The hunter's log section on the reverse side of a license or permit;]
- [2.] [A hunter's log printed from the Internet;]
- [3.] [A hunter's log available from any KDSS agent; or]
- [4.] [An index or similar card.]
- [(2)] [A person shall retain and possess the completed hunter's log while the person is in the field during the current hunting season.]

Section 5. Wildlife Management Area Requirements.

(1) Unless specified in this section, statewide wild turkey hunting requirements shall apply to WMAs.

(2) Ballard Wildlife Management Area. A person shall not hunt wild turkeys during fall shotgun, crossbow, or archery seasons.

(3) Barren River WMA. On the Peninsula Unit, including Narrows, Goose Island, and Grass Island, a person:

(a) Shall not use a breech-loading shotgun to hunt or take a wild turkey;

(b) May use a muzzle loading shotgun or crossbow during a fall shotgun season; and

(c) May use a crossbow during the fall archery season.

(4) Higginson-Henry WMA. A person shall not use a shotgun to hunt or take a wild turkey.

(5) Livingston County WMA. Statewide spring wild turkey seasons are open to youth only.

(6) Pioneer Weapons WMA. A person:

(a) Shall not use the following to take a wild turkey during a spring season:

1. A breech-loading shotgun; or
2. A scope or optical enhancement; and
- (b) May use a crossbow to take a wild turkey during the fall archery wild turkey season.

(7) Robinson Forest WMA. A person shall not hunt wild turkeys on the main block of the WMA unless participating in a department-authorized hunt.

(8) Swan Lake Unit of Boatwright Wildlife Management Area. A person shall not hunt wild turkey during fall shotgun, crossbow, or archery seasons.

(9) West Kentucky WMA. A person shall not hunt wild turkeys during all statewide spring wild turkey seasons on tracts marked with the letter "A". [Checking a Wild Turkey:]

[(1)] [A person shall check a harvested wild turkey 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 wild turkey is recovered; and]

[2.] [Prior to processing the carcass; and]

[(b)] [Writing the check-in authorization number on the hunter's log as established in Section 4 of this administrative regulation.]

[(2)] [A person shall:]

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- ~~[(a)] [Not knowingly provide false information in completing the hunter's log, checking a wild turkey, or creating a carcass tag; or]~~
- ~~[(b)] [Check a wild turkey before transporting it out of Kentucky.]~~
- ~~[(3)] [If a hunter transfers possession of a harvested wild turkey, the hunter shall attach to the carcass a hand-made tag containing:]~~
 - ~~[(a)] [A valid confirmation number;]~~
 - ~~[(b)] [The hunter's name; and]~~
 - ~~[(c)] [The hunter's telephone number.]~~

Section 6. Special Area Requirements.

(1) Unless specified in this section, statewide wild turkey hunting requirements shall apply to the areas listed.

(2) Except on the Daniel Boone National Forest, the Jefferson National Forest, the Big South Fork National River and Recreation Area, and Hidden Valley Training Area, on the areas listed in this section, a hunter shall:

(a) Obtain any necessary permits from the area before hunting wild turkeys;

(b) Not hunt wild turkeys except on assigned hunting dates;

(c) Remain in assigned areas; and

(d) Follow all applicable federal-, local-, or area-specific requirements.

(3) Bluegrass Army Depot, Clark's River National Wildlife Refuge, Fort Campbell Military Reservation, Fort Knox Military Reservation, Green River National Wildlife Refuge, Hidden Valley Training Area, Land Between the Lakes National Recreation Area, Ohio River Islands National Wildlife Refuge, Reelfoot National Wildlife Refuge, and the Wendell H. Ford Regional Training Center may permit:

(a) Spring wild turkey hunting for up to twenty-three (23) days between the last Saturday in March and the second Sunday in May;

(b) Fall shotgun wild turkey hunting from October 15 through January 31; and

(c) Fall archery or crossbow wild turkey hunting from the first Saturday in September through the third Monday in January.

(4) A wild turkey taken on the following areas shall be considered a bonus bird:

(a) Bluegrass Army Depot;

(b) Fort Campbell; and

(c) Fort Knox.

(5) Specific requirements for wild turkey hunting apply to the following areas:

(a) Bluegrass Army Depot. A person shall not:

1. Use bait, feed, minerals, or other attractants.

2. A wild turkey taken at the Bluegrass Army Depot shall be a bonus bird that shall not count toward a hunter's statewide bag limit.

(b) Daniel Boone National Forest and Jefferson National Forest. A person shall not use bait, feed, minerals, or other attractants.

(c) Fort Campbell.

1. A wild turkey taken at Fort Campbell shall be a bonus bird that shall not count toward a hunter's statewide bag limit.

2. A person may take one (1) white turkey of either sex during open Fort Campbell hunting seasons.

3. Statewide and post limits and tagging requirements shall not apply to white turkey.

(d) Fort Knox Military Reservation. A wild turkey taken at Fort Knox shall be a bonus bird that shall not count toward a hunter's statewide bag limit.

(e) Hidden Valley Training Area. A person shall not:

1. Hunt wild turkeys; or

2. Use bait, feed, minerals, or other attractants.

(f) Land Between the Lakes National Recreation Area.

1. A person shall not take more than:

a. One (1) wild turkey of either sex during deer archery season; and

b. One (1) wild turkey with a visible beard during the spring wild turkey quota hunt.

2. Quota hunters shall:

a. Apply in advance at Land Between the Lakes; and

b. Abide by the shooting hours of one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

3. A person taking a wild turkey shall:

a. Check the carcass as required by the USDA Forest Service;

b. Affix a Land Between the Lakes game check card as required by the USDA Forest Service; and

c. Not use bait, feed, minerals, or other attractants.

(g) Reelfoot National Wildlife Refuge. A person shall not take more than one (1) wild turkey.~~[Weapon and Ammunition Restrictions.]~~

~~[(1)] [A person shall only use for the purpose of taking a wild turkey:]~~

~~[(a)] [A crossbow or archery equipment loaded with a non-barbed broadhead that has a minimum cutting diameter of seven-eighths (7/8) inch, whether:]~~

~~[1.] [Expandable; or]~~

~~[2.] [Non-expandable; or]~~

~~[(b)]~~

~~[1.] [A .410 shotgun or larger, but no larger than a ten (10) gauge shotgun; and]~~

~~[2.] [A shell containing shot of size no larger than number four (4).]~~

~~[(2)] [A crossbow shall be equipped with a working safety device.]~~

Section 7. Equipment Restrictions.

(1) A person shall only use for the purpose of taking a wild turkey:

(a) A crossbow or archery equipment loaded with a non-barbed broadhead that has a minimum cutting diameter of seven-eighths (7/8) inch, whether expandable or non-expandable; or

(b) A shotgun:

1. No smaller than .410 but no larger than a ten (10) gauge; and

2. That fires a shell containing shot no larger than number four

(4).

(2) A crossbow shall be equipped with a working safety device.~~[Hunter Restrictions.]~~

~~[(1)] [A person shall not hunt wild turkeys on a baited area or by the aid of baiting:]~~

~~[(a)] [While bait is present; or]~~

~~[(b)] [For thirty (30) days after the bait has been removed.]~~

~~[(2)] [A person may hunt wild turkeys on an area where grain, feed, or other substance exists as the result of:]~~

~~[(a)] [A bona fide agricultural practice; or]~~

~~[(b)] [Manipulating a crop for a wildlife management purpose.]~~

~~[(3)] [A field shall be considered baited if grain, feed, or other substance grown on the field is removed and later returned to the field.]~~

~~[(4)] [A person hunting wild turkeys:]~~

~~[(a)] [May use a hand or mouth-operated call; and]~~

~~[(b)] [Shall not:]~~

~~[1.] [Use a dog to aid in taking a wild turkey during the spring season;]~~

~~[2.] [Hunt from a boat;]~~

~~[3.] [Use or possess an electronic or digital calling device;]~~

~~[4.] [Use a live decoy; or]~~

~~[5.] [Harvest a roosting turkey.]~~

~~[(5)] [In an area open to wild turkey hunting and where wild turkeys are reasonably expected to occur, a person shall not mimic the sound of a wild turkey from:]~~

~~[(a)] [March 1 until the opening of the youth turkey season; and]~~

~~[(b)] [The close of the youth turkey season and the opening of the statewide turkey season.]~~

~~[(6)] [While hunting wild turkeys, a youth with a firearm shall be accompanied by an adult who can immediately take control of the firearm.]~~

Section 8. Hunter Restrictions.

(1) A person shall only hunt wild turkeys from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

(2) A youth hunting wild turkeys with a shotgun shall be accompanied by an adult who can immediately take control of the shotgun.

(3) A person shall not hunt or take wild turkeys:

(a) From a boat;

(b) With the aid of or while in possession of an electronic or digital calling device;

(c) With the aid of a live decoy; or

(d) When wild turkeys are roosting.

(4) A person may hunt wild turkeys with the aid of a hand or mouth-operated call.

Section 9. Harvest Recording.

(1) Immediately after taking a wild turkey, and before moving the carcass, a person shall record in writing the:

(a) Species as "wild turkey" or "turkey";

(b) Date when the wild turkey was taken;

(c) County where the wild turkey was taken; and

(d) Sex of the wild turkey taken on one (1) of the following:

1. The hunter's log section on the reverse side of the license or permit;

2. The hunter's log produced in a hunting guide;

3. A hunter's log printed from the internet;

4. A hunter's log available from any KDSS agent; or

5. An index or similar card.

(2) A person shall retain and possess the completed hunter's log while hunting during the current season.

Section 10. Checking a Wild Turkey.

(1) A person shall check a wild turkey:

(a) Before midnight on the day the wild turkey was recovered;

(b) Before processing the carcass;

(c) By either:

1. Calling "Telecheck" at (800) 245-4263 to provide the requested information by telephone; or

2. Logging into "My Profile" on the department's website at fw.ky.gov to provide the requested information online.

(2) A person who has checked in a wild turkey shall record the check-in confirmation number on the hunter's log.

(3) If a hunter transfers possession of a wild turkey, or if the wild turkey is out of the hunter's possession, the hunter shall attach to the carcass a hand-made tag containing:

(a) The confirmation number;

(b) The hunter's name; and

(c) The hunter's telephone number.

(4). A person shall:

(a) Not knowingly provide false information while:

1. Completing the hunter's log;

2. Checking a wild turkey; or

3. Creating a carcass tag; and

(b) Check a wild turkey before transporting it out of Kentucky.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: September 11, 2026

FILED WITH LRC: September 14, 2026 at 12:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 9:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert, Phone: 502-564-3400, Email: fw.publicaffairs@ky.gov

Subject Headings: Fish and Wildlife, Hunting, Conservation

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes season dates, bag limits, shooting hours, and other requirements for wild turkey hunting in Kentucky.

(b) The necessity of this administrative regulation: To regulate wild turkey hunting for the effective management of wild turkeys in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and the methods of taking wildlife, including wild turkeys. KRS 150.390(1) prohibits a person from taking, pursuing, or molesting a wild turkey in any manner contrary to the provisions of Chapter 150 or its administrative regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by defining the seasons, bag limits, and methods of taking wild turkeys in Kentucky.

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

(a) How the amendment will change this existing administrative regulation: This amendment will consolidate language from three (3) other regulations for consistency and simplicity for future amendments, including 301 KAR 2:111, 2:142, and 2:144, each of which carry definitions and specific requirements. Definitions are added for consistency with other regulations and to constitute changes, such as what constitutes a legal wild turkey. For spring turkey season, take of female turkeys with a visible beard (hereafter "bearded hens") is made illegal except for youth hunters. For fall turkey seasons, take of any female turkey with archery equipment or crossbow is made illegal. This amendment also accommodates the addition of Green River National Wildlife Refuge to the list of "Special Areas" where turkeys may be hunted per federal or local requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to enact changes to turkey hunting regulations.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All hunters that pursue wild turkeys during the spring hunting season will be affected by this regulatory amendment. In 2026, there were approximately 80,000 licensed turkey hunters in Kentucky. All hunters that pursue wild turkeys during fall archery and crossbow turkey hunting seasons will be affected by this regulatory amendment. The number of fall turkey archery and crossbow hunters is unknown. We do know that in 2025, there were approximately 199,089 license holders eligible to have fall turkey hunted, of which approximately 20% (27,437) reported in surveys that they fall turkey hunted.

(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: Adult spring wild turkey hunters will no longer be allowed to take bearded hens, but a subset of them will have the opportunity to hunt turkeys at Green River National Wildlife Refuge per federal requirements. All fall turkey hunters will no longer be allowed to take bearded hens with archery or crossbow equipment, but a subset of them will have the opportunity to hunt

turkeys at Green River National Wildlife Refuge per federal requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to those identified in question (4).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): In theory, turkey hunters could possibly realize some small level of localized turkey population growth resulting from increased survival of female turkeys via the two female-turkey-related regulations changes being made. On average, fewer than 300 bearded hens get taken by hunters legally, statewide, and annually, and fewer than 400 female turkeys are taken by bow and crossbow statewide. Combined, this level of hunter take -- less than 1% of the female turkey population removed each year -- does not constitute a significant effect on the turkey population or future opportunities for Kentucky turkey hunters. The effect of adding Green River National Wildlife Refuge to the list of Special Areas regulated will be to add hunting opportunities, but only for youth, senior, and disabled hunters.

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

(a) Initially: This administrative regulation change will result in no initial change in administrative cost to the Department.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The source of funding is the State Game and Fish Fund.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or increase funding to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No new fees will be established.

(10) TIERING: Is tiering applied? No. Tiering was not used because all persons who hunt wild turkeys are required to abide by the same requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1), 150.390(1).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Not applicable (N/A)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Fish and Wildlife Resources.

(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): No local entities will be impacted.

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

1. Expenditures:

For the first year: N/A.

For subsequent years: N/A.

2. Revenues:

For the first year: N/A.

For subsequent years: N/A.

3. Cost Savings:

For the first year: N/A.

For subsequent years: N/A.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A.

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

1. Expenditures:

For the first year: N/A.

For subsequent years: N/A.

2. Revenues:

For the first year: N/A.

For subsequent years: N/A.

3. Cost Savings:

For the first year: N/A.

For subsequent years: N/A.

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

(a) Fiscal impact of this administrative regulation: In spring seasons, all turkey hunters pursue male wild turkeys (hereafter "gobblers") because of gobbling and strutting behaviors, which bearded female turkeys do not exhibit. For the past 5 years, fewer than 300 hunters per year have taken a bearded hen turkey, and in practically all such cases, take was incidental to hunters' pursuit of gobblers. Making take of bearded hens illegal will not limit the number of spring turkey hunters, therefore there will be no fiscal impact. In fall seasons, approximately 20,000-30,000 hunters hunt turkeys. The number of them that hunt using each of the legal equipment types (shotgun, archery, crossbow) is unknown. However, KDFWR data show that fewer than 400 turkeys per year are taken with a bow or crossbow statewide. For comparison, 80,000-100,000 license holders hunt turkeys during the spring season and take 30,000-35,000 male wild turkeys. Thus, making the take of female turkeys with a bow or crossbow in fall illegal will have little if any fiscal impact on license sales. The addition of Green River National Wildlife Refuge will add turkey hunting opportunity, but only for youth, senior, and disabled hunters. Thus, this is unlikely to result in an appreciable increase in the number of hunting licenses sold.

(b) Methodology and resources used to reach this conclusion: KDFWR take and survey data on license sales and hunter participation, no personally identifiable information, and hunting requirements published by the U.S. Fish and Wildlife Service.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): These regulation changes will not have a "Major economic impact".

(b) The methodology and resources used to reach this conclusion: Experience of KDFWR staff.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (Amendment)

301 KAR 3:001. Definitions for 301 KAR Chapter 3.

RELATES TO: KRS 150.010, 150.025, 189.010

STATUTORY AUTHORITY: KRS 150.025(1)(i)

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)(i) authorizes the department to promulgate administrative regulations to carry out the purpose of the chapter.

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This administrative regulation establishes definitions for terms used in 301 KAR Chapter 3.

Section 1. Definitions.

(1) "Adult" means a person who is at least eighteen (18) years of age.

(2) "Aircraft" means a device that is used or intended to be used for flight in the air.

(3) "Air gun" means a pneumatic gun fired by a charge of compressed air.

(4) "ATV" is as defined in KRS 189.010(24).

(5) "Bait":

(a) Means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that could lure, entice, or attract wildlife; and

(b) Does not mean the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the areas are occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.

(6) "Baiting" means to place, deposit, tend, distribute, or scatter bait.

(7) "Boating access area" means property owned or managed by the department and identified by signs as a public facility for launching and retrieving boats, including:

(a) Ramps, parking lots, courtesy docks, and access roads; and

(b) A zone extending fifty (50) feet into the water adjacent to the department property established in paragraph (a) of this subsection. "Camp Piomingo" means a designated area within Otter Creek Outdoor Recreation Area that is leased from the department for an outdoor summer camp.]

(8) "Chronic Wasting Disease" or "CWD" means a transmissible spongiform encephalopathy found in cervids.

(9) "Club-operated shooting range" means a facility that is:

(a) Operated by a department-authorized entity for target shooting; and

(b) Open to the public during club events.

(10) "Commercial activity" means any activity that is conducted for compensation, for direct or indirect financial gain, or other valuable consideration, regardless of whether the activity is conducted by an individual, business, nonprofit organization or other entity.

(11)[(40)] "Commercial purposes" means taking [nuisance] wildlife in exchange for payment, trade, or associated with job duties as part of employment or operation of a business.

[(14)] "Conservation camp" means a tract of land:]

[(a)] [Controlled by the department through ownership, lease, license, or cooperative agreement; and]

[(b)] [That is utilized to host conservation camps.]

(12) "Crossbow" means a bow with a string designed or fitted with a device to hold an arrow at full or partial draw without aid from the archer.

(13) "CWD Surveillance Zone" means an area, designated and listed on the department's website at fw.ky.gov, as being under special cervid requirements, as established in 301 KAR 2:172, due to a CWD positive cervid detection.

(14) "Department" is defined in KRS 150.010(10).

(15) "Education camp" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That is utilized to host conservation or education camps.

(16)[(45)] "Enhanced Rabies Surveillance Zone" means the counties designated by the United States Department of Agriculture as current rabies surveillance counties listed at <http://fw.ky.gov/Wildlife/Pages/Rabies.aspx>.

(17)[(46)] "Event" means a planned activity conducted by the department or a group for the purpose of boating, fishing, hunting, shooting, trapping, or other recreational activity.

(18)[(47)] "Exotic wildlife" means wildlife species that have never naturally existed in the wild in Kentucky, including species introduced by man that have become naturalized.

(19)[(48)] "Federally protected wildlife[(-)]" means any wildlife species listed by the U.S. Fish and Wildlife Service as threatened or endangered, and any birds protected under the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act.

(20)[(49)] "Field trial" means an organized event where unleashed hunting dogs are worked and judged.

(21)[(20)] "Firearm" means a breach or muzzle-loading rifle, shotgun, or handgun.

(22)[(24)] "Firing line" means the area where a weapon is shot or discharged, as designated by:

(a) Signage;

(b) A shooting bench; or

(c) A range officer.

[(22)] "Fishing outfitter" means the holder of a valid license, issued by the department, which authorizes a person to solicit for guiding services or provide guiding services for clients in the taking or attempting to take fish and which may have fishing guides authorized to assist clients on behalf of the license holder.]

(23) "Fishing guide" means the holder of a valid license, issued by the department, which authorizes a person to assist a fishing outfitter license holder's clients in taking or attempting to take fish and is employed by or contracted with a fishing outfitter license holder.

(24) "Fishing helper" means a person who assists a fishing outfitter or fishing guide and is in the same boat or is directly alongside of the fishing outfitter or fishing guide if standing on a stream or riverbank while guiding others in the taking or attempting to take of fish.

(25) "Fishing outfitter" means the holder of a valid license, issued by the department, which authorizes a person to solicit for guiding services or provide guiding services for clients in the taking or attempting to take fish and which may have fishing guides authorized to assist clients on behalf of the license holder.

(26)[(25)] "Group" means:

(a) A club, society, or association;

(b) Ten (10) or more persons who gather to conduct an event;

or

(c) A field trial.

(27) "Group Activity" means an activity conducted by a group on department-controlled lands that requires prior authorization by the department due to the size of the gathering, the nature of the activity, and its potential impacts on public use, public safety, and natural resources.

(28)[(26)] "Harass" means any action that creates the likelihood of injury to wildlife by annoying it with aircraft or unmanned aircraft to such an extent as to significantly disrupt normal behavior patterns, which include breeding, feeding, or sheltering.

(29)[(27)] "Horse" means a horse, pony, mule, donkey, llama, or similar breed of burden.

[(28)] "Hunting outfitter" means the holder of a valid license, issued by the department, which authorizes a person to solicit for guiding services or provide guiding services for clients in the taking or attempting to take wildlife and which may have hunting guides authorized to assist clients on behalf of the license holder.]

(30)[(29)] "Hunting guide license" means the holder of a valid license, issued by the department, which authorizes a person to assist a hunting outfitter license holder's clients in taking or attempting to take wildlife and is employed by or contracted with a hunting outfitter license holder.

(31) "Hunting outfitter" means the holder of a valid license, issued by the department, which authorizes a person to solicit for guiding services or provide guiding services for clients in the taking or attempting to take wildlife and which may have hunting guides authorized to assist clients on behalf of the license holder.

(32)[(30)] "Injurious substance" means a substance which may be harmful to wildlife, or wildlife habitat.

(33)[(34)] "Mechanized vehicle" means a motor vehicle, bicycle, or other human conveyance except a wheelchair.

(34)[(32)] "Mentee" means an individual who is participating or going to participate in a mentored event to receive guidance and instruction from a mentor to learn the lawfully compliant methods and techniques for engaging in the activity being performed in the mentored event.

(35)[(33)] "Mentor" means an adult who:

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(a) Has previously participated in a particular activity; ~~and~~
(b) Is well versed in the techniques, equipment, and safety concerns related to the activity that is to occur at an event~~[-]; and~~
(c) Passes a background check prior to accompanying a mentee during a department administered mentored event.

~~(36)[(34)]~~ "Mentored event" means an event during a statewide season in which mentors accompany mentees.

~~(37)[(35)]~~ "Mobility-impaired" means an individual who meets the requirements of 301 KAR 3:026 Section 2(1).

~~(38)[(36)]~~ "Motor vehicle" is defined in KRS 189.010(19).

~~(39)[(37)]~~ "Novice" means a person who has not:

(a) Held the applicable license for an event activity for more than two (2) license years in total;

(b) Held the applicable license for an event activity within the past three (3) years;

(c) Successfully harvested the targeted species for an event within the past three (3) years; or

(d) For shooting and boating activities, participated in the activity more than five (5) times within the past three (3) years.

~~[(38)]~~ ~~"Nuisance wildlife" means vertebrate wildlife that causes or may cause damage or threat to agriculture, human health, safety, or property.~~

~~[(39)]~~ ~~"Nuisance wildlife control operator" or "NWCO" means the holder of a valid permit, issued by the department, which authorizes the taking of nuisance wildlife for commercial purposes.~~

(40) "Participant" means an individual who engages in boating, fishing, hunting, shooting, or trapping, as part of an event.

(41) "Pistol pit" means a shooting range that is established for target shooting with pistols.

(42) "Qualified assistant" means an individual who is participating in the activity with the mobility-impaired individual and designated by the mobility-impaired individual.

(43) "Rabies vector species" means a:

(a) Bat of any species (order Chiroptera);

(b) Coyote (*Canis latrans*);

(c) Gray fox (*Urocyon cinereoargenteus*);

(d) Raccoon (*Procyon lotor*);

(e) Red fox (*Vulpes vulpes*);

(f) Spotted skunk (*Spilogale putorius*);

(g) Striped skunk (*Mephitis mephitis*); or

(h) Hybrid of paragraphs (a) through (g) of this subsection.

(44) "Range officer" means an individual designated as a National Rifle Association range officer, a National Shooting Sports Foundation range officer, a department hunter education instructor, or a law enforcement range officer, responsible for supervising a shooting range and ensuring compliance with this administrative regulation.

(45) "Ride" means to ride, drive, or lead a horse.

(46) "Rural habitat" means an area of the state not included within the boundaries of an incorporated or unincorporated city, village, or borough, and having a population in excess of 1,500 inhabitants.

(47) "Safety zone" means an area downrange of a firing line where all public access is prohibited as designated by department signs.

(48) "Self-service trap shooting range" means a shooting range that is established for people to shoot at moving targets with a shotgun.

~~(49)[(50)]~~ "Shooting range" or "range" means a public facility on lands owned or managed by the department through ownership, lease, license, or cooperative agreement, or a facility owned or managed by an affiliated partner of the department that is designated for the shooting of firearms or archery equipment.

~~(50)[(49)]~~ "Shooting station" means a location on the firing line for one (1) person to shoot, as designated by:

(a) Signage;

(b) A shooting bench; or

(c) A concrete pad.

(51) "Special Use Wildlife Management Area" or "Special Use WMA" means a Wildlife Management Area that is subject to special restrictions due to safety concerns or recorded deed restrictions on the subject property prohibit.

(52) "Tube range" means a shooting range established for target shooting through designated steel tubes.

(53) "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

(54) "WCO Permit" means the wildlife control operator's permit issued pursuant to Title 301 KAR 3:120.

(55) "Wildlife control operator" or "WCO" means the holder of a valid permit, issued by the department, which authorizes the taking of nuisance wildlife for commercial purposes.

(56) "Wildlife management area" or "WMA" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) Having "Wildlife Management Area" or "WMA" as part of its official name.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 14, 2026 at 12:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 11:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert, Phone: 502-564-3400, Email: fw.publicaffairs@ky.gov

Subject Headings: Fish and Wildlife, Hunting, Fishing, Conservation

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes definitions for terms used in 301 KAR Chapter 3.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to avoid confusion when interpreting the meaning of terms used in 301 KAR Chapter 3.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1)(h) requires the department to promulgate administrative regulations to carry out the purpose of the chapter.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By providing definitions for the terms used in 301 KAR Chapter 3, misinterpretation of the regulations should be minimized.

(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 contains definitions to terms used in chapter 3 regulations. The amendment also removes definitions for terms no longer used in chapter 3 regulations.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide consistent definitions and terms used throughout all of Chapter 3 regulations.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment provides the most up to date terms used in regulation to carry out the purpose of the chapter as required by KRS 150.025.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will provide the public with the most recent and accurate terms used throughout Chapter 3 regulations.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals reading this regulation or any regulation in 301 KAR Chapter 3 will be affected.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No additional actions will need to be taken to comply with this regulation. This regulation simply provides definitions for terms in 301 KAR Chapter 3.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost to comply with this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): All individuals interpreting regulations within 301 KAR Chapter 3 will have a better understanding of the terms and all definitions will be located in one regulation.

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

(a) Initially: There will be no cost initially

(b) On a continuing basis: There will be no cost on a continuous 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 Fish and Game Fund

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: N/A

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No direct or indirect fees will be established.

(10) TIERING: Is tiering applied? No tiering is applied. This regulation applies to all individuals, businesses, and organizations impacted by the regulations in 301 KAR Chapter 3.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1)(h)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: N/A

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: {Response} The Department's Divisions of Wildlife, Fisheries, Information and Education and Law Enforcement will be impacted.

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

1. Expenditures:

For the first year: No revenue will be generated by this administrative regulation during the first year.

For subsequent years: No expenditures will be experienced to administer this administrative regulation in subsequent years.

2. Revenues:

For the first year: No cost savings will be generated by this administrative regulation during the first year.

For subsequent years: No revenue will be experienced to administer this administrative regulation in subsequent years.

3. Cost Savings:

For the first year: N/A

For subsequent years: No cost savings will be experienced to administer this administrative regulation in subsequent years.

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

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

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

(b) Methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation only contains definitions to be used in 301 KAR Chapter 3.

(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 to any entity identified in the questions above.

(b) The methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation only contains definitions.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (Amendment)

301 KAR 3:010. Public use of Wildlife Management Areas.

RELATES TO: KRS 13B, 150.025, 150.620, 150.640

STATUTORY AUTHORITY: KRS 150.025, 150.620

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.620 authorizes the department to impose and enforce special administrative regulations on lands acquired for public hunting, fishing, and related recreational uses. This administrative regulation prohibits certain actions inconsistent with the intended purpose of Wildlife Management Areas, establishes requirements for other uses, and stipulates the procedure for obtaining group use permits on these areas.

Section 1. While upon a WMA:

(1) A person shall observe the hunting dates, limits, and other requirements that apply to the county in which the WMA is located, unless otherwise specified in:

- (a) This administrative regulation;
- (b) 301 KAR 2:049;
- (c) 301 KAR 2:132;
- (d) 301 KAR 2:140;
- (e) ~~301 KAR 2:142;~~
- ~~(f)~~ ~~301 KAR 2:144;~~
- ~~(g)~~ 301 KAR 2:178;
- ~~(f)~~~~(h)~~ 301 KAR 2:222;
- ~~(g)~~~~(h)~~ 301 KAR 2:225; or
- ~~(h)~~~~(j)~~ 301 KAR 2:300.

(2) Except for waterfowl or dove hunting, or legal hunting at night, a person who is hunting any species, or a person who is accompanying a hunter, shall wear hunter orange clothing pursuant to 301 KAR 2:172 while:

(a) On a WMA that is open for modern gun or muzzleloader deer seasons, pursuant to 301 KAR 2:178;

(b) Hunting within the sixteen (16) county elk zone when a firearms elk season is open, pursuant to 301 KAR 2:132; or

(c) Hunting within the bear zone during a bear firearms season, pursuant to 301 KAR 2:300.

(3) A person may hunt small game, furbearers, or turkey by archery during the modern gun deer season, including the first two (2) days, if the statewide modern gun deer season is closed on that area.

(4) Unless specified otherwise in 301 KAR 2:049, a person shall not allow an unleashed dog from March 1 until the third Saturday in August, except when participating in:

(a) A department-authorized field trial;

(b) The spring squirrel season; or

(c) Training a retriever or other water dog, if:

1. The activity is authorized by a sign at the body of water; and

2. The dog remains leashed except while actively training in or within 100 feet of the body of water.

(5) A person shall not:

(a) Hunt:

1. On a WMA or portion of a WMA designated by a sign as closed to hunting; or

2. At an established access point, launching ramp, or recreation area.

(b) Enter a portion of a Wildlife Management Area designated by a sign as closed to public access.

(c) Discharge a firearm within 100 yards of a residence or occupied building, whether or not the building is on a WMA.

(d) Camp, except in a designated area.

(e) Place or distribute bait or otherwise participate in baiting wildlife on a Wildlife Management Area. Bait shall not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.

(f) Hunt over bait.

(g) Place trail cameras on WMAs or public hunting areas unless the trail camera is externally labeled with the owner's Fish and Wildlife customer identification number.

Section 2. Horseback Riding. A person shall not:

(1) Ride a horse on a WMA except:

(a) On a trail or area specifically marked for horseback riding;

(b) On a maintained public road open to public vehicular traffic;

(c) During an event where a horse is allowed under a permit issued under the provisions of Section 5 of this administrative regulation; or

(d) While engaged in a legal hunting activity.

(2) Allow a horse to roam or graze on department property.

(3) Tether a horse in a way that would cause damage to a tree or shrub.

(4) Participate in horseback riding during firearms seasons for turkey, deer, and elk unless participating or assisting in a legal elk

hunt. Any persons legally riding horses during an elk hunt shall abide by the hunter orange requirements found in 301 KAR 2:132, Section 5(5).

Section 3. Prohibited Activities. Except as authorized by the department, on a WMA a person shall not:

(1) Damage a tree or shrub;

(2) Dump trash or litter;

(3) Set fires, except for an attended campfire;

(4) Leave a campfire unattended;

(5) Cut or damage a fence or gate;

(6) Deface or destroy a sign;

(7) Destroy, harvest, or glean a crop;

(8) Allow livestock to roam freely;

(9) Dump the contents of a holding tank, portable toilet, or other container holding human waste;

(10) Deface or collect artifacts from historical or archeological sites;

(11) Ignite fireworks or rockets;

(12) Collect or remove plants;

(13) Place or cause to be placed an injurious substance on land or water;

(14) Engage in an activity which:

(a) Is commercial in nature and intent unless specified in Section 5(3) or section 5(8) of this administrative regulation; or

(b) Could:

1. Unreasonably interfere with other uses or users of the area;

2. Pose a risk to persons or property; or

3. Damage facilities, roads, trails, or ecosystems of the area.

(15) Engage in the activity of outfitting or guiding of clients as established in 301 KAR 3:150.

Section 4. Use of Mechanized Vehicles. Except as specifically authorized by the department in this administrative regulation, on a WMA, a person shall not:

(1) Use a mechanized vehicle except:

(a) On a maintained road open to public use; or

(b) In a designated parking area;

(2) Park in a way that would:

(a) Block a road or gate; or

(b) Prevent access to a portion of the area.

Section 5. Group Permits.

(1) A group shall not conduct an event upon department property without obtaining a permit at least thirty (30) days before the date of the event, except fishing or boating activities occurring at a boating access area within a WMA, as detailed in subsection 8 of this section.

(2) An applicant shall use the "Wildlife Management Area Use Permit Application".

(3) The department shall deny a permit for an event that involves:

(a) The use of mechanized vehicles, except for travel to and from the area; or

(b) An activity prohibited in Section 3 of this administrative regulation except that a commercial activity may be permitted if it is:

1. An informational booth;

2. A food vendor;

3. For collecting registration or entrance fees;

4. A similar ancillary activity authorized by the event permit; ~~or~~

5. An ecotourism event approved by the department.

(4) The department may:

(a) Require the group to reschedule an event to avoid user conflicts;

(b) Restrict an event to a specified location within the WMA;

(c) Cancel a scheduled event if flooding, fire danger, or other unforeseen circumstances render the WMA unsafe or unsuitable for the event; or

(d) Require the group to provide portable sanitary toilet facilities if existing facilities on the WMA are inadequate for the expected size of the group.

(5) A group that holds a valid WMA use permit for an event on a shooting range shall:

(a) Maintain a sign-in sheet with participants required to sign-in prior to participating in the event; and

(b) Submit the sign-in sheet to the department within thirty (30) days of the event by any method indicated on the application incorporated by reference in 301 KAR 3:015.

(6) The department shall revoke the permit and cancel an event if the group's behavior:

(a) Is rude, obnoxious, disruptive, or disorderly;

(b) Creates a danger to the health or safety of other users;

(c) Results in damage to the area; or

(d) Violates a state or federal law.

(7) The department may deny a permit to a group which has had a previous event canceled under subsection (5) of this section.

(8) A fishing or boating activity, including fishing tournaments, may be conducted at a boating access area located within a WMA without a group permit.

Section 6. Appeal of Permit Denial.

(1) A person who wishes to appeal the denial of a permit shall request a hearing in writing, postmarked or delivered in person to the department no later than ten (10) days after notification of denial.

(2) Upon receipt of the request for a hearing, the department shall:

(a) Appoint a hearing officer qualified to conduct hearings under the provisions of KRS Chapter 13B; and

(b) Schedule a hearing to be held:

1. Prior to the next regularly scheduled meeting of the commission, if the request for a hearing is received more than thirty (30) days before the scheduled commission meeting; or

2. Within thirty (30) days, if the request for a hearing is received within thirty (30) days of the next scheduled commission meeting.

