VOLUME 53, NUMBER 5 LEGISLATIVE RESEARCH COMMISSION NOVEMBER 1, 2026

ADMINISTRATIVE REGISTER OF KENTUCKY

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

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on November 10, 2026 in Annex Room 149.

ARRS Tentative Agenda – 887 Online agenda updated as needed.

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

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

Last Updated on October 28, 2026 at 10:00 a.m.

Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Tuesday, November 10, 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

SECRETARY OF STATE

Office of Business Services

Corporations

030 KAR 001:060. Scholarship Granting Organizations.

STATE BOARD OF ELECTIONS

Statewide Voter Registration

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

PERSONNEL CABINET

Office of the Secretary, Classified

101 KAR 002:210E. 2026 and 2027 Plan Year Handbooks for the Public Employee Health Insurance Program. (Filed with Ordinary) ("E" expires 06-12-2026)

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology

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

201 KAR 017:011. Education, experience, and application requirements for interim licensure as a speech-language pathologist.

201 KAR 017:012. Application, education, and requirements for licensure as a speech-language pathologist. (Filed with Emergency) ("E" expires 04-12-2027)

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

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

201 KAR 017:027. Supervision requirements and caseload limitation of Speech-Language Pathology Assistants.

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

201 KAR 017:032. Requirements for interim licensure as an audiologist.

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

201 KAR 017:036. Requirements for licensure as an audiologist. (Filed with Emergency) ("E" expires 04-12-2027)

201 KAR 017:070. Complaint procedure. (Filed with Emergency) ("E" expires 04-12-2027)

201 KAR 017:090. Continuing education requirements.

201 KAR 017:120E. Audiology and Speech-Language Pathology Interstate Compact. (Filed with Ordinary) ("E" expires 05-15-2027)

Board of Physical Therapy

201 KAR 022:001. Definitions for 201 KAR Chapter 22.

201 KAR 022:020. Eligibility and credentialing procedure.

201 KAR 022:052. Complaint procedure and disciplinary action of a credential holder.

Board of Examiners of Psychology

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

201 KAR 026:155. Licensed psychologist: application procedures and temporary license.

201 KAR 026:175. Continuing education.

201 KAR 026:225. Renewal and reinstatement.

201 KAR 026:230. Examinations and applications.

Board of Licensure for Occupational Therapy

201 KAR 028:060E. Licensure, renewals, and reinstatements. (Filed with Ordinary) ("E" expires 04-11-2027) (Amended After Comments)

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

Board of Licensure and Certification for Dieticians and Nutritionists

201 KAR 033:015E. Application; approved programs. (Filed with Ordinary) ("E" expires 04-12-2027) (Amended After Comments)

201 KAR 033:015. Application; approved programs. (Filed with Emergency) ("E" expires 4-12-2027)

201 KAR 033:020E. Renewals, late renewal, revocation, inactive status, and reinstatement. (Filed with Ordinary) ("E" expires 04-12-2027) (Amended After Comments)

201 KAR 033:020. Renewals, late renewal, revocation, inactive status, and reinstatement. (Filed with Emergency) ("E" expires 04-12-2027)

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201 KAR 033:071. Telehealth and telepractice.

201 KAR 033:081. Scope of practice.

Board of Licensed Professional Counselors

201 KAR 036:070. Application, education, and examination requirements. (Filed with Emergency) ("E" expires 04-11-2027)

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

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

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

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

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

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201 KAR 050:040. Appraisal experience requirements for certification and licensure. (Amended After Comments)

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201 KAR 050:060. Reciprocity (Filed with Emergency) ("E" expires 04-11-2027) (Deferred from October)

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201 KAR 050:070. Temporary practice permit. (Filed with Emergency) ("E" expires 04-11-2027) (Deferred from October)

201 KAR 050:080. Criminal background checks. (Deferred from October)

201 KAR 050:090. Supervision of associates. (Deferred from October)

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

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

201 KAR 050:130. Education provider and instructor standards and requirements. (Deferred from October)

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) (Deferred from October)

201 KAR 050:150. Standards of professional conduct. (Deferred from October)

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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) (Deferred from October)

201 KAR 050:180E. Appraisal Management Company registration renewal. (Filed with Ordinary) ("E" expires 04-11-2027) (Deferred from September)

201 KAR 050:180. Appraisal Management Company registration renewal. (Filed with Emergency) ("E" expires 04-11-2027) (Deferred from October)

201 KAR 050:190. Appraisal Management Company duties and prohibitions. (Deferred from October)

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) (Deferred from October)

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) (Deferred from October)