(3) The hearing officer shall conduct the hearing and present his recommendation at the commission meeting immediately following the hearing date.

(4) The department may present evidence and call witnesses to support the suspension or revocation.

(5) The commission shall make its decision by majority vote.

(6) A person may appeal a decision of the commission in accordance with the provisions of KRS Chapter 13B.

Section 7. On Wildlife Management Areas not owned by the department, provisions of this administrative regulation shall not apply if:

(1) An activity prohibited by this administrative regulation is allowed by the entity owning the property; or

(2) An activity allowed by this administrative regulation is prohibited by the entity owning the property.

Section 8. Special Use Wildlife Management Areas.

(1) Special Use Wildlife Management Areas shall be established by the Department when safety concerns arising from the size of the property or the area surrounding the property are prevalent or due to recorded deed restrictions on the subject property.

(2) When safety concerns necessitate an area be designated a Special Use Wildlife Management Area, the area shall be subject to the following restrictions:

(a) The use of rimfire rifles, centerfire rifles, pistols, or single-projectile shotgun ammunition for hunting or target shooting shall be prohibited; and

(b) The use of air rifles shall be prohibited except .177-.25 caliber air rifles shall be allowed for small game hunting.

(3) Special Use Wildlife Management Areas established due to deed restrictions shall have restrictions consistent with those established in the recorded deeds for the area.

Section 9. Incorporated by Reference.

(1) "Wildlife Management Area Use Permit Application", 2025 Edition, is incorporated by reference.

(2) It may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601 from 8 a.m. to 4:30 p.m. Monday through Friday or online at: <https://fw.ky.gov/Licenses/Documents/WMAUserPermitApp.pdf>.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: September 11, 2026

FILED WITH LRC: September 14, 2026 at 12:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 11:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 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.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert, Phone: 502-564-3400, Email: fw.publicaffairs@ky.gov

Subject Headings: Fish and Wildlife, Hunting, Fishing, Land Use

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation authorizes the department to impose and enforce special administrative regulations on lands acquired for public hunting, fishing, and related recreational uses. This administrative regulation prohibits certain actions inconsistent with the intended purpose of Wildlife Management Areas, establishes requirements for other uses, and stipulates the procedure for obtaining group use permits on these areas.

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to allow safe public use of Wildlife Management Areas for hunting, fishing, and related recreational uses.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.620 authorizes the department to purchase or lease lands for the establishment and maintenance of public shooting, fishing and other recreational uses. Additionally, it allows for the operation of facilities on this land and for the subleasing of land.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by allowing for public hunting, fishing, and related recreational uses on land purchased or leased by the department in a safe manner.

(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 allow group fishing or boating activities occurring at a boating access area within a KDFWR Wildlife Management Area to operate without the requirement of a WMA use permit. In addition, these activities will be exempted from commercial activity restrictions.

(b) The necessity of the amendment to this administrative regulation: Fishing tournaments and other group fishing activities commonly occur at all boating access areas across the state. On boating access areas owned or managed by KDFWR outside of Wildlife Management Areas, there are no permit requirements to conduct these activities unless they involve more than 100 boats. This amendment will standardize the way fishing and boating activities are handled at all KDFWR owned or managed boating access areas, including those on KDFWR Wildlife Management Areas.

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

statutes: See (1) (c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1) (d) above.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, this amendment does not implement legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All groups conducting fishing or boating activities that utilize boating access areas on KDFWR Wildlife Management Areas will be affected.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No actions will be required by these groups since a use permit will not be needed for their activity.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to those identified in question (4).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Groups conducting fishing and boating activities at boating access areas on KDFWR Wildlife Management areas will no longer have to obtain a group use permit prior to their activity.

(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 administrative cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no administrative cost to the department on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The source of funding is the State Game and Fish Fund.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase fees or funding to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees will directly or indirectly increase.

(10) TIERING: Is tiering applied? No. Tiering is not applied because all individuals and groups will be treated equally when conducting fishing and boating activities on KDFWR Wildlife Management Area boating access areas.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1), KRS 150.620

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.620 authorizes the department to purchase or lease lands for the establishment and maintenance of public shooting, fishing and other recreational uses. Additionally, it allows for the operation of facilities on this land and for the subleasing of land.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Fish and Wildlife Resources

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

1. Expenditures:

For the first year: These amendments will not result in any additional expenditures for the department in the first year.

For subsequent years: These amendments will not result in any additional expenditures for the department in subsequent years.

2. Revenues:

For the first year: These amendments will not result in any change in revenues for the department in the first year.

For subsequent years: These amendments will not result in any change in revenues for the department in subsequent years.

3. Cost Savings:

For the first year: These amendments will not result in any cost savings for the department in the first year.

For subsequent years: These amendments will not result in any cost savings for the department in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities will be affected by these amendments.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or

(4)(a): No other entities should be affected by these amendments.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This amendment will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (Amendment)

301 KAR 3:130. Public use of department-owned or managed properties that are not Wildlife Management Areas[conservation camp properties].

RELATES TO: KRS 150.010, 150.025, [150.024-], 150.170, 150.175, 150.390, 28 C.F.R. 35, 36, 43 C.F.R. 17

STATUTORY AUTHORITY: KRS 150.025(1), 150.0241, 150.179(2), 150.620

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by

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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, to make administrative regulations apply to a limited area, and as otherwise necessary to carry out the purposes of KRS Chapter 150. KRS 150.179(2) authorizes the department to approve certain special events that provide education or appreciation of the recreational activity. KRS 150.0241 authorizes the department to impose and enforce special administrative regulations on lands managed for public hunting, fishing, and related recreational uses. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation. This administrative regulation establishes procedures to allow individuals meeting defined criteria for mentored events to boat, fish, hunt, shoot, or trap as part of a department-approved activity or program. This administrative regulation establishes prohibitions for certain actions inconsistent with the intended purpose of education[conservation] camp, hatchery, and other department-owned or managed properties that are not Wildlife Management Areas[properties] and establishes requirements for other uses of these areas.

Section 1. [Definitions.]

[(1)] ["Adult" means a person who is at least eighteen (18) years of age.]

[(2)] ["Bait":]

[(a)] [Means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that could lure, entice, or attract wildlife; and]

[(b)] [Does not mean the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the areas are occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.]

[(3)] ["Conservation camp" means a tract of land:]

[(a)] [Controlled by the department through ownership, lease, license, or cooperative agreement; and]

[(b)] [That is utilized to host conservation camps.]

[(4)] ["Event" means a boating, fishing, hunting, shooting, or trapping activity, conducted by the department.]

[(5)] ["Mentee" means an individual who is participating or going to participate in a mentored event to receive guidance and instruction from a mentor to learn the lawfully compliant methods and techniques for engaging in the activity being performed in the mentored event.]

[(6)] ["Mentor" means an adult who:]

[(a)] [Has previously participated in a particular activity;]

[(b)] [Is well versed in the techniques, equipment, and safety concerns related to the activity that is to occur at an event; and]

[(c)] [Passes a background check prior to accompanying a mentee during a mentored event.]

[(7)] ["Mentored event" means an event during a statewide season in which mentors accompany mentees.]

[(8)] ["Mobility-impaired" means an individual who meets the requirements of 301 KAR 3:026, Section 2(1).]

[(9)] ["Novice" means a person who has not:]

[(a)] [Held the applicable license for an event activity for more than two (2) license years in total;]

[(b)] [Held the applicable license for an event activity within the past three (3) years;]

[(c)] [Successfully harvested the targeted species for an event within the past three (3) years; or]

[(d)] [For shooting and boating activities, participated in the activity more than five (5) times within the past three (3) years.]

[(10)] ["Participant" means an individual who engages in boating, fishing, hunting, shooting, or trapping, as part of an event.]

[Section 2.] General Requirements on Education Camp and Hatchery Properties.

(1) Unless established in this administrative regulation, statewide requirements shall apply.

(2) A person shall only hunt or trap in the area assigned to them by department staff.

(3) While upon an education[a-conservation] camp or hatchery property, a person shall not:

(a) Enter a portion of [a-conservation-camp-]property designated by signage as closed to public access;

(b) Camp, except in a designated area at an education camp;

(c) Place or distribute bait or otherwise participate in baiting wildlife[on a conservation][camp property];

(d) Hunt over bait;[-or]

(e) Possess or be under the influence of alcohol or "illicit substances", as defined by KRS 351.010(1)(l), at any time;[-while on conservation-camp property.]

(f) Use a mechanized vehicle, except:

1. On a maintained road open to public use; or

2. In a designated parking area;

(g) Ride a horse, except as permitted at an education camp;

(h) Damage a tree or shrub;

(i) Dump trash or litter;

(j) Set fires, except for campfires associated with an education camp activity;

(k) Cut or damage a fence or gate;

(l) Deface or destroy a sign;

(m) Dump the contents of a holding tank, portable toilet, or other container holding human waste;

(n) Collect or remove plants, unless part of an education camp activity;

(o) Place or cause to be placed an injurious substance on land or water;

(p) Engage in an activity which is commercial in nature and intent without department approval;

(q) Hunt or fish in a hatchery production pond unless participating in a department-sanctioned event; or

(r) Hold a group event on hatchery property without first obtaining written authorization from the department.

(4) Only individuals who possess valid hunter education certification may participate in a hunting or trapping event.

(5) To participate in an event as a mentee, an individual shall be under eighteen (18) years of age or a novice in the activity.

Section 2.[Section 3.] Mentored Events on Education Camp and Hatchery Properties.

(1) Unless license exempt, as established in KRS 150.170, the mentee shall abide by any license requirements and daily harvest and possession limits.

(2) A mentor shall:

(a) Accompany a mentee;

(b) Remain in a position at all times to take immediate control of a mentee's bow, crossbow, firearm, fishing gear, or any equipment used to legally hunt, trap, or fish;[-and]

(c) Not be required to possess a valid fishing or hunting license or related permits for the mentor to:

1. Track and dispatch a wounded animal;

2. Retrieve an animal; or

3. Render other assistance in accordance with KRS Chapter 150 and 301 KAR Chapters 2 and 3.

(3) A mentee shall:

(a) Accompany a mentor;

(b) Remain in a position at all times so that the mentor may take immediate control of the mentee's bow, crossbow, firearm, fishing gear, or any equipment used to legally hunt, trap, or fish; and

(c) Possess all required licenses and permits.

Section 3.[Section 4.] Mobility-impaired Individuals.

(1) Individuals who are participating in an event, possess a Mobility-impaired Access Permit as established in 301 KAR 3:026, and carry the permit on their person during the event, may, if otherwise qualified to do so at the event:

(a) Discharge a firearm or other legal hunting device from a motor vehicle if the vehicle is motionless and has its engine turned

off. The motor vehicle shall be used as a place to wait or watch for game and shall not be used to chase, pursue, or drive game; and

(b) Operate electric wheelchairs, ATV's, and other passenger vehicles on or off gated, ungated, or open-gated roads otherwise closed to vehicular traffic, but the individual shall do so only on designated portions of camp or hatchery property.

(2) ATV users shall adhere to manufacturer recommendations while utilizing ATVs on camp property.

Section 4. [Section–5.] General Requirements on Federally Owned Areas.

(1) Unless established in this administrative regulation, statewide requirements shall apply.

(2) A person shall:

(a) Not hunt except on assigned dates and in assigned areas; and

(b) Comply with all requirements established by the agency controlling the area.

Section 5. Department-owned or managed land that is not a Wildlife Management Area, Education Camp, or hatchery shall be closed to all hunting, fishing, or trapping unless:

(1) A formal agreement for access to hunt, fish or trap has been entered into with the landowner and the department;

(2) Prescribed to be open for fishing, hunting or trapping opportunities in any Chapter 150 regulation; or

(3) The public is informed by conspicuously posting the allowances on signage at major access points on the area and posting the area requirements on the department's Web site at fw.ky.gov.

Section 6. Newly managed or acquired lands

(1) Upon acquiring new public land, the department shall:

(a) Assess, within the first three (3) years of ownership or management, if opening the area to all hunting, all fishing, all trapping, take of certain species, or use of certain equipment would likely result in:

1. Inadvertent trespassing on adjacent private land by hunters, anglers, or trappers;

2. The activity having a negative impact to wildlife populations;

3. Substantial risk of harm to members of the public engaged in the activity due to hazards that exist on the area;

4. Substantial risk of harm to adjacent or nearby residential dwellings or commercial development; or

5. Substantial risk of harm to members of the public entering the property due to construction activities; and

(b) Determine, within the first three (3) years of ownership or management, if the area is unsuitable for hunting, fishing, or trapping due to:

1. The public benefit being greater if the department established the area for use as office space, equipment storage, parking, habitat preservation, a shooting range, boat ramp access, or exclusively for educational purposes;

2. Ongoing management, habitat improvement, or research by the department which would conflict with the activity; or

3. Species found within the area are deemed unsafe or unsuitable for consumption based upon suspected or confirmed environmental hazards or disease.

(2) The department shall utilize the assessments and determinations required in this section, along with fiscal considerations, staffing requirements, public need, and anticipated public usage when determining if a newly acquired area shall be established as Wildlife Management Area, Education Camp, or hatchery or otherwise opened for public hunting, fishing, or trapping.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: September 11, 2026

FILED WITH LRC: September 14, 2026 at 12:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 12:30 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals

interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert, Phone: 502-564-3400, Email: fw.publicaffairs@ky.gov

Subject Headings: Fish and Wildlife, Conservation, Fishing, Hunting

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures to allow individuals meeting defined criteria for mentored events to boat, fish, hunt, shoot, or trap as part of a department-approved activity or program. KRS 150.0241 authorizes the department to impose and enforce special administrative regulations on lands managed for public hunting, fishing, and related recreational uses. This administrative regulation prohibits certain actions inconsistent with the intended purpose of conservation camp properties, establishes requirements for other uses, and stipulates the guidelines for participation in events.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish guidelines under which the department may operate special mentored events and regulate activity on property owned or managed by the department that is not a wildlife management area (WMA).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(e) authorizes the department to regulate or restrict the places where taking is permitted. KRS 150.025(g) authorizes the department to make administrative regulations apply to a limited area or to the entire state. KRS 150.0241 authorizes the department to impose and enforce special administrative regulations on lands managed for public hunting, fishing, and related recreational uses.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes when, how and duration of restrictions to normal hunting, fishing and trapping activities on property owned or managed by the department that is not a wildlife management area (WMA) or on lands to address public safety concerns.

(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 combine and simplify regulatory language dealing with department land that is not a WMA, add provisions for property set aside for other uses and adds provisions for closure of land by signage.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow the property utilization of land owned or managed by the department that is not a WMA and to consolidate redundant language in other regulations.

(c) How the amendment conforms to the content of the authorizing statutes: See 1 (c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Any individual, business, organization or

government entity utilizing KDFWR owned or managed lands.

(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 except to follow the restrictions applicable to each property.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Benefits for users will include higher quality public lands, hazard avoidance and better infrastructure.

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

(a) Initially: There is no added cost to implement this amendment.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Fish and Game Fund.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: N/A

(10) TIERING: Is tiering applied? Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 150.025(1), 150.0241, 150.179(2), 150.620

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: N/A

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Fish and Wildlife Resources

(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): There will be no fiscal impact to local entities with this amendment.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: There will be no fiscal impact.

(b) Methodology and resources used to reach this conclusion: This regulation amendment deals with function and policy for existing public land use and will not have a fiscal impact on the department or the public.

(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): N/A

(b) The methodology and resources used to reach this conclusion: N/A.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (Amendment)

301 KAR 5:022. License, tag, registration, and permit fees.

RELATES TO: KRS 150.025, 150.180, 150.183, 150.240, 150.275, 150.280, 150.290, 150.450, 150.485, 150.520, 150.525, 150.600, 150.603, 150.660, 150.720, 235.220, 235.040, 235.050, 235.080

STATUTORY AUTHORITY: KRS 150.175, 150.195(4)(f), 150.225(1), 150.620, 235.080, 235.220(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.175 authorizes the types of licenses, permits, and tags. KRS 150.195(4)(f) requires the Department of Fish and Wildlife Resources to promulgate an administrative regulation establishing the license and permit terms and the expiration date of licenses and permits. KRS 150.225(1) requires the department to promulgate administrative regulations establishing reasonable license fees relating to hunting, fishing, and trapping. KRS 150.620 authorizes the department to charge reasonable fees for the use of lands and waters it has acquired for wildlife management and public recreation. KRS 235.080 requires the department to establish boat registration fees. KRS 235.220(1) authorizes the department to establish an annual registration fee for a manufacturers or dealers of motorboats in the state of Kentucky. This administrative regulation establishes fees and terms for licenses, permits, registrations, and tags.

Section 1. License, tag, permit, and registration fee adjustments.

(1) Excluding Section 8[9] of this regulation, all fees listed in this administrative regulation shall be adjusted on every year ending in an even number by summing the 12-month percentage change of the Consumer Price Index for All Urban Consumers (CPI-U), as reported by the U.S. Bureau of Labor and Statistics, from the two previous years and rounding the two (2) year sum to the nearest tenth of a percentage point.

(2) The starting base amount for license, tag, permit, and registration fees are listed in this administrative regulation and shall be increased additively every year ending on an even number effective January 1, 2026.

(3) Current license, tag, permit, and registration fees shall be found at <https://fw.ky.gov/Licenses/Pages/Fees.aspx>.

Section 2. Licenses, tags, and permits listed in this section shall be valid from March 1 through the last day of February the following year, except the senior lifetime sportsman's license shall be valid for the life of the license holder while the license holder maintains Kentucky residency.

(1) Sport fishing licenses:

(a) Statewide annual fishing license (resident): twenty-three (23) dollars;

(b) Statewide annual fishing license (nonresident): fifty-five (55) dollars;

(c) Joint married couple statewide fishing license (resident): forty-two (42) dollars;

(d) Statewide three (3) year fishing license (resident): fifty-five (55) dollars; and

(e) Trout permit: ten (10) dollars.

(2) Commercial fishing licenses:

(a) Commercial fishing license (resident), plus ten (10) resident commercial gear tags: \$150;

(b) Commercial fishing license (nonresident), plus ten (10) nonresident commercial gear tags: \$600; and

(c) Commercial fishing license for invasive carp and scaled rough fish (nonresident), plus ten (10) nonresident gear tags: \$150.

(3) Commercial fishing gear tags (shall not be sold singly):

(a) Commercial fishing gear tags (resident) block of ten (10) tags: fifteen (15) dollars;

(b) Commercial fishing gear tags (nonresident) block of ten (10) tags: \$100; and

(c) Commercial fishing gear tags for invasive carp and scaled rough fish (nonresident), block of ten (10) tags: fifteen (15) dollars.

(4) Hunting licenses:

(a) Statewide hunting license (resident): twenty-seven (27) dollars;

(b) Statewide hunting license and statewide annual fishing license (nonresident): ~~\$204.12~~^{\$169};

(c) Statewide youth hunting license (resident): six (6) dollars;

(d) Statewide youth hunting license (nonresident): ten (10) dollars;

(e) Shooting Area[preserve] hunting license: five (5) dollars; and

(f) Migratory bird and waterfowl permit: fifteen (15) dollars.

(5) Combination hunting and fishing license (resident): forty-two (42) dollars.

(6) Sportsman's licenses:

(a) Sportsman's license (resident), which includes a resident hunting and fishing license, spring turkey permit, fall turkey permit, trout permit, state migratory bird and waterfowl permit, and statewide deer permit: ninety-five (95) dollars;

(b) Youth sportsman's license (resident), which may be issued to a person before he or she has reached his or her sixteenth birthday and for which the privileges remain valid through the end of the applicable license year, and which includes a statewide hunting license, a statewide deer permit, a spring turkey permit, fall turkey permit, migratory game bird and waterfowl permit, statewide annual fishing license, and a Ballard WMA waterfowl hunt permit valid for all days the license holder lawfully waterfowl hunts at Ballard WMA: thirty (30) dollars;

(c) Senior sportsman's license, which include a resident hunting and fishing license, spring turkey permit, fall turkey permit, trout permit, state migratory bird and waterfowl permit, and statewide deer permit. Senior licenses shall not be valid unless the holder carries

proof of their Kentucky residency and proof of age on the holder's person while performing an act authorized by the license:

1. Annual senior sportsman's license (resident): twelve (12) dollars; and

2. Senior lifetime sportsman's license (resident): \$180;

(d) Disabled sportsman's license (resident), which includes a resident hunting and fishing license, spring turkey permit, fall turkey permit, trout permit, state migratory bird and waterfowl permit, and statewide deer permit: twelve (12) dollars; and

(e) First time buyer sportsman's license (resident), which includes a resident hunting and fishing license, spring turkey permit, fall turkey permit, trout permit, state migratory bird and waterfowl permit, and statewide deer permit: thirty-five (35) dollars.

(7) Trapping licenses:

(a) Trapping license (resident): twenty (20) dollars;

(b) Trapping license (resident landowner – tenant): ten (10) dollars;

(c) Trapping license (nonresident): \$130; and

(d) Youth trapping license (resident): five (5) dollars.

(8) Game permits:

(a) Bear permit (resident): thirty (30) dollars;

(b) Youth bear permit (resident): ten (10) dollars;

(c) Bear chase permit (resident): thirty (30) dollars;

(d) Youth bear chase permit (resident): ten (10) dollars;

(e) Combination bear permit (resident), which includes a bear permit and a bear chase permit: fifty (50) dollars;

(f) Bear permit (nonresident): \$250;

(g) Youth bear permit (nonresident): \$100;

(h) Bear chase permit (nonresident): fifty (50) dollars;

(i) Youth bear chase permit (nonresident): fifteen (15) dollars;

(j) Quota cow elk permit (resident): sixty (60) dollars;

(k) Quota cow elk permit (nonresident): \$400;

(l) Quota bull elk permit (resident): \$100;

(m) Quota bull elk permit (nonresident): \$550;

(n) Quota either sex archery and crossbow elk permit (resident): \$100;

(o) Quota either sex archery and crossbow elk permit (nonresident): \$550;

(p) Out-of-zone elk permit (resident): thirty (30) dollars;

(q) Out-of-zone elk permit (nonresident): \$400;

(r) Statewide deer permit (resident): thirty-five (35) dollars;

(s) Statewide deer permit (nonresident): \$235;

(t) Statewide youth deer permit (resident), valid for taking four

(4) deer: ten (10) dollars;

(u) Statewide youth deer permit (nonresident), valid for taking four (4) deer: fifteen (15) dollars;

(v) Additional deer permit: fifteen (15) dollars;

(w) Spring turkey permit (resident): thirty (30) dollars;

(x) Spring turkey permit (nonresident): \$110;

(y) Fall turkey permit (resident): thirty (30) dollars;

(z) Fall turkey permit (nonresident): \$110;

(aa) Youth turkey permit (resident), valid for taking one (1) wild turkey during spring or fall seasons: ten (10) dollars;

(bb) Youth turkey permit (nonresident), valid for taking one (1) wild turkey during spring or fall seasons: fifteen (15) dollars;

(cc) Quota youth elk permit (resident): thirty (30) dollars; and

(dd) Quota youth elk permit (nonresident): \$200.

(9) Peabody WMA user permit: fifteen (15) dollars.

(10) Land Between the Lakes hunting permit: as stated at landbetweenthelakes.us.

(11) Conservation permit: five (5) dollars.

(12) Bobcat hunting permit: ten (10) dollars.

(13) Guide licenses:

(a) Fishing guide license (resident): \$100;

(b) Fishing guide license (nonresident): \$400;

(c) Hunting guide license (resident): \$100; and

(d) Hunting guide license (nonresident): \$400.

(14) Outfitter licenses:

(a) Fishing Outfitter Tier 1 (resident): \$250;

(b) Fishing Outfitter Tier 1 (nonresident): \$1,000;

(c) Fishing Outfitter Tier 2 (resident): \$750;

(d) Fishing Outfitter Tier 2 (nonresident): \$1,500;

(e) Hunting Outfitter Tier 1 (resident): \$500;

(f) Hunting Outfitter Tier 1 (nonresident): \$1,000;

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- (g) Hunting Outfitter Tier 2 (resident): \$1,000;
- (h) Hunting Outfitter Tier 2 (nonresident): \$2,000;
- (i) Hunting Outfitter Tier 3 (resident): \$1,500;
- (j) Hunting Outfitter Tier 3 (nonresident): \$3,000;
- (k) Hunting Outfitter Tier 4 (resident): \$2,000; and
- (l) Hunting Outfitter Tier 4 (nonresident): \$4,000.
- (15) Experimental commercial fishing methods program permits:
 - (a) Tier I experimental commercial fishing methods program permit (resident): \$800;
 - (b) Tier I experimental commercial fishing methods program permit (nonresident): \$1,600;
 - (c) Tier II experimental commercial fishing methods program permit (resident): \$1,200; and
 - (d) Tier II experimental commercial fishing methods program permit (nonresident): \$2,400.
- (16) Annual shooting range permit:
 - (a) Purchaser does not hold a valid annual hunting or fishing license: twenty-five (25) dollars; or
 - (b) Purchaser holds a valid annual hunting or fishing license: Free.

Section 3. Licenses, tags, and permits listed in this section shall be valid for the calendar year issued.

- (1) Live fish and bait dealer's licenses:
 - (a) Live fish and bait dealer's license (resident): fifty (50) dollars; and
 - (b) Live fish and bait dealer's license (nonresident): \$150.
- (2) Commercial taxidermist license: \$150.
- (3) Shooting area permit: \$150.
- (4) Dog training area permit: fifty (50) dollars.
- (5) Collecting permits:
 - (a) Educational wildlife collecting permit: twenty-five (25) dollars; and
 - (b) Scientific wildlife collecting permit: \$100.
- (6) Wildlife control operator's permit: \$100.
- (7) Pay lake license:
 - (a) Pay lakes obtaining all fish from private hatcheries only:
 - 1. Lakes with two (2) acres or less: \$250; and
 - 2. Each additional acre or part of an acre: fifty (50) dollars; and
 - (b) Pay lakes obtaining all or a portion of catfish from public waters:
 - 1. Lakes with two (2) acres or less: \$600; and
 - 2. Each additional acre or part of an acre: fifty (50) dollars.
- (8) Commercial captive wildlife permit: \$150.
- (9) Commercial fish propagation permit: fifty (50) dollars.
- (10) Wildlife rehabilitator's permit: twenty-five (25) dollars.
- (11) Annual wildlife transportation permit: \$250.
- (12) Peabody Wildlife Management Area annual event permit: \$250.

Section 4. Licenses, tags, and permits listed in this section shall be valid for three (3) years from the date of issue.

- (1) Falconry permit: seventy-five (75) dollars.
- (2) Noncommercial captive wildlife permit: seventy-five (75) dollars.

Section 5. Licenses, tags, and permits listed in this section shall be valid for the date or dates specified on each.

- (1) Short-term licenses:
 - (a) One (1) day fishing license (resident): seven (7) dollars;
 - (b) One (1) day fishing license (nonresident): fifteen (15) dollars;
 - (c) Seven (7) day fishing license (nonresident): thirty-five (35) dollars;
 - (d) One (1) day hunting license (resident) (not valid for deer, elk, bear, or turkey hunting): seven (7) dollars;
 - (e) One (1) day hunting license (nonresident) (not valid for deer, elk, bear, or turkey hunting): twenty-five (25) dollars;
 - (f) Seven (7) day hunting license (nonresident) (not valid for deer, elk, bear, or turkey hunting): sixty-five (65) dollars;
 - (g) Three (3) day fur buyers license (nonresident): fifty (50) dollars; and
 - (h) One (1) day shooting range permit: five (5) dollars.
- (2) Individual wildlife transportation permit: twenty-five (25) dollars.

- (3) Special resident commercial fishing permit: \$600.
- (4) Special nonresident commercial fishing permit: \$900.
- (5) Shoot-to-retrieve field trial permits:
 - (a) Per trial (maximum four (4) days): seventy-five (75) dollars; and
 - (b) Single day: twenty-five (25) dollars.
- (6) Boat dock permit: \$100 per ten (10) year permit period beginning January 1, 2008, except that the fee shall be pro-rated for the number of years remaining in the ten (10) year period.
- (7) Shoreline use permit: Valid for a fifteen (15) year permit period beginning January 1, 2010, pro-rated to the nearest five (5) year interval remaining in the fifteen (15) year period, and containing three (3) tiers, including:
 - (a) Tier I: \$100;
 - (b) Tier II: \$200; and
 - (c) Tier III: \$300.
- (8) Peabody individual event permit: twenty-five (25) dollars.
- (9) Commercial roe-bearing fish buyer's permit:
 - (a) Commercial roe-bearing fish buyer's permit (resident): \$500; and
 - (b) Commercial roe-bearing fish buyer's permit (nonresident): \$1,000.
- (10) Commercial roe-bearing fish harvester's permit:
 - (a) Commercial roe-bearing fish harvester's permit (resident): \$500; and
 - (b) Commercial roe-bearing fish harvester's permit (nonresident): \$1,500.
- ~~[(11)] [Otter Creek Outdoor Recreation Area:]~~
- ~~[(a)] [Daily Entry Permit: three (3) dollars, with children under twelve (12) free; and]~~
- ~~[(b)] [Daily Special Activities Permit: seven (7) dollars.]~~
- ~~[(11)][(12)] Commercial foxhound training enclosure permit: \$150.~~
- ~~[(12)][(13)] Noncommercial foxhound training enclosure permit: twenty-five (25) dollars.~~
- ~~[(13)][(14)] Fish transportation permit: twenty-five (25) dollars.~~
- ~~[(14)] Rabbit training enclosure permit: twenty-five (25) dollars.~~
- ~~[(15)] Annual dog training permit at West Kentucky WMA: \$100.~~
- ~~[(16)] Weekly dog training permit at West Kentucky WMA: fifty (50) dollars.~~
- ~~[(17)] One (1) day dog training permit at West Kentucky WMA: fifteen (15) dollars.~~
- ~~[(18)] One (1) day group dog training permit at West Kentucky WMA: fifty (50) dollars.~~

Section 6. Licenses, tags, and permits listed in this section shall be valid on a per-unit basis as specified.

- (1) Ballard WMA waterfowl hunt permit (per person, per day; youths under age sixteen (16) exempted): fifteen (15) dollars.
- (2) Pheasant hunt permit (per person, per day): twenty-five (25) dollars.
- (3) Captive cervid permit (per facility, per year): \$150.
- (4) Noncommercial captive cervid permit (per facility, per three (3) years): seventy-five (75) dollars.

Section 7. The following licenses listed in this section shall be valid from April 1 through March 31 of the following year:

- (1) Fur processor's license (resident): \$150;
- (2) Fur buyer's license (resident): fifty (50) dollars; and
- (3) Fur buyer's license (nonresident): \$300.

~~[Section 8.] [The following Otter Creek Outdoor Recreation Area permits shall be valid from July 1 through June 30 of the following year:]~~

- ~~[(1)] [Annual Entry Permit: thirty (30) dollars, with children under twelve (12) free; and]~~
- ~~[(2)] [Annual Special Activities Permit: seventy (70) dollars.]~~

~~Section 8. [Section 9.]~~ The following non-refundable application fees listed in this section shall be valid for the application to hunt in a department administered quota hunt or for a chance to be drawn for permits as specified.

- (1) Pheasant quota hunt application fee: three (3) dollars.
- (2) Antlered elk firearms quota hunt application fee: ten (10) dollars.

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(3) Antlerless elk firearms quota hunt application fee: ten (10) dollars.

(4) Either-sex elk archery and crossbow quota hunt application fee: ten (10) dollars.

(5) Youth quota elk hunt application fee: ten (10) dollars.

(6) Deer quota hunt application fee: three (3) dollars.

(7) Waterfowl quota hunt application fee: three (3) dollars.

(8) Sandhill crane quota hunt application fee: three (3) dollars.

(9) Elk ~~expedition permit~~~~[hunt—sweepstakes]~~ and ~~grand slam~~~~[premium combination big game]~~ permit application fee:

(a) Five (5) dollars for residents and ten (10) dollars for one (1) application;

(b) Ten (10) dollars for residents and twenty (20) dollars for nonresidents per bundle of three (3) applications; and

(c) Twenty-five (25) dollars for residents and fifty (50) dollars for nonresidents per bundle of ten (10) applications.

(10) ~~Big game pursuit~~ ~~[Standard combination big game]~~ permit application fee:

(a) Three (3) dollars for residents and six (6) dollars for nonresidents for one (1) application;

(b) Eight (8) dollars for residents and sixteen (16) dollars for nonresidents per bundle of three (3) applications; and

(c) Twenty (20) dollars for residents and forty (40) dollars for nonresidents per bundle of ten (10) applications.

~~Section 9.~~ ~~[Section 10.]~~ Motorboat, Boat Manufacturer, and Boat Dealer Registration Fees.

(1) The annual registration fee for motorboats shall be:

(a) Class A: twenty-one (21) dollars;

(b) Class 1: forty (40) dollars;

(c) Class 2: fifty (50) dollars; and

(d) Class 3: sixty-five (65) dollars.

(2) Boat Manufacturer or Boat Dealer Registration: \$100.

(3) Boat Manufacturer or Boat Dealer Additional Plate: two (2) dollars.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 14, 2026 at

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 10:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert, Phone: 502-564-340, Email: fw.publicaffairs@ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes fees and terms for licenses, permits, and tags sold by the Department of Fish and Wildlife Resources.

(b) The necessity of this administrative regulation: This administrative regulation is necessary for the department to establish reasonable license fees, permit terms, and the expiration

dates of licenses and permits.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.175 authorizes the types of licenses, permits, and tags that the department can issue. KRS 150.195(4)(f) requires the department to promulgate an administrative regulation establishing the license and permit terms and the expiration date of licenses and permits. KRS 150.225 requires the Department to prescribe reasonable fees for licenses, permits, and registrations authorized by Chapter 150. KRS 150.620 authorizes the department to charge reasonable fees for the use of lands and waters it has acquired for wildlife management and public recreation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation fulfills the requirements and purposes of the statutes identified in (1)(c) by establishing reasonable fees and terms for licenses, permits, and tags issued by the Department.

(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 creates a rabbit training enclosure permit to allow operation of rabbit training enclosures. It removes all reference to Otter Creek Outdoor Recreation Area and it changes the name of 2 permits. The amendment also adds permit information for dog training activity at West Kentucky WMA.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to create the new rabbit training enclosure permit and dog training permit at West Kentucky WMA. Also, it is necessary to remove references to Otter Creek Outdoor Recreation Area because it is no longer owned by the Kentucky Department of Fish and Wildlife Resources.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those who wish to operate rabbit training enclosures will be able to obtain a rabbit training permit to do so legally. Individuals who participate in dog training at West Kentucky WMA will now have permit information specific to the amount of time they wish to use the property for that activity. Otter Creek Outdoor Recreation Area has been transferred to Meade County to manage and operate.

(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: Purchasers of the above permits will be allowed to operate rabbit training enclosures or dog training, respectively. Meade County will now be responsible for the management and operation of Otter Creek Outdoor Recreation Area.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The annual fee for a rabbit training enclosure permit is \$25. We are unsure what it will cost Meade County to manage and operate Otter Creek Outdoor Recreation Area.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): People may operate rabbit training enclosures. Meade County, at request of local government officials and citizens of the county, will now be able to manage and operate the use of Otter Creek Outdoor Recreation Area.