INDEPENDENT ADMINISTRATIVE BODIES

Board of Emergency Medical Services

202 KAR 007:510. Air ambulance services.

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Game

301 KAR 002:300. Black bear seasons and requirements. (Not Amended After Comments)

DEPARTMENT OF AGRICULTURE

Office of Marketing

Produce

302 KAR 060:010. Produce safety.

JUSTICE AND PUBLIC SAFETY CABINET

Department of Criminal Justice Training

Concealed Deadly Weapons

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

Department of Juvenile Justice

Child Welfare

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

EDUCATION AND LABOR CABINET

Department of Education

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

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

Food Service Programs

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

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

Department for Technical Education

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

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) (Not Amended After Comments)

Department of Workplace Standards

Labor Standards; Wages and Hours

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

PUBLIC PROTECTION CABINET

Department of Insurance

806 KAR 017:512E. Professional dispensing fee for dispensing a prescription drug or providing other services. (Filed with Ordinary) ("E" expires 06-11-2027)

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Behavioral Health, Developmental and Intellectual Disabilities

Mental Health

908 KAR 002:220. Certified Peer Support Specialist. (Amended After Comments)

908 KAR 002:311. Repeal of 908 KAR 002:230 and 908 KAR 002:240. (Deferred from October)

3. REGULATIONS REMOVED FROM NOVEMBER'S AGENDA

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Fish

301 KAR 001:001. Definitions for 301 KAR Chapter 1. (Comments Received; SOC ext. due 11-13-2026)

CABINET FOR ECONOMIC DEVELOPMENT

Kentucky Economic Development Finance Authority

Kentucky Film Office

307 KAR 001:080. Kentucky Entertainment Incentive Program (Effective July 15, 2026). (Filed with Emergency) ("E" expires 05-10-2027) (Comments Received; SOC ext. due 11-13-2026)

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections

Class D and Class C Felons

501 KAR 002:080E. Reimbursement for Medical Care Provided to State Inmates Housed in County and Regional Jails. (Filed with Ordinary) ("E" expires 05-14-2027) (Comments Received; SOC due 11-13-2026)

EDUCATION AND LABOR CABINET

Department of Education

Academic Standards

704 KAR 008:060. Required Academic Standards for Social Studies. (Comments Received; SOC due 11-13-2026)

PUBLIC PROTECTION CABINET

Department of Financial Institutions

Check Cashing

808 KAR 009:010. Deferred deposit database compliance. (Deferred from November)

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Behavioral Health, Developmental and Intellectual Disabilities

Mental Health

908 KAR 002:260. Targeted case manager; eligibility and training. (Comments Received; SOC ext. due 11-13-2026)

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

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

(See KRS Chapter 13A for specific provisions)

Filing and Publication

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

Public Hearing and Public Comment Period

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

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

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

Review Procedure

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

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[of]** board review:

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

(b) A birth certificate;

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

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

(e) National Board of Examiners in Optometry, "NBEO", results for Part 1, Part 2, and Part 3.**The Optometry Examining Board of Canada, "OEBC", written examination results may be submitted in lieu of Part 1 of the NBEO results**[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[of]** board review:

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

(b) A birth certificate;

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

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

(e) National Board of Examiners in Optometry, "NBEO", results for Part 1, Part 2, and Part 3;

(f) NBEO Therapeutic Management of Ocular Disease, "TMOD" results;

(g) NBEO Injections Skill Exam, "ISE" results;

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

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

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

(k) Payment in the amount of $500 representing the non-refundable application fee; and

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

(2)

(a) Prior to approval for examination, the board shall review and consider:

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

a. Federal Bureau of Investigation; or

b. Kentucky State Police; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)

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

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

a. Federal Bureau of Investigation; or

b. Kentucky State Police; and

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

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

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

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

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

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

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

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

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

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

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

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

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

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

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

MARY BETH MORRIS, O.D., Board 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.

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
105 KAR 5:200E.

This emergency administrative regulation is being promulgated in order to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute, i.e., SB 85 of the 2026 regular legislative session which amended KRS 16.505, 16.678, 61.510, 61.635, 61.640, 61.690, 78.510, and 78.5532 effective July 15, 2026. This administrative regulation is being filed on an emergency basis to amend Form 6030, "Death Benefit Designation", so that members of the retirement systems administered by the Kentucky Public Pensions Authority can select "special needs trust" as an optional potential beneficiary. This emergency administrative regulation will be replaced by an ordinary administrative regulation to enable the selection on a permanent basis. The companion ordinary administrative regulation is identical to this emergency regulation.

ANDY BESHEAR, Governor
RYAN BARROW, Executive Director

FINANCE AND ADMINISTRATION CABINET
Public Pensions Authority
(Emergency Amendment)

105 KAR 5:200E. Retirement procedures.

EFFECTIVE: September 29, 2026
RELATES TO: KRS 16.505-16.652, 61.505–61.705[~~61.505, 61.510-61.705~~], 78.510-78.852
STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.590(1), 78.545
NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505[~~61.505, 61.510~~] to 61.705, and 78.510 to 78.852. KRS 61.590(1) and 78.545 require that all forms and information required by the board are on file to receive retirement benefits. This administrative regulation establishes the procedures and forms required to apply for and receive retirement benefits.

Section 1. Definitions.
(1) "Applicant" means a participant who has:
(a) Applied or is applying for retirement in accordance with KRS 61.590 and 78.545; or
(b) Been approved for retirement but has not yet received a retirement allowance.
(2) "Disability retirement" means a retirement allowance a member is eligible to receive based on an incapacity as established in KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, and 78.5524.
[~~(3)~~] [~~"Early Retirement date" means a retirement date prior to a member's normal retirement date that is not a disability retirement.~~]
(3)[~~(4)~~] "Effective retirement date" means the date upon which a member's service retirement allowance or disability retirement allowance began or will begin, which might be a different date than the date the payments are initiated.
(4)[~~(5)~~] "Service retirement" means a retirement allowance a participant is eligible to receive as established in[~~prescribed by~~] KRS 16.576, 16.577, 16.583(6), 61.559, 61.595(2), 61.597(6), 78.5510(2) through (3), 78.5512(6), 78.5514, and 78.5516(6).
(5)[~~(6)~~] "Termination Date" means the date on which the member has ceased or will cease[~~his or her~~] employment[~~relationship~~] with all participating employers.
(6)[~~(7)~~] "Unsubstantiated service" means:
(a) For school board employees, that:
1. The actual days worked averaged or is expected to average less than eighty (80) hours per month in a fiscal year; or
2. Service is incomplete; or
(b) For non-school board employees, that:
1. The actual[~~worked~~] time worked averaged or is expected to average less than 100 hours per month in a fiscal or calendar year; or
2. Service is incomplete.

Section 2. Retirement Eligibility Requirements.
(1) Service retirement eligibility shall be determined in accordance with:
(a) For applicants with a participation date prior to September 1, 2008, KRS 16.576(1)(a), 16.577, 61.559(1) and (2), 61.592(4), 78.5510(2), and 78.5514(2);
(b) For applicants with a participation date on or after September 1, 2008, but prior to January 1, 2014, KRS 16.576(1)(b), 16.577, 61.559(3), 61.592(4), 78.5510(3), and 78.5514(3); and
(c) For applicants with a participation date on or after January 1, 2014, KRS 16.583(6), 61.592(4), 61.597(6), 78.5512(6), and 78.5516(6).
(2) Disability retirement eligibility shall be determined in accordance with KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 3:210.

Section 3. Application for Retirement.
(1) The applicant shall file a valid Form 6000, Notification of Retirement, incorporated by reference in 105 KAR 5:202, no earlier than six (6) months prior to his or her desired effective retirement date.
(2)
(a) The agency shall not process an invalid Form 6000 which[~~, Notification of Retirement. The Form 6000~~] shall be invalid if it:
1. Is incomplete;
2. Does not include all indicated required documentation;
3. Is not signed by the applicant and a spouse or other witness on the indicated place in the Certification of Bona Fide Separation from Service and Notification of Retirement Section unless submitted through the Self-service website with a PIN; or
4. Is not signed by the applicant and a witness on the indicated place in the Member's Statement of Disability section if the applicant is applying for disability retirement unless submitted through the Self-service website with a PIN.
(b) If the agency finds the Form 6000 to be invalid, the agency shall provide notification to the applicant of the actions necessary for completion or correction.
(3) If the applicant indicates on the Form 6000[~~, Notification of Retirement,~~] that he or she is simultaneously retiring with reciprocity and he or she fails to retire from all state administered retirement systems indicated on the Form 6000, either simultaneously or with an effective retirement date within one (1) month of the applicant's effective retirement date with the systems, the applicant shall not be eligible to retire with reciprocity.
(4)
(a) If the applicant fails to designate a federal tax withholding preference, the agency shall withhold federal tax based on the default withholding provided by the Internal Revenue Service.

(b) Once the applicant begins receiving a retirement allowance, he or she may establish or change his or her federal tax withholding preference through the Self-service website[~~Self Service Web site~~] or by filing a valid tax withholding certificate as established in 26 U.S.C. 3405[~~Form 6017, Withholding Certificate for Periodic Pension or Annuity Payments~~].