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

(a) Initially: n/a

(b) On a continuing basis: n/a

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The source of funding is the State Game and Fish

Fund.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase fees 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 establishes a \$25 annual permit that authorizes an individual to operate a rabbit training enclosure. The dog training permit establishes choices for annual, weekly or one-day use in addition to a group fee option.

(10) TIERING: Is tiering applied? No. Tiering is not applied because every eligible person will have to pay the same price for each permit issued.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.175, 150.195, 150.225, and 150.620.

(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 an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: KDFWR will be impacted by this amendment.

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

1. Expenditures:

For the first year: No additional expenditure beyond the salaries of existing staff will be required.

For subsequent years: No additional expenditure beyond the salaries of existing staff will be required.

2. Revenues:

For the first year: \$25 fee per year, per rabbit training enclosure.

For subsequent years: \$25 fee per year, per rabbit training enclosure.

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): Rabbit training enclosure operators purchasing the rabbit training enclosure permit.

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

1. Expenditures:

For the first year: \$25 permit fee

For subsequent years: \$25 permit fee

2. Revenues:

For the first year: n/a

For subsequent years: n/a

3. Cost Savings:

For the first year: n/a

For subsequent years: n/a

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

(a) Fiscal impact of this administrative regulation: n/a These enclosures are privately owned and operated. This administrative

regulation has minimal fiscal impact.

(b) Methodology and resources used to reach this conclusion: There will be no additional costs to administer 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 major economic impact anticipated considering the \$25 permit application fee and no substantial increase in time for issuing permits and enforcement.

(b) The methodology and resources used to reach this conclusion: There will be no additional costs to administer this regulation.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. There is no federal statute or regulation requiring the establishment of rabbit training enclosure permits or standards for the operation of rabbit training enclosures.

(2) State compliance standards. This administrative regulation establishes a rabbit training enclosure permit.

(3) Minimum or uniform standards contained in the federal mandate. There are no federal minimum or uniform standards governing rabbit training enclosures.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes. Because there is no federal mandate governing rabbit training enclosures, this administrative regulation establishes state-specific permit for rabbit training enclosures.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The regulation is necessary to establish a legal framework for the operation of rabbit training enclosures in Kentucky. The requirements are intended to ensure humane treatment of rabbits, prevent the unlawful possession or release of wildlife, provide disease prevention measures, and establish standards necessary for effective administration and enforcement by the department.

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.

ENERGY AND ENVIRONMENT CABINET Department for Environmental Protection Division of Water (Amendment)

401 KAR 8:075. Consumer confidence reports and public notification of drinking water violations.

RELATES TO: KRS 224.10-100, 224.10-110, 40 C.F.R. 141.151-141.156, 141.201-141.211[141.151-141.155], 42 U.S.C. 300f-300j-26

STATUTORY AUTHORITY: KRS 224.10-100(28), 224.10-110, [40 C.F.R. 141.151-141.155, 141.201-141.211, Appendix A, Appendix B, Appendix C], 42 U.S.C. 300f-300j-26, 40 C.F.R. 141, 142, 143

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-110(2) and (3) require the secretary of the cabinet to promulgate administrative regulations for the regulation and control of the purification of water for public and semipublic use. This administrative regulation establishes the requirements for consumer confidence reports and notification of the public if a public water system violates a drinking water regulation[provision of this administrative regulation. This administrative regulation establishes requirements more stringent than the federal regulation for submitting consumer confidence reports and certifications to the

cabinet in enforceable timeframes. The federal regulation requires a consumer confidence report to be certified within three (3) months after it is mailed to the cabinet. This administrative regulation requires that the report and certification be delivered to the cabinet by July 1 of each year.]

Section 1. Consumer Confidence Reports.

(1) A community water system shall submit an annual consumer confidence reports[report] to its customers and to the cabinet, as the primary agency, in accordance with 40 C.F.R. 141.151 through 141.56, Appendix A (Subpart O), Consumer Confidence Reports.[141-Subpart O, 141.151, 141.152, 141.153, 141.155, including Appendix A, and 141.154, except as established in subsection (2) of this section.]

(2) A copy of the annual report required by 40 C.F.R. 141.155 shall be delivered to[the cabinet and] the system's customers by July 1 each year.

(3) Each community water system, serving 10,000 or more persons, must deliver a copy of the biannual, or twice per year, report required by 40 C.F.R. 141.155 to the system's customers by December 31 each year.[The certification required by 40 C.F.R. 141.155 shall be delivered to the cabinet by July 1 each year.]

(4) No later than ten (10) days after the date the system is required to distribute an annual or biannual report to its customers, each community water system must provide a copy of the report and a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted, to the cabinet as required by 40 C.F.R. 141.155(c).

Section 2. Public Notification of Drinking Water Violations. Each owner or operator of a public water system shall give notice, in accordance with 40 C.F.R. 141.201 through 141.211, Appendices A through C (Subpart Q), Public Notification of Drinking Water Violations, for all violations of national primary drinking water regulations (NPDWR) and for other situations, as listed in Table 1 of 40 C.F.R. 141.201.[The owner or operator of a public water system shall give public notice as established in 40 C.F.R. Subpart Q, 141.201 through 141.211, Appendix A, Appendix B, and Appendix G.]

401 KAR 8:075 Consumer confidence reports and public notification of drinking water violations is approved for filing.
JOHN S. LYONS, Secretary

APPROVED BY AGENCY: August 25, 2026

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

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 23, 2026, at 10:00 a.m. (Eastern Time); 9:00 a.m. (Central Time). The Zoom invitation will be emailed to each requester the week prior to the scheduled hearing. Individuals interested in attending the virtual hearing shall notify this agency in writing by November 16, 2026, five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends virtually will be given the opportunity to comment on the proposed administrative regulation. The virtual public hearing will be recorded, and the recording provided upon a written request to the contact person. Written comments shall be accepted through November 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. The public hearing is accessible to any person with disabilities. Reasonable accommodation, including auxiliary aids and services necessary to participate in the hearing may be made to the contact person at least five (5) working days prior to the hearing.

CONTACT PERSON: Lisa Jones, Environmental Scientist Consultant II, Division of Water 300 Sower Boulevard, Frankfort, Kentucky 40601 Phone (502) 782-1288 Fax (502) 564-4245 Email: Lisa.C.Jones@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lisa Jones Phone: (502) 782-1288 Email: Lisa.C.Jones@ky.gov

Subject Headings: Environment and Conservation, Drinking Water, Water Supply

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 224.10-110(2) and (3) require the secretary of the cabinet to promulgate administrative regulations for the regulation and control of the purification of water for public and semipublic use. This administrative regulation establishes the requirements for certain public water systems within the Commonwealth to produce and submit consumer confidence reports and notification to the public. pursuant to 40 C.F.R. Part 141, Subparts O and Q, respectively.

(b) The necessity of this administrative regulation: The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program. All states with primary authority to implement the federal Safe Drinking Water Act must have compatible state regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use. This administrative regulation conforms to the content of the authorizing statutes by establishing consumer confidence report requirements and public notice requirements so that customers receive information on the quality and nature of the water that the system is delivering to its customers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing the requirements for Consumer Confidence Reports and required public notices issued by drinking water systems and conforms with federal regulations.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation corrects references to the Code of Federal Regulations (C.F.R.) to align Kentucky's regulation with federal requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to establish consumer confidence report requirements and public notice requirements so that customers receive information on the quality and nature of the water that the system is delivering to its customers, and is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 224.10- 100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use. The proposed amendment incorporates and conforms to federal regulations for consumer confidence reports and notification of the public if a public water system violates a provision of this administrative regulation pursuant to 40 C.F.R. 141, 142, 143 and 42 U.S.C. 300f-300j-26.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist in the effective administration of the statutes by establishing the requirements for consumer confidence reports issued by drinking water systems, align Kentucky's administrative regulation with C.F.R., and required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, this administrative regulation or amendment does not implement Kentucky legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation applies to 374

public water systems which are often owned by city governments or organized under county governments. Other districts may, in some cases, have a public water system.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: All community public water systems must distribute a Consumer Confidence Report at least annually, those serving more than 10,000 consumers must distribute the report biannually, those serving more than 50,000 consumers must make the report available online, and all systems must provide a copy of the report and certify to the state within ten (10) days of distributing the report. The report must include information about lead service line inventories, lead and copper monitoring data, updated health information and definitions, and a description of corrosion control treatment, all within new readability and understandability requirements, and provide translation assistance if a significant percentage are limited English proficiency consumers. Additionally, wholesaler systems must provide monitoring data to purchasing systems annually by April 1.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Complying with this amendment will cost each public water system an average of \$64 to implement, and approximately \$362 annually thereafter.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Public water systems will benefit from clear and consistent state and federal regulations. The proposed amendment is not more stringent than the federal requirements.

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

(a) Initially: The estimated cost to the agency is \$6,798 annually, for the initial three-year implementation of this amendment, including costs for regulatory changes, primacy package updates, and training and resource development.

(b) On a continuing basis: The estimated cost to the agency for continuing implementation of this amendment is approximately \$32,051 per year.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funding for Kentucky's drinking water program is a combination of state general funds and federal funds to administer the Safe Drinking Water Act. The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this amendment.

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

(10) TIERING: Is tiering applied? Yes, tiering is applied. This administrative regulation differs in requirements depending on the size and type of public water system.

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 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use. The Safe Drinking Water Act (42 U.S.C. §300f through §300j-26), and 40 C.F.R. 141, 142, and 143.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Division of Water.

(a) Estimate the following for the first year:

Expenditures: The current cost of the program to the Division is approximately \$38,427 per year. In its first year, the amendment will be an additional cost of approximately \$6,798. Total cost of the

program in its first year is estimated at \$45,225.

Revenues: The amendment to this administrative regulation will not generate revenue.

Cost Savings: The amendment to this administrative regulation is not expected to affect cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The cost of the amendment to the Division will remain steady for the first three years of implementation with costs expected to increase in subsequent years of implementation to approximately \$32,051.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation applies to public water systems which may be owned by city governments or organized under county governments. Other districts may also have a public water system.

(a) Estimate the following for the first year:

Expenditures: The current total cost of the program across all 374 regulated entities is approximately \$585,750 per year, or \$1,566 per public water system. In its first year, the amendment will be an additional cost of about \$64 per public water system.

Revenues: The amendment to this administrative regulation will not generate revenue.

Cost Savings: The amendment to this administrative regulation is not expected to affect cost savings. EPA did not attempt to quantify how the CCR Rule Revisions will change the ability of community water systems to meet health-based standards or what reductions in morbidity or mortality will result.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditure for each public water system is expected to increase to \$362 per year after the first three years.

(4) Identify additional regulated entities not listed in questions (2) or (3): There are no additional entities.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The amendment to this administrative regulation is estimated to cost the agency approximately \$6,798, annually, to implement in the first three years, and \$32,051 annually in subsequent years. The cost to each public water system for the first year is approximately \$64, and \$362 in subsequent years.

(b) Methodology and resources used to determine the fiscal impact: The EPA estimated a total cost nationwide of \$9,433,014 for initial implementation, and \$17,912,802 annually, for 49,424 public water systems. From that information, the cabinet calculated the estimated cost across the 374 public water systems in Kentucky. Industry estimates were based on the number of community water systems utilizing third-party technical assistance providers for CCR generation and web hosting services in 2024, and the number of remaining systems who completed CCR development and distribution on their own. Estimates for independent web hosting and the cost of postage for post cards were applied. Estimated DOW staff hours were based on previous experience with time needed for processing, reviewing, providing compliance assistance, and training for the CCR rule. Costs for third-party assistance were averaged, but actual costs are scaled based on system population and whether the system is a producer or purchaser. All estimated costs may vary widely year to year based on individual water system approach and the tendency for small systems to utilize different methods than medium to large systems, such as web hosting. Source: Analysis of the Economic Impacts of the Final Consumer Confidence Reports Rule Revisions 816-R-24-001. Office of Water, U.S. Environmental Protection Agency, May 2024. p. 46, table 36. (EPA-HQ-OW-2022-0260-0131).

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate): Yes, the amendment to this administrative regulation not have a major economic impact of \$500,000 or more as the annual costs to the public water systems will be cumulative. The cost to the cabinet and

Kentucky public water systems, in aggregate, for initial implementation (total for the first three years) is about \$20,394 and \$71,434, respectively. The total aggregate implementation cost for the agency and regulated entities is estimated at \$91,827. Ongoing annual costs after the first three years, is approximately \$32,051 for the cabinet and \$135,388 for the public water systems in Kentucky, in aggregate for all systems.

(b) The methodology and resources used to reach this conclusion: The EPA estimated 570 hours of agency work for initial implementation, and 485 hours annually thereafter, for promulgating agencies. The EPA estimated a total cost nationwide of \$9,433,014 for initial implementation, and \$17,912,802 annually, for 49,424 public water systems. From that information, the cabinet calculated the estimated cost across the 374 public water systems in Kentucky, and the cost for the hours of agency work. Source: Analysis of the Economic Impacts of the Final Consumer Confidence Reports Rule Revisions 816-R-24-001. Office of Water, U.S. Environmental Protection Agency, May 2024. (EPA-HQ-OW-2022-0260-0131).

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. Chapter 6A, Subchapter XII; the Safe Drinking Water Act, 40 C.F.R. 141, 142, 143, 42 U.S.C. 300f-300j-26

(2) State compliance standards. KRS 224.10-100(28) and 224.10-110.

(3) Minimum or uniform standards contained in the federal mandate. All public water systems must distribute a Consumer Confidence Report at least annually, those serving more than 10,000 consumers must distribute the report biannually, those serving more than 50,000 consumers must make the report available online, and all systems must provide a copy of the report and certify to the state within ten (10) days of distributing the report. The report must include information about lead service line inventories, lead and copper monitoring data, updated health information, and a description of corrosion control treatment, all within new readability and understandability requirements, and provide translation assistance if a significant percentage are Limited English Proficiency (LEP) consumers. Additionally, wholesaler systems must provide monitoring data to purchasing systems annually by April 1.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The amendment to this administrative regulation adopts the federal requirements.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The amendment to this administrative regulation does not impose stricter standards, or additional or different responsibilities or requirements, from the federal standard.

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

ENERGY AND ENVIRONMENT CABINET Department for Environmental Protection Division of Water (Amendment)

401 KAR 8:250. Inorganic and organic chemical and per- and polyfluoroalkyl substances sampling, analytical techniques, maximum contaminant levels, radionuclides, and secondary standards.

RELATES TO: KRS 224.10-100, 224.10-110, 40 C.F.R. 141, 142, 143

STATUTORY AUTHORITY: KRS 224.10-100(28), 224.10-110(2), 40 C.F.R. 141, 142, 143

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) authorizes the cabinet to promulgate administrative

regulations consistent with statutes administered by the cabinet. KRS 224.10-110(2) requires the cabinet to enforce administrative regulations promulgated by the secretary for the regulation and control of the purification of water for public and semipublic use. This administrative regulation establishes sampling and analytical requirements for certain inorganic and organic chemicals and sets maximum contaminant levels for those chemicals which, if exceeded, may affect public health. This administrative regulation establishes the requirements for sampling and testing procedures for radionuclides and establishes maximum contaminant levels for safe drinking water. This administrative regulation establishes maximum contaminant levels and requirements for the sampling and testing for contaminants that do not have a direct impact on the health of consumers, but may discourage the utilization of drinking water or discredit the supplier. Provisions for these contaminants are referred to as "secondary standards". This administrative regulation establishes sampling schedules and requires public water systems to modify treatment to comply with maximum levels established by federal regulation. Federal regulations leave monitoring frequency and consequences for exceeding secondary standards to primacy agency discretion.

Section 1. Inorganic and Organic Chemical Sampling, Analytical Techniques, and Maximum Contaminant Levels.

(1) A public water system shall meet the requirements for inorganic chemicals as established in 40 C.F.R. 141.11, 141.23, [141.41,] 141.51, and 141.62.

(2) A community water system and a non-transient non-community water system (NTNCWS)[public water system] shall meet the requirements for organic chemicals as established in 40 C.F.R. 141.24, 141.50, and 141.61.

(3) A community water system shall meet the requirements established in 40 C.F.R. 141.41 for the special monitoring of sodium.

(4) A community water system and a NTNCWS shall meet the requirements established in 40 C.F.R. 141, Subpart Z for the control of per- and polyfluoroalkyl substances.

Section 2. Radionuclides. A community water system shall meet the requirements for radionuclides as established in 40 C.F.R. 141.25, 141.26, 141.27, 141.55, and 141.66.

Section 3. Sampling, Analysis, Reporting, and Treatment for Secondary Contaminants.

(1) A public water system that treats groundwater or surface water shall sample for secondary contaminants as established in 40 C.F.R. 143.1 through 143.4.

(a) An analysis for secondary contaminants shall be performed if a new source of water supply is proposed to the cabinet for preliminary approval pursuant to 401 KAR 8:100, Section 1.

(b) Excessive amounts of these contaminants or excessive costs for removal of these contaminants shall be grounds for rejection of the proposed source of water.

(2)

(a) An existing public water system that treats groundwater or surface water shall sample for, analyze, and report the secondary contaminants listed in 40 C.F.R. 143.3 annually, and if consumer complaints indicate the presence of one (1) or more of these contaminants.

(b) Treatment shall be adequate to assure that the secondary contaminant level does not exceed the maximum level limits established in 40 C.F.R. 143.3.

(3) A sample shall be taken from each entry point to the distribution system.

(4) If a secondary maximum contaminant level established in 40 C.F.R. 143.3 is exceeded by a supplier of water, the cabinet may direct that supplier to modify the treatment procedure or to locate a more suitable source of water if the exceeded contaminant level results in a violation of the primary drinking water standards or in consumer complaints.

401 KAR 8:250. Inorganic and organic chemical sampling, analytical techniques, maximum contaminant levels, radionuclides, and secondary standards is approved for filing.

JOHN S. LYONS, Secretary

APPROVED BY AGENCY: August 25, 2026

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

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 23, 2026, at 10:00 a.m. (Eastern Time); 9:00 a.m. (Central Time). The Zoom invitation will be emailed to each requester the week prior to the scheduled hearing. Individuals interested in attending the virtual hearing shall notify this agency in writing by November 16, 2026, five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends virtually will be given the opportunity to comment on the proposed administrative regulation. The virtual public hearing will be recorded, and the recording provided upon a written request to the contact person. Written comments shall be accepted through November 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. The public hearing is accessible to any person with disabilities. Reasonable accommodation, including auxiliary aids and services necessary to participate in the hearing may be made to the contact person at least five (5) working days prior to the hearing.

CONTACT PERSON: Lisa Jones, Environmental Scientist Consultant II, Division of Water 300 Sower Boulevard, Frankfort, Kentucky 40601 Phone (502) 782-1288 Fax (502) 564-4245 Email: Lisa.C.Jones@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lisa Jones Phone: (502) 782-1288 Email: Lisa.C.Jones@ky.gov

Subject Headings: Environment and Conservation, Drinking Water, Water Supply

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes sampling and analytical requirements for inorganic and organic chemicals and sets maximum contaminant levels (MCLs) for those chemicals which, if exceeded, may affect public health. This administrative regulation also establishes the requirements for sampling and testing procedures for radionuclides, establishes MCLs for safe drinking water, and establishes MCLs and requirements for the sampling and testing for contaminants that do not have a direct impact on the health of consumers, but may discourage the utilization of drinking water or discredit the supplier. Provisions for these contaminants are referred to as "secondary standards". This administrative regulation establishes sampling schedules and requires public water systems to modify treatment to comply with maximum levels established by the federal regulation. Federal regulations leave monitoring frequency and consequences for exceeding secondary standards to primacy agency discretion. Finally, this administrative regulation adds federal requirements for the control of per- and polyfluoroalkyl substances (PFAS), and alternate analytical techniques consistent with federal regulations.

(b) The necessity of this administrative regulation: This administrative regulation allows the cabinet to assure the chemical purity of drinking water, controls radionuclides, and establishes requirements for monitoring and analyzing secondary contaminants and control of PFAS, and alternate analytical techniques in public water systems, which are necessary to protect public health. The proposed amendment is required by 42 U.S.C. §300f through §300j-26, in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use, and for the construction and operation of water treatment systems and distribution systems. The proposed amendment adds federal requirements for the control of PFAS and the use of alternate analytical techniques consistent with 40 C.F.R. 141.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Monitoring drinking water for chemical purity is essential to protect public health. Though secondary contaminants may not pose a public health threat, they may make water consumption unpleasant and cause consumers to avoid using the public water system. The proposed amendment establishes requirements to control PFAS in drinking water and allows public water systems to use alternate analytical techniques under certain conditions.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation adds requirements for the control of PFAS consistent with federal requirements contained in 40 C.F.R. 141, Subpart Z, and allows alternate analytical techniques consistent with federal regulation. Clarifications as to applicability of standards have been made to more accurately reflect different types of public water systems and 40 C.F.R. 141.

(b) The necessity of the amendment to this administrative regulation: The proposed amendment is required by 42 U.S.C. §300f through §300j-26, to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program. All states with primary authority to implement the federal Safe Drinking Water Act must have compatible state regulations. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use, and for the construction and operation of water treatment systems and distribution systems.

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist in the effective administration of the statutes by including requirements for the control of PFAS, and alternate analytical techniques, consistent with federal regulations.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, this administrative regulation or amendment does not implement Kentucky legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment to this administrative regulation applies to 207 community and non-transient, non-community public water systems which are often owned by city governments or organized under county governments. Other districts may, in some cases, have a public water system.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Community and non-transient non-community public water systems will need to comply with 40 C.F.R. 141, Part Z, regarding the analytical, monitoring, compliance, and reporting and recordkeeping requirements regarding control of PFAS in drinking water. Community and non-transient non-community public water systems must complete initial PFAS monitoring by, and based on those results begin compliance monitoring on, April 26, 2027. Certain systems must comply with public notification requirements in Consumer Confidence Reports and beginning April 26, 2029, must comply with PFAS maximum contaminant levels (MCLs) and take appropriate treatment measures if the MCLs are exceeded.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost per public water system will vary widely depending on PFAS levels and whether treatment is required. Most public water systems in Kentucky will only be required to monitor and report PFAS results, with initial and ongoing annual costs ranging from \$0 to \$1,600 per system, based on quarterly, annual, or triennial monitoring frequency. Up to eighteen (18) public water

systems (based on current data) may install, operate, and maintain PFAS treatment with expected capital costs ranging from \$2.5 million to \$30 million per system and estimated ongoing annual operation and maintenance costs of \$350,000 to \$2 million per system, based on water treatment plant capacity. EPA has provided the Division of Water with \$33.331 million through the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) grant to address emerging contaminants such as PFAS. An additional \$10.9 million may be received in the future. From the \$33.3 million, approximately \$25 million has been allocated to communities in Kentucky to plan for and install PFAS treatment. A small portion of the funding, less than \$200,000, assisting some small communities with initial monitoring requirements for the PFAS Rule. State General Funds were also used. Drinking Water State Revolving Funds from EPA are also available for emerging contaminants, like PFAS. The funds that have been allocated for PFAS drinking water projects total approximately \$27.8 million from FFY22-25. An additional amount may be allocated for FFY 2026. These funds are for restricted purposes, such as program management, administration and technical assistance. EC-SDC and DWSRF funding cannot be used for ongoing operation and maintenance expenditures.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will have the benefit of consistent federal and state monitoring, analytical, and treatment requirements. The proposed amendment is not more stringent than the federal requirements.

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

(a) Initially: Since PFAS are not currently regulated, there are no current costs to the agency. Initial implementation of the amendment to this administrative regulation is estimated to cost the agency \$152,687 annually, for the first three years.

(b) On a continuing basis: The amendment to this administrative regulation is expected to cost the agency \$13,550 per year, after the first three years.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funding for Kentucky's drinking water program is a combination of state general funds and federal funds to administer the Safe Drinking Water Act. The proposed amendment is required by 42 U.S.C. §300f through §300j-26, in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program. EPA has provided the Division of Water with \$33.331 million through the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) grant to address emerging contaminants such as PFAS. An additional \$10.9 million may be received in the future. From the \$33.3 million, approximately \$25 million has been allocated to communities in Kentucky to plan for and install PFAS treatment. A small portion of the funding, less than \$200,000, assisting some small communities with initial monitoring requirements for the PFAS Rule. State General Funds were also used. Drinking Water State Revolving Funds from EPA are also available for emerging contaminants, like PFAS. The funds that have been allocated for PFAS drinking water projects total approximately \$27.8 million from FFY22-25. An additional amount may be allocated for FFY 2026. These funds are for restricted purposes, such as program management, administration and technical assistance. EC-SDC and DWSRF funding cannot be used for ongoing operation and maintenance expenditures.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this amendment.

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

(10) TIERING: Is tiering applied? Yes. This regulation only applies to community and non-transient non-community public water systems. Initial monitoring requirements differ based on the type and size of system.

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 224.10-100(28), 224.10-110(2), 40 C.F.R. 141, 142, 143

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: (i.e., are there any other state agencies affected by these regulations?): The Division of Water (Division) is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures: Since PFAS are not currently regulated, there is no current cost to the agency. The amendment to this administrative regulation is expected to cost the agency approximately \$152,687, per year for the first three years of implementation. EPA has provided the Division with \$33.331 million through the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) grant to address emerging contaminants such as PFAS. An additional \$10.9 million may be received in the future. From the \$33.3 million, approximately \$25 million has been allocated to communities in Kentucky to plan for and install PFAS treatment. A small portion of the funding, less than \$200,000, assisting some small communities with initial monitoring requirements for the PFAS Rule. State General Funds were also used. Drinking Water State Revolving Funds from EPA are also available for emerging contaminants, like PFAS. The funds that have been allocated for PFAS drinking water projects total approximately \$27.8 million from FFY22-25. An additional amount may be allocated for FFY 2026. These funds are for restricted purposes, such as program management, administration and technical assistance.

Revenues: The amendment to this administrative regulation will not generate revenue.

Cost Savings: The amendment to this administrative regulation is not expected to affect cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The cost of this amendment to this administrative regulation will decrease to about \$13,550 per year after the first three years. The amendment to this administrative regulation is not expected to affect revenues or cost savings.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation applies in part to 207 community and non-transient, non-community public water systems which are often owned by city governments or organized under county governments. Other districts may, in some cases, have a public water system.

(a) Estimate the following for the first year:

Expenditures: The first-year cost per public water system will vary widely depending on PFAS levels and whether treatment is required. Most public water systems in Kentucky will only be required to monitor and report PFAS results, with first-year costs ranging from \$0 to \$1,600 per system, based on quarterly, annual, or triennial monitoring frequency, for the first three years of implementation. Up to eighteen (18) public water systems (based on current data) may install PFAS treatment, with expected capital costs ranging from \$2.5 million to \$30 million per system. EPA has provided the Division of Water with \$33.331 million through the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) grant to address emerging contaminants such as PFAS. An additional \$10.9 million may be received in the future. From the \$33.3 million, approximately \$25 million has been allocated to communities in Kentucky to plan for and install PFAS treatment. A small portion of the funding, less than \$200,000, assisting some small communities with initial monitoring requirements for the PFAS Rule. State General Funds were also used. Drinking Water State Revolving Funds from EPA are also available for emerging contaminants, like PFAS. The funds that have been allocated for PFAS drinking water projects total approximately \$27.8 million from FFY22-25. An additional amount may be allocated for FFY 2026. These funds are for restricted purposes, such as program management, administration and technical assistance.

Revenues: The amendment to this administrative regulation will not generate revenue.

Cost Savings: The amendment to this administrative regulation and implementation of this program does not have any direct cost

savings to the cabinet or regulated entities. Nationwide potential public health cost savings cited by EPA are estimated at \$1543 million, using a 2% discount rate, for the final rulemaking.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures in subsequent years will depend on PFAS levels and whether treatment is needed. Most public water systems in Kentucky will only need to monitor and report PFAS results, with costs in subsequent years remaining the same as the first year, which is estimated to be \$0-\$1600 per system, based on quarterly, annual, or triennial monitoring frequency. Up to eighteen (18) public water systems (based on current data) may need to operate and maintain PFAS treatment, with estimated ongoing annual operation and maintenance costs in subsequent years ranging from \$350,000 to \$2 million per system, based on water treatment plant capacity. Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) grant and Drinking Water State Revolving Funds (DWSRF) funding from EPA cannot be used for ongoing operation and maintenance expenditures.

(4) Identify additional regulated entities not listed in questions (2) or (3): There are no additional regulated entities.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The amendment to this administrative regulation is expected to cost the agency approximately \$152,687 annually for the first three years, and approximately \$13,550 in subsequent years. The amendment will not generate revenue or affect cost savings. The cost for regulated entities of the amendment to this administrative regulation will vary widely depending on PFAS levels at each public water system and whether treatment is required. In the first year, costs for public water systems that are only required to monitor and report PFAS results are expected to range from \$0 to \$1,600 per system, based on quarterly, annual, or triennial monitoring frequency, while systems required to install PFAS treatment are expected to incur capital expenditures ranging from \$2.5 million to \$30 million per system, based on water treatment plant capacity. In subsequent years, costs are not expected to change for systems that only monitor and report PFAS results, while ongoing annual operation and maintenance costs for systems with PFAS treatment are estimated to range from \$350,000 to \$2 million per system.

(b) Methodology and resources used to determine the fiscal impact: Costs to the agency were calculated using EPA estimates, adjusted using Kentucky specific hours, for time needed to review sample results, the average number of results the agency anticipates reviewing, historical agency costs, PFAS data, and expenses associated with conducting sanitary surveys at systems that may need to install PFAS treatment. Costs to regulated entities were calculated using EPA nationwide, aggregated estimates, PFAS data, and actual capital project cost estimates provided by Kentucky public water systems. The resources used to determine fiscal impact included the: Resources included agency data and EPA estimates found in the Economic Analysis for the Final PFAS NPDWR (EPA-815-R-24-001) (https://www.epa.gov/system/files/documents/2024-04/pfas-npdwr_final-rule_ea.pdf).

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) Yes, the amendment to this administrative regulation will have a major economic impact of \$500,000 or more, in the aggregate.

(b) The methodology and resources used to reach this conclusion: Costs to the agency were calculated using EPA estimates, adjusted using Kentucky specific hours, for time needed to review sample results, the average number of results the agency anticipates reviewing, historical agency costs, PFAS data, and expenses associated with conducting sanitary surveys at systems that may need to install PFAS treatment. Costs to regulated entities were calculated using EPA nationwide, aggregated estimates,

PFAS data, and actual capital project cost estimates provided by Kentucky public water systems. The resources used to determine fiscal impact included the: Resources included agency data and EPA estimates found in the Economic Analysis for the Final PFAS NPDWR (EPA-815-R-24-001) (https://www.epa.gov/system/files/documents/2024-04/pfas-npdwr_final-rule_ea.pdf).

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. The Safe Drinking Water Act (42 U.S.C. §300f through §300j-26); 40 C.F.R. 141 and 143.

(2) State compliance standards. KRS 224.10-100(28), 224.10-110

(3) Minimum or uniform standards contained in the federal mandate. 40 C.F.R. 141 establishes analytical techniques, monitoring requirements, and maximum contaminant levels for organic and inorganic chemicals, identifies required and alternate analytical techniques, monitoring, and maximum contaminant levels for radionuclides, establishes control of PFAS, and requirements for sodium. 40 C.F.R. 143 establishes guidelines for public water systems and states to monitor secondary contaminants.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter, additional, or different responsibilities or requirements than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose stricter, additional, or different responsibilities or requirements than the federal mandate.

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.

ENERGY AND ENVIRONMENT CABINET Department for Environmental Protection Division of Water (Amendment)

401 KAR 8:300. Lead and copper and special monitoring for corrosivity characteristics.

RELATES TO: 40 C.F.R. 141.42, 40 C.F.R. Part 141, Subpart 40 C.F.R. [141.43, 141.80-141.91] 141.154, 40 C.F.R. Part 143, Subpart B, 42 U.S.C. 300f-300j-26

STATUTORY AUTHORITY: KRS 224.10-100(28), 224.10-110(2), 40 C.F.R. Part 141, Subpart I, [141.43, 141.80-141.91], 40 C.F.R. Part 143, Subpart B, 42 U.S.C. [42 u.s.c.] 300f-300j-26

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) authorizes the cabinet to promulgate administrative regulations consistent with statutes administered by the cabinet. KRS [224.10-100(28) and] 224.10-110(2) requires[require] the cabinet to promulgate administrative regulations for the regulation and control of the purification of water for public and semipublic use. This administrative regulation limits lead in drinking water facilities and establishes standards for lead and copper in drinking water. This administrative regulation also provides for special monitoring for corrosivity characteristics within a drinking water distribution system.

Section 1. Community water systems and non-transient, non-community water systems subject to 40 C.F.R. 141.80 shall comply with:[A public water system shall meet the requirements for control of lead corrosivity and copper as established in:]

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- (1) 40 C.F.R. 141.42; [40 C.F.R. 141.42, 141.43, 141.80 through 141.91, and 141.154; and]
(2) 40 C.F.R. Part 141, Subpart I; [42 U.S.C. 300g-6.]
(3) 40 C.F.R. 141.154; and
(4) 42 U.S.C. 300g-6.

Section 2. Prohibition of reconnection of Lead or Galvanized Requiring Replacement Service Lines.

(1) A lead service line or a galvanized requiring replacement service line that is disconnected from the water main or other service line but not removed, shall not be reconnected to the water main or other service line.

(2) A physically disconnected but not removed lead service line or galvanized requiring replacement service line that is not in use shall not be reconnected to the distribution system. A new non-lead service line must be installed if active use is to resume.

(3) The provisions in subsection (1) and (2) of this section shall not apply to temporary, emergency disconnections for repairs critical to maintain water service to the customer.

Section 3. Any person who introduces pipes, pipe or plumbing fittings, or fixtures, solder and flux into commerce, such as manufacturers, importers, wholesalers, distributors, re-sellers, and retailers or any person who uses these products in the installation or repair of a public water system or a residential or nonresidential facility providing water for human consumption shall comply with the provisions of 40 C.F.R. 143, Subpart B.

401 KAR 8:300 Lead and copper and special monitoring for corrosivity characteristics is approved for filing.
JOHN S. LYONS, Secretary

APPROVED BY AGENCY: August 25, 2026

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

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 23, 2026, at 10:00 a.m. (Eastern Time); 9:00 a.m. (Central Time). The Zoom invitation will be emailed to each requester the week prior to the scheduled hearing. Individuals interested in attending the virtual hearing shall notify this agency in writing by November 16, 2026, five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends virtually will be given the opportunity to comment on the proposed administrative regulation. The virtual public hearing will be recorded, and the recording provided upon a written request to the contact person. Written comments shall be accepted through November 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. The public hearing is accessible to any person with disabilities. Reasonable accommodation, including auxiliary aids and services necessary to participate in the hearing may be made to the contact person at least five (5) working days prior to the hearing.