(5)

(a) The applicant's estate shall be the beneficiary of the $5,000 death benefit if the applicant fails to:

1. Designate a beneficiary of the $5,000 death benefit; or

2. Accurately fill out the $5,000 Death Benefit Section of the Form 6000[~~, Notification of Retirement,~~] designating a single beneficiary.

(b) Once the applicant begins receiving a retirement allowance, he or she may designate or change the beneficiary of the $5,000 death benefit through the Self-service website[~~Self Service Web site~~] or by filing a valid Form 6030, Death Benefit Designation.

(6) The applicant shall authorize the direct deposit of his or her retirement allowance on the Form 6000[~~, Notification of Retirement~~].

(7)

(a) If the applicant does not have an account with a financial institution or the applicant's financial institution does not participate in the electronic funds transfer program, the applicant shall file a valid Form 6135, Request for Payment by Check, simultaneously with the Form 6000[~~, Notification of Retirement~~].

(b) Once a member begins receiving a retirement allowance, he or she may change the designated financial institution or account through the Self-service website[~~Self Service Web site~~] or by filing a valid Form 6130, Authorization for Deposit of Retirement Payment.

(8)

(a) Only applicants applying for disability retirement shall complete the Member's Statement of Disability section of the Form 6000 and[~~, Notification of Retirement. These applicants~~] shall also comply with the requirements of 105 KAR 3:210.

(b) Applicants not applying for disability retirement shall not complete the Member's Statement of Disability section of the Form 6000[~~, Notification of Retirement~~].

(9)

(a) The applicant's current employer shall complete the Employer Certification of Leave Balances and Final Salary section of the Form 6000[~~, Notification of Retirement,~~] as provided in 105 KAR 4:140, Section 15. If the employer does not comply with the requirements of 105 KAR 4:140, Section 15(1), the agency shall utilize the information previously reported to the agency by the applicant's employer and former employers in accordance with KRS 61.675 and 78.625 and shall not include sick leave, compensatory time, projected salary, projected service, or unsubstantiated service in the agency's initial calculations of the applicant's retirement allowance or eligibility to retire, except as provided in paragraph (b) of this subsection.

(b) If the application is for disability retirement, the employer shall comply with the requirements of 105 KAR 3:210.

(c) The Employer Certification of Leave Balances and Final Salary section of the Form 6000[~~, Notification of Retirement,~~] shall be signed by a person designated by the employer on file at the retirement office.

Section 4. Verification of Date of Birth.

(1)

(a) The applicant shall file verification of his or her date of birth and verification of the date of birth of the beneficiary named on the applicant's Form 6000, Notification of Retirement:

1. Prior to the agency processing the application; and

2. For disability retirement or retirement at an early retirement date, by the end of the day six (6) months following the date the valid Form 6000 was filed, or the Form 6000 shall be invalid.

(b) The agency shall accept one (1) or more of the documents established in this paragraph[~~following~~] as verification of date of birth of the applicant or beneficiary:

1. Age record from the Social Security Administration;

2. Immigration and naturalization service records;

3. Birth certificate;

4. Military ID or discharge;

5. U.S. passport;

6. Driver's license or state-issued identification that requires birth verification; or

7. Other reliable proof of date of birth that may be used by a court of competent jurisdiction[~~the courts~~] to verify the person's date of birth.

(2) If the applicant's or beneficiary's name does not match[~~is no longer the same as~~] the name listed on the verification of date of birth, the applicant or beneficiary shall file a social security card, driver's license, marriage certificate, court order, passport, or legally binding documentation verifying the name change.

Section 5. Additional Requirements.

(1) Based on the salary reported to the agency and information provided by the applicant's employer, the agency shall provide an estimate of the applicant's retirement allowance on the Form 6010, Estimated Retirement Allowance, which shall include:

(a) The payment options and amounts available to the applicant;

(b) A place to designate the applicant's choice of payment option;

(c) A place for the applicant to sign and date; and

(d) A place for the spouse or other witness' signature.

(2)

(a)

1. The applicant shall complete and file a valid Form 6010[~~, Estimated Retirement Allowance~~]:

a. For disability retirement, in accordance with 105 KAR 3:210; or

b. For retirement at an early retirement date, by the end of the day six (6) months following his or her effective retirement date.

2. A Form 6010[~~, Estimated Retirement Allowance,~~] shall not be valid if not completed in its entirety and signed by the applicant, and:

a. Signed by a spouse or other witness; or

b. Submitted through the Self-service website with a PIN.

(b)

1. If the applicant for retirement at an early retirement date fails to comply with paragraph (2)(a)2. of this subsection, the Form 6000, shall be void.

2. The applicant may file a new valid Form 6000 to re-apply for retirement benefits and[~~. If the applicant files a new valid Form 6000, he or she~~] shall select a new effective retirement date that shall not be prior to the date the new Form 6000 is filed.

(3) If an applicant is approved for disability retirement, he or she shall comply with the requirements of 105 KAR 3:210 prior to receiving the approved disability retirement allowance.

(4) If the applicant selects a monthly retirement allowance or a partial lump-sum payment option and is eligible for hospital and medical insurance in accordance with KRS 16.645, 61.702, and 78.5536, he or she shall be provided with information on how to apply for hospital and medical insurance in accordance with 105 KAR 5:411.

(5)

(a) If the applicant selects an actuarial equivalent refund, lump-sum refund, or partial lump-sum payment option, he or she shall complete and file a valid Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, selecting the option for payment.

(b) If the applicant intends to have the funds rolled over directly into an IRA or other qualified plan, the applicant shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025 certifying that the rollover shall be accepted.

Section 6. Voiding the Form 6000.

(1) The Form 6000, Notification of Retirement, shall be void if the:

(a) [~~The~~] Form 6000 is invalid, and the applicant fails to comply with Section 3(2) and Section 4 of this administrative regulation;

(b) [~~The~~] Form 6000 is withdrawn;

(c) Applicant:[~~The applicant~~]

1. Is[~~is~~] applying for disability retirement;

2.[~~(d)~~] Is[~~The applicant is~~] approved for retirement but fails to complete the requirements of Section 5 of this administrative regulation;

3.[(e)] Died[The applicant died] while the application is being processed and the beneficiary, representative of the deceased applicant's estate, or trustee fails to complete the requirements of Section 9 of this administrative regulation; or

4.[(f)] Did[The applicant did] not indicate on the Form 6000 that he or she was applying for disability retirement and the applicant is not eligible for service retirement.

(2)

(a) If an applicant's Form 6000[, Notification of Retirement,] is void, the beneficiary or beneficiaries and contingent beneficiary or beneficiaries designated on the most recently filed valid Form 2035, Beneficiary Designation, incorporated by reference in 105 KAR 1:170, shall remain in full force and effect, except as provided in paragraph (b) of this subsection.

(b) This subsection shall not apply to a retirement account from which the applicant was already receiving a retirement allowance.

Section 7. Administration of the Retirement Allowance.

(1)

(a) The agency shall not process a monthly retirement allowance until the applicant has completed and filed all requirements of this administrative regulation.

(b) If an applicant is retiring from any other state-administered retirement system with reciprocity, the agency shall hold the retirement allowance payment until the other state-administered retirement system finalizes the applicant's retirement from its retirement system in accordance with KRS 61.680(8) and 78.5542.

(2) The agency shall not process an actuarial equivalent refund or lump sum refund until the applicant has complied with all requirements of this administrative regulation, the applicant's employer has submitted proof of the applicant's employment termination, and the applicant's employer has reported all creditable compensation and accumulated sick leave.

(3)

(a) The agency shall not process the first retirement allowance payment earlier than the month of the applicant's effective retirement date as indicated on the Form 6010, Estimated Retirement Allowance.

(b) The agency shall process the first service retirement allowance payment the month following the month:

1. Of the applicant's last termination date; and

2. That all applicable forms and documents as established by this administrative regulation are on file.

(c) The agency shall process the disability retirement allowance payment in accordance with 105 KAR 3:210.

Section 8. Subsequent Application for Retirement While a Prior Application is Pending. If a valid subsequent application for retirement that complies with Section 3 of this administrative regulation is filed while a prior application is pending and is filed:

(1) By[If the subsequent application is filed by] 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall supersede the prior application on file; or

(2) After[If the subsequent application is filed after] 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall not be valid.

Section 9. Death During the Retirement Application Process.

(1) Except as provided in subsection (2) of this section, if the applicant dies prior to the first day of the month in which the applicant would have received his or her first retirement payment, any benefits payable to a beneficiary or estate shall be determined pursuant to KRS 16.578, 61.621, 61.640, 78.5532, and 105 KAR 3:180.[105 KAR 4:180.]

(2) If an applicant for disability retirement dies prior to receiving his or her first retirement payment, eligibility for a disability retirement allowance that might be payable to a beneficiary, surviving spouse, dependent child, or estate shall be determined pursuant to KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 3:210.

Section 10. Exceptions to Changing the Beneficiary After Retirement.

(1) Except as provided in this section, the beneficiary indicated on the Form 6000 shall not be changed on or after the first day of the month in which a recipient receives his or her first retirement allowance payment.