CONTACT PERSON: Lisa Jones, Environmental Scientist
Consultant II, Division of Water 300 Sower Boulevard Frankfort,
Kentucky 40601 Phone (502) 782-1288 Fax (502) 564-4245 Email:
Lisa.C.Jones@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lisa Jones Phone: (502) 782-1288 Email:
Lisa.C.Jones@ky.gov

Subject Headings: Environment and Conservation, Drinking Water, Lead

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards and requirements to control amounts of lead and copper in public drinking water, as well as provides requirements for special monitoring for corrosivity characteristics.

(b) The necessity of this administrative regulation: This administrative regulation limits the amount of lead and copper in drinking water which is essential to protect public health. The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program. All states with primary authority to implement the federal Safe Drinking Water Act must have compatible state regulations. Additionally, the federal Lead and Copper Rule Revisions, published in January 2021 and effective in October 2024, and the federal Lead and Copper Rule Improvements, published in October 2024 and having a compliance date in November 2027, that require water systems to monitor schools and childcare facilities for lead, and to take other measures to reduce lead and copper in public drinking water require an amendment to this administrative regulation. Additional requirements are added for the control and use of lead-free pipes, fittings, fixtures, solder, and flux for drinking water, as well as provisions for compliance flexibility for certain small water systems.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use, and for the construction and operation of water treatment systems and distribution systems. The proposed amendment provides standards and requirements for enhancing the purity of drinking water and for use of construction materials used in the distribution of public water.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation limits lead and copper amounts in drinking water which is essential to protect public health. The proposed amendment incorporates and conforms to federal requirements for monitoring schools and childcare facilities for lead, and allows compliance flexibility where the State has obtained primacy and the State adopts regulations to provide compliance flexibility consistent with 40 C.F.R. 141. Other requirements are included for the special monitoring for corrosivity characteristics within a water system and for the control and use of lead-free pipes, fittings, fixtures, solder, and flux for drinking water, as well as provisions for compliance flexibility for certain small water systems.

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

(a) How the amendment will change this existing administrative regulation: The proposed amendment incorporates the federal Lead and Copper Rule Improvements, published in October 2024 and has a compliance date in November 2027, for monitoring schools and childcare facilities for lead, monitoring residences and businesses for lead, replacing lead and lead-contaminated galvanized iron service lines in drinking water distribution systems, and allowing compliance flexibility where the State has obtained primacy over its Safe Drinking Water program and adopts regulations to provide compliance flexibility consistent with 40 C.F.R. 141.

(b) The necessity of the amendment to this administrative regulation: The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program, and also to allow compliance flexibility where the State has obtained primacy for this subpart and the State adopts regulations to provide compliance flexibility consistent with 40 C.F.R. 141. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use, and for the construction and operation of water treatment systems and distribution systems. The proposed amendment incorporates and conforms to federal regulations.

(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 administrative regulation limits lead and copper amounts in drinking water which is essential to protect public health. The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program, and also to

allow compliance flexibility where the State has obtained primacy for this subpart and the State adopts regulations to provide compliance flexibility consistent with 40 C.F.R. 141.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, this administrative regulation or amendment does not implement Kentucky legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation applies to 391 public water systems which are often owned by city governments or organized under county governments. Other districts may, in some cases, have a public water system. Most Kentuckians are served by a water system that must comply with the federal Lead and Copper Rule Improvements rule.

(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: Public water systems will need to monitor and provide education to schools and childcare facilities, and increase public communication and education in general, regarding lead in drinking water, develop replacement plans and replace all lead and lead-contaminated galvanized service lines by December 2037, increase monitoring (annual or triennial) for lead and copper at select individual residences and businesses, monitor water quality parameters that impact corrosivity, install or adjust corrosion controls to limit lead and copper from corroding into drinking water, provide point-of-use filtration devices to customers impacted by lead service line disturbance and replacement activities, and adjust or install source water treatment if appropriate. Small systems will be allowed compliance flexibility where the State has obtained primacy and the State adopts regulations to provide compliance flexibility consistent with 40 C.F.R. 141. Lead service lines in Kentucky residential properties (estimated to be 0.3% - 1.5%) or lead-contaminated galvanized service lines (estimated to be 1.3%) must be replaced by 2037, either by the property owner or the water system which serves them. Other requirements are included for the special monitoring for corrosivity characteristics within a water system and for the control and use of lead-free pipes, fittings, fixtures, solder, and flux for drinking water.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The estimated annual cost to the cabinet is \$1,660,290. The EPA-estimated cost for all water systems to be in compliance is \$12.5 million. Costs will be much lower for those with no service lines requiring replacement, than for those with many lead and galvanized service lines. Kentucky has fewer lead service lines than the national average, and some water systems will see only marginal expense increases for water sampling, public education, and administration.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Public water systems will benefit from clear and consistent state and federal regulations with equivalent requirements. Kentuckians with lead or galvanized service lines in household, school, or childcare facilities will gain health benefits from reduced drinking water lead levels due to increased monitoring, improved corrosion control treatment, and replacement of lead and galvanized services lines. The EPA estimates that the total child cognitive benefits of implementing the LCRI nationwide range from \$5.789 billion to \$8.108 billion. These benefits are due to prevention of IQ loss, ADHD, and low birth rate, all impacts of lead poisoning. Kentucky is home to 1.3% of the U.S. population, with 79% fewer lead service lines than the national average; therefore, the child cognitive benefit of implementing this rule in Kentucky is estimated to be \$15.8 million to \$22.1 million. In adults, high blood lead levels can cause cardiovascular disease and premature mortality. EPA estimates that the total national cost of lead-caused cardiovascular disease (specific to lead from drinking water) is between \$7.704 billion and \$17.04 billion. For Kentucky alone, implementing this rule would have a healthcare savings benefit of \$21 million to \$46.5 million for adults. Other benefits of implementing this rule that have been identified through extensive

research but have not been quantified monetarily, include reductions in cardiovascular morbidity effects, renal effects, reproductive and developmental effects (apart from ADHD and low birth weight), immunological effects, neurological effects (apart from children's IQ), and cancer. This rule requires water systems to provide extensive public communication about lead, which will educate consumers and enable them to reduce lead exposure in other areas as well, including more common lead exposure pathways such as lead-based paint and environmental lead.

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

(a) Initially: The current cost of the program to the agency is approximately \$113,000 per year. The amendment to this administrative regulation is expected to cost the agency an additional \$201,907 per year for the first five years, to cover about 5,071 hours per year, or 3 FTEs, for initial compliance monitoring and technical support.

(b) On a continuing basis: The cost for this amendment to this administrative regulation is expected to cost approximately \$1,660,290 annually (9 FTEs), an increase of \$1,547,290 over the current primacy costs, for compliance monitoring and technical support after the first five years.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funding for Kentucky's drinking water program is a combination of state general funds and federal funds to administer the Safe Drinking Water Act and, through FFY 2026, the federal Infrastructure Investment and Jobs Act, provided there are no changes to current commitments. The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not establish any fees, or directly or indirectly increase any 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, or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Yes, tiering is applied. The proposed amendment to this administrative regulation provides separate standards and requirements for water systems based on the size and characteristics of the population served by the water system and type of construction materials used in drinking water distribution lines.

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 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use, and for the construction and operation of water treatment systems and distribution systems. The Safe Drinking Water Act (42 U.S.C. §300f through §300j-26) and 40 C.F.R. 141.42, and 141 Subpart I, Sections 141.80 through 141.93 establish analytical methods, monitoring and mitigation requirements and action levels, school and childcare facility lead monitoring and education, and small systems compliance flexibility where the State has obtained primacy for this subpart and the State adopts regulations to provide compliance flexibility consistent with 40 C.F.R. 141, for public water systems to follow for the control of lead and copper. The Reduction of Lead in Drinking Water Act of 2011 (42 U.S.C. § 300g-6) established limits on lead contained in drinking water plumbing materials. The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Division of Water.

(a) Estimate the following for the first year:

Expenditures: The current cost of the program to the agency is approximately \$113,000 per year. For the first five years, the amendment to this administrative regulation is expected to cost the agency an additional \$201,907 annually for 5,071 hours per year, or 3 FTEs, for initial compliance monitoring and technical support.

Revenues: The amendment to this administrative regulation will not generate revenue.

Cost Savings: The amendment to this administrative regulation and implementation of this program does not have any direct cost savings to the cabinet or regulated entities. However, the health benefits are expected to save \$220 to \$417 million in health care costs nationwide, especially for children who are most impacted by lead poisoning.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The amendment to this administrative regulation is expected to cost approximately \$1,660,290 annually (9 FTEs), an increase of \$1,547,290 over the current primacy costs, for compliance monitoring and technical support after the first over the current primacy costs, for compliance monitoring and technical support.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation applies to 391 public water systems which are often owned by city governments or organized under county governments. Other districts may, in some cases, have a water system.

(a) Estimate the following for the first year:

Expenditures: The current costs to the regulated community range from \$2.9 million - \$3.4 million per year. The amendment to this administrative regulation will result in approximate annual expenditures for water systems of \$12.5 million; however, this number will be borne largely by the water systems with lead service lines and galvanized service lines requiring replacement, and will be higher in the first 10 years than in subsequent years. Kentucky has fewer lead service lines than the national average. The majority of water systems will only have cost increases related to additional sampling, public education, and administration, estimated to be \$8,931/system per year. Estimated increases in individual household water bills, averaged over the whole state, will be \$6.73/year; however, there is likely to be a broad range, with customers in communities with lead service lines potentially seeing larger increases.

Revenues: This amendment will not generate revenue.

Cost Savings: The amendment to this administrative regulation and implementation of this program does not have any direct cost savings to the cabinet or regulated entities. However, the health benefits are expected to save \$220 to \$417 million in health care costs nationwide, especially for children who are most impacted by lead poisoning.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? During years 1-3 (2025 through 2027), expenditures will remain relatively stable while most water systems meet administrative requirements and plan for the new requirements. Starting in 2028, costs will increase for water systems coinciding with the start or increase of water sampling, service line replacement, and customer communication requirements. Costs will be highest from 2028-2037, due to the required 10-year timeframe in which water systems must replace all lead and certain galvanized iron service lines.

(4) Identify additional regulated entities not listed in questions (2) or (3): There are no additional regulated entities.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no additional regulated entities.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The estimated increase in annual costs to the cabinet is \$201,907/year for the first five years, and \$1,547,290 over the current primacy costs, for compliance monitoring and technical support after the first /year in subsequent years. Assuming a 35-year timeframe to implement this rule, the annual cost to all water systems in Kentucky is estimated by the EPA to be \$12.5 million; however, this number will be borne

largely by the water systems with lead service lines and galvanized service lines requiring replacement, and will be higher in the first 10 years (2028-2037) than in subsequent years. Water systems with no lead or galvanized service lines needing replacement are expected to see their costs increase by an average of \$8,931 per system per year for public education, sampling, and administrative expenses; whereas those with many lead service lines will have annual costs in the millions of dollars. Estimated increases in individual household water bills, averaged over the whole state, will be \$6.73/year; however, there is likely to be a broad range, with customers in communities with lead service lines potentially seeing larger increases.

(b) Methodology and resources used to determine the fiscal impact: The cabinet referred to estimates provided by the EPA in its Economic Analysis for the Final Lead and Copper Rule Improvements (https://www.epa.gov/system/files/documents/2024-10/508_lcrl_final_ea_10-21-2024.pdf) and associated appendices (https://www.epa.gov/system/files/documents/2024-10/508_lcrl_final-ea_appendices_10_23_24.pdf) to calculate costs. Current costs to the Division of Water are based on the compensation to the Lead and Copper Rule manager (2/3 of employee time), and technical assistants (five staff at 15-20 hours per year). Costs to industry are estimated as increases to the "baseline" conditions described in Economic Analysis Appendices for the Final Lead and Copper Rule Improvements (EPA 810-R-24-005), U.S. Environmental Protection Agency, Office of Water (October 2024), which compare the expected costs of the LCRI with the baseline costs of the 1991 Lead and Copper Rule.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) Yes, the amendment to this administrative regulation will have a major economic impact of \$500,000 or more, in the aggregate.

(b) The methodology and resources used to reach this conclusion: The cabinet referred to estimates provided by the EPA in its https://www.epa.gov/system/files/documents/2024-10/508_lcrl_final_ea_10-21-2024.pdf Economic Analysis for the Final Lead and Copper Rule Improvements (https://www.epa.gov/system/files/documents/2024-10/508_lcrl_final_ea_10-21-2024.pdf) and associated appendices (https://www.epa.gov/system/files/documents/2024-10/508_lcrl_final-ea_appendices_10_23_24.pdf) as well as agency data to calculate costs.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. The Safe Drinking Water Act (42 U.S.C. §300f through §300j-26) and 40 C.F.R. 141.42, 141 Subpart I, 143 Subpart B, and the Reduction of Lead in Drinking Water Act of 2011 (42 U.S.C. § 300g-6).

(2) State compliance standards. KRS 224.10-100(28) and 224.10-110.

(3) Minimum or uniform standards contained in the federal mandate. The Safe Drinking Water Act (42 U.S.C. §300f through §300j-26) and 40 C.F.R. 141.42, and 141 Subpart I, establish analytical methods, monitoring requirements and action levels, school and childcare facility lead monitoring and education, and small systems compliance flexibility where the State has obtained primacy for this subpart and the State adopts regulations to provide compliance flexibility consistent with 40 C.F.R. 141, for public water systems to follow for the control of lead and copper. The Reduction of Lead in Drinking Water Act of 2011 (42 U.S.C. § 300g-6) established limits on lead contained in drinking water plumbing materials. The proposed amendment is required by 42 U.S.C. §300g-6 (b) and (c) in order to maintain Kentucky's primary authority and federal funding to administer its Safe Drinking Water Program.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The amendment to this administrative regulation adopts the federal requirements.

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(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The amendment to this administrative regulation does not impose stricter standards, or additional or different responsibilities or requirements, from the federal standard.

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

ENERGY AND ENVIRONMENT CABINET Department for Environmental Protection Division for Air Quality (Amendment)

401 KAR 53:010. Ambient air quality standards.

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Parts 50, 51, 52, 53, 58, 75, 81, 42 U.S.C. 7401-7671q

STATUTORY AUTHORITY: KRS 224.10-100(5), 42 U.S.C. 7401-7671q

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes[requires] the cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation establishes ambient air quality standards necessary for the protection of the public health, the general welfare, and the property and people in the Commonwealth of Kentucky.

Section 1. Ambient Air Quality Standards. The primary and secondary ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, ozone, nitrogen dioxide, lead, hydrogen sulfide, gaseous fluorides, total fluorides, and odors are established[specified] in Appendix A of this administrative regulation. Measurements shall be made by methods and frequency specified in Section 2 of this administrative regulation.

Section 2. Methods of Measurement. For those air contaminants for which there are state ambient air quality standards that are the same as the national ambient air quality standards, measurements shall be made in accordance with 40 C.F.R. Parts 50 and 53. For other air contaminants for which there are state ambient air quality standards, measurements shall be made according to this administrative regulation, reference methods, or equivalent methods. The frequency of measurements for all air contaminants shall be prescribed by the cabinet, in accordance with 40 C.F.R. Parts 50 and 53, 401 KAR 50:015, or this administrative regulation.

Section 3. Within sixty (60) days of promulgation or revision of any primary or secondary ambient air quality standard by the U.S. EPA, the cabinet shall initiate proceedings to promulgate or review this administrative regulation in conformance with the federal ambient air quality standards.

Section 4. Appendix A. Ambient Air Quality Standards.

AMBIENT AIR QUALITY STANDARDS The following air contaminant concentrations shall apply to any single point location:		
Pollutant	Primary Standard	Secondary Standard
Carbon Monoxide Eight (8) hour average One (1) hour average	9 ppm ⁽¹⁾ (10 mg/m ³) 35 ppm ⁽¹⁾ (40 mg/m ³)	----

Lead Rolling three (3) month mean	0.15 µg/m ³	Same as primary
Nitrogen Dioxide Annual arithmetic mean One (1) hour average	53 ppb (100 µg/m ³) ⁽²⁾ 100 ppb	Same as primary-
Ozone One (1) hour average Eight (8) hour average2015 standard2008 standard1997 standard	0.12 ppm ⁽³⁾ 0.070 ppm0.075 ppm0.08 ppm ⁽⁴⁾	Same as primary ⁽³⁾ Same as primary Same as primary Same as primary ⁽⁴⁾
Particulate Matter, measured as PM ₁₀ Twenty-four (24) hour average	150 µg/m ³	Same as primary
Particulate Matter, measured as PM _{2.5} Annual arithmetic mean2024 standard2012 standard2006 standard1997 standard	9 µg/m ³ 12.0 µg/m ³ 15.0 µg/m ³ 15.0 µg/m ³ 35 µg/m ³ 35 µg/m ³ 65 µg/m ³	⁽⁵⁾ (⁶)Same as primary Same as primary ⁽⁵⁾ Same as primary Same as primary
Sulfur Dioxide Annual arithmetic mean One (1) hour average Three (3) hour average Twenty-four (24) hour average	0.030 ppm ⁽¹⁾ (⁶)75 ppb--0.14 ppm ⁽¹⁾ (⁶)	10 ppb----[0.5 ppm ⁽⁴⁾]--
Gaseous Fluorides - (expressed as HF)Annual arithmetic mean One (1) month average One (1) week average Twenty-four (24) hour average Twelve (12) hour average	400 µg/m ³ (0.5 ppm)---- 800 µg/m ³ (³)1 (1.0 ppm)--	--0.82 µg/m ⁽¹⁾ (1.00 ppb)1.64 µg/m ³ (¹) (2.00 ppb)2.86 µg/m ³ (¹) (3.50 ppb)3.68 µg/m ³ (¹) (4.50 ppb)
Hydrogen Sulfide One (1) hour average	--	14 µg/m ³ (¹) (0.01 ppm)
Odors	--	A mixture of one (1) volume of ambient air and seven (7) volumes of odorless air shall have no detectable odor at any time.
Total Fluorides Dry weight basis (as fluoride ion) in and on forage for consumption by grazing ruminants: Average concentration of monthly samples over growing season (not to exceed six (6) consecutive months)Two (2) month average One (1) month average	-- ----	40 ppm 60 ppm80 ppm

Footnotes:¹ Average is not to be exceeded more than once per calendar year.² The official level of the annual NO₂ standard is 0.053 ppm, equal to fifty-three (53) ppb, which is shown for the purpose

of clearer comparison to the one (1) hour standard.³ The U.S. Environmental Protection Agency revoked the one (1) hour ozone standard in all areas in 2005. However, some areas have continuing obligations under the standard.⁴ The U.S. Environmental Protection Agency revoked the 1997 eight (8) hour ozone standard in 2015. However, some areas have continuing obligations under the standard.⁵ The secondary ambient air quality standard was not adjusted from the previously established standard.⁶ The 1971 sulfur dioxide standards remain in effect until one (1) year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved, in accordance with 40 C.F.R. Part 52, Subpart S.

401 KAR 053:010. Ambient air quality standards
JOHN S. LYONS, Secretary

APPROVED BY AGENCY: September 11, 2026

FILED WITH LRC: September 14, 2026 at 2:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A virtual public hearing on this administrative regulation will be held on November 24th, 2026, at 10 a.m. (Eastern Time) / 9 a.m. (Central Time). Individuals interested in being heard at this hearing shall notify this agency in writing by November 17th, 2026, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30th, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation amendment to the contact person.

CONTACT PERSON: Christian Ewing, Environmental Scientist Advisor, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, Phone: 502-782-6604, E-mail: Christian.Ewing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christian Ewing, Phone: 502-782-6604, Email: Christian.Ewing@ky.gov

Subject Headings: Pollution, Energy, Environment and Conservation

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the national ambient air quality standards (NAAQS) for carbon monoxide, nitrous oxides, ozone, particulates,

and sulfur dioxide, which are necessary to protect public health and public welfare in the Commonwealth of Kentucky (Commonwealth). This regulation also establishes additional state-specific standards for hydrogen sulfide, fluorides, and odor.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the NAAQS to protect public health and welfare in the Commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(5) authorizes the Energy and Environment Cabinet (Cabinet) to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation establishes the NAAQS necessary to protect public health and welfare in the Commonwealth.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the NAAQS necessary to protect public health and welfare in the Commonwealth.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates the primary PM2.5 NAAQS and the secondary sulfur dioxide (SO2) NAAQS promulgated by the United States Environmental Protection Agency (EPA) in 2024.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure consistency between the state and federal rulemaking.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 224.20-110 authorizes the Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. The Cabinet complies with this mandate by implementing and enforcing the NAAQS of this administrative regulation. (d) How the amendment will assist in the effective administration of statutes: This amendment assists the cabinet in fulfilling its statutory obligation to prevent, abate, and control air pollution by adopting the updated primary PM2.5 and secondary SO2 NAAQS promulgated by EPA in 2024.

(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: The ambient air quality standards established in this administrative regulation apply to any single point location. This amendment will affect owners and operators of air contaminant sources which have emissions of particulate matter (PM2.5) and sulfur dioxide (SO2). The affected entities may include permitted industrial facilities and other businesses that emit PM2.5 or SO2, particularly major stationary sources and sources undertaking modifications subject to the applicable air quality requirements. Affected entities have to show that any emissions of SO2 and PM2.5 do not contribute to a violation of the NAAQS in ambient air, as defined in 401 KAR 53:005.

(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 changes in this amendment will impact owners and operators of air contaminant sources subject to Kentucky's air permitting requirements for SO2 or PM2.5. When an affected entity submits an application to the Division for Air Quality (Division) for a new permit or permit revision, the entity will continue to be required to evaluate and, where applicable, model emissions of SO2 or PM2.5 to demonstrate compliance with the applicable NAAQS as part of the permitting process. The primary action required of affected entities is to use the revised SO2 or PM2.5 NAAQS when conducting the analyses required for applicable permit applications and revisions.

(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 for entities as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with the NAAQS in this

amendment will ensure that air quality is maintained at levels determined by EPA and the Commonwealth to protect human health and public welfare. Compliance will also help ensure that Kentucky remains authorized by EPA to implement the Clean Air Act through its state implementation plan and air quality permitting program.

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

(a) Initially: The Division will not incur any additional costs for the implementation of this administrative regulation.

(b) On a continuing basis: The Division will not incur any additional costs for the implementation of 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 Division's current operating budget will be used for 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 is necessary to implement this amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Yes, tiering is applied. Standards for pollutants are established as either primary or secondary standards. They are also tiered based on averaging time.

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 224.10-100, 42 U.S.C. 7410(a)(1), 40 C.F.R. Part 50.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Energy and Environment Cabinet Division for Air Quality (Division) is the promulgating agency for this regulation.

(a) Estimate the following for the first year:

Expenditures: There is no effect on current expenditures.

Revenues: There is no effect on current revenues.

Cost Savings: There is no effect on cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.

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

(a) Estimate the following for the first year:

Expenditures: There is no effect on current expenditures.

Revenues: There is no effect on current revenues.

Cost Savings: There is no effect on cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): Entities that emit Particulate Matter (PM_{2.5}) or Sulfur Dioxide (SO₂) into the air may be impacted by this regulation through future attainment status designations. Facilities need to model for no impact to the new National Ambient Air Quality Standards (NAAQS) established in this regulation, however, they are already required to do so at the federal level.

(a) Estimate the following for the first year:

Expenditures: There is no effect on current expenditures.

Revenues: There is no effect on current revenues.

Cost Savings: There is no effect on cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: Kentucky is already meeting the new secondary SO₂ NAAQS, therefore there is no fiscal impact to implement this regulation. Kentucky recommended statewide attainment for the new primary PM_{2.5} NAAQS. However, Kentucky has not been given an official status designation from EPA for either of these new standards. There should be no additional fiscal

impact from this amendment as facilities are already required to comply and model impacts to the NAAQS under federal law.

(b) Methodology and resources used to determine the fiscal impact: All fiscal impact was analyzed by EPA in their regulatory impact analysis. Cost is calculated as part of the analysis, however the Clean Air Act prohibits cost from being considered in the setting of the standard. There are no additional costs associated with changing standards for modeling purposes.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: All fiscal impact was analyzed by EPA in their regulatory impact analysis. Cost is calculated as part of the analysis, however the Clean Air Act prohibits cost from being considered in the setting of the standard. There are no additional costs associated with changing standards for modeling purposes.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. The EPA promulgated the federal regulations found in 40 C.F.R. Part 50 pursuant to 42 U.S.C. 7410(a)(1).

(2) State compliance standards. This administrative regulation establishes the National Ambient Air Quality Standards (NAAQS) in the Commonwealth.

(3) Minimum or uniform standards contained in the federal mandate. 40 C.F.R. Part 50 is the federal rule establishing the NAAQS for criteria air pollutants.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will not impose stricter requirements or different responsibilities or requirements for the NAAQS than those already required at the federal level. The state is not updating the standards for odor, fluorides, and hydrogen sulfide as part of this amendment.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The NAAQS set in this amendment are identical to the federal standards.

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

JUSTICE AND PUBLIC SAFETY CABINET Department of Corrections (Amendment)

501 KAR 2:060. Procedures for housing of Class C and D felons.

RELATES TO: KRS 196.035, 197.020, 197.045, 431.215, 441.045, 441.075, 441.510, 532.100

STATUTORY AUTHORITY: KRS 196.035, 197.020, 532.100

NECESSITY, FUNCTION, AND CONFORMITY: KRS 532.100(5) requires the Department of Corrections to house qualifying Class C and D felons in jails. KRS 196.035 authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. This administrative regulation establishes the procedures to implement the required housing program.

Section 1. Eligibility. Any county housing qualified inmates pursuant to KRS 532.100(5) shall be eligible to continue to do so unless the department, through its minimum jail standards

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enforcement procedures established by KRS 441.075, orders a jail to cease housing Class C and D felons.

Section 2. Submission of documents for Class D felons. In any jail housing Class D felons, the jailer shall forward to the assessment and classification center the following documents, within ten (10) working days of receipt of the judgment, for each Class D felon for whom a transfer has not been requested:

- (1) Picture, which shall be updated annually in accordance with Section 12 of this administrative regulation;
- (2) Any detainers;
- (3) Any incident or disciplinary reports; and
- (4) Body identification sheet.

Section 3. Custody Assignment for Class D Felons.

(1) Offender Information Services staff shall, within fifteen (15) working days of receipt of the presentence investigation and the judgment and sentence, calculate the inmate sentence. The assessment and classification center staff shall, within fifteen (15) working days of receipt of the calculated sentence, review the inmate file and assign a custody classification level to the Class D felon.

(2) The assessment and classification center[AC-Center] staff shall notify the jailer of the custody classification level assignment. Offender Information Services, Central Office, shall audit the file within five (5) working days of receipt.

(3) If the custody level assigned is minimum or community, the Class D felon may:

(a) Participate in community service work or any program offered inside or outside the secure perimeter of the jail; and

(b) Be housed inside the secure perimeter of the jail, in the restricted custody area of the jail, or in a restricted custody center.

(4) If the custody level assigned is medium or maximum, the Class D felon:

(a) Shall not be eligible to participate in any program or work outside the secure perimeter of the jail; and

(b) Shall be housed in the secure perimeter of the jail.

(5) The jailer may request the department to review the assignment ninety (90) days from the date of the last assignment. Any additional custody review may be completed as deemed necessary by the Director of Population Management.

Section 4. Assignment of Class C felons.

(1) The assessment and classification center shall identify and inform the jailer of a Class C felon who qualifies under KRS 532.100(5)(c)1. to be housed in a jail.

(2) The assessment and classification center[AC-Center] shall notify the jailer when an inmate has been assigned as a Class C felon.

Section 5. Parole Board.

(1) Prior to the meeting of the Parole Board, jail personnel shall provide each qualified inmate scheduled for review by the board with a jail offender information to the Kentucky Parole Board form. Jail personnel shall submit the completed form to the Division of Local Facilities via KOMS or electronically, as requested by the Parole Board.

(2) Jail personnel shall inquire if a qualified inmate scheduled for review by the board would like to waive his or her Parole Board hearing and request a serve out if the qualified inmate scheduled to meet the Parole Board has ninety (90) days or less remaining until his or her minimum expiration date. If the qualified inmate decides to waive his or her Parole Board hearing and ~~requests~~[request] a serve out, jail personnel shall have the inmate sign the Request Declining Parole form and submit it to the Parole Board via KOMS or electronically.

(3) Deaf or Hard of Hearing Inmate.

(a) If a deaf or hard of hearing inmate has a hearing before the Parole Board, the jail shall assist the Parole Board with appropriate accommodation necessary for effective communication for the inmate for the hearing.

(b) The jail shall provide headphones if headphones are necessary to meet the needs of deaf and hard of hearing inmates for effective communication or work with the Parole Board to provide

other necessary hearing accommodation services for the Parole Board hearing.

Section 6. Transportation. Jail personnel shall be responsible for the transportation of a qualified inmate except as specified in KRS 431.215(1) and 441.510.

Section 7. Release Procedures.

(1) The release of a qualified inmate shall follow the procedure established by CPP 25.6, incorporated by reference in 501 KAR 6:510[501-KAR-6:020].

(2)

(a) Jail personnel shall not release a qualified inmate to any other jail or agency without submission of external movement information to the Director of Local Facilities or designee. The information shall include:

1. Name;
2. Inmate number;
3. Facility transferring felon;
4. Facility receiving felon; and
5. Date transferred and received.

(b) Any jail that is under order of the department relating to restrictions on state inmates shall receive prior authorization from the Director of Local Facilities before requesting state inmates from the department or any other jail.

(c) A qualified inmate shall not be released to another state or to federal authorities without advance notice and approval of the Director of Local Facilities or designee.

(3) Jail personnel shall notify the Director of Local Facilities or the Offender Information Services of any detainer or holder lodged against the qualified inmate by another jurisdiction.

Section 8.

(1) Furlough requests shall be submitted to the Classification Branch Manager.

(2) Furloughs shall be governed by CPP 25.4, incorporated by reference in 501 KAR 6:510[501-KAR-6:020].

Section 9. Escape. If a qualified inmate escapes, the jailer, jail administrator, or jail personnel shall immediately:

- (1) Notify the Division of Local Facilities jail inspector;
- (2) Notify Kentucky State Police (KSP) or local law enforcement;
- (3) Activate VINE through use of the Emergency Override Line (EOL); and
- (4) Enter the prisoner's escape status into the jail management system.

Section 10. Medical Needs. The department shall pay each jail a per diem for state prisoners as established by KRS 532.100(7). The jail shall pay for routine medical and medication expenses but may charge a copay as provided by KRS 441.045(13). ~~[If the inmate requires an admission to a hospital with at least one (1) night stay or outpatient surgery in which a general anesthesia is used, the cost shall be paid by the department. The jailer, jail administrator, or jail personnel shall notify the Department of Corrections Medical Division designee if any qualified inmate is admitted to the hospital for twenty-four (24) hours or longer.]~~

Section 11. Inmate Pay. A qualified inmate on a work assignment shall be paid in accordance with CPP 19.3, incorporated by reference in 501 KAR 6:460[501-KAR-6:020].

Section 12. Good Time. For a qualified inmate housed in a jail, the awarding of good time or sentence credit shall be in accordance with this section.

(1) Statutory good time shall follow the procedures established in KRS 197.045(1)(b)1.

(2) Meritorious good time shall follow procedures established in KRS 197.045(1)(b)2. and CPP 15.3, incorporated by reference in 501 KAR 6:420[501-KAR-6:020].

(3) Educational good time shall follow procedures established in KRS 197.045(1)(a)2. and CPP 20.1, incorporated by reference in 501 KAR 6:470[501-KAR-6:020].

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(4) If the jail has a substance abuse program approved by the department, then the felon shall receive credit to his sentence allowed by KRS 197.045(1)(a)3.

Section 13. Annual Photograph. The jailer, jail administrator, or jail personnel shall take a photograph each year of each qualified inmate and immediately send it by United States mail, electronically, or via KOMS to Department of Corrections, Offender Information Services, P.O. Box 2400, Frankfort, Kentucky 40602.

Section 14. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Information to the Kentucky Parole Board", 2021; and

(b) "Request Declining Parole", 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Corrections, Division of Population Management, 275 East Main Street, P.O. Box 2400, Frankfort, Kentucky 40602-2400, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site at <https://corrections.ky.gov/About/Pages/Ircfilings.aspx>.

501 KAR 2:060. Procedures for housing of Class C and D felons.
SCOTT JORDAN, Deputy Commissioner, on behalf of:
COOKIE CREWS, Commissioner

APPROVED BY AGENCY: August 17, 2026

FILED WITH LRC: August 17, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation amendment shall be held November 24, 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 November 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, Deputy General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens, Deputy 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 administrative regulation establishes the procedures for the housing program required by KRS 532.100(5) for Class C or D state inmates in a jail.

(b) The necessity of this administrative regulation: The housing program is required by KRS 532.100(5) and provides jailers with the process and form to request the move of a Class C or D inmate from a jail to a state correctional institution for security or medical reasons.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the housing program required by KRS 532.100(5). KRS 532.100(6) authorizes a jailer to request the transfer of a Class C or D inmate for specific reasons. KRS 196.035 gives authority to promulgate administrative regulations necessary or suitable for the proper

administration of the functions of the cabinet or any division in the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation provides jailers with the process and form to request the move of a Class C or D inmate from a jail to a state correctional institution and management requirements for Class C or D inmates in the jail.

(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 makes updates to regulatory references and removes the Department of Corrections' obligation to pay costs associated with an inmate that require an admission to a hospital with at least one (1) night stay or outpatient surgery in which a general anesthesia is used, which will be clarified in a separate, new regulation.

(b) The necessity of the amendment to this administrative regulation: This amendment is needed to provide clarity regarding the process required to move a Class C or D inmate from a jail to a state correctional institution and management requirements for Class C or D inmates in the jail.

(c) How the amendment conforms to the content of the authorizing statutes: The changes are within the authority granted by the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: It provides clarity for those who are involved in the Class C and D program.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects approximately 74 county and regional jails that house Class C and D felons and their staff, approximately 50 Department of Corrections' employees, including 12 Local Facilities staff, and approximately 5,682 Class C and D felons in the jails.

(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 are not required to take any action concerning the amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This amendment is not expected to have a fiscal impact on any entity.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This amendment will provide clarity to Department of Corrections staff and counties supervising inmates regarding the process required to move a Class C or D inmate from a jail to a state correctional institution and management requirements for Class C or D inmates in the jail.

(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: State 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 needed.

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

(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, 532.100

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 196.035, 197.020, and 532.100 authorize this administrative regulation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Corrections

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

1. Expenditures:

For the first year: 0

For subsequent years: 0

2. Revenues:

For the first year: 0

For subsequent years: 0

3. Cost Savings:

For the first year: 0

For subsequent years: 0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This regulation will affect 74 county and regional jails that house Class C and D felons and their staff.

(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): This regulation will affect approximately 5,682 Class C and D felons in the jails.

(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 is not expected to have a fiscal impact on the Department of Corrections, the county and regional jails that house Class C and D felons, or the Class C and D felons housed in those jails. The amendment primarily updates regulatory references and clarifies procedures related to the housing and management of Class C and D felons in jails. Regulated entities are not required to take any new action to comply with the amendment, and the amendment does not create a new fee, increase an existing fee, or impose new operational requirements on the Department, local jails, or inmates. The amendment also does not change the per diem paid under KRS 532.100(7) or otherwise alter the existing housing structure for qualified Class C and D felons.