(2)

(a) In accordance with KRS 61.542(5)(a) and 78.545, a beneficiary may be changed at any time by a recipient receiving a monthly retirement allowance under:

1. The basic payment option;

2. A period certain option as provided by KRS 61.635(5) through (7) and 78.545; or

3. The Social Security adjustment option without survivor rights as provided by KRS 61.635(8)(a) and 78.545.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6036, Beneficiary Designation Change, which shall become[. The newly designated beneficiary shall be] effective the date the valid form[Form 6036] is on file.

(c) The recipient shall not change the payment option selected at retirement.

(3)

(a) In accordance with KRS 61.542(5)(b) and 78.545, a beneficiary may be changed only once by the end of the 120th calendar day[120 calendar days] following the date of a recipient's marriage or remarriage.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6035, Beneficiary and Payment Option Change, by the end of the 120th calendar day[100 calendar days] following the date of a recipient's marriage or remarriage that includes:

1. Verification of the date of birth of the new beneficiary as provided in Section 4 of this administrative regulation;

2. The recipient and new beneficiary's marriage certificate; and

3. If a prior spouse was the beneficiary, a divorce decree or death certificate.

(c) Once a valid Form 6035[, Beneficiary and Payment Option Change,] is on file, the agency shall provide the recipient with a Form 6050 Payment Option Change Designation. The recipient shall complete and file a valid Form 6050 selecting his or her new payment option as established in KRS 61.542(5)(b)2. and 78.545 by the end of the 120th calendar day[120 calendar days] following the date of his or her marriage or remarriage.

(d) A change in payment option pursuant to this subsection shall not affect payments to an alternate payee under a Qualified Domestic Relations Order.

(e)

1. If the recipient fails to timely complete all requirements of this subsection, the beneficiary previously on file will remain the beneficiary.

2. If no beneficiary was previously on file, the beneficiary shall be the estate.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

[(a)] [Form 2035, "Beneficiary Designation", December 2024;]

(a)[(b)] Form 6010, "Estimated Retirement Allowance", April 2024;

[(c)] [Form 6017, "Tax Withholding Certificate for Periodic Pension or Annuity Payments", January 2024;]

(b)[(d)] Form 6025, "Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution ", June 2023;

(c)[(e)] Form 6030, "Death Benefit Designation", September 2026[November 2024];

(d)[(f)] Form 6035, "Beneficiary and Payment Option Change", September 2026[April 2024];

(e)[(g)] Form 6036, "Beneficiary Designation Change", April 2024;

(f)[(h)] Form 6050 "Payment Option Change Designation", April 2022;

(g)[(i)] Form 6130, "Authorization for Deposit of Retirement Payment", November 2024; and

(h)[(j)] Form 6135, "Request for Payment by Check", April 2024.

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

105 KAR 5:200E Retirement procedures. Is approved for filing.
RYAN BARROW, Executive Director

APPROVED BY AGENCY: September 25, 2026
FILED WITH LRC: September 29, 2026 at 8:50 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 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo, Phone: (502) 696-8679, Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures and forms required to apply for and receive retirement benefits.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures and forms required to apply for and receive retirement benefits.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. KRS 61.590(1) and 78.545 require that all forms and information required by the board are on file to receive retirement benefits.

(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 procedures and forms required to apply for and receive retirement benefits.

(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: To comply with SB 85 of the 2026 legislative session, this amendment adds "special needs trust" as an optional beneficiary for members to choose on the Form 6030, "Death Benefit Designation", September 2026, which is incorporated by reference. This amendment also removes a redundant definition, removes Form 2035 which is incorporated into a separate regulation, removes Form 6017 which is actually IRS Form W-4P form developed, controlled, and regulated by the IRS, in favor of a citation to the U.S. Code that requires it, revises Form 6035 and the regulation to clarify the 120-day deadline related to beneficiary changes, adds Military IDs as a valid form of birthdate verification, and revises regulatory language to comply with drafting requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to comply with SB 85 of the 2026 legislative session, by adding "special needs trust" as an optional beneficiary for members to choose on the Form 6030, "Death Benefit Designation", September 2026, which is incorporated by reference. This amendment is also necessary to remove a redundant definition, remove Form 2035 which is incorporated into a separate regulation, revise Form 6035 and the regulation to clarify the 120-day deadline related to beneficiary changes, add Military IDs as a valid form of birthdate verification and revise regulatory language to comply with drafting requirements. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. KRS 61.590(1) and 78.545 require that all forms and information required by the board are on file to receive retirement benefits. This administrative regulation establishes the procedures and forms required to apply for and receive retirement benefits.