(b) Methodology and resources used to reach this conclusion: Because the amendment primarily updates regulatory references and clarifies procedures related to the housing and management of Class C and D felons in jails, regulated entities are not required to take any new action to comply with the amendment, and the amendment does not create a new fee, increase an existing fee, or impose new operational requirements on the Department, local jails, or inmates, no fiscal impact was identified. The amendment also

does not change the per diem paid under KRS 532.100(7) or otherwise alter the existing housing structure for qualified Class C and D felons.

(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: Because the amendment updates regulatory references, clarifies procedures related to the housing and management of Class C and D felons in jails, does not create new fees or increase existing fees, and does not impose new operational requirements, a major economic impact is not expected. 501 KAR 2:060. Procedures for housing of Class C and D felons.

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 1:170. Department of Juvenile Justice Policies and Procedures: Prison Rape Elimination Act of 2003 (PREA).

RELATES TO: KRS 15A.065, 15A.067, Chapters 600-645, 34 U.S.C. 30301-30309, 28 C.F.R. 115.5, 115.6, 115.311-115.393

STATUTORY AUTHORITY: KRS 15A.065, 15A.067, 15A.160, [15A.210, 200.145, 605.100,] 605.150, 635.095, 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160, [15A.210,] 15A.305(5), 605.100, 605.150, 635.095, 640.120, and 645.250 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 Policies and Procedures: Prison Rape Elimination Act of 2003 (PREA)", January 8, 2018, is incorporated by reference and includes the following: 900Definitions (Amended 8/24/17); 901Zero Tolerance of Any Type of Sexual Misconduct (Amended 8/24/17); 902Personnel Procedures (Amended 9/4/20[4/8/18]); 903Prohibited Conduct of Staff, Interns, Volunteers, and Contractors (Amended 8/24/17); 904Contracted Residential Entities (Amended 8/24/17); 905[90]Juvenile Vulnerability Assessment Procedure (Amended 8/24/17); 906Reporting and Investigating PREA Violations (Amended 8/24/17); 907Resident PREA Education (Amended 1/8/18); 908DJJ Response to a Report of a PREA Violation (Amended 1/8/18); 909Data Collection and Review (Amended 1/8/18); 910Facility Security Management (Amended 8/24/17); 911DJJ Staff PREA Education and Training (Amended 8/24/17); and 912Sexual Orientation and Gender Identity (Amended 1/8/18).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Juvenile Justice website at <https://djj.ky.gov/about/Pages/RegulationsFiled.aspx>.

505 KAR 1:170. Prison Rape Elimination Act procedures
TROY POLLOCK, Executive Director on behalf of
RANDY WHITE, Commissioner

VOLUME 53, NUMBER 4– OCTOBER 1, 2026

APPROVED BY AGENCY: September 4, 2026

FILED WITH LRC: September 4, 2026 at 11:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation amendment shall be held November 24, 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 November 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, Deputy General Counsel, Justice and 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, Deputy General Counsel
Phone: (502) 564-8216 Email: Justice.RegContact@ky.gov

Subject Headings: Juvenile Detention and Justice; Background Checks; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference into regulatory form materials used by the Department of Juvenile Justice (DJJ) in the implementation of a statewide juvenile services program.

(b) The necessity of this administrative regulation: This administrative regulation is needed to establish procedures for Prison Rape Elimination Act of 2003 ("PREA") compliance for DJJ, non-DJJ personnel, and juveniles in the custody of or under the supervision of DJJ.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The authorizing statutes permit the cabinet and DJJ to implement practices or procedures to ensure compliance with federal PREA Standards and ensure the health and safety of the juveniles in the custody of or under the supervision of the DJJ.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation provides direction and information to DJJ employees, non-DJJ personnel, juveniles, and their families concerning procedures that govern operation of DJJ.

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

(a) How the amendment will change this existing administrative regulation: The amendment updates DJJ Policy Number 902 in relation to the types of convictions that disqualify an applicant for hire or service.

(b) The necessity of the amendment to this administrative regulation: The amendment is needed to reconcile DJJ Policy Number 902 with statutory changes and to ensure the health and safety of juveniles.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes permit the Justice and Public Safety Cabinet and Department of Juvenile Justice to implement or amend practices or procedures to ensure the health and safety of juveniles in the custody of or under the supervision of DJJ.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides additional safeguards related to the hiring practices of DJJ to prevent individuals with disqualifying convictions from interacting with juveniles in the custody of or under the supervision of DJJ.

(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 1,302 merit employees of DJJ as well as 422 juveniles in custody or under the supervision of DJJ and their families.

(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: DJJ will have to update its hiring practices to comply with amendments to DJJ Policy Number 902.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No cost to regulated entities identified in question (3) is anticipated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The changes will assist in ensuring a safe and healthy environment in DJJ facilities and the efficient operation of DJJ as a whole.

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

(a) Initially: The administrative regulation impacts how DJJ operates but is not expected to increase costs.

(b) On a continuing basis: The administrative regulation impacts how DJJ operates but is not expected to increase costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: DJJ budgeted funds 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 because of this amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation does not create any fee.

(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 15A.065; 15A.067; Chapters 600-645; 34 U.S.C. 331-30309; 28 C.F.R. 115.5, 115.6, 115.311-115.393

(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, 15A.067, 15A.160, 605.150, 635.095, 640.120, 645.250.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Juvenile Justice ("DJJ")

(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 DJJ operates but is not expected to increase expenditures.

For subsequent years: The administrative regulation impacts how DJJ operates but is not expected to increase expenditures.

2. Revenues:

For the first year: The administrative regulation does not generate revenue.

For subsequent years: The administrative regulation does not generate revenue.

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No affected local

entities have been identified.

(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): Approximately 422 juveniles in the custody of or under the supervision of DJJ will be affected by the amendment (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: The administrative regulation impacts how DJJ operates but is not expected to increase expenditures for juveniles in the custody of or under the supervision of DJJ.

For subsequent years: The administrative regulation impacts how DJJ operates but is not expected to increase expenditures for juveniles in the custody of or under the supervision of DJJ.

2. Revenues:

For the first year: The administrative regulation does not generate revenue.

For subsequent years: The administrative regulation does not generate revenue.

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 is not anticipated to have a fiscal impact for the entities identified in (3)(a), (4)(a), and (5)(a).

(b) Methodology and resources used to reach this conclusion: The Department of Juvenile Justice reviewed the regulation, the policies incorporated in the regulation, and the amendments to DJJ Policy 902. The administrative regulation amendment impacts how DJJ operates. A fiscal impact was not identified because the only changes to the regulation relate to the types of convictions that would preclude an individual from working within DJJ facilities that house juveniles.

(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: The Department of Juvenile Justice reviewed the regulation, the policies incorporated in the regulation, and the amendments to DJJ Policy 902. The administrative regulation amendment impacts how DJJ operates. A major economic impact was not identified because the only changes to the regulation relate to the types of convictions that would preclude an individual from working within DJJ facilities that house juveniles.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 28 C.F.R. Chapter 1, Part 115, §115.5, 115.6, and §115.311-501.

(2) State compliance standards. The state adopts the federal compliance standards through this regulation, internal policy, and actions taken by the Department of Juvenile Justice. The state has no separate compliance standards.

(3) Minimum or uniform standards contained in the federal mandate.: Federal regulation establishes compliance standards for juvenile detention facilities to qualify for federal funds under the Prison Rape Elimination Act. These standards govern Prevention Planning, responsive planning, training and education, screening,

reporting, response procedures, investigations, mandatory discipline, medical and mental care, data collection and review, and audits.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation will impose stricter requirements for the background checks imposed on employees, contractors, vendors, interns, and volunteers than the requirements in the hiring and promotion decision section of Prevention Planning.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The Department of Juvenile Justice believes that the additional requirements will better protect the health and safety of juveniles in the custody of or under the supervision of the DJJ by preventing individuals with disqualifying convictions from interacting with juveniles in the custody of or under the supervision of DJJ.

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

CABINET FOR HEALTH AND FAMILY SERVICES Department for Medicaid Services Division of Health Care Policy (Amendment)

907 KAR 1:022. Nursing facility services and intermediate care facility for individuals with an intellectual disability services.

RELATES TO: 42 C.F.R. 431.153, 431.154, 435.1010, 447.280, 482.58, 42 U.S.C. 1395tt, 1396i, 1396r

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.558

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the provisions relating to nursing facility services and services at an intermediate care facility for individuals with an intellectual disability for which payment shall be made by the Medicaid program on behalf of both the categorically needy and medically needy recipients.

Section 1. Definitions.

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

(2) "Department approved system" means a technology system in which:

(a) Providers electronically submit and track level of care (LOC) requests through a self-service portal;

(b) The system triggers LOC tasks as reminders to providers and allows them to submit reassessments electronically; and

(c) Information is exchanged electronically with Kentucky's:

1. Medicaid Enterprise Management Solution (MEMS); and

2. Integrated eligibility and enrollment system.

(3) "High-intensity nursing care services" means care provided:

(a) To a Medicaid-eligible individual who meets high-intensity nursing care patient status criteria in accordance with Section 4 of this administrative regulation; and

(b) By a nursing facility or a nursing facility with Medicaid waiver participating in the Medicaid program with care provided in beds also participating in the Medicare program.

(4) "High-intensity rehabilitation services" means therapy services that:

(a) Are expected to improve an individual's condition while the individual possesses reasonable potential for improvement in functional capability; and

(b) Do not include restorative and maintenance nursing procedures, including routine range of motion exercises and application of splints or braces by nurses and staff.

(5) "Intermediate care facility for individuals with an intellectual disability" or "ICF-IID" means a licensed intermediate care facility for individuals with an intellectual disability certified by the Department for Medicaid Services as meeting all standards for an intermediate care facility for individuals with an intellectual disability.

(6) "Intermediate care facility for individuals with an intellectual disability services" or "ICF-IID services" means care provided:

(a) To a Medicaid-eligible individual who meets ICF-IID patient status criteria in accordance with Section 4 of this administrative regulation; and

(b) By an ICF-IID participating in the Medicaid program.

(7) "Intermittent high-intensity nursing care services" means services for an individual who requires high-intensity nursing care services at regular or irregular intervals, but not on a twenty-four (24) hour-per-day basis and not less than three (3) calendar days per week.

(8) "Low-intensity nursing care services" means care provided:

(a) To a Medicaid-eligible individual who meets low-intensity nursing care patient status criteria in accordance with Section 4 of this administrative regulation; and

(b) By a nursing facility or a nursing facility with Medicaid waiver participating in the Medicaid program.

(9) "Medical condition" means a state of health relative to a clinical diagnosis made by a licensed physician, physician assistant, advanced practice registered nurse, or a qualified behavioral health professional.

(10) "Nursing facility" or "NF" means:

(a) A facility:

1. To which the Cabinet for Health and Family Services, Office of Inspector General, has granted an NF license;

2. For which the Cabinet for Health and Family Services, Office of Inspector General, has recommended to the department certification as a Medicaid provider; and

3. To which the department has granted certification for Medicaid participation; or

(b) A hospital swing bed that provides services in accordance with 42 U.S.C. 1395tt and 1396l, if the swing bed is certified to the department as meeting requirements for the provision of swing bed services in accordance with 42 U.S.C. 1396r(b), (c), (d), 42 C.F.R. 447.280 and 482.58.

(11) "Nursing facility with Medicaid waiver" or "NF-W" means a facility:

(a) To which the Cabinet for Health and Family Services, Office of Inspector General, has granted an NF license;

(b) For which the Cabinet for Health and Family Services, Office of Inspector General, has recommended to the department certification as a Medicaid provider;

(c) To which the department has granted a waiver of the nurse staffing requirement; and

(d) To which the department has granted certification for Medicaid participation.

(12) "Patient status" means an individual's level of care in accordance with Section 4 of this administrative regulation for treatment in an institutional setting.

(13) "Personal care" means services to help an individual achieve and maintain good personal hygiene, which may include assistance with bathing, shaving, cleaning and trimming of fingernails and toenails, cleaning of the mouth and teeth, washing, and grooming and cutting of hair.

(14) "Stable medical condition" means a medical condition that is capable of being maintained in accordance with a planned treatment regimen requiring a minimum amount of medical supervision without significant change or fluctuation in a patient's condition or treatment regimen.

Section 2. Participation Requirements. A facility desiring to participate in the Medicaid program as a nursing facility, nursing facility with Medicaid waiver, or ICF-IID shall meet the requirements established in this section.

(1) An application for participation shall be made in accordance with 907 KAR 1:671 and 907 KAR 1:672.

(2)

(a) Except as provided by paragraph (b) of this subsection or for a nursing facility with Medicaid waiver, a nursing facility shall have at least twenty (20) percent of all Medicaid certified beds, but not less than ten (10) beds, also certified to participate in Medicare.

(b) If a nursing facility has less than ten (10) beds certified for Medicaid, all Medicaid certified beds shall also be certified to participate in Medicare.

(3)

(a) Except as provided by paragraph (b) of this subsection, if a nursing facility with Medicaid waiver chooses to participate in Medicare, the facility shall have at least twenty (20) percent of all Medicaid certified beds, but not less than ten (10) beds, also certified to participate in Medicare.

(b) If a nursing facility with Medicaid waiver has less than ten (10) beds certified for Medicaid, all Medicaid beds shall also be certified to participate in Medicare.

(4) A nursing facility or a nursing facility with Medicaid waiver shall comply with the preadmission screening and resident review requirements specified in 42 U.S.C. 1396r and 907 KAR 1:755. A facility failing to comply with these requirements shall be subject to disenrollment, with exclusion from participation to be accomplished in accordance with 907 KAR 1:671, 42 C.F.R. 431.153, and 42 C.F.R. 431.154.

(5) A facility shall be certified by the Cabinet for Health and Family Services, Office of Inspector General, as meeting NF, NF-W, or ICF-IID status.

(6) In order to provide specialized rehabilitation services to an individual with a brain injury in accordance with Section 6 of this administrative regulation, a facility shall be accredited by:

(a) The Joint Commission;

(b) The Commission on Accreditation of Rehabilitation Facilities;

(c) The Council on Accreditation; or

(d) A nationally recognized accreditation organization.

(7) A participating nursing facility shall be certified in accordance with standards and conditions specified in this administrative regulation before the facility may operate a unit that provides:

(a) Preauthorized specialized rehabilitation services for a person with a brain injury; or

(b) Care for a person who is ventilator dependent.

(8) A participating nursing facility, nursing facility with Medicaid waiver, or ICF-IID shall enter a resident's discharge date into a department approved system.

(9)

(a) A licensed swing bed facility shall contact the department for a new level of care review prior to swinging the bed back to nursing facility status if the bed swings to acute status for three (3) or more consecutive calendar days.

(b) An NF shall not count the day the bed will swing back to nursing facility status in the three (3) consecutive days specified in paragraph (a) of this subsection.

Section 3. Payment Provisions.

(1) Payment for high-intensity nursing care, low-intensity nursing care, or ICF-IID services shall be limited to those services meeting the care definitions established in Section 1 of this administrative regulation.

(2) An NF or NF-W shall receive payment for high-intensity nursing care services provided to a Medicaid-eligible individual meeting high-intensity nursing care patient status criteria if the services are provided in a Medicaid participating bed that is also participating in the Medicare program.

(3) An NF or NF-W shall receive payment for low-intensity nursing care services provided to a Medicaid-eligible individual meeting low-intensity nursing care patient status criteria if the services are provided in a Medicaid participating bed.

(4) An ICF-IID shall receive payments for ICF-IID services only.

Section 4. Patient Status Criteria. A patient status decision shall be based on medical diagnosis, care needs, services and health personnel required to meet these needs, and the feasibility of meeting the needs through alternative institutional or noninstitutional services.

(1) For an admission and continued stay, an individual shall qualify under the preadmission screening and resident review criteria specified in 42 U.S.C. 1396r and 907 KAR 1:755.

(2) An individual shall be considered to meet the level of care criteria for high-intensity nursing care if:

(a) On a daily basis:

1. The individual's needs mandate:

- a. High-intensity nursing care services; or
- b. High-intensity rehabilitation services; and

2. The care can only be provided on an inpatient basis;

(b) The inherent complexity of a service prescribed for an individual exists to the extent that it can be safely or effectively performed only by or under the supervision of technical or professional personnel; or

(c) The individual has an unstable medical condition manifesting a combination of at least two (2) or more care needs in the following areas:

1. Intravenous, intramuscular, or subcutaneous injections and hypodermoclysis or intravenous feeding;

2. Nasogastric or gastrostomy tube feedings;

3. Nasopharyngeal and tracheotomy aspiration;

4. Recent or complicated ostomy requiring extensive care and self-help training;

5. In-dwelling catheter for therapeutic management of a urinary tract condition;

6. Bladder irrigations in relation to previously indicated stipulation;

7. Special vital signs evaluation necessary in the management of related conditions;

8. Sterile dressings;

9. Changes in bed position to maintain proper body alignment;

10. Treatment of extensive decubitus ulcers or other widespread skin disorders;

11. Receiving medication recently initiated, which requires high-intensity observation to determine desired or adverse effects or frequent adjustment of dosage;

12. Initial phases of a regimen involving administration of medical gases; or

13. Receiving services that would qualify as high-intensity rehabilitation services if provided by or under the supervision of a qualified therapist, for example:

a. Ongoing assessment of rehabilitation needs and potential;

b. Therapeutic exercises;

c. Gait evaluation and training performed by or under the supervision of a qualified physical therapist;

d. Range of motion exercises that are part of the active treatment of a specific disease state that has resulted in a loss of, or restriction of, mobility;

e. Maintenance therapy if the specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs and consistent with the patient's capacity and tolerance;

f. Ultrasound, short wave, and microwave therapy treatments;

g. Hot pack, hydrocollator infrared treatments, paraffin baths, and whirlpool (if the patient's condition is complicated by circulatory deficiency, areas of desensitization, open wounds, fractures, or other complications, and the skills, knowledge, and judgment of a qualified therapist are required); or

h. Services by or under the supervision of a speech-language pathologist or audiologist if necessary for the restoration of function in speech or hearing.

(3)

(a) An individual shall be considered to meet the level of care criteria for low-intensity patient status if, unrelated to age appropriate dependencies with respect to a minor, the individual meets the requirements of this paragraph:

1. An individual with a stable medical condition requiring intermittent high-intensity nursing care services not provided in a

personal care home shall be considered to meet low-intensity patient status;

2. An individual with a stable medical condition, who has a complicating problem that prevents the individual from caring for himself or herself in an ordinary manner outside the institution, shall be considered to meet low-intensity patient status. For example, an ambulatory cardiac patient with hypertension may be reasonably stable on appropriate medication, but have intellectual deficiencies preventing safe use of self-medication, or other problems requiring frequent nursing appraisal, and thus be considered to meet low-intensity patient status; or

3. An individual with a stable medical condition manifesting a significant combination of at least two (2) or more of the following care needs shall be determined to meet low-intensity patient status:

a. Assistance with personal care;

b. Medication administration via a medication planner filled by a registered nurse or licensed practical nurse;

c. Assistance with transferring to or propelling a wheelchair;

d. Physical or environmental management for confusion and mild agitation;

e. Must have assistance and be present during the entire meal time;

f. Physical assistance with going to the bathroom or using a bedpan for elimination;

g. Existing colostomy care;

h. ~~In-dwelling~~[indwelling] catheter for dry care;

i. Changes in bed position;

j. Administration of stabilized dosages of medication;

k. Restorative and supportive nursing care to maintain the individual and prevent deterioration of the individual's condition;

l. Administration of injections during time licensed personnel is available; or

m. Routine administration of oxygen after a regimen of therapy has been established.

(b) An individual shall not be considered to meet low-intensity patient status criteria if care needs are limited to the following:

1. Verbal or gestural assistance with activities of daily living;

2. Independent use of mechanical devices, for example, assistance in mobility by means of a wheelchair, walker, crutch, or cane;

3. A limited diet, such as low salt, low residue, reducing, or another minor restrictive diet; or

4. Medications that can be self-administered or the individual requires minimal assistance, such as set up of medications or simple cuing.

(4) An individual who meets patient status criteria shall be specifically excluded from coverage if the department determines that in the individual case the combination of care needs are beyond the capability of the facility and that placement in the facility is inappropriate due to potential danger to the health and welfare of the individual, other patients in the facility, or staff of the facility.

(5) An individual shall be considered to meet the level of care criteria for ICF-IID if the individual meets criteria for a diagnosis of an intellectual disability as defined by the current Diagnostic and Statistical Manual of Mental ~~Disorders~~[Diseases] (DSM) with onset of condition prior to age eighteen (18) or meets criteria for a person with a related condition as defined by 42 C.F.R. 435.1010 with onset of condition prior to age twenty-two (22) and meets the following criteria:

(a) Requires physical or environmental management or habilitation;

(b) Requires a planned program of active treatment;

(c) Requires a protected environment; and

(d) Unrelated to age appropriate dependencies with respect to a minor, has substantial deficits in adaptive functioning that, without ongoing support, limit functioning in one (1) or more activities of daily ~~living~~ (ADLs)[life] such as communication, social participation, and independent living across multiple environments, such as home, school, work, and community.

(6) An individual who does not require a planned program of active treatment to attain or maintain the individual's optimal level of functioning shall not meet ICF-IID patient status.

(7) An individual shall not be denied for ICF-IID services solely due to advanced age, length of stay in an institution, or history of

previous institutionalization, if the individual qualifies for ICF-IID services on the basis of all other factors.

(8) Transfer trauma criteria. A Medicaid recipient in an NF who does not meet the low-intensity or high-intensity nursing care patient status criteria established in this section shall not be discharged from an NF if:

(a) The recipient has resided in an NF for at least eighteen (18) consecutive months;

(b) The recipient's attending physician determines that the recipient would suffer transfer trauma in that the individual's physical, emotional, or mental well-being would be compromised by a discharge action as a result of not meeting patient status criteria; and

(c) The department confirms the recipient's attending physician's assessment regarding the trauma caused by possible discharge from the NF.

(9) A Medicaid recipient who meets transfer trauma criteria in accordance with subsection (8) of this section shall:

(a) Remain in an NF and continue to be covered by the department for provider reimbursement at least until the individual's subsequent transfer trauma assessment; and

(b) Be reassessed for transfer trauma every 180 calendar days.

(10) The recipient transfer trauma criteria established in subsection (8) of this section shall not apply to an individual who resides in a facility that experiences closure or a license or certificate revocation.

Section 5. Reevaluation of Need for Service.

(1) Nursing facility, nursing facility with Medicaid waiver, or ICF-IID services shall continue to be provided to an individual if the individual's health status and care needs are within the scope of program benefits as described in Sections 3 and 4 of this administrative regulation.

(2) An individual's patient status shall be reevaluated at least once every twelve (12) months.

(3) Except as provided in Section 4(8) and (9) of this administrative regulation, if a reevaluation of care needs reveals that an individual no longer requires high-intensity nursing care, low-intensity nursing care, or intermediate care for an individual with an intellectual or a developmental disability:

(a) Payment shall continue for ten (10) calendar days to permit orderly discharge or transfer to an appropriate level of care; and

(b) Ten (10) calendar days from the date the reevaluation is finalized, payment shall no longer be appropriate to the facility.

Section 6. Requirements, Standards, and Preauthorization of Specialized Rehabilitation Services for Individuals with Brain Injuries. An individual who has a brain injury and meets the high-intensity nursing care patient status criteria established in Section 4 of this administrative regulation or is qualified under subsection (5) of this section shall be provided care in a certified unit providing specialized rehabilitation services for persons with brain injuries (i.e., brain injury unit) if the care is preauthorized by the department using criteria specified in this section. For coverage to occur, authorization of coverage shall be granted prior to admission of the individual with the brain injury into the certified brain injury unit, or if previously admitted to the unit with other third party coverage, authorization shall be granted prior to exhaustion of those benefits.

(1) Injuries within the scope of benefits shall be:

(a) Central nervous system injury from physical trauma;

(b) Central nervous system damage from anoxia or hypoxic episodes; or

(c) Central nervous system damage from an allergic condition, toxic substance, or another acute medical or clinical incident.

(2) The following items shall be indicators for admission and continued stay:

(a) The individual sustained a traumatic brain injury with structural, nondegenerative brain damage and is medically stable;

(b) The individual shall not be in a persistent vegetative state;

(c) The individual demonstrates physical, behavioral, and cognitive rehabilitation potential;

(d) The individual requires coma management; or

(e) The individual has sustained diffuse brain damage caused by anoxia, toxic poisoning, or encephalitis.

(3) The determination as to whether preauthorization is appropriate shall be made taking into consideration the following:

(a) The presenting problem;

(b) The goals and expected benefits of the admission;

(c) The initial estimated time frames for goal accomplishment; and

(d) The services needed.

(4) The following list of conditions shall not be considered brain injuries requiring specialized rehabilitation under this section:

(a) A stroke treatable in a nursing facility providing routine rehabilitation services;

(b) A spinal cord injury in which there is no known or obvious injury to the intracranial central nervous system;

(c) Progressive dementia or other mentally impairing condition;

(d) Depression or psychiatric disorder in which there is no known or obvious central nervous system damage;

(e) An intellectual disability or birth defect related disorder of long standing; or

(f) Neurological degenerative, metabolic, or other medical condition of a chronic, degenerative nature.

(5) An individual may qualify for coverage under the brain injury program if:

(a) The individual has a stable medical condition with complicating care needs that prevent the individual from caring for himself or herself in an ordinary manner outside an institution;

(b) The individual has sufficient neurobehavioral sequelae resulting from the brain injury that, when taken in combination, require specialized rehabilitation services; and

(c) The following criteria are met:

1. The individual shall not have previously received specialized rehabilitation services (an individual discharged for the purpose of transfer to another brain injury facility shall not be considered to have "previously received specialized rehabilitation services") as established in this section;

2. The individual shall have the potential for rehabilitation;

3. The care shall be prior authorized on an individual basis by the department; and

4. No more than 180 calendar days shall be approved per authorization.

Section 7. Requirements, Standards, and Preauthorization of Certified Distinct-part Nursing Facility Ventilator Services. An individual who is ventilator dependent and meets the high-intensity nursing care patient status criteria established in Section 4(2) of this administrative regulation shall be provided care in a certified distinct-part ventilator nursing facility unit providing specialized ventilator services if the care is preauthorized using criteria specified in this section.

(1) To participate in the Medicaid program as a distinct-part nursing facility ventilator service provider:

(a) A nursing facility shall operate a program of ventilator care within a certified distinct-part nursing facility unit that meets the needs of all ventilator patients admitted to the unit; and

(b) A certified distinct-part nursing facility unit shall:

1. Not have less than twenty (20) beds certified for the provision of ventilator care;

2. Have had an average patient census of not less than fifteen (15) patients during the calendar quarter preceding the beginning of the facility's rate year or the quarter for which certification is being granted in order to qualify as a distinct-part ventilator nursing facility unit;

3. Have a ventilator machine owned by the facility for each certified bed with an additional backup ventilator machine required for every ten (10) beds; and

4. Have a program for discharge planning and weaning from the ventilator.

(2) This subsection shall constitute the patient criteria and treatment characteristics for a distinct-part ventilator nursing facility.

(a) An individual shall be considered ventilator dependent if the individual:

1. Requires:

a. This mechanical support for twelve (12) or more hours per day; and

b. Twenty-four (24) hours per day high-intensity nursing care services; or

2. Is in an active weaning program ordered by and under the management of a physician and reviewed and approved by the department; and

a. The goal of the active weaning program is to attain the least mechanical support in the least invasive manner that is consistent with the maximal function of the individual and ultimately no mechanical respiratory support;

b. The individual demonstrates steady progress in decreasing the number of hours and dependence upon the ventilator as documented in the individual's physician and nursing progress notes; and

c. The individual requires twenty-four (24) hours per day high-intensity nursing care services.

(b) An individual shall not be considered ventilator dependent due to being in an active weaning program if:

1. The individual is no longer demonstrating steady progress in decreasing the number of hours and dependence upon the ventilator; or

2. The individual has been off the ventilator for seventy-two (72) consecutive hours.

(c) An admission from hospitalization or other location shall demonstrate two (2) weeks clinical and physiologic stability including applicable weaning attempts prior to transfer from the hospital or other location.

(d) A physician's order shall specify that the services shall not be provided in an alternative setting due to the medical stability and safety needs of the individual.

(3) A patient status determination shall be made taking into consideration the following factors:

(a) Alternative care possibilities;

(b) Goals for patient care;

(c) Primary hypoventilation, restrictive lung, ventilatory muscular dysfunction, or obstructive airway disorders needs that may necessitate mechanical ventilator and related care;

(d) Patient treatment characteristics;

(e) Home care potential;

(f) Suitability of transfer to the ventilator care unit; and

(g) Provision of an appropriate place of care.

Section 8. Denial of Patient Status. If an individual does not meet Medicaid criteria for admission or continued stay in a nursing facility, nursing facility with Medicaid waiver, or ICF-IID, the individual may appeal the denial in accordance with 907 KAR 1:563.

Section 9. Reserved Bed Days. The department shall cover and reimburse for reserved bed days as established in this section.

(1) In accordance with subsection (3) of this section, reserved bed days, per resident, for an NF or an NF-W shall be:

(a) Covered for a maximum of ~~thirty (30)~~~~fourteen (14)]~~ days per calendar year due to hospitalization. Accumulated bed reserve days shall follow a resident if the resident relocates to another facility within a calendar year rather than starting over at zero due to the relocation;

(b) Covered for a maximum of ten (10) days per calendar year for leaves of absence other than hospitalization. Accumulated bed reserve days shall follow a resident if the resident relocates to another facility within a calendar year rather than starting over at zero due to the relocation; and

(c) Reimbursed at seventy-five (75) percent of a facility's rate [if the facility's occupancy percentage is ninety-five (95) percent or greater; and]

~~[(d)] [Reimbursed at fifty (50) percent of a facility's rate if the facility's occupancy percentage is less than ninety-five (95) percent].~~

(2) In accordance with subsection (3) of this section, for an ICF-IID:

(a) Reserved bed days, per resident, for an ICF-IID shall:

1. Be covered for a maximum of forty-five (45) days within a calendar quarter; and

2. Not exceed fifteen (15) calendar days per stay due to hospitalization; and

(b) More than thirty (30) consecutive reserved bed days due to hospitalization plus leave of absence or due to leave of absence shall not be approved for coverage.

(3) Coverage during an individual's absence due to hospitalization or due to leave of absence shall be contingent upon the following conditions being met:

(a) The individual shall:

1. Be in Medicaid payment status in the level of care the individual is authorized to receive; and

2. Have been a resident of the facility at least overnight;

(b) An individual for whom Medicaid is making Medicare coinsurance payments shall not be considered to be in Medicaid payment status for purposes of this policy;

(c) The individual shall be reasonably expected to return to the same level of care;

(d) Due to demand at the facility for beds at that level, there shall be a likelihood that the bed would be occupied by another patient were it not reserved;

(e) The hospitalization shall be for treatment of an acute condition, and not for testing, brace-fitting, or another noncovered service;

(f) For a leave of absence other than for hospitalization, the individual's plan of care shall include a physician's order providing for leave; and

(g) A leave of absence shall include a visit with a relative or friend, or a leave to participate in a state-approved therapeutic or rehabilitative program.

(4) Bed reservation days shall not be available for an individual admitted to a psychiatric hospital or ICF-IID.

(5) An NF shall advise a resident prior to the resident's departure from the facility if the NF chooses not to reserve a bed for the resident.

Section 10. Determination of Patient Care Status.

(1) ~~[Prior to or on the date of]~~

(a) Upon admission of an individual, an NF shall complete a level of care application in a department approved system, which consists of a:

~~1. [(a)]~~ Level I PASRR in accordance with 907 KAR 1:755, Section 4; and

~~2. [(b)]~~ A level of care request for admission in a department approved system, except for an individual requesting institutionalized hospice.

(b) To comply with paragraph (a)1. of this subsection, the department may designate another entity to complete a PASRR level 1 review on behalf of a recipient.

(2) Compliance with 907 KAR 1:755 shall be required in order for an individual to be admitted to an NF.

(3)

(a) The department shall:

1. Approve the level of care application;

2. Deny the level of care application; or

3. Request more information from the facility if all required information was not previously provided.

(b) Notification of denial shall be sent to the:

1. Patient or their responsible party; and

2. NF.

(c) If the admission is approved, the department shall:

1. Except as provided by paragraph (d) of this subsection, perform ~~a[an on-site]~~ continuing stay review within ~~ninety (90)[thirty (30)]~~ calendar days of the admission to ensure the resident continues to meet the nursing facility level of care criteria in accordance with this administrative regulation; and

2. Re-certify the resident once every twelve (12) months~~[480 calendar days]~~.

(d) There shall not be a review pursuant to paragraph (c)1. of this subsection for an individual who has a Level II PASRR.

(4) ~~Upon~~~~[Prior to or on the date of]~~ admission of an individual to an ICF-IID, the facility shall complete a level of care request for admission in a department approved system.

907 KAR 1:022

LISA D. LEE, Commissioner

STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 1, 2026

FILED WITH LRC: September 2, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 23, 2026, at 9:00 a.m., Eastern Time/8:00 a.m. Central Time, using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by November 16, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through November 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles/ Jonathan Scott Phone Number: (502) 564-7476/ (502) 564-4321 Email: CHFSregs@ky.gov/ Jonathant.scott@ky.gov

Subject Headings: Medicaid, Nursing Facilities, Health and Medical Services, Disability and Disabilities

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the provisions relating to nursing facility services and services at an intermediate care facility for individuals with an intellectual disability for which payment shall be made by the Medicaid program on behalf of both the categorically needy and medically needy recipients.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the provisions relating to nursing facility services and services at an intermediate care facility for individuals with an intellectual disability for which payment shall be made by the Medicaid program on behalf of both the categorically needy and medically needy recipients.

(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 provisions relating to nursing facility services and services at an intermediate care facility for individuals with an intellectual disability for which payment shall be made by the Medicaid program on behalf of both the categorically needy and medically needy recipients.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the authorizing statutes by establishing the provisions relating to nursing facility services and services at an intermediate care facility for individuals with an intellectual disability for which payment shall be made by the Medicaid program on behalf of both the categorically needy and medically needy recipients.

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

(a) How the amendment will change this existing administrative regulation: The amendments to this administrative regulation increase the number of reimbursable bed days for nursing facilities and removes the occupancy requirement related

to the reimbursement rate to provide a standardized reimbursement rate of 75%. A once per six (6) month recertification has been increased to twelve (12) months to make all processes within the regulation – especially those in Sections 5 and 10 of the regulation - internally consistent to a twelve (12) month review process.

(b) The necessity of the amendment to this administrative regulation: The amendment serves to increase the number of reimbursable bed days for nursing facilities, standardize the reimbursement rate for nursing facilities, and provide additional time for the completion of a resident's continuing stay review.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by establishing clear requirements for level of care procedures for nursing facilities.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the authorizing statutes by updating nursing facility level of care requirements.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 286 nursing facilities in Kentucky who may be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Nursing facilities will need to update their procedures to receive reimbursement for the increase in bed days at the appropriate rate.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost to the entity.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Nursing facilities will be eligible for an increased number of reimbursable days, and some nursing facilities will be eligible for an increased reimbursement rate based on their occupancy level.