(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 will assist in the effective administration of the statutes, and comply with SB 85 of the 2026 legislative session, by adding "special needs trust" as an optional beneficiary for members to choose on the Form 6030, "Death Benefit Designation", September 2026, which is incorporated by reference. This amendment will also assist in administration of the statutes by removing a redundant definition, removing Form 2035 which is incorporated into another regulation, and removing Form 6017 which is actually IRS Form W-4P, in favor of a citation to the applicable U.S. Code that requires it, which will enable the agency to send or link to the most recent federal form whenever it is published, and by revising Form 6035 and the regulation to clarify the 120-day deadline related to beneficiary changes, and adding Military IDs as a valid form of birthdate verification.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes, this amendment implements SB 85 of the 2026 regular legislative session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 444,293 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will be minimally impacted because only those members who wish to choose a special needs trust for their beneficiary will need to check the appropriate box on the amended form and provide certain information to implement their choice.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from the ability to choose a special needs trust as a beneficiary, or

present a military ID for birthdate verification.

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

(a) Initially: There will be no additional costs because the amendment primarily revises a form allowing the selection of a special needs trust as a beneficiary and the remainder of the regulation is already being implemented as written.

(b) On a continuing basis: There will be no additional costs because the amendment primarily revises a form allowing the selection of a special needs trust as a beneficiary and the remainder of the regulation is already being implemented as written.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Yes, tiering is applied only to the extent that the processes and procedures to implement a member's choice of beneficiary may require different information.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.505(1)(g), 61.590(1), and 78.545, and Senate Bill 85 of the 2026 regular legislative session.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 61.505(1)(g), 61.590(1), and 78.545, and Senate Bill 85 of the 2026 regular legislative session.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions.

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

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

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact because the amendment primarily revises a form to allow members to choose a special needs trust as a beneficiary to comply with SB 85 of the 2026 regular legislative session.

(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for beneficiary selection and implementation.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for beneficiary selection and implementation.

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
105 KAR 5:202E.

This emergency administrative regulation is being promulgated in order to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute, i.e., SB 85 of the 2026 regular legislative session which amended KRS 16.505, 16.678, 61.510, 61.635, 61.640, 61.690, 78.510, and 78.5532 effective July 15, 2026. This administrative regulation is being filed on an emergency basis to amend Form 6000, "Notification of Retirement", so that members of the retirement systems administered by the Kentucky Public Pensions Authority can select "special needs trust" as an optional potential beneficiary. This emergency administrative regulation will be replaced by an ordinary administrative regulation to enable the selection on a permanent basis. The companion ordinary administrative regulation is identical to this emergency regulation.

ANDY BESHEAR, Governor
RYAN BARROW, Executive Director

FINANCE AND ADMINISTRATION CABINET
Public Pensions Authority
(Emergency Amendment)

105 KAR 5:202E. Notification of Retirement.

EFFECTIVE: September 29, 2026

RELATES TO: KRS 16.505 - 16.652, 61.505[~~, 61.610~~] - 61.705, 78.510 - 78.852

STATUTORY AUTHORITY: KRS 61.505

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505[~~, 61.510~~] to 61.705, and 78.510 to 78.852. This administrative regulation establishes the use of the Form 6000, Notification of Retirement.

Section 1. Uses.

[~~(1)~~] The Form 6000, Notification of Retirement, shall be used by participants to apply for:

(1)[~~(a)~~] Retirement based on service as established in KRS 16.576, 16.577, 16.583, 61.559, 61.595(2), 61.597(6), 78.5510(2) through (3), 78.5512(6), 78.5514, and 78.5516; or

(2)[~~(b)~~] Disability retirement as established in KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, and 78.5524.

[~~(2)~~] [~~The Form 6000, Notification of Retirement, shall be used as established by:~~]

[~~(a)~~] [~~105 KAR 1:020;~~]

[~~(b)~~] [~~105 KAR 5:202;~~]

[~~(c)~~] [~~105 KAR 3:210;~~]

[~~(d)~~] [~~105 KAR 3:310;~~]

[~~(e)~~] [~~105 KAR 5:390; and~~]

[~~(f)~~] [~~105 KAR 3:455;~~]

Section 2. Incorporation by Reference.

(1) The Form 6000, "Notification of Retirement", September 2026[~~November 2024~~], is incorporated by reference.

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

105 KAR 5:202E Notification of Retirement. Is approved for filing.
RYAN BARROW, Executive Director

APPROVED BY AGENCY: September 25, 2026

FILED WITH LRC: September 29, 2026 at 8:50 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 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo, Phone: (502) 696-8679, Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the use of Form 6000 which is required to apply for and receive retirement benefits.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the use of Form 6000, "Notification of Retirement", which is required to apply for and receive retirement benefits.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. This administrative regulation establishes the use of the Form 6000, Notification of Retirement.