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

(a) Initially: DMS anticipates that the expenditures for nursing facilities will be consistent with appropriations in 2026 Ky. Acts Chapter 168.

(b) On a continuing basis: DMS anticipates that the expenditures for nursing facilities will be consistent with appropriations in 2026 Ky. Acts Chapter 168.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: At this time, DMS does not assess that an increase in fees or funding is 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 neither establishes nor increases any fees.

(10) TIERING: Is tiering applied? Tiering is not applied as the policies apply equally to the regulated entities.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. 42 C.F.R. 431.153, 431.154, 447.280, 482.58, 42 U.S.C. 1395tt, 1396l, 1396r; KRS 194A.030(2), 194A.050(1), 205.520(3), 205.558

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Health and Family Services, Department for Medicaid Services

(a) Estimate the following for the first year:

Expenditures: DMS does not anticipate additional costs as a result of this amendment.

Revenues: This administrative regulation is not expected to generate revenue to DMS.

Cost Savings: There are no expected cost savings to DMS.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not anticipate additional costs as a result of this amendment.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities identified.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): N/A

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The amendment does not have an impact because availability of a sufficient number of intermediate care beds is necessary to ensure a proper level of care is provided to more vulnerable Medicaid recipients.

(b) Methodology and resources used to determine the fiscal impact: The department has worked with an outside consultant to ensure that this step stabilizes the availability of intermediate care facility beds for the anticipated Medicaid population.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.

(b) The methodology and resources used to reach this conclusion: The department has worked with an outside consultant to ensure that this step stabilizes the availability of intermediate care facility beds for the anticipated Medicaid population.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 C.F.R. 431.153, 431.154, 447.280, 482.58, 42 U.S.C. 1395tt, 1396l, 1396r

(2) State compliance standards. KRS 205.520(3), KRS 194A.030(2), 194A.050(1), 205.520(3), 205.558

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 1396R establishes requirements for nursing facilities.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The administrative regulation does not impose stricter than federal requirements.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The administrative regulation does not impose stricter than federal requirements.

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

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Medicaid Services

Division of Long Term Services and Supports

(Amendment)

907 KAR 1:755. Preadmission Screening and Resident Review Program.

RELATES TO: KRS 205.558, 42 C.F.R. 431.200-431.250, 435.1009, 483.15, 483.100-483.138, 483.440, 42 U.S.C. 1396r

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.558

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has the responsibility to administer the Medicaid Program. KRS 205.520 authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the program requirements and payment provisions for preadmission screening and resident review (PASRR).

Section 1. Definitions.

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

(2) "Department approved system" means a technology system in which:

(a) Providers electronically submit and track level of care (LOC) requests through a self-service portal;

(b) The system triggers LOC tasks as reminders to providers and allows them to submit reassessments electronically; and

(c) Information is exchanged electronically with Kentucky's:

1. Medicaid Enterprise Management Solution (MEMS); and

2. Integrated eligibility and enrollment system.

(3) "Department for Behavioral Health, Intellectual and Developmental Disabilities" or "DBHDID" means the state agency or its designee with the responsibility for both the evaluation and determination functions for individuals with serious mental illness, an intellectual disability, or a related condition as defined by 42 C.F.R. 483.106(d) and (e).

(4) "Exempted hospital discharge" means an individual:

(a) Who is admitted to a nursing facility directly from a hospital after receiving acute inpatient care at the hospital;

(b) Who requires nursing facility services for the condition for which the individual received care in the hospital; and

(c) Whose attending physician has certified, prior to admission to the nursing facility, that the individual is likely to require less than thirty (30) days nursing facility services.

(5) "Intellectual disability" is defined by 42 C.F.R. 483.102(b)(3).

(6) "Interfacility transfer" means an individual who is transferred from one (1) nursing facility to another nursing facility, with or without an intervening hospital stay.

(7) "Level of care of nursing facility services" means those standards as established by 907 KAR 1:022, Section 4.

(8) "New admission" means an individual who is admitted to a nursing facility (NF) for the first time or who is not a readmission or an exempted hospital discharge.

(9) "Nursing facility" or "NF" means a facility meeting the requirements established in 907 KAR 1:022.

(10) "Preadmission screening and resident review program" or "PASRR" means the process that:

(a) Screens and identifies an individual with a serious mental illness, an intellectual disability, or a related condition prior to admission to an NF;

(b) Results in a determination, based on a physical and mental evaluation of each individual with a serious mental illness, an

intellectual disability, or a related condition, of the appropriateness of the individual's admission to an NF; and

(c) Identifies appropriate services if the individual is admitted to an NF.

(11) "Provisional admission" means an individual:

(a) Is admitted to an NF for fourteen (14) calendar days or less before a PASRR level II is required;

(b) Meets the level of care of nursing facility services as established in 907 KAR 1:022; and

(c)

1. Has been diagnosed with delirium, which, pursuant to 42 C.F.R. 483.130(d)(4), precludes an accurate diagnosis and assessment until the delirium clears; or

2. Is in need of respite for an in-home care giver and to whom the individual with serious mental illness, an intellectual disability, or a related condition is expected to return after fourteen (14) days.

(12) "Readmission" means an individual who is readmitted to an NF from a hospital to which the individual was transferred for the purpose of receiving acute inpatient care.

(13) "Related condition" means a severe, chronic condition that meets the requirements established in 42 C.F.R. 435.1010.

(14) "Serious mental illness" means an individual's condition that meets the requirements established by 42 C.F.R. 483.102(b)(1).

(15) "Services of lesser intensity" means services that are:

(a) Within the scope of services provided or arranged by the nursing facility as included in the facility's per diem rate;

(b) Less intensive than specialized services; and

(c) Intended to help residents who have a serious mental illness, intellectual disability, or related condition to:

1. Improve, maintain, or prevent regression of optimal functional status; and

2. Achieve highest possible level of well-being.

(16) "Significant change" means that the individual's condition has had a major decline or improvement requiring a comprehensive reassessment.

(17) "Specialized services for an intellectual disability or a related condition" means the continuous, aggressive, and consistent implementation of a program of specialized and generic training, treatment, and health and related services, which are comparable to services an individual receives in an intermediate care facility for individuals with an intellectual disability (ICF-IID), or in a community based waiver program that provides services to persons with an intellectual disability in which twenty-four (24) hour supervision is available that is directed toward:

(a) The acquisition of the skills necessary for the person to function with as much self-determination and independence as possible;

(b) The prevention or deceleration of regression or loss of current optimal functional status; and

(c) The coordination and interaction, at all times and in all settings, of all staff and the individual served, in the implementation of the specified individual program plan (IPP) objectives for the individual.

(18) "Specialized services for serious mental illness" means the implementation of an individualized plan of care that meets the requirements established by 42 C.F.R. 483.120(a)(1).

~~[(a)] [Is developed in conjunction with and supervised by a physician;]~~

~~[(b)] [Is provided by an interdisciplinary team of qualified mental health professionals;]~~

~~[(c)] [Prescribes specific therapies and activities for the treatment of a person who is experiencing an acute episode of serious mental illness that necessitates continuous supervision by trained mental health personnel; and]~~

~~[(d)] [Requires the level of intensity provided in a psychiatric inpatient hospital.]]~~

Section 2. General Applicability.

(1) The PASRR process shall comply with the requirements of 42 C.F.R. 483.100 through 483.138.

(2) The provisions of this administrative regulation shall be applicable to an individual applying for admission to, or continued stay in, a nursing facility (NF) participating in the Kentucky Medicaid Program.

(3) Pursuant to 42 C.F.R. 483.106(d) and (e), DBHDID shall be responsible for PASRR determination and evaluation functions.

(a) DBHDID shall evaluate and determine whether an individual applying for admission to an NF needs NF services and specialized services for a serious mental illness, an intellectual disability, or a related condition if indicated by a positive Level I PASRR screening.

(b) DBHDID may delegate the evaluation and determination functions for which it is responsible except that the designee shall not be an NF or an entity that has a direct relationship or indirect affiliation or relationship with an NF.

(4) For nursing facility reimbursement of services by the Medicaid Program, an individual shall be Medicaid eligible and meet the patient care criteria established by 907 KAR 1:022 and 907 KAR 1:025.

Section 3. Deemed Consent for PASRR. An individual applying for admission to, or requesting a continued stay in, a nursing facility participating in Medicaid shall be deemed to have given consent for the department to make the determination of appropriateness for the individual to enter or remain in the facility using the standards established by 42 U.S.C. 1396r.

Section 4. Level I PASRR Screening.

(1) Except as provided by subsection (2) of this section, prior to admitting an individual, a nursing facility or other qualified department approved provider shall conduct a Level I PASRR screening using the department approved system as required by 42 C.F.R. 483.128. If a provider is not enrolled with Kentucky Medicaid, the provider shall use the MAP 409 paper form to conduct a Level I PASRR screening, unless the department or designee establish an equivalent electronic form for in-state referrals. Any equivalent electronic form for use by non-enrolled Kentucky-based providers shall be available on the Kentucky Level of Care System website, available at:

<https://www.chfs.ky.gov/agencies/dms/provider/Pages/klocs.aspx>

(2) A Level I PASRR screening shall not be conducted for:

(a) Readmission;

(b) Interfacility transfer;

(c) Intermediate care facilities for individuals with intellectual disabilities; or

(d) Hospital swing bed facilities.

(3) For a Level I screening that does not indicate a referral for a Level II evaluation, the NF shall submit to the department the Level I screening prior to or simultaneously with a request for certification of level of care for nursing facility services.

Section 5. Level II PASRR Evaluations.

(1) If an individual is identified in the Level I PASRR screening as suspected of having a serious mental illness, an intellectual disability, or a related condition, a Level II PASRR evaluation shall be performed prior to the individual's admission to an NF unless the individual is a provisional admission, readmission, interfacility transfer, or exempted hospital discharge.

(a) The Level II PASRR evaluation shall be used to[.]

~~[1.] [Evaluate and determine if an individual meets nursing facility level of care; and]~~

~~[2.] determine if the person requires NF services, specialized services or services of lesser intensity.~~

(b) The individual or legal guardian shall be notified by the NF of a referral to the appropriate entity for the Level II PASRR evaluation.

(2) If a Level II PASRR evaluation is required, the department approved system shall notify the appropriate entity to perform the Level II PASRR evaluation as required by this subsection.

(a) For a new admission, the appropriate entity shall complete a Level II PASRR evaluation prior to admission.

(b) For an exempted hospital discharge, the appropriate entity shall conduct a Level II PASRR evaluation and complete the determination within forty (40) calendar days of the date of admission to the NF.

(c) For a provisional admission ~~[pending clearing of delirium]~~, the appropriate entity shall conduct a Level II PASRR evaluation and complete determination of the need for specialized services within nine (9) business days of the referral.

(d) If a significant change in the individual's condition occurs, the NF shall complete a significant change request in the department approved system within fourteen (14) calendar days and the appropriate entity shall complete the Level II PASRR evaluation within nine (9) business days.

(3) If a PASRR Level II determination results in a response to referral, an NF shall transmit to the department the Level I PASRR screening with a copy of the response to referral prior to or simultaneously with a request for certification of level of care for nursing facility services.

(4) DBHDID shall provide notification as required by 42 C.F.R. 483.130(k) and (l).

Section 6. Payments for PASRR Evaluations and Determinations.

(1) The department shall reimburse DBHDID for the cost of providing PASRR services under this administrative regulation.

(2) The department's reimbursement to DBHDID for this purpose shall not exceed the actual cost to DBHDID, including contract costs, of implementing and operating the PASRR program.

(3) Except as provided in subsection (4) of this section, the department shall reimburse an NF if:

(a) The Level I PASRR screening and, if required, Level II PASRR evaluation are completed prior to a new admission and in a timely fashion as established in Sections 4 and 5 of this administrative regulation; or

(b) A review is required because of a significant change in the individual's condition, and it is performed timely in accordance with Sections 4 and 5 of this administrative regulation.

(4) If a Level I PASRR screening and, if required, a Level II PASRR evaluation are not timely completed prior to admission or a subsequent review is required but not timely performed in accordance with Section 8 of this administrative regulation, but the required PASRR process is performed at a later date, reimbursement shall be made for NF services provided after the PASRR process is completed if the individual is determined to need the level of care of nursing facility services.

(5) The department shall not reimburse an NF for specialized services provided to an individual who has a serious mental illness, has an intellectual disability, or has a related condition, and is in an NF. Services of a lesser intensity than specialized services shall be provided by an NF to an individual as recommended by the Level II PASRR evaluation.

Section 7. Admissions Criteria Under PASRR.

(1) An admission to an NF shall be in accordance with 42 U.S.C. 1396r.

(2) An individual who has a serious mental illness, has an intellectual disability, or has a related condition shall not be admitted to an NF unless:

(a) The Level II PASRR evaluation determines that the individual requires [the level of care of] nursing facility services; and

(b) A determination of the need for specialized services for serious mental illness, intellectual disability, or a related condition is made.

Section 8. Criteria for Subsequent Reviews.

(1) An individual in an NF shall not be subject to mandatory annual resident review in accordance with 42 U.S.C. 1396r. If an individual experiences a significant change in condition, a Level II PASRR evaluation shall be conducted as established in Section 5 of this administrative regulation.

(2) An individual who is determined not to have a serious mental illness, not to have an intellectual disability, or not to have a related condition shall not be subject to further Level II PASRR activity.

(3) An individual who is determined to have a serious mental illness, to have an intellectual disability, or to have a related condition, but who requires the level of care of nursing facility services, may remain in the facility. A determination as specified in Section 5 of this administrative regulation shall be made as to whether specialized services for serious mental illness, intellectual disability, or a related condition are required.

(4)

(a) An individual who has a serious mental illness, has an intellectual disability, or has a related condition, but who is determined not to require the level of care of nursing facility services but does require specialized services, may remain in the facility if the individual has continuously resided in an NF for thirty (30) months or more before the date of the determination.

(b) If an individual meets the criteria in paragraph (a) of this subsection and requires specialized services for serious mental illness, intellectual disability, or a related condition, DBHDID shall be responsible for the cost of those services.

(5) An individual who has a serious mental illness, has an intellectual disability, or has a related condition, and who is determined not to require the level of care of nursing facility services but does require specialized services and who has resided in an NF for less than thirty (30) consecutive months, shall be discharged from the NF in accordance with 42 C.F.R. 483.15 to an appropriate setting where specialized services shall be provided or arranged. The individual shall be advised by DBHDID of the individual's discharge rights in accordance with 42 C.F.R. 431.200 through 431.250 and 483.15.

(6) An individual who has a serious mental illness, has an intellectual disability, or has a related condition, and who is determined not to require the level of care of nursing facility services and does not require specialized services, regardless of length of stay, shall be discharged. The individual shall be advised by DBHDID of the individual's discharge rights in accordance with 42 C.F.R. 431.200 through 431.250 and 483.15.

Section 9. Responsibility of the Department for Inappropriately Placed Persons.

(1) The department shall be responsible for the orderly discharge of an individual determined through the PASRR process established in this administrative regulation to be inappropriately placed.

(2) DBHDID shall be responsible for providing, or arranging for the provision of, specialized services to an individual for whom that need has been determined.

Section 10. Appeals. An individual who is determined not to require NF services or specialized services as a result of a PASRR determination by DBHDID may appeal the denial in accordance with 907 KAR 1:563.

Section 11. Incorporation by Reference.

(1) MAP 409, "Nursing Facility Identification Screen (Level I PASRR)", June 2026 [February 2018], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Medicaid Services, 275 East Main Street, 6th Floor West, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

907 KAR 1:755

LISA D. LEE, Commissioner

STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 1, 2026

FILED WITH LRC: September 2, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 23, 2026, at 9:00 a.m., Eastern Time/8:00 a.m. Central Time, using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by November 16, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through November 30, 2026.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles/ Jonathan Scott Phone Number: (502) 564-7476/ (502) 564-4321 Email: CHFSregs@ky.gov/ Jonathan.scott@ky.gov

Subject Headings: Medicaid, Nursing Facilities, Health and Medical Services, Disability and Disabilities, Mental Disability, Mental Health

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the program requirements and payment provisions for preadmission screening and resident review (PASRR).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the program requirements and payment provisions for preadmission screening and resident review (PASRR).

(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 program requirements and payment provisions for preadmission screening and resident review (PASRR).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the authorizing statutes by establishing the program requirements and payment provisions for preadmission screening and resident review (PASRR).

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

(a) How the amendment will change this existing administrative regulation: The amendments to this administrative regulation remove the requirement for the Level II PASRR evaluation to be used to evaluate and determine if an individual meets a nursing facility level of care. The amendments also update the definition of "specialized services for serious mental illness" to align with 42 C.F.R. 483.120, and introduce an updated MAP 409 form.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update Medicaid policy regarding the preadmission screening and resident review (PASRR), and to align the administrative regulation with definitions from the C.F.R.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by establishing requirements regarding appropriate use of the Level II PASRR evaluation.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the authorizing statutes by establishing requirements regarding appropriate use of the Level II PASRR evaluation.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 286 nursing facilities serving over 22,525 Medicaid recipients currently participate in the Medicaid nursing facility program and approximately 115 home and community-based waiver providers serve over 15,000 individuals via the Medicaid home and community-based waiver program.

(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: Nursing facilities will need to update their policy regarding use of the Level II PASRR evaluation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost to the entity.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Nursing facilities and other entities will be able to continue providing appropriate PASRR evaluations of residents and potential residents.

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

(a) Initially: DMS anticipates that the expenditures for nursing facilities will be consistent with appropriations in 2026 Acts Chapter 168.

(b) On a continuing basis: DMS anticipates that the expenditures for nursing facilities will be consistent with appropriations in 2026 Acts Chapter 168.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: At this time, DMS does not assess that an increase in fees or funding is 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 neither establishes nor increases any fees.

(10) TIERING: Is tiering applied? Tiering is not applied as the policies apply equally to the regulated entities.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.030(2), 194A.050(1), 205.520(3), 205.558

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Health and Family Services, Department for Medicaid Services

(a) Estimate the following for the first year:
Expenditures: DMS does not anticipate additional costs as a result of this amendment.

Revenues: This administrative regulation is not expected to generate revenue to DMS.

Cost Savings: There are no expected cost savings to DMS.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not anticipate additional costs as a result of this amendment.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities identified.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions

(2) or (3): N/A

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The amendment does not have an impact because it updates definitions and application of the Level II PASSR evaluation that do not have a fiscal impact on the program.

(b) Methodology and resources used to determine the fiscal impact: The department has worked with an outside consultant and DMS staff to determine the fiscal impact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.

(b) The methodology and resources used to reach this conclusion: The department has worked with an outside consultant and internal DMS staff to determine the economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 C.F.R. 431.153, 431.154, 447.280, 482.58, 42 U.S.C. 1395tt, 1396l, 1396r

(2) State compliance standards. KRS 205.520(3) states: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.558

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 1396R establishes requirements for nursing facilities.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The administrative regulation does not impose stricter than federal requirements.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The administrative regulation does not impose stricter than federal requirements.

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](#).

BOARDS AND COMMISSIONS

**Board of Pharmacy
(New Administrative Regulation)**

201 KAR 2:063. Predetermination of License Eligibility for those convicted of a crime.

RELATES TO: KRS 13B, KRS 335B, KRS 315.121

STATUTORY AUTHORITY: KRS 315.020, KRS 315.030, KRS 315.035, KRS 315.0351, KRS 315.036, KRS 315.121, KRS 315.135, KRS 335B.030

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 335B.032 requires the Board of Pharmacy to implement a process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction will disqualify the individual from either public agency employment or professional licensure. KRS 315.121 provides that the board shall have the power to deny any license, permit, certificate, registration or renewal issued by the board or applied for in accordance with KRS Chapter 315 or to deny admission to the licensure examination, upon proof that the person has been convicted of any felony or a misdemeanor, in accordance with KRS Chapter 335B, and pursuant to an administrative hearing conducted in accordance with KRS Chapter 13B. This administrative regulation establishes procedures for the predetermination of employment or licensure/credential eligibility for prospective applicants with a criminal conviction.

Section 1. Application:

(1) To be considered for predetermination, an applicant shall submit:

- (a) A completed and signed predetermination application;
- (b) A non-refundable application fee in accordance with 201 KAR 2:050.

(2) The applicant may submit with the application evidence in accordance with KRS 335B.020(2).

Section 2. Notice of determination of eligibility and right to an administrative hearing.

(1) A notice of determination of eligibility shall be issued via email and USPS regular mail to the last known mailing and email addresses of the applicant within sixty (60) days of the filing of the completed application for predetermination.

(2) A notice of a determination of ineligibility shall inform the applicant of the specific reasons for the determination in accordance with KRS 335B.030(1).

(3) The notice shall further state:

(a) The applicant may challenge the determination of ineligibility by requesting an administrative hearing pursuant to KRS 335B.030(1)(a)(2);

(b) If a hearing is not requested in accordance with KRS 13B.050(1)(a)(2), the determination shall remain in effect for a period of one (1) year from (10) working days after service of the notice of determination. The applicant may not reapply during that period.

(c) A request for hearing shall include a statement regarding the basis of the appeal, and it shall be sent by email to the hearing officer and docket coordinator identified in the notice of denial;

(d) If the written request for hearing is timely submitted, the board shall issue a notice of hearing in accordance with KRS 13B.050(1);

(e) Any new or previously submitted evidence relied upon by the applicant shall be submitted upon reapplication; and

Section 3. Incorporation by Reference.

(1) "Application for Predetermination", 07/2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://pharmacy.ky.gov/statutesandregulations/Pages/default.aspx>

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 15, 2026 at 8:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 30, 2026 at 10:00 a.m. EST via Zoom Meetings. 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 November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow, Contact Phone No.: 502-564-7910, Contact email: Christopher.harlow@ky.gov

Subject Headings: Pharmacy, Occupations and Professions, Workforce

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the process by which an individual with a prior criminal conviction may request a predetermination from the Kentucky Board of Pharmacy regarding whether the conviction would disqualify the individual from employment with the Board or from obtaining a license, permit, certificate, or registration issued by the Board. The administrative regulation establishes application requirements, procedures for issuance of the Board's determination, notice requirements, and procedures for requesting an administrative hearing following a determination of ineligibility.

(b) The necessity of this administrative regulation: his administrative regulation is necessary to implement KRS 335B.032, which requires licensing authorities to establish an application process through which an individual who has been convicted of a crime may obtain a determination as to whether the conviction would disqualify the individual from public employment or occupational licensure before pursuing the training, education, or experience necessary for the position or license. KRS 335B.032 further requires licensing authorities to establish policies and procedures governing the application process by administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: his administrative regulation conforms to KRS Chapter 335B by establishing the application and predetermination process required by KRS 335B.032 and providing procedures consistent with the standards and requirements established in KRS 335B.020 and 335B.030. It also conforms to

KRS 315.121, which authorizes the Board to take action concerning a license, permit, certificate, or registration based upon a criminal conviction when such action is taken in accordance with KRS Chapter 335B.

(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 KRS Chapters 315 and 335B by establishing a uniform process through which individuals with prior criminal convictions may obtain a predetermination of eligibility before pursuing employment with the Board or the education, training, or experience required for a credential issued by the Board. The administrative regulation establishes application, notice, determination, and hearing procedures necessary for the Board to consistently administer the requirements of KRS Chapter 335B.

(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: NA

(b) The necessity of the amendment to this administrative regulation: NA

(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: NA

(3) Does this administrative regulation or amendment implement legislation from the previous five years? {If yes, provide the year of the legislation and either the bill number or Ky Acts chapter number being implemented.} Yes, KRS 335B.032 (2026)

(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 individuals with prior criminal convictions who seek a predetermination of whether their conviction would disqualify them from employment with the Kentucky Board of Pharmacy or from obtaining a license, permit, certificate, or registration issued by the Board. The Board cannot reasonably estimate the number of individuals who will elect to seek predetermination because participation in the predetermination process is initiated by the individual and will depend upon the number of prospective applicants with prior criminal convictions who choose to utilize the process.

(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 individual who elects to seek predetermination will be required to submit a completed and signed predetermination application and the applicable nonrefundable application fee. An applicant may also submit evidence authorized by KRS 335B.020 in support of the application. An applicant who receives a determination of ineligibility and elects to challenge that determination must timely request an administrative hearing in accordance with KRS Chapter 13B and the procedures established by this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): An individual who elects to seek a predetermination will incur the application fee established in 201 KAR 2:050. An applicant may also incur incidental costs associated with obtaining or submitting records or other supporting documentation. No additional costs are imposed upon individuals who do not elect to utilize the predetermination process.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Individuals who utilize the predetermination process will benefit by obtaining a determination regarding the effect of a prior criminal conviction on their eligibility for employment or a credential issued by the Board before investing substantial time and financial resources in education, training, or experience necessary to qualify for the position or credential. The process also provides greater transparency and predictability regarding the Board's consideration of prior criminal convictions and

provides applicants determined to be ineligible with notice of the specific reasons for the determination and an opportunity for administrative review.

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

(a) Initially: Initially: The Board anticipates minimal initial administrative costs associated with developing and implementing the application and predetermination process. These costs can be absorbed within the Board's existing budget and resources.

(b) On a continuing basis: Minimal cost to implement.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation and enforcement of this administrative regulation will be funded through the existing operating funds of the Kentucky Board of Pharmacy.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in funding is anticipated to be necessary to implement this administrative regulation. The Board anticipates that implementation and administration can be accomplished using existing personnel and resources.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation requires an applicant seeking a predetermination to pay the nonrefundable application fee established in 201 KAR 2:050. The administrative regulation does not otherwise establish or increase any fee.

(10) TIERING: Is tiering applied? This administrative regulation establishes a uniform predetermination process for individuals with prior criminal convictions who elect to seek a determination regarding eligibility for employment with the Board or for a license, permit, certificate, or registration issued by the Board. The application, notice, and procedural requirements apply uniformly to similarly situated applicants. Individual criminal convictions and circumstances will be evaluated in accordance with the criteria established by KRS Chapter 335B; therefore, additional tiering of the procedural requirements established by this administrative regulation is neither necessary nor appropriate.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.020, 315.030, 315.035, 315.0351, 315.036, 315.121, 315.135, and KRS Chapter 335B, including KRS 335B.020, 335B.030, and 335B.032.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, HB 185 (2026) which amends KRS Chapter 335B.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy is the promulgating agency. No other state units, parts or divisions will be impacted.

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

1. Expenditures:

For the first year: NA

For subsequent years: NA

2. Revenues:

For the first year: NA

For subsequent years: NA

3. Cost Savings:

For the first year: NA

For subsequent years: NA

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by this regulation.

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

1. Expenditures:

For the first year: NA

For subsequent years: NA

2. Revenues:

For the first year: NA
For subsequent years: NA
3. Cost Savings:

For the first year: NA
For subsequent years: NA

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): NA

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

1. Expenditures:

For the first year: NA
For subsequent years: NA

2. Revenues:

For the first year: NA
For subsequent years: NA

3. Cost Savings:

For the first year: NA
For subsequent years: NA

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

(a) Fiscal impact of this administrative regulation: There is no anticipated impacted entities nor is there an anticipated fiscal impact of this administrative regulation.

(b) Methodology and resources used to reach this conclusion: The Board reviewed the provisions of the regulation and determined that the amendment does not impose any new fees, expenditures, staffing requirements or any other costs upon entities.

(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: The Board reviewed the provisions of the regulation and determined that the amendment does not impose any new fees, expenditures, staffing requirements or any other costs upon entities.

BOARDS AND COMMISSIONS

State Board of Licensure for Professional Engineers and Land Surveyors (New Administrative Regulation)

201 KAR 18:025. Predetermination of whether conviction of a crime disqualifies an individual from initial licensure as a professional engineer or professional land surveyor.

RELATES TO: KRS 322.050(2), 322.180(7), KRS Chapter 13B, Chapter 335B

STATUTORY AUTHORITY: KRS 322.180, 322.290, 335B.032

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Licensure for Professional Engineers and Land Surveyors is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335B.032 requires the Board of Licensure for Professional Engineers and Land Surveyors to implement a process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction of a crime will disqualify the individual from licensure as a professional engineer or professional land surveyor before pursuing any training or specialized education required for licensure. KRS 322.180(3) and (7) provide the board with authority to refuse to issue a license to an individual that has been convicted of a felony, in accordance with KRS Chapter 335B, and pursuant to administrative regulations promulgated by the board. KRS 322.050(2)(a) mandates that an individual is not eligible for licensure if the individual has been convicted of any felony within the past ten (10) years involving violence, sexual misconduct, fraud, or deceit. KRS 322.290(4) requires the board to promulgate administrative regulations reasonably necessary for the proper performance of its duties. This administrative regulation establishes requirements for

the predetermination of licensure eligibility for prospective applicants with a history of a criminal conviction.

Section 1. Definitions.

(1) "Applicant" means an individual who has a prior conviction of a crime that seeks predetermination from the board as to whether the conviction of the crime will disqualify the individual from initial licensure as a professional engineer or professional land surveyor, before pursuing any training, experience, or specialized education required for licensure.

(2) "Conviction of a crime" is defined by KRS 335B.010(4).

(3) "Notice of Predetermination of Disqualification" means a written notice that informs the applicant of the specific grounds and reasons the applicant is disqualified from initial licensure as a professional engineer or professional land surveyor because of the applicant's prior conviction of a crime.

(4) "Notice of Predetermination of Non-Disqualification" means a written notice informing the applicant that the applicant is not disqualified from initial licensure as a professional engineer or professional land surveyor solely because of the applicant's prior conviction of a crime.

Section 2. Application for Predetermination of Non-Disqualification for Licensure as a Professional Engineer or Professional Land Surveyor.

(1) To obtain a predetermination from the board as to whether the prior conviction of a crime will disqualify the applicant from initial licensure as a professional engineer or professional land surveyor, the applicant shall submit:

(a) A completed and signed Application for Predetermination of Non-Disqualification for Licensure; and

(b) A non-refundable application fee of fifty (50) dollars.

(2) The applicant may submit with the Application for Predetermination of Non-Disqualification for Licensure:

(a) A background check issued by the Kentucky Administrative Office of the Courts;

(b) A certified copy of the final judgment of each criminal conviction, including amended final judgments, if applicable;

(c) A written statement of explanation for each criminal conviction, which fully describes the events and circumstances that led to the conviction of the crime;

(d) Evidence of the applicant's criminal history in accordance with KRS 335B.020(2); and

(e) Evidence of the applicant's rehabilitation in accordance with KRS 335B.020(2).

(3) If additional information is requested by the board in accordance with KRS 335B.032(2)(a), the applicant shall submit the requested information to the board within thirty (30) calendar days of the board's request. Failure to timely provide the requested information shall result in the application being rejected as incomplete.

(4) No less than thirty (30) calendar days prior to the meeting at which the application is to be evaluated and considered, board staff shall notify the applicant in writing of the following:

(a) The date and time of the meeting at which the information submitted by the applicant pursuant to this section shall be reviewed;

(b) The applicant may attend the meeting in-person, telephonically, or virtually; and

(c) The board will evaluate the applicant's testimony, if any, and the evidence of items listed in KRS 335B.020(2) to determine whether the applicant's prior criminal conviction relates to licensure as a professional engineer or professional land surveyor.

Section 3. Consideration and Evaluation of Application by the Board.

(1) In evaluating the information submitted pursuant to Section 2 of this administrative regulation and whether the applicant's prior conviction of a crime directly relates to professional engineering or professional land surveying, the board shall consider:

(a) The criteria set forth in KRS 335B.020(2); and

(b) Whether KRS 322.050(2) applies.

(2) If the board determines the prior criminal conviction does not directly relate to professional engineering or professional land surveying, a notice of predetermination of non-disqualification shall

be issued and mailed via USPS certified mail, return receipt requested, to the mailing address provided in the application.

(3) If the board determines the prior conviction of a crime directly relates to professional engineering or professional land surveying or KRS 322.050(2) applies, a notice of predetermination of disqualification shall be issued and mailed via USPS certified mail, return receipt requested, to the mailing address provided in the application.

Section 4. Appeal of Notice of Predetermination of Disqualification of Licensure.

(1) If the board issues a notice of predetermination of disqualification, the applicant may challenge the board's predetermination that the applicant is disqualified from licensure as a professional engineer or professional land surveyor by filing a request for an administrative hearing with the board within ten (10) working days of the date of service of the notice of predetermination of disqualification pursuant to KRS 335B.030(1)(a)2.

(2) The request for an administrative hearing shall:

(a) Include a written statement regarding the basis of the appeal;

(b) Attach any previously submitted and any new evidence relied upon by the applicant; and

(c) Be sent to the board by mail or hand-delivery to 160 Democrat Drive, Frankfort, Kentucky 40601.

(3) If the written request for an administrative hearing is timely filed, the board's general counsel shall prepare and file a notice of administrative hearing in accordance with KRS 13B.050(1).

(4) The administrative hearing shall be conducted in accordance with the provisions of KRS Chapter 13B.

(5) If a hearing is not requested, the notice of predetermination of disqualification shall remain in effect for a period of one (1) year from ten (10) working days after service of the notice of predetermination of disqualification. The applicant shall not reapply during that period.

Section 5. Incorporation by Reference.

(1) "Application for Predetermination of Non-Disqualification for Licensure", ed. 7/2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's website, kyboels.ky.gov.

KYLE L. ELLIOTT, Executive Director

APPROVED BY AGENCY: July 31, 2026

FILED WITH LRC: August 26, 2026 at 2:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 2:00 p.m., Eastern Standard Time, at the Kentucky Engineering Center, 160 Democrat Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jake R. Miller, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone: (502) 573-2680, facsimile: (502) 573-6687, email: jake.miller@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jake R. Miller Phone: (502) 573-2680 Email: jake.miller@ky.gov

Subject Headings: Engineering and Land Surveying, Occupations and Professions, Criminal Records & History

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction of a crime will disqualify the individual from licensure as a professional engineer or professional land surveyor before pursuing any training or specialized education required for licensure.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish and implement a clear process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction of a crime will disqualify the individual from licensure as a professional engineer or professional land surveyor before pursuing any training or specialized education required for licensure so as to remove barriers to professional licensure for citizens of the Commonwealth who have been convicted of a crime in accordance with the General Assembly's findings set forth in KRS 335B.025.

(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 a clear process by which an individual who has been convicted of a crime can obtain a determination from the board regarding whether the conviction of a crime will disqualify the individual from licensure as a professional engineer or professional land surveyor before pursuing any training or specialized education required for licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist individuals who have been convicted of a crime to obtain a determination regarding whether the conviction of a crime will disqualify the individual from licensure as a professional engineer or professional land surveyor before pursuing any training or specialized education required for licensure.

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

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

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

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation implements legislation from the 2026 Regular Session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation is estimated to affect between zero and five individuals who have been convicted of a crime that may apply for initial licensure as a professional engineer or professional land surveyor per year. No other businesses, organizations, or state and local governments are anticipated to be affected by the amendment to this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: In order to comply with this new administrative regulation, individuals who have been convicted of a crime will need to comply with the procedure and submit the appropriate fee and information as set forth in the administrative regulation in order to obtain a determination from the board as to whether the individual's criminal history will disqualify the individual

from initial licensure as a professional engineer or professional land surveyor.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): In complying with this new administrative regulation, it will cost the applicant a \$50 application fee.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, the individual will have the benefit of knowing whether the individual's prior criminal history would disqualify the individual from initial licensure as a professional engineer or professional land surveyor prior to pursuing any training or specialized education required for licensure.

(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: No additional funds are needed for the implementation and enforcement of this new administrative regulation. However, to the extent any funds are needed for the implementation and enforcement of the administrative regulation, the funds would be from restricted agency funds. The Kentucky State Board of Licensure for Professional Engineers and Land Surveyors does not receive any general or federal funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in already existing fees or funding will not be necessary to implement this new administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes an application fee of \$50.

(10) TIERING: Is tiering applied? Tiering is not applied to this new administrative regulation as the regulation applies equally to all those seeking a determination from the board as to whether the conviction of a crime will disqualify the individual from licensure as a professional engineer or professional land surveyor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Kentucky Revised Statutes 322.180, 322.290, and 335B.032.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This new administrative regulation is expressly authorized by 2026 Regular Session House Bill 185.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors. No other state units, parts, or divisions are expected to be affected by this new administrative regulation.

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

1. Expenditures:

For the first year: It is estimated that it will cost the board approximately \$125.00 per application reviewed by the board during the first year.

For subsequent years: It is estimated that it will cost the board approximately \$125.00 per application reviewed by the board each subsequent year.

2. Revenues:

For the first year: \$50.00 per application.

For subsequent years: \$50.00 per application.

3. Cost Savings:

For the first year: None, the board is expected to have an estimated loss of \$75.00 per application reviewed by the board for the first year.

For subsequent years: None, the board is expected to have an estimated loss of \$75.00 per application reviewed by the board for each subsequent year.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities (cities, counties, fire departments, school districts) are expected to be affected by this new administrative regulation.

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

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No additional undisclosed regulated entities are expected to be affected by this new administrative regulation.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

(a) Fiscal impact of this administrative regulation: This administrative regulation will have an estimated fiscal impact of \$125.00 per application reviewed by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors.

(b) Methodology and resources used to reach this conclusion: Each application will be reviewed by either the board's surveying or engineering committee, as appropriate. Said committees are comprised of five board members. The surveying/engineering committee will make a recommendation to the full board on the appropriate action that should be taken on the application. Pursuant to 201 KAR 18:170, each board member is compensated \$200.00 per day when actually attending to the work of the board or any of its committees, which breaks down to \$25.00 per hour. It is estimated it will take each committee member an average of approximately 1 hour to review each application, attend and participate in the appropriate committee discussions, and vote on each application, which equates to \$25.00 per committee member for each application. Since there are five members on the reviewing committee and it is estimated each committee member will be compensated for approximately 1 hour for each application, it is estimated that this new regulation will cost the board approximately \$125.00 per application reviewed. Given the board estimates this new regulation will cost the board approximately \$125.00 per application reviewed and the individual seeking a determination pursuant to this new administrative regulation is required to pay an application fee of \$50.00, it is estimated the board will have an estimated loss of \$75.00 per application reviewed by the board.

(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 new administrative regulation will not have a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are less than five hundred thousand dollars (\$500,000) over any two (2) year period.

(b) The methodology and resources used to reach this conclusion: Not applicable.

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

**BOARDS AND COMMISSIONS
Board of Podiatry
(New Administrative Regulation)**

201 KAR 25:100. Administrative hearings for denials, discipline, and revocation of probation.

RELATES TO: KRS 311.410(4), 311.480, 311.490

STATUTORY AUTHORITY: KRS 311.410(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410(4) requires the board to promulgate administrative regulations necessary to carry out and enforce the provisions of KRS 311.390 to 311.510. KRS 311.490(1) requires the board to conduct administrative hearings as necessary pursuant to KRS Chapter 13B. This administrative regulation establishes the procedures for an individual to request an administrative hearing from the denial of or refusal to renew, or revocation of probation.

Section 1. Right of administrative hearing from a denial of license issuance or a refusal to renew a license.

(1) The board shall issue written notice of the denial informing the applicant:

(a) Of the specific reason for the board's action, including:

1. The statutory or regulatory violation; and
2. The factual basis on which the denial is based; and

(b) That the applicant may appeal the pending denial to the board within twenty (20) calendar days after receipt of this notification, excluding the day he or she receives notice, or the date that the notification is returned to the board as unclaimed.

(2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days after receipt of this notification, excluding the day the applicant receives notice, or the date that the notification is returned to the board as unclaimed. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

(3) If the request for an appeal is not timely filed, the notice of denial shall be effective upon the expiration of the time for the applicant or license holder to request an appeal.

(4) The documentary evidence shall be limited to the application and supporting documents submitted to the board during the application process and that was considered as part of the denial of the application.

(5) A renewal applicant may petition the board, in writing, for a stay of the denial of the license until completion of the administrative hearing process.

Section 2. Administrative hearing for suspension, revocation, probation, or fine.

(1) All administrative hearings for the board's suspension, revocation, probation, or for the imposition of a fine upon a license, shall be conducted in accordance with KRS Chapter 13B.

(2) The board shall prepare a formal administrative complaint and notice of administrative hearing in accordance with KRS Chapter 13B.

Section 3. Revocation of Probation.

(1) If the board moves to revoke probation, the board shall issue written notice of the revocation and inform the probationee:

- (a) Of the factual basis on which the revocation is based;
- (b) Of each probation term violated;
- (c) Of the sanction to be imposed; and

(d) That the probationee may appeal the revocation to the board within twenty (20) calendar days after receipt of this notification, excluding the day notice is received, or the date that the notification is returned to the board as unclaimed. The notification shall be sent to the last known address on file with the board for the license holder.

(2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days after receipt of this notification, excluding the day the probationee receives notice, or the date that the notification is returned to the board as unclaimed. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

(3) If the request for an administrative hearing is not timely filed, the revocation of probation shall be effective upon the expiration date for the certificate holder to request an appeal.

Section 4. A request for an administrative hearing shall be sent to the Kentucky Board of Podiatry by mail to P.O. Box 1360, Frankfort, Kentucky 40602 or by hand-delivery to 500 Mero Street, Frankfort, Kentucky 40601.

Section 5. An administrative hearing shall be governed in accordance with KRS Chapter 13B.

Section 6. If the final order of the board is adverse to a licensee or applicant, or if the hearing is scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by the board, the costs in an amount equal to the cost of stenographic services, the cost of the hearing officer, and the board's attorney fees may be assessed against the licensee or applicant. In a case of financial hardship, the board may waive all or part of the fee.

DR PAUL KRESTIK, President

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 11, 2026 at 11:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 9AM, at the Mayo-Underwood Building, Room 206NW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 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: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#2 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Janes Phone: 502-782-2709 Email: sara.janes@ky.gov

Subject Headings: Podiatry and Pedorthics, Administrative Hearings, Appeals and Hearings

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for a denial of, or refusal to renew, a license, or for the suspension, revocation, probation, or fine, or the revocation of a probated sanction. The regulation sets out the scope of what a hearing officer may consider upon appeal of such a decision. The regulation imposes costs on an individual who fails to reverse the decision of the board on a denial of, refusal to renew, or revocation of a probated sanction.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish and put an applicant or licensee on notice of due process procedures relating to an appeal.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms with KRS 311.410(4) and 311.420(6) authorize the board to make rules and regulations, not inconsistent with KRS 311.390 to 311.510, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.510; and KRS 311.490(1) provides for discipline by the board only after a hearing conducted in accordance with KRS Chapter 13B.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes and clarifies the procedure and requirements for the denial of applicants for licensure and renewal, and revocation of probation.

(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 an unknown number of potential applicants for licensure or 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: Each of the regulated entities must file an appeal of a contested denial for licensure or renewal, or the board's decision to revoke probation.

(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 unless the regulated entity decides to hire outside counsel for the appeal. However, it is anticipated that board counsel will represent the board in these appeals.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, the applicants will understand what is needed for an appeal in the event of a licensure or relicensure denial.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Podiatry is self-funded through the fees paid by licensees. No additional funding is necessary for 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 increases in fees or funding are necessary to implement the amendment to this administrative regulation.

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

(10) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees 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 Chapter 311, and particularly KRS 311.410(4), KRS 311.420(4) and KRS 311.490.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Podiatry.

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

1. Expenditures:

For the first year: Neutral

For subsequent years: Neutral

2. Revenues:

For the first year: Neutral

For subsequent years: Neutral

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact to this administrative regulation.

(b) Methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

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

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

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

BOARDS AND COMMISSIONS
Board of Licensure for Marriage and Family Therapists
(New Administrative Regulation)

201 KAR 32:026. Marriage and family therapist associate.

RELATES TO: KRS 335.332

STATUTORY AUTHORITY: KRS 335.320(9), 335.332(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.332(3) requires the board to promulgate administrative regulations establishing the fees and other requirements for a marriage and family therapist associate permit. This administrative regulation establishes the requirements for marriage and family therapist associates.

Section 1. Marriage and Family Therapist Associate Application and Renewal.

(1)

(a) A person desiring to be a marriage and family therapist associate shall apply for and submit to the board an "Application for Permit as a Marriage and Family Therapist Associate", DPL-MFT-01, July 2026, with a total fee of seventy-five (75) dollars to include a twenty-five (25) dollar initial licensure fee and a fifty (50) dollar application fee.

(b) The initial application shall include a copy of a supervisory contract or contracts with the designated supervisor or supervisors for approval by the board.

(2)

(a) An annual renewal fee of fifty (50) dollars for each subsequent year shall be submitted to the board.

(b) Contract renewal and extension shall be granted in accordance with Section 4 of this administrative regulation.

(c) Notwithstanding previous associate experience, effective January 1, 2016, all current and future associate permits shall be limited to a total of five (5) years as a marriage and family therapist associate to meet the requirements for licensure as a marriage and family therapist.

(d) Notwithstanding Section 1(5), a Marriage and Family Therapist Associate Permit will not be eligible for renewal at the end of the five (5) year period and a new "Application for Permit as a Marriage and Family Therapist Associate", DPL-MFT-01, July 2026, shall be submitted. Hours obtained under a previous associate permit will not carry over to a new application.

(3) An associate desiring to renew a permit shall file a completed "Marriage and Family Therapist Associate Permit Renewal Application", DPL-MFT-03, July 2026, and the completed "Supervision Log", DPL-MFT-04, July 2026, or logs to accompany the fee established in subsection (2) of this section.

(4) An associate who fails to renew by his or her expiration date shall have thirty (30) days to pay the renewal fee of fifty (50) dollars plus a late fee of twenty (20) dollars for a total of seventy (70) dollars.

(a) The fee shall be electronically submitted with the "Marriage and Family Therapist Associate Renewal Application", DPL-MFT-03, July 2026, on or before the end of the thirty (30) day grace period in accordance with the expiration date of the associate permit.

(b) Failure to renew the permit in a timely manner as established in this subsection shall result in termination of the permit.

(5) The board shall, in individual cases involving medical disability, illness, undue hardship, active military service, or other extenuating circumstances that preclude the individual from completing the requirements for licensure as a marriage and family therapist, grant an extension of licensure as a marriage and family therapist associate permit for one (1) additional year to applicants who submit to the board:

(a) A written request for an extension of licensure as a marriage and family therapist associate delivered to the board, via mail or

electronic mail, at least thirty (30) days before the expiration of their license; and

(b)

1. Verifying documentation signed by a licensed physician or proper military personnel, if applicable; or
2. Documentation to support the extension.

Section 2. Supervisory Contract.

(1) Prior to beginning a course of supervision for the purpose of meeting licensure requirements, a marriage and family therapist associate shall contract with an approved supervisor in writing.

(2) The approved supervisor shall enter into a "Supervision Plan for Clinical Experience", DPL-MFT-02, July 2026, with a person who meets the criteria for becoming a marriage and family therapist associate.

(3) The approved supervisor shall be responsible for the marriage and family therapist associate's development and the welfare of the clients served by the marriage and family therapist associate in accordance with the code of ethics established in 201 KAR 32:050 and the provisions in 201 KAR 32:035.

(4) If a new supervisory contract is entered into with a different supervisor, approval shall be obtained from the board.

(5)

(a) If a supervision contract is terminated, the approved supervisor shall, within thirty (30) days, notify the board in a dated communication that he or she is no longer the supervisor.

(b) If a supervision contract is terminated, the marriage and family therapist associate shall within thirty (30) days:

1. Notify the board in writing of the cancellation; and
2. If there is no other supervisor of record, submit a new supervisory contract to the board.

Section 3. Contract Information. The supervisory contract between the marriage and family therapist associate and the approved supervisor shall contain:

- (1) The name of the marriage and family therapist associate;
- (2) The name and license number of the approved supervisor;
- (3) The name and license number of any other approved supervisors;

(4) The agency, institution, or organization where the experience will be received;

(5) A detailed description of the nature of the practice including the type of:

- (a) Clients to be seen;
- (b) Therapies and treatment modalities that shall be used including the prospective length of treatment; and
- (c) Problems or conditions that shall be treated;

(6) The nature, duration, and frequency of the supervision, including the:

- (a) Number of hours of supervision per week;
- (b) Amount of group and individual supervision; and
- (c) Methodology for transmission of case information;

(7) The conditions or procedures for termination of the supervision; and

(8) A statement that:

(a) The approved supervisor understands that he or she shall be accountable to the board for the care given to the marriage and family therapist associate's clients; and

(b) The approved supervisor and other supervisors meet the criteria established in 201 KAR Chapter 32.

Section 4. Contract Renewal and Extension.

(1) Upon approval of the board, a supervisory contract shall be issued for a term of one (1) year.

(2) Upon associate permit renewal:

(a) The supervisory contract shall be reaffirmed by written correspondence signed by the applicant and the approved supervisor stating the intention to continue the supervisory relationship; or;

(b) A new supervisory contract shall be supplied by the applicant.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Permit as a Marriage and Family Therapist Associate", DPL-MFT-01, July 2026;

(b) "Supervision Plan for Clinical Experience", DPL-MFT-02, July 2026;

(c) "Marriage and Family Therapist Associate Permit Renewal Application", DPL-MFT-03, July 2026; and

(d) "Supervision Log", DPL-MFT-04, July 2026.

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

201 KAR 32:026

AMANDA BOMMER-VILLAVECES, Board Vice Chair

APPROVED BY AGENCY: May 21, 2026

FILED WITH LRC: September 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 11:00 a.m. local prevailing time at the Mayo-Underwood Building, Room 127 CW, 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 November 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: Matthew D. Ellison, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, Phone Number: (502) 782-0706 (office), Fax: (502) 564-4818, Email: matthew.ellison@ky.gov, Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew D. Ellison, Staff Attorney III, Phone: 502-782-0706, Email: matthew.ellison@ky.gov

Subject Headings: Occupations and Professions, Marriage and Family Therapy, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the requirements of marriage and family therapist associate permit holders.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to set forth the requirements of marriage and family therapist associate permit holders.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms with the Board's authorizing statute in KRS 335.320(9) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.300 to 335.399. This administrative regulation also conforms with the Board's authorizing statute in KRS 335.332(3) to establish the fees and all other requirements for a marriage and family therapist associate permit by promulgation of administrative regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation clarifies the requirements of marriage and family therapist associate permit holders.

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

(a) How the amendment will change this existing administrative regulation: 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 administrative regulation will affect all applicants for licensure for a marriage and therapist associate permit as well as the 189 active marriage and family therapist associate permit holders.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Marriage and family therapist associate permit holders must comply with the requirements within this administrative regulation in order to retain their permit.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants must pay the application fee, and licensed marriage and family therapist associate permitholders must pay the initial licensure and the renewal fee every year that they hold a marriage and family therapist associate permit.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, marriage and family therapist associate permitholders will be licensed by the Board, able to practice marriage and family therapy as an associate, and ultimately be eligible for licensure as a marriage and family therapist.

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

(a) Initially: There will be no initial cost to the administrative body to implement this administrative regulation as it reinstates a preexisting regulation.

(b) On a continuing basis: There will be no continuing cost to the administrative body to implement this administrative regulation as it reinstates a preexisting 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 establishes fees associated with licensure as a marriage and family therapist associate permitholder.

(10) TIERING: Is tiering applied? Tiering is not applied because this regulation applies to all applicants and licensees 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 335.320(9) and 335.332(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 not expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Marriage and Family Therapists is the promulgating agency.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: Approximately \$13,285.

For subsequent years: Similar to \$13,285.

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: None

(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 this regulation reinstates a preexisting regulation, except for the predicted revenues for the entities identified in (3)(a).

(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 for Marriage and Family Therapists (New Administrative Regulation)

201 KAR 32:046. Examination.

RELATES TO: KRS 335.320, 335.332(1)

STATUTORY AUTHORITY: KRS 335.320(9), 335.330

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.330 requires an applicant to pass a written examination prescribed by the board. This administrative regulation establishes the process for taking the examination.

Section 1. Examination for Licensure.

(1) An applicant for licensure shall submit to a written examination in accordance with subsections (2) and (3) of this section.

(2) An applicant shall hold a Marriage and Family Therapist Associate Permit issued by the Kentucky Board of Licensure for Marriage and Family Therapists.

(3) The applicant shall be required to pass the national exam offered through The Association of Marriage and Family Therapy Regulatory Board.

(4) If an applicant for licensure fails the objective examination, the candidate shall be permitted to retake the examination.

(5) Any request for deferment of the examination shall be made by the applicant directly to the testing agency, who shall have full discretion to grant or deny the request.

Section 2. Examination for Licensure by Endorsement. Applicants for licensure by endorsement shall be required to pass:

(1) The national exam offered by The Association of Marriage and Family Therapy Regulatory Board; or

(2) The exam offered by the California Board of Behavioral Sciences.

201 KAR 32:046

AMANDA BOMMER-VILLAVECES, Vice Chair

APPROVED BY AGENCY: May 21, 2026

FILED WITH LRC: September 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 11:00 a.m. local prevailing time at the Mayo-Underwood Building, Room 127 CW, 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 November 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: Matthew D. Ellison Title: Staff Attorney III Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street Phone Number: (502) 782-0706 (office) Fax: (502) 564-4818 Email: matthew.ellison@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew D. Ellison, Staff Attorney III Phone: 502-782-0706 Email: matthew.ellison@ky.gov

Subject Headings: Licensing, Marriage and Family Therapy, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the examination requirements for licensure as a marriage and family therapist.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 335.330(3).

(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 335.330(3) to prescribe a written examination by administrative regulation. Licensure by endorsement applicants are required to have passed an examination as promulgated by KRS 335.330(3). KRS 335.336.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists licensees and applicants for licensure by establishing the examination process for marriage and family therapist licensure.

(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.

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(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. See 335.336, Created 2026 Ky. Acts Ch. 79, 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 administrative regulation will affect all 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: The applicants must comply with the examination requirements to be eligible for full licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The applicants must pay the costs associated with the required examinations to the administering entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, applicants will be eligible for full licensure.

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

(a) Initially: There will be no 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 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: This administrative regulation is required by KRS 335.330(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 335.336, 2026 Ky. Acts Ch. 79, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Marriage and Family Therapists is the promulgating agency.

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

1. Expenditures:

For the first year: There 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 no revenue for the first year.

For subsequent years: This administrative regulation will generate no revenue 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): 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 of this administrative regulation for any entity identified in (3)(a), (4)(a), and (5)(a).

(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.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (Repealer)

301 KAR 2:141. Repeal of 301 KAR 002:111, 301 KAR 002:142, and 301 KAR 002:144.

RELATES TO: KRS 150.170

STATUTORY AUTHORITY: KRS 150.025, 150.175

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 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 statewide or to a limited area. KRS 150.390(1) requires that wild turkeys or deer shall not be taken in any manner contrary to any provisions of KRS Chapter 150 or Title 301 KAR.

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Section 1. The following administrative regulations are hereby repealed:

- (1) 301 KAR 002:111, Deer and turkey hunting on special areas;
- (2) 301 KAR 002:142, Spring turkey hunting; and
- (3) 301 KAR 002:144, Fall turkey hunting.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: September 10, 2026

FILED WITH LRC: September 14, 2026 at 12:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 10:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert, Phone: 502-564-3400, Email: fw.publicaffairs@ky.gov

Subject Headings: Fish and Wildlife, Hunting, Conservation

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals multiple regulations relating to deer and turkey hunting since they are now consolidated and found in other regulations.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to clean up old language and consolidate current policies and provisions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 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 statewide or to a limited area. KRS 150.390(1) requires that wild turkeys shall not be taken in any manner contrary to any provisions of KRS Chapter 150 or Title 301 KAR.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will simplify the regulations currently on file for the public in order to be in compliance with all regulations related to deer and turkey hunting.

(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 regulations listed will be repealed.

(b) The necessity of the amendment to this administrative regulation: The repeal is necessary as amendments to turkey and deer hunting provisions have been included in other regulations within Chapter 2, thus making these regulations outdated and redundant.

(c) How the amendment conforms to the content of the authorizing statutes: The requirements of the authorizing statutes shall be addressed in the updates to 301 KAR 2:140 and 301 KAR 2:176.

(d) How the amendment will assist in the effective administration of the statutes: The repeal of these regulations and inclusion of their subject matter in other relevant regulations shall consolidate the regulatory requirements for turkey hunting and deer hunting in other

regulations.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Deer and turkey hunters will need to review other active regulations.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Deer and turkey hunters will need to reference other active administrative regulations to comply with current law.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): n/a

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): n/a

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

(a) Initially: n/a

(b) On a continuing basis: n/a

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Fish and Game Fund

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or increase funding to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No new fees will be established.

(10) TIERING: Is tiering applied? Tiering is not applied. n/a

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: {Response} KRS 150.025, KRS 150.390

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: {Response} N/A

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: {Response} The Kentucky Department of Fish and Wildlife Resources

(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): Deer and turkey hunters

(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 associated with the repealed regulation.

(b) Methodology and resources used to reach this conclusion: No fees or loss of revenue is associated with the repealed 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): Same as 6 (a)

(b) The methodology and resources used to reach this conclusion: Same as 6 (b).

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Repealer)**

301 KAR 3:014. Repeal of 301 KAR 003:005 and 301 KAR 3:012.

RELATES TO: KRS 150.170

STATUTORY AUTHORITY: KRS 150.025, 150.0241, 150.620

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(g) authorizes the department to make administrative regulations apply to a limited area or to the entire state. KRS 150.0241 authorizes the department to impose and enforce special administrative regulations on lands managed for public hunting, fishing, and related recreational uses. KRS 150.620 requires the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation.

Section 1. The following administrative regulations are hereby repealed:

(1) 301 KAR 003:005, Public use of newly acquired or newly managed lands;

(2) 301 KAR 003:012, Public use of Otter Creek Outdoor Recreation Area.

APPROVED by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: September 14, 2026

FILED WITH LRC: September 14, 2026 at 12:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026, at 1:00 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in

writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert, Phone: 502-564-3400, Email: fw.publicaffairs@ky.gov

Subject Headings: Fish and Wildlife, Hunting, Conservation

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals two regulations in Chapter 2.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to clean up old language and consolidate current policies and provisions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 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 statewide or to a limited area. KRS 150.620 requires the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will simplify the regulations currently on file for the public in order to follow all regulations related to public access on lands owned or managed by the department.

(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 regulations listed will be repealed.

(b) The necessity of the amendment to this administrative regulation: The repeal is necessary as amendments to land usage have been included in other regulations within Chapter 3, thus making these regulations outdated and redundant. Otter Creek Recreational Area is now under ownership of Meade Co. and no longer needs provisions in KDFWR regulations.

(c) How the amendment conforms to the content of the authorizing statutes: The requirements of the authorizing statutes shall be addressed in the updates to 301 KAR 3:010 and 301 KAR 3:130.

(d) How the amendment will assist in the effective administration of the statutes: The repeal of these regulations and inclusion of their subject matter in other relevant regulations shall consolidate the regulatory requirements for utilization of land owned or managed by the department that is not a WMA.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Any individual, business, organization or government entity utilizing KDFWR owned or managed lands.

(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 public will need to reference other active administrative regulations to comply with current law.

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(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): n/a

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): n/a

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

(a) Initially: n/a

(b) On a continuing basis: n/a

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Fish and Game Fund

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or increase funding to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No new fees will be established.

(10) TIERING: Is tiering applied? Tiering is not applied. n/a

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025, 150.0241, 150.620

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: N/A

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Fish and Wildlife Resources

(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): N/A

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: There is no fiscal impact associated with the repealed regulation.

(b) Methodology and resources used to reach this conclusion: No fees or loss of revenue is associated with the repealed 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): Same as 6 (a)

(b) The methodology and resources used to reach this conclusion: Same as 6 (b).

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.

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division for Air Quality
(Repealer)

401 KAR 61:016. Repeal of 401 KAR 61:011 and 401 KAR 61:013.

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120

STATUTORY AUTHORITY: KRS 224.10-100,

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 authorizes the Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. These administrative regulations are no longer necessary as there are now federal regulations in place for any facilities that may have triggered applicability requirements. At this time, the Division has no facilities to which either of these administrative regulations apply.

Section 1. The following administrative regulations are hereby repealed:

(1) 401 KAR 061:011, Existing medical waste incinerators; and

(2) 401 KAR 061:013, Existing municipal solid waste incinerators.

401 KAR 061:016 approved for filing.

JOHN S. LYONS, Secretary

APPROVED BY AGENCY: September 11, 2026

FILED WITH LRC: September 14, 2026 at 2:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23rd, 2026, at 10 a.m. (Eastern Time) / 9 a.m. (Central Time). Individuals interested in being heard at this hearing shall notify this agency in writing by November 16th, 2026, 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 November 30th, 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. The hearing facility is accessible to person with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the hearing may be made to the contact person at least five (5) workdays prior to the hearing.

CONTACT PERSON: Brittany Sortor, Environmental Scientist III, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, (502) 782-2789, BrittanySortor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Brittany Sortor, Environmental Scientist III,
Phone: (502) 782-2789, Email: Brittany.sortor@ky.gov

Subject Headings: Air Quality Standards; Clean Air Act; Municipal solid waste incinerators; Waste incinerators

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 401 KAR 061:011 and 401 KAR 061:013.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to repeal the unused regulations 401 KAR 61:011 and 401 KAR 61:013.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(5) authorizes the Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation repeals existing regulations that are no longer necessary.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation repeals existing regulations that are no longer necessary.

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

(a) How the amendment will change this existing administrative regulation: This administrative regulation repeals 401 KAR 061:011 and 401 KAR 061:013.

(b) The necessity of the amendment to this administrative regulation: The repeal is necessary because these regulations are no longer used, as permits now fall under applicable regulations in 401 KAR Chapter 59.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the statute by repealing 401 KAR 061:011 and 401 KAR 061:013.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation conforms to the statute by repealing 401 KAR 061:011 and 401 KAR 061:013.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Ky Acts chapter number being implemented) No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are no entities permitted under these regulations.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: There are no entities permitted under these regulations.

(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 entities permitted under these regulations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): There are no entities permitted under these regulations.

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

(a) Initially: The Cabinet will not incur any additional costs for the implementation of this administrative regulation initially.

(b) On a continuing basis: The Cabinet will not incur any additional continuing costs for the implementation of this administrative regulation on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funding is not necessary in order to implement and enforce this repealer.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Funding is not necessary in order to implement and enforce this repealer.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Funding is not

necessary to implement this repealer.

(10) TIERING: Is tiering applied? No, tiering is not applied because they are not used in current permitting programs.

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 224.10-100.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Division for Air Quality in the Energy and Environment Cabinet, Division for Air Quality.

(a) Estimate the following for the first year:

Expenditures: There is no effect on current expenditures.

Revenues: There is no effect on current revenues.

Cost Savings: There is no effect on cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): No regulated entities.

(a) Estimate the following for the first year:

Expenditures: There is no effect on current expenditures.

Revenues: There is no effect on current revenues.

Cost Savings: There is no effect on cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): No regulated entities.

(a) Estimate the following for the first year:

Expenditures: There is no effect on current expenditures.

Revenues: There is no effect on current revenues.

Cost Savings: There is no effect on cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.

(5) Provide a narrative to explain the:

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

(b) Methodology and resources used to determine the fiscal impact: These regulations are no longer in use.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) There is no impact.

(b) The methodology and resources used to reach this conclusion: The 401 KAR 61:011 and 401 KAR 61:013 regulations are no longer used, as permits now fall under Chapter 59.

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
(New Administrative Regulation)

501 KAR 2:080. Reimbursement for Medical Care Provided to State Inmates Housed in County and Regional Jails.

RELATES TO: KRS 441.045

STATUTORY AUTHORITY: KRS 196.035, KRS 197.020

NECESSITY, FUNCTION, AND CONFORMITY: KRS 441.045(5)(a) requires the Department of Corrections (the "Department") to reimburse counties for the cost of "necessary medical, dental, or psychological care, beyond routine care and diagnostic services" for state inmates housed in county jails. KRS

197.020(1)(b)2. requires the Department to promulgate administrative regulations for the preservation of the health of prisoners. KRS 441.045(10) defines "necessary care." This administrative regulation adopts the statutory definition and establishes additional definitions and criteria to distinguish routine care from care beyond routine, ensuring consistent application and alignment with legislative intent.

Section 1. Definitions

(1)

(a) "Care beyond routine" means necessary care that exceeds routine care due to the complexity, intensity, or specialization and requires resources not typically available through standard correctional or local outpatient care arrangements, including:

1. Inpatient hospitalization;
2. Emergency medical care requiring immediate transport and advanced intervention;
3. Surgical procedures, including outpatient surgery, that require general anesthesia, twilight sedation, or conscious sedation, or specialized surgical facilities or providers;
4. Specialty care requiring advanced or invasive treatment by specialists, including cardiology, oncology, neurology, or specialists in similar fields;
5. Dental treatment requiring specialized or extensive restorative, surgical, or other treatment that cannot reasonably be provided through routine dental services available within the correctional facility or through standard outpatient dental care;
6. Obstetrical or gynecological care requiring treatment or monitoring by a specialist for a diagnosed maternal or fetal condition that requires specialized testing, procedures, or a level of clinical monitoring beyond routine prenatal, postpartum, or gynecological care;
7. Advanced diagnostic services, including CT scans, MRIs, or other non-routine imaging or procedures;
8. High-cost or specialty pharmaceuticals, including biologics, chemotherapy agents, or medications requiring specialized administration or monitoring;
9. Long-term or intensive treatment, including dialysis, inpatient psychiatric care, or other services requiring sustained specialized intervention; and
10. Services that, based on professional clinical judgment, are not reasonably categorized as routine care under subsection (2) of this section.

(b) For purposes of this administrative regulation, services shall not be classified as care beyond routine solely because they were provided in an emergency department or hospital setting if, based on the clinical condition and treatment rendered, the care could have been safely and effectively provided within the jail or through standard outpatient services.

(2) "Diagnostic services" means medical testing and evaluation used to identify, assess, or monitor a medical condition, including laboratory testing, imaging, and other non-invasive assessments.

(3) "Necessary care" is defined in KRS 441.045(10).

(a) "Routine care" means necessary care that:

1. Is customary, predictable, and commonly provided within a correctional facility or through standard local outpatient providers;
2. Involves non-complex evaluation or treatment that does not require specialized facilities, advanced technology, or highly specialized providers; and
3. Can be delivered through standard correctional health care delivery systems, including on-site services or routinely accessible off-site outpatient services.

(b) Routine care includes:

1. Evaluation and treatment of minor or stable conditions, including infections, minor injuries, and common illnesses;
2. Chronic care management, including ongoing treatment of conditions such as hypertension, diabetes, asthma, or mental health conditions where the treatment does not require advanced or intensive intervention;
3. Outpatient medical, dental, and behavioral health services that are commonly available in the local community;
4. Prescription medications and medication management, excluding high-cost or specialty medications requiring specialized handling or authorization;

5. Basic diagnostic services, including laboratory testing and standard radiology such as X-rays; and

6. Follow-up care medically necessary based on the services described in this paragraph.

(c) Care shall not be classified as care beyond routine solely because:

1. The county or regional jail does not provide the service on site, its contracted healthcare provider does not offer the service, or the service is obtained from an outside provider; or
2. The county or regional jail's failure to timely provide routine care during the inmate's confinement resulted in the need for more extensive treatment that could reasonably have been prevented through timely provision of routine care.

Section 2. Reimbursement Criteria. For any state inmate held in the jail for which the county receives a per diem payment pursuant to KRS 532.100(7):

(1) Counties shall be responsible for the cost of routine care and diagnostic services.

(2) The Department shall reimburse counties for costs associated with necessary care beyond routine care and diagnostic services, consistent with KRS 441.045(5)(a).

(3) A county or regional jail seeking reimbursement under this administrative regulation shall submit a claim for reimbursement to the Department as follows:

(a) For reimbursement of costs associated with necessary care beyond routine and diagnostic services, a county or regional jail shall submit a Request for Authorization form as follows:

1. A county or regional jail shall submit a Request for Authorization form via email to the Department or its designated medical claims administrator at least seventy-two (72) hours before the medical service is scheduled, if feasible.

2. After receiving the Request for Authorization, the Department or its designated medical claims administrator will process and forward an appropriate claims billing form and authorization number to the county or regional jail point of contact.

a. Prior to submission for reimbursement, all claims shall be subject to repricing pursuant to KRS 441.045(14) by the Department or designated medical claims administrator.

b. No claim shall be eligible for reimbursement unless it has been repriced.

3. The county or regional jail shall be responsible for providing the Request for Authorization form to the outside provider when the patient is sent for medical services, when possible.

4. The outside provider shall deliver the approved medical services and send all qualified claims to the Department or its designated medical claims administrator for payment.

(b) For reimbursement of costs associated with necessary care beyond routine care and diagnostic services, when advanced authorization is not feasible, the county or regional jail shall submit the Request for Authorization form as soon as it becomes aware of the need for the necessary care beyond routine care and diagnostic services, and the claim shall be processed pursuant to this subsection of this administrative regulation.

(c) The Department may require documentation that the county or regional jail has paid, or is legally obligated to pay, the repriced amount prior to issuing reimbursement.

(4) The Department may deny or delay reimbursement for any claim that:

- (a) Has not been properly repriced;
- (b) Was submitted with an incomplete Request for Authorization form or a Request for Authorization form that lacks the required information; or
- (c) Does not meet the criteria established in this administrative regulation.

(5) The Department may, at its discretion, take custody of a prisoner and hold that person in a state prison facility for the purpose of treating the medical conditions as set out in KRS 441.560.

Section 3. Review and Dispute Resolution.

(1) The Department shall review each submitted claim and issue a written determination approving, denying, or modifying the requested reimbursement.

(2) A county or regional jail may request reconsideration of a determination by submitting a written request to the Department within thirty (30) calendar days of the date the determination was issued. The request shall:

(a) Identify the specific claim or portion of the claim in dispute;
(b) State the basis for reconsideration, including any argument that the care qualifies as care beyond routine that is medically necessary; and

(c) Include any additional supporting documentation not previously submitted.

(3) The Department shall review the request for reconsideration and any additional documentation submitted.

(a) The Department may request additional information from the county or regional jail as necessary to complete its review.

(b) The Department shall issue a written reconsideration decision within forty-five (45) calendar days of receipt of a complete request.

(4) The reconsideration decision shall constitute the Department's final agency action.

Section 4. Incorporation by Reference.

(1) "Request for Authorization," revised in August 2026, is incorporated by reference.

(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 viewed on the Justice and Public Safety Cabinet website at <https://justice.ky.gov/about/pages/lrcfilings.aspx>.

501 KAR 2:080. Reimbursement for Medical Care Provided to State Inmates Housed in County and Regional Jails.

SCOTT JORDAN, Deputy Commissioner, on behalf of:

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: August 17, 2026

FILED WITH LRC: August 17, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held November 24, 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 November 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, Deputy General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens, Deputy 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: KRS 441.045(5)(a) requires the Department of Corrections to reimburse counties for the cost of "necessary medical, dental, or psychological care, beyond routine care and diagnostic services" for state inmates housed in county jails. KRS 197.020(1)(b)2. requires the Department to

promulgate administrative regulations for the preservation of the health of prisoners. KRS 441.045(10) defines "necessary care." This administrative regulation adopts the statutory definition, establishes additional definitions and criteria to distinguish routine care from care beyond routine, and creates a process for which counties can seek reimbursement for beyond routine care and diagnostic services, ensuring consistent application and alignment with legislative intent.

(b) The necessity of this administrative regulation: This administrative regulation is needed to provide clarity to counties regarding when they can seek reimbursement for beyond routine care and diagnostic services.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 441.045(5)(a) requires the Department of Corrections to reimburse counties for the cost of "necessary medical, dental, or psychological care, beyond routine care and diagnostic services" for state inmates housed in county jails. KRS 197.020(1)(b)2. requires the Department to promulgate administrative regulations for the preservation of the health of prisoners. KRS 196.035 gives authority to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide clarity to counties regarding when they can seek reimbursement for beyond routine care and diagnostic services.

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

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects approximately 74 county and regional jails that house state inmates and their staff, approximately 50 Department of Corrections' employees, including 12 Local Facilities staff, and approximately 7,000 state inmates in the jails.

(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 Corrections will be required to review claims submitted by counties for reimbursement of necessary medical, dental, or psychological care beyond routine care and diagnostic services for state inmates housed in county and regional jails. County and regional jails that seek reimbursement will be required to submit complete claim packets in the manner prescribed by the Department. Before submitting claims for reimbursement, counties must submit the claims to a Department-designated medical claims administrator or other authorized entity for repricing pursuant to KRS 441.045(14). Counties must also provide required repricing forms or equivalent documentation and may be required to provide documentation showing that the county has paid, or is legally obligated to pay, the repriced amount. State inmates housed in county and regional jails will not be required to take any action to comply with this administrative regulation. The regulation governs reimbursement responsibilities between counties and the Department of Corrections and does not impose compliance obligations on inmates.

(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 Corrections estimates that implementation of this administrative regulation will result in approximately \$12,000,000 in additional reimbursement payments to county and regional jails for necessary medical, dental, or psychological care beyond routine care and diagnostic services for state inmates housed in county and regional jails. County and regional jails may incur minimal, incidental

administrative costs associated with preparing claim, obtaining repricing, and submitting required documentation for reimbursement. The regulation does not require counties to provide new categories of medical care; rather, it clarifies which medical costs remain the county's responsibility as routine care and diagnostic services and which costs may be submitted to the Department for reimbursement as care beyond routine care and diagnostic services. State inmates housed in county and regional jails will not incur any cost to comply with this administrative regulation because the regulation does not require action by inmates and does not establish or increase any fee charged to inmates. The regulation addresses reimbursement between counties and the Department of Corrections for certain medical costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation will allow for the efficient provision of quality medical care to inmates and for greater clarity for the Department of Corrections and county and regional jails as to what types of medical care for which the Department is responsible to counties for reimbursement.

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

(a) Initially: \$12,000,000

(b) On a continuing basis: \$12,500,000 - \$13,000,000

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: State general funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in funding will be necessary.

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

(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, KRS 197.020

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 196.035 and 197.020 expressly authorize the Department to promulgate this administrative regulation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Corrections

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

1. Expenditures:

For the first year: \$12,000,000

For subsequent years: \$12,500,000 - \$13,000,000

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): This regulation will affect 74 county and regional jails that house state inmates and their staff.

(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: \$12,000,000

For subsequent years: \$12,500,000 - \$13,000,000

(5)(a) Identify any affected regulated entities not listed in (3)(a) or

(4)(a): This regulation will affect approximately 7,000 inmates in the jails.

(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 Department of Corrections estimates that implementation of this administrative regulation will result in approximately \$12,500,000 - \$13,000,000 in additional reimbursement payments to county and regional jails for necessary medical, dental, or psychological care beyond routine care and diagnostic services provided to state inmates housed in county and regional jails. County and regional jails may receive additional reimbursement from the Department for qualifying care beyond routine care and diagnostic services. State inmates housed in county and regional jails will not experience a fiscal impact from this administrative regulation.

(b) Methodology and resources used to reach this conclusion: The fiscal cost estimate is based on claims processed at the Medicaid rate in FY23 through FY25 on behalf of jails by the Department's medical contractor. Please note that the estimates are dependent on the number of states inmates housed in county and regional jails each year.

(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): Yes.

(b) The methodology and resources used to reach this conclusion: The Department of Corrections estimates that implementation of this administrative regulation will result in approximately \$12,000,000 to \$13,000,000 in additional reimbursement payments to county and regional jails for necessary medical, dental, or psychological care beyond routine care and diagnostic services provided to state inmates housed in county and regional jails in the first year, with increasing payments in subsequent years. Cost estimate exceeds \$500,000 per year, so the regulation will have a "major economic impact." 501 KAR 2:080. Reimbursement for Medical Care Provided to State Inmates Housed in County and Regional Jails.

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

PUBLIC PROTECTION CABINET

Department of Insurance

Division of Health, Life, and Managed Care (New Administrative Regulation)

806 KAR 17:512. Professional dispensing fee for dispensing a prescription drug or providing other services.

RELATES TO: KRS 304.1-050, 304.2-110, 304.17A-591, 304.17A-595.

STATUTORY AUTHORITY: KRS 304.17A-595

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the commissioner to promulgate reasonable administrative regulations necessary for or as an aid to the effectuation of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.17A-595 requires the commissioner to promulgate an administrative regulation to establish the

reimbursement for a professional dispensing fee that is not less than the average cost to dispense a prescription drug in a Kentucky ambulatory pharmacy. The purpose of this administrative regulation is to establish the professional dispensing fee to be paid by insurers and pharmacy benefit managers to Kentucky ambulatory pharmacies for each prescription drug or other service provided by the pharmacy or pharmacist. This fee is established by the commissioner pursuant to the requirements of KRS 304.17A-595(2)(c)2.c.ii.

Section 1. Definitions.

- (1) "Ambulatory pharmacy" is defined by KRS 304.17A-595(1)(b).
- (2) "Commissioner" is defined by KRS 304.1-050(1).
- (3) "Dispensing Fee," means the professional dispensing fee established pursuant to KRS 304.17A-595(2)(c)2.c.ii.
- (4) "Health plan" is defined by KRS 304.17A-591(2).
- (5) "Insurer" is defined by KRS 304.17A-591(4).
- (6) "Pharmacy benefit manager" is defined by KRS 304.9-020 and KRS 304.17A-161(4).

Section 2. Dispensing Fee. For health plan years beginning on or after January 1, 2027, insurers and pharmacy benefit managers shall reimburse a Kentucky ambulatory pharmacy a professional dispensing fee of \$16.31 for each prescription drug or other service provided by the pharmacy or pharmacist delivered pursuant to a Health plan.

806 KAR 17:512

SHARON P. CLARK, Commissioner
DJ WASSON, Secretary

APPROVED BY AGENCY: September 8, 2026

FILED WITH LRC: September 14, 2026 at 9:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 AM on November 24, 2026, 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 is received by that date, the hearing may be canceled. If held, this hearing will be open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Shaun T. Orme, Title: Executive Advisor
Address: 500 Mero Street, Frankfort, Kentucky 40601 Phone: +1 (502) 782-1698 Fax: +1 (502) 564-1453 Email: shaun.orme@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shaun T. Orme Phone: 502-782-1698 Email: shaun.orme@ky.gov

Subject Headings: Insurance, Health, Pharmacy

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the professional dispensing fee to be paid to a Kentucky ambulatory pharmacy for each prescription or other service provided by a pharmacy or pharmacist in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to meet the requirements of KRS 304.17A-595(2)(c)2.a.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.17A-595(2)(c)2.a. requires the commissioner to promulgate a regulation establishing the professional dispensing fee to be paid to a Kentucky ambulatory

pharmacy for each prescription or other service provided by a pharmacy or pharmacist in Kentucky, for health plan years beginning on or after January 1, 2027. This new regulation establishes the dispensing fee.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the professional dispensing fee to be paid to a Kentucky ambulatory pharmacy for each prescription or other service provided by a pharmacy or pharmacist in Kentucky, for health plan years beginning on or after January 1, 2027.

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

(a) How the amendment will change this existing administrative regulation: Not applicable

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

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2024 Regular Session Senate Bill 188.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All ambulatory pharmacies in Kentucky will be paid the dispensing fee for each prescription or for providing other services. In addition, all insurers, as defined in KRS 304.17A-591(4), and all Pharmacy Benefit Managers (PBMs), as defined by KRS 304.17A-591(7), will have to pay the dispensing fee to a Kentucky ambulatory pharmacy. Finally, the Kentucky Employee Health Plan (KEHP) will have to pay the dispensing fee to a Kentucky ambulatory pharmacy.

(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: Ambulatory pharmacies will need to ensure that they submit the correct information to insurers, PBMs, and the KEHP identifying the filling a prescription. Insurers, PBMs, and the KEHP will need to verify the information submitted and pay the correct dispensing fee to the pharmacy.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost associated for Kentucky ambulatory pharmacies is expected to be de minimus. At this point in time, the cost associated for health insurers, PBMs, and KEHP cannot be ascertained. The cost will be determined by the amount of prescriptions filled or other services provided by Kentucky ambulatory pharmacies for the insureds of insurers, PBMs, and KEHP.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky ambulatory pharmacies will receive \$16.31 for every prescription filled or service provided for the insureds of insurers, PBMs, and the KEHP.

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

(a) Initially: The cost associated with engaging an outside expert to conduct a study of the dispensing fee data submitted to the Commissioner by the Kentucky Board of Pharmacy.

(b) On a continuing basis: The cost associated with engaging an outside expert to conduct a study of the dispensing fee data submitted to the Commissioner by the Kentucky Board of Pharmacy.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Department of Insurance's operational budget.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None is anticipated.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fee is associated with the promulgation of this regulation.

(10) TIERING: Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all affected entities equally.

(b) The methodology and resources used to reach this conclusion: Not applicable. For every prescription filled by a Kentucky ambulatory pharmacy the KEHP, health plans, and PBMs will pay a dispensing fee of \$16.31. This cost will likely exceed \$500,000.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 304.2-110(1), 304.17A-595.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, 2024 Regular Session Senate Bill 188.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Insurance as the implementer and the Kentucky Employee Health Plan (KEHP).

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities affected.

(b) Estimate the following for 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): Identify additional regulated entities not listed in (3)(a) or (4)(a): Health Plans as defined by KRS 304.17A-591(2) and pharmacy benefit managers (PBMs) as defined by KRS 304.17A-591(7).

(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 cost to administer the program in the first year, and subsequent years, for the KEHP, health plans, and PBMs cannot be determined. The cost will depend on the number of prescriptions filled by Kentucky ambulatory pharmacies for insureds under the various plans.

(b) Methodology and resources used to reach this conclusion: Not applicable.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): Yes, this administrative regulation will likely have a major economic impact.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of September 9, 2026

Call to Order and Roll Call

The September meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, September 9, 2026, at 1:00 PM ET/12:00 PM CT in Room 149 of the Capitol Annex. Representative Derek Lewis, Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senator Julie Raque Adams; and Representatives Randy Bridges and Mary Lou Marzian.

LRC Staff: Karen Howard, Emily Harkenrider, Carrie Nichols, Stacy Auterson, Laura Begin, Ange Darnell, Anna Latek, and Callie Lewis.

Guests: Cassie Trueblood Fields, Deputy General Counsel, Council on Postsecondary Education (CPE); Travis Powell, Vice President/General Counsel, CPE; Leslie Saunders, General Counsel, Registry of Election Finance (KREF); John Steffen, Executive Director, KREF; Bethany Atkins-Rice, Executive Director, Office of Legal Services (OLS); Finance and Administration Cabinet (FAC); Richard Dobson, Executive Director, Office of Sales and Excise Taxes (OSET), Department of Revenue (DOR), FAC; Kyle Elliott, Executive Director, Board of Licensed Professional Engineers and Land Surveyors (KYBOELS); Jake R. Miller, General Counsel, KYBOELS; Catherine Falconer, General Counsel, Board of Licensure for Occupational Therapy (KBLOT); Rhonda Phelps, Board Chair, KBLOT; Elizabeth Morgan, Executive Director, Board of Medical Imaging and Radiation Therapy (KBMIRT); Jenny Gilbert, Legislative Liaison, Department of Fish and Wildlife Resources (KDFWR); Steven Fields, Staff Attorney, KDFWR; Nathan Goens, Deputy General Counsel, Justice and Public Safety Cabinet (KJPSC); Mindy Masden, Administrative Branch Manager, Department of Corrections (DOC), KJPSC; Jon Johnson, Assistant General Counsel, Transportation Cabinet (KYTC); Tom McDaniel, Director, Division of Motor Carriers (DMC), Department of Vehicle Regulation (DVR), KYTC; Todd G. Allen, General Counsel, Kentucky Department of Education (KDE), Education and Labor Cabinet (ELC); Leah Cooper Boggs, General Counsel, Department of Workforce Development (DWD), ELC; Alisher Burikhanov, Executive Director, Kentucky Workforce Innovation Board (KWIB); Joe Martz, Counsel, Department of Alcoholic Beverage Control (ABC), Public Protection Cabinet (PPC); Scotty Tracy, Commissioner, ABC, PPC; Shelby Lewis, Executive Policy Advisor, Office of Medical Cannabis (OMC), Cabinet for Health and Family Services (CHFS); and Oran McFarlan, Deputy Executive Director, OMC, CHFS.

Approval of August 11, 2026 Minutes

A motion was made by Co-Chair West and seconded by Representative Marzian to approve the minutes of the August 11, 2026, meeting. Minutes were approved by voice vote without objection.

Administrative Regulations Reviewed by this Subcommittee:

COUNCIL ON POSTSECONDARY EDUCATION: Public Educational Institutions. Cassie Trueblood Fields, Deputy General Counsel, CPE; and Travis Powell, Vice President/General Counsel, CPE, represented the council.

013 KAR 002:140. Research consortiums.

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 and 3 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.

REGISTRY OF ELECTION FINANCE: Practice and Procedure. Leslie Saunders, General Counsel, OLS, KREF; and John Steffen, Executive Director, KREF; represented the registry.

032 KAR 002:050. Conciliation.

032 KAR 002:200. Allowable campaign expenditures.

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 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.

032 KAR 002:240. Administrative hearing procedures.

FINANCE AND ADMINISTRATION CABINET: Department of Revenue. Bethany Atkins-Rice, Executive Director, OLS, FAC; and Richard Dobson, Executive Director, OSET, DOR, FAC, represented the department.

103 KAR 027:030. Brokers, lienors and fiduciaries.

103 KAR 028:051. Leases and rentals.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, 5, 8, and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

103 KAR 030:280. Sales to water haulers.

103 KAR 044:060. Motor vehicle usage tax valuation.

BOARDS AND COMMISSIONS: Board of Licensure for Professional Engineers and Land Surveyors. Kyle Elliott, Executive Director, KYBOELS; and Jake R. Miller, General Counsel, KYBOELS, represented the board.

201 KAR 018:120. Replacement of license certificates and business entity permit certificates.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 018:150. Standards of practice for professional land surveyors.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs, and Sections 1, 8 through 10, 12, and 13 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. Catherine Falconer, General Counsel, KBLOT; and Rhonda Phelps, Board Chair, KBLOT, represented the board.

201 KAR 028:240E. Occupational Therapy Licensure Compact.

Board of Medical Imaging and Radiation Therapy. Elizabeth Morgan, Executive Director, KBMIRT, represented the board.

201 KAR 046:035. Practice standards, scopes of practice, and ethical standards.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 through 4 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 5 to revise incorporated material. Without objection,

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and with agreement from the agency, the amendment was approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Game. Jenny Gilbert, Legislative Liaison, KDFWR; and Steven Fields, Staff Attorney, KDFWR, represented the department.

301 KAR 002:222. Waterfowl hunting requirements on public lands.

In response to Representative Marzian, Ms. Gilbert stated “WMA” stands for “Wildlife Management Area.” The waterfowl hunting provisions relating to Ballard County are for consistency and compliance with federal guidelines.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections. Nathan Goens, Deputy General Counsel, KJPSC; and Mindy Masden, Administrative Branch Manager, DOC, KJPSC, represented the department.

501 KAR 006:230. Little Sandy Correctional Complex.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Motor Carriers. Jon Johnson, Assistant General Counsel, KYTC; and Tom McDaniel, Director, DMC, DVR, KYTC, represented the department.

601 KAR 001:200. Administration of taxes imposed in KRS 138.655 through 138.7291.

A motion was made and seconded to approve the following amendments: (1) to amend Section 10 to change the email address where Refund Request forms are sent; (2) to amend Section 11 to update the Refund Request form’s name and edition date; (3) and to amend the “Tax Overpayment/Credit Refund Application” to add 3 new fields to assist in processing refunds. Without objection, and with agreement from the agency, the amendments were approved.

EDUCATION AND LABOR CABINET: Department of Education. Todd G. Allen, General Counsel, KDE, ELC, represented the department.

701 KAR 005:090. Teacher disciplinary hearings.

A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Department of Workforce Development: Office of Kentucky Workforce Innovation Board. Leah Cooper Boggs, General Counsel, DWD, ELC; and Alisher Burikhanov, Executive Director, KWIB, represented the department.

787 KAR 002:050E. General provisions for operation of the Workforce Pell Program.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Tobacco Enforcement. Joe Martz, Counsel, ABC, PPC; and Scotty Tracy, Commissioner, ABC, PPC, represented the department.

804 KAR 013:011. Tobacco, nicotine, and vapor product enforcement and administration.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 3, and 7 through 9 to comply with the drafting 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. Shelby Lewis, Executive Policy Advisor, OMC, CHFS; and Oran McFarlan, Deputy Executive Director, OMC, CHFS, represented the office.

915 KAR 002:050. Qualifying Medical Conditions.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY 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.

The following administrative regulations were DEFERRED OR REMOVED from the September 9, 2026, subcommittee agenda:

OFFICE OF THE GOVERNOR: Department of Workers' Claims
120 KAR 001:089E. Workers' compensation medical fee schedule for physicians.

BOARDS AND COMMISSIONS: Board of Optometric Examiners
201 KAR 005:010. Application for licensure; endorsement.

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.

Real Property Appraisers Board
201 KAR 050:010E. Fees.

201 KAR 050:020E. General requirements for certification and licensure.

201 KAR 050:050E. Examinations.

201 KAR 050:060E. Reciprocity.

201 KAR 050:070E. Temporary practice permit.

201 KAR 050:110E. Renewal and reinstatement of certificates and licenses.

201 KAR 050:120E. Inactive status and reactivation of certification and licenses.

201 KAR 050:140E. Education course approval, renewal, and standards.

201 KAR 050:170E. Appraisal Management Company registration.

201 KAR 050:180E. Appraisal Management Company registration renewal.

201 KAR 050:200E. Appraisal Management Company roster and reporting.

201 KAR 050:210E. Appraiser roster and reporting.

CABINET FOR ECONOMIC DEVELOPMENT: Kentucky Film Office

307 KAR 001:080E. Kentucky Entertainment Incentive Program.

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JUSTICE AND PUBLIC SAFETY CABINET: Parole Board

501 KAR 001:030. Determining parole eligibility.

TRANSPORTATION CABINET: Department of Vehicle Regulation

601 KAR 001:018. Special overweight or overdimensional motor vehicle load permits.

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

701 KAR 005:170. Waiver requests.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Licensing

804 KAR 004:400. Applications incorporated by reference.

The subcommittee adjourned at 1:20 PM ET/12:20 PM CT. The next meeting of this subcommittee is tentatively scheduled for October 13, 2026, at 1:00 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 August 18, 2026

The Interim Joint Committee on Health Services met on August 18, 2026 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on July 1, 2026 and August 5, 2026, pursuant to KRS 13A.290(6):

201 KAR 008:533
201 KAR 008:540
201 KAR 008:550
201 KAR 013:010
201 KAR 013:040
201 KAR 013:050
201 KAR 013:055
201 KAR 013:065
201 KAR 013:071
201 KAR 013:075
201 KAR 020:472
201 KAR 020:474
201 KAR 022:010
201 KAR 022:070
202 KAR 007:801
902 KAR 001:400
902 KAR 018:011
902 KAR 018:021
902 KAR 018:031
902 KAR 018:040
902 KAR 018:050
902 KAR 018:061
902 KAR 018:071
902 KAR 018:081
902 KAR 018:090

The following administrative regulations were deferred pursuant to KRS 13A.300:

907 KAR 002:720
907 KAR 002:725

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the August 18, 2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

**INTERIM JOINT COMMITTEE ON LICENSING, OCCUPATIONS,
AND ADMINISTRATIVE REGULATIONS**
Meeting of August 27, 2026

The Interim Joint Committee on Licensing, Occupations, and Administrative Regulations met on August 27, 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):

902 KAR 020:150

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:

none

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the August 27, 2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON EDUCATION
Meeting of September 1, 2026

The Interim Joint Committee on Education met on September 1, 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):

702 KAR 003:220
702 KAR 006:110

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:

702 KAR 003:220

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the September 1, 2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

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**INTERIM JOINT COMMITTEE ON NATURAL RESOURCES AND
ENERGY
Meeting of September 3, 2026**

The Interim Joint Committee on Natural Resources and Energy met on September 3, 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:

301 KAR 001:201
301 KAR 002:178

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:

none

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the September 3, 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

D – 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

D – 12

A cross-reference listing of the statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each regulation submitted for publication during this *Register* year.

Certifications Index

D – 18

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index

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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

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A general index of administrative regulations published during this *Register* year, and is mainly broken down by agency.

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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.

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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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311.410	201 KAR 025:080		201 KAR 050:100
	201 KAR 025:100		201 KAR 050:110
311.420	201 KAR 025:012		201 KAR 050:120
	201 KAR 025:011		201 KAR 050:130
311.450	201 KAR 025:021		201 KAR 050:140
	201 KAR 025:031		201 KAR 050:150
311.475	201 KAR 025:061		201 KAR 050:160
311.480	201 KAR 025:021		201 KAR 050:170
	201 KAR 025:100		201 KAR 050:180
	201 KAR 025:011		201 KAR 050:190
311.490	201 KAR 025:051		201 KAR 050:200
	201 KAR 025:100		201 KAR 050:210
311.571	908 KAR 001:370	324A.020	201 KAR 050:170
311.840	908 KAR 001:370		201 KAR 050:190
311A.025	202 KAR 007:801	324A.035	201 KAR 050:170
311A.055	202 KAR 007:801		201 KAR 050:180
311A.125	202 KAR 007:801		201 KAR 050:190
311A.130	202 KAR 007:801	324A.152	201 KAR 050:170
311A.170	202 KAR 007:801		201 KAR 050:180
311A.175	202 KAR 007:801		201 KAR 050:190
311A.180	202 KAR 007:801	324A.154	201 KAR 050:170
311B.080	201 KAR 046:035		201 KAR 050:180
313.010	201 KAR 008:533		201 KAR 050:190
313.030	201 KAR 008:533	324A.155	201 KAR 050:170
313.035	201 KAR 008:533		201 KAR 050:180
	201 KAR 008:540		201 KAR 050:190
	201 KAR 008:550	324A.163	201 KAR 050:170
313.060	201 KAR 008:540		201 KAR 050:180
	201 KAR 008:550		201 KAR 050:190

KRS SECTION	REGULATION	KRS SECTION	REGULATION
324B.045	201 KAR 050:170	341.020	103 KAR 018:070
	201 KAR 050:180	341.090	103 KAR 018:070
	201 KAR 050:190	341.395	103 KAR 018:070
	201 KAR 050:200	Chapter 342	910 KAR 001:200
326.020	201 KAR 013:075	342.0011	120 KAR 001:089
	201 KAR 013:040	342.019	120 KAR 001:089
	201 KAR 013:055	342.020	120 KAR 001:089
	201 KAR 013:065	342.035	120 KAR 001:089
326.030	201 KAR 013:065	344.030	101 KAR 002:102
326.035	201 KAR 013:040		101 KAR 003:015
	201 KAR 013:055	365.415	040 KAR 012:500
326.040	201 KAR 013:040	365.420	040 KAR 012:500
326.080	201 KAR 013:040	365.447	040 KAR 012:510
	201 KAR 013:055	367.379	040 KAR 012:450
326.090	201 KAR 013:075	367.461	040 KAR 012:300
	201 KAR 013:065	367.463	040 KAR 012:300
326.100	201 KAR 013:075	367.465	040 KAR 012:300
	201 KAR 013:065	367.467	040 KAR 012:300
327.010	201 KAR 022:010	367.469	040 KAR 012:300
327.030	201 KAR 022:130	367.472	040 KAR 012:420
327.050	201 KAR 022:135	367.474	040 KAR 012:420
327.075	201 KAR 022:135	367.477	040 KAR 012:420
327.080	201 KAR 022:130	367.478	040 KAR 012:420
	201 KAR 022:135	367.480	040 KAR 012:420
334A.188	201 KAR 017:120	367.486	040 KAR 012:420
335.010	201 KAR 023:070	367.680	040 KAR 012:610
335.020	201 KAR 023:070		040 KAR 012:600
335.060	201 KAR 023:140	367.681	040 KAR 012:610
335.070	201 KAR 023:072		040 KAR 012:600
	201 KAR 023:120	367.683	040 KAR 012:600
335.080	201 KAR 023:072	367.685	040 KAR 012:600
	201 KAR 023:020	367.686	040 KAR 012:610
	201 KAR 023:120		040 KAR 012:600
	908 KAR 001:370	367.687	040 KAR 012:600
	201 KAR 023:070	367.688	040 KAR 012:610
335.090	201 KAR 023:072	367.689	040 KAR 012:610
	201 KAR 023:020	367.690	040 KAR 012:610
	201 KAR 023:120	367.900	040 KAR 012:441
335.100	201 KAR 023:072	367.905	040 KAR 012:441
	201 KAR 023:020	367.906	040 KAR 012:441
	201 KAR 023:120	367.46971	040 KAR 012:310
	908 KAR 001:370	367.46973	040 KAR 012:310
	201 KAR 023:070	367.46981	040 KAR 012:310
335.130	201 KAR 023:020	367.688	040 KAR 012:600
335.135	201 KAR 023:020	367.689	040 KAR 012:600
335.135	201 KAR 023:120	380.010	040 KAR 012:400
335.158	201 KAR 023:070	380.030	040 KAR 012:400
335.300	908 KAR 001:370	380.040	040 KAR 012:400
	201 KAR 032:035	380.050	040 KAR 012:400
335.305	201 KAR 032:070	380.060	040 KAR 012:400
335.320	201 KAR 032:046	380.070	040 KAR 012:400
	201 KAR 032:035	380.080	040 KAR 012:400
335.325	201 KAR 032:101	380.090	040 KAR 012:400
335.330	201 KAR 032:010	380.100	040 KAR 012:400
	201 KAR 032:020	380.110	040 KAR 012:400
	201 KAR 032:030	380.120	040 KAR 012:400
	201 KAR 032:035	380.130	040 KAR 012:400
335.332	201 KAR 032:046	380.990	040 KAR 012:400
	201 KAR 032:026	422.317	201 KAR 008:540
	201 KAR 032:035		908 KAR 001:370
335.336	201 KAR 032:030	431.215	501 KAR 002:060
335.337	201 KAR 032:010	438.305-438.350	804 KAR 013:011
335.340	201 KAR 032:030	439.3401	908 KAR 001:370
	201 KAR 032:101	441.045	501 KAR 002:080
335.342	201 KAR 032:030		501 KAR 002:060
335.348	201 KAR 032:070	441.075	501 KAR 002:060
335.350	201 KAR 032:070	441.510	501 KAR 002:060
335.399	201 KAR 032:070	Chapter 514	910 KAR 001:260
335.500	908 KAR 001:370	Chapter 516	601 KAR 009:085
Chapter 335B	201 KAR 018:025	Chapter 523	601 KAR 009:085
	201 KAR 002:063	532.100	501 KAR 002:060
Chapter 337	101 KAR 002:102	Chapter 600-645	505 KAR 001:170
	101 KAR 003:015	620.030	908 KAR 001:370
Chapter 338	101 KAR 002:150	7 C.F.R.	902 KAR 018:011

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	902 KAR 018:021		101 KAR 002:102
	902 KAR 018:031		101 KAR 003:015
	902 KAR 018:040	34 U.S.C.	505 KAR 001:170
	902 KAR 018:050	38 U.S.C.	910 KAR 001:200
	902 KAR 018:061		105 KAR 001:150
	902 KAR 018:071		105 KAR 001:365
	902 KAR 018:081	42 U.S.C.	201 KAR 008:540
	902 KAR 018:090		902 KAR 020:150
	702 KAR 006:110		702 KAR 006:110
12 C.F.R.	201 KAR 050:170		908 KAR 001:370
	201 KAR 050:180		910 KAR 001:200
	201 KAR 050:190		910 KAR 001:260
20 C.F.R.	910 KAR 001:200		401 KAR 008:075
23 C.F.R.	601 KAR 001:018		401 KAR 008:300
24 C.F.R.	815 KAR 025:090		401 KAR 053:010
28 C.F.R.	301 KAR 003:130		907 KAR 001:022
29 C.F.R.	910 KAR 001:200		907 KAR 001:755
	101 KAR 002:102	49 U.S.C.	601 KAR 001:200
	101 KAR 003:015	315.450	201 KAR 002:440
34 C.F.R.	787 KAR 002:050	315.452	201 KAR 002:440
40 C.F.R.	401 KAR 008:075	315.454	201 KAR 002:440
	401 KAR 008:250	315.456	201 KAR 002:440
	401 KAR 008:300	315.458	201 KAR 002:440
	401 KAR 053:010	315.460	201 KAR 002:440
42 C.F.R.	908 KAR 001:370		
	907 KAR 001:022		
	907 KAR 001:755		
43 C.F.R.	301 KAR 003:130		
45 C.F.R.	908 KAR 001:370		
49 C.F.R.	702 KAR 005:130		
	601 KAR 001:200		
	601 KAR 001:018		
50 C.F.R.	301 KAR 001:001		
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		
	201 KAR 050:060		
	201 KAR 050:070		
	201 KAR 050:080		
	201 KAR 050:090		
	201 KAR 050:100		
	201 KAR 050:110		
	201 KAR 050:120		
	201 KAR 050:130		
	201 KAR 050:140		
	201 KAR 050:150		
	201 KAR 050:160		
	201 KAR 050:170		
	201 KAR 050:180		
	201 KAR 050:190		
	201 KAR 050:200		
	201 KAR 050:210		
15 U.S.C.	201 KAR 050:170		
	201 KAR 050:180		
	201 KAR 050:190		
20 U.S.C.	787 KAR 002:050		
21 U.S.C.	902 KAR 018:011		
	902 KAR 018:031		
	902 KAR 018:040		
	902 KAR 018:050		
	902 KAR 018:061		
	902 KAR 018:071		
	902 KAR 018:081		
	902 KAR 018:090		
	201 KAR 002:440		
26 U.S.C.	103 KAR 018:070		
	101 KAR 002:221		
	105 KAR 001:150		
	105 KAR 001:365		
29 U.S.C.	910 KAR 001:200		

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
017 KAR 004:040	08-31-2026	Remain in Effect without Amendment
017 KAR 005:020	08-31-2026	Remain in Effect without Amendment
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

CERTIFICATION LETTER SUMMARIES

103 KAR 044:070	07-09-2026	Remain in Effect without Amendment
103 KAR 044:090	07-09-2026	Remain in Effect without Amendment
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
201 KAR 025:090	09-01-2026	Remain in Effect without Amendment
201 KAR 026:140	09-01-2026	To be amended; filing deadline 3-1-2028
201 KAR 026:145	09-01-2026	To be amended; filing deadline 3-1-2028
201 KAR 026:165	09-01-2026	Remain in Effect without Amendment
201 KAR 026:270	09-01-2026	Remain in Effect without Amendment
201 KAR 034:010	09-09-2026	Remain in Effect without Amendment
201 KAR 034:015	09-09-2026	Remain in Effect without Amendment
201 KAR 041:020	09-01-2026	Remain in Effect without Amendment
201 KAR 041:030	09-01-2026	Remain in Effect without Amendment
201 KAR 041:040	09-01-2026	Remain in Effect without Amendment
201 KAR 041:060	09-01-2026	Remain in Effect without Amendment
201 KAR 041:065	09-01-2026	Remain in Effect without Amendment
201 KAR 041:070	09-01-2026	Remain in Effect without Amendment
201 KAR 041:080	09-01-2026	Remain in Effect without Amendment
201 KAR 041:090	09-14-2026	Remain in Effect without Amendment
201 KAR 041:100	09-14-2026	Remain in Effect without Amendment
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
405 KAR 010:001	08-31-2026	Remain in Effect without Amendment
405 KAR 010:015	08-31-2026	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

CERTIFICATION LETTER SUMMARIES

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
804 KAR 010:040	09-23-2026	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
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
900 KAR 002:050	09-24-2026	Remain in Effect without Amendment
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 002:140	09-02-2026	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 008:040	09-02-2026	Remain in Effect without Amendment
902 KAR 008:110	09-02-2026	Remain in Effect without Amendment
902 KAR 008:170	09-02-2026	Remain in Effect without Amendment
902 KAR 010:150	09-02-2026	Remain in Effect without Amendment
902 KAR 010:160	09-02-2026	Remain in Effect without Amendment
902 KAR 010:170	09-02-2026	Remain in Effect without Amendment
902 KAR 020:280	08-12-2026	Remain in Effect without Amendment
902 KAR 020:370	09-24-2026	Remain in Effect without Amendment
902 KAR 020:430	09-24-2026	Remain in Effect without Amendment
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902 KAR 023:010	08-12-2026	Remain in Effect without Amendment
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902 KAR 045:100	08-12-2026	Remain in Effect without Amendment
902 KAR 048:010	08-12-2026	Remain in Effect without Amendment
902 KAR 100:005	09-02-2026	Remain in Effect without Amendment
907 KAR 001:006	09-24-2026	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

[illegible]

CERTIFICATION LETTER SUMMARIES

922 KAR 001:510	07-01-2026	Remain in Effect without Amendment
922 KAR 001:560	07-01-2026	Remain in Effect without Amendment
922 KAR 006:040	09-02-2026	Remain in Effect without Amendment
922 KAR 006:045	09-02-2026	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).

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040 KAR 001:380	06-22-2026	120 KAR 001:185	06-29-2026
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