(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 use of Form 6000 which is required to apply for and receive retirement benefits.

(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: To comply with SB 85 of the 2026 regular legislative session, this amendment adds "special needs trust" as an optional beneficiary for members to choose on the Form 6000, "Notification of Retirement", which is incorporated by reference. The amendment to this administrative regulation also removes unnecessary citations to specific regulations and accommodates recent recodification and ease of developing or revising related regulations.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to comply with SB 85 of the 2026 regular legislative session by adding "special needs trust" as an optional beneficiary for members to choose on the Form 6000, to remove unnecessary citations to specific regulations that cite to this administrative regulation, and to accommodate recent recodification and ease of developing or revising related regulations. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. This administrative regulation establishes the use of the Form 6000, Notification of Retirement.

(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 administration of the statutes, and comply with SB 85 of the 2026 regular legislative session, by adding "special needs trust" as an optional beneficiary for members to choose on the Form 6000, by removing unnecessary citations to specific regulations that cite to this administrative regulation, and by accommodating recent recodification and ease of developing or revising related regulations.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes, this amendment is to comply with SB 85 of the 2026 regular legislative session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 433,461 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will be minimally impacted because only those members who wish to choose a special needs trust for their beneficiary will need to check the appropriate box on the amended form and provide certain information to implement their choice.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from the ability to choose a special needs trust as a beneficiary.

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

(a) Initially: There will be no additional costs because the amendment primarily revises a form allowing the selection of a special needs trust as a beneficiary.

(b) On a continuing basis: There will be no additional costs because the amendment primarily revises a form allowing the selection of a special needs trust as a beneficiary.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Yes, tiering is applied only to the extent that the processes and procedures to implement a member's choice of beneficiary may require different information.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.505; Senate Bill 85 of the 2026 regular legislative session.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, Senate Bill 85 of the 2026 regular legislative session.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions. (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

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

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact because the amendment primarily revises a form to allow members to choose a special needs trust as a beneficiary to comply with SB 85 of the 2026 regular legislative session.

(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for beneficiary selection and implementation.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for beneficiary selection and implementation.

STATEMENT OF EMERGENCY
200 KAR 5:021E.

This emergency amendment is necessary to implement 2026 RS HB 480 (enacted as 2026 Ky. Acts ch. 147. Section 2 of that Act, codified as KRS 45A.137(7)), which requires the Finance and Administration Cabinet to promulgate regulations concerning contract payments no later than October 1, 2026. KRS 45A.137(8) separately requires publication of the payment resolution process and instructions on the Cabinet's website by that date. This amendment is therefore promulgated pursuant to KRS 13A.190(1)(a)3. to meet an imminent statutory deadline.

This amendment updates the Finance and Administration Cabinet Manual of Policies and Procedures, incorporated by reference in 200 KAR 5:021. In particular, FAP 111-45-00 and FAP 111-46-00 establish procedures for invoice review and correction, partial payments, late-payment penalties, and administrative resolution of payment disputes. These procedures give agencies and contractors a common process for implementing the new payment requirements and obtaining timely resolution of unpaid amounts.

An ordinary amendment filed at this time would not take effect by October 1, 2026. Immediate effectiveness is necessary to have the required regulatory procedures in place by the statutory deadline and to align the published instructions with enforceable procedures. Delayed implementation would prolong uncertainty over invoice corrections and payment claims and increase the risk of avoidable interest penalties and recoverable financing costs. Prompt resolution also supports contractors' continued performance and protects funds available for the goods and services the Commonwealth has contracted to receive.

The revised Manual also clarifies contract insurance requirements, electronic submission for review, procurement card training, contract assignments, and bid withdrawal, and corrects technical errors. These changes support consistent contract administration, financial oversight, and continuity of performance. Notwithstanding the foregoing, the statutory payment deadline is the principal basis for this emergency amendment.

This administrative regulation will be replaced through an emergency amendment by an ordinary administrative regulation.

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

ANDY BESHEAR, Governor
HOLLY M. JOHNSON, Secretary

FINANCE AND ADMINISTRATION CABINET
(Emergency Amendment)

200 KAR 5:021E. Manual of policies and procedures.

EFFECTIVE: September 30, 2026
RELATES TO: KRS 45A.045(2)
STATUTORY AUTHORITY: KRS 45A.045(2)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, as this amended administrative regulation will not have a major economic impact, as defined by KRS 13A.010(13). The Governor's signature is included after the body of the regulation to indicate his acknowledgement of this certification.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.045(2) requires the Finance and Administration Cabinet to publish a manual of policies and procedures, which is to be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates the Finance and Administration Cabinet Manual of Policies and Procedures.

Section 1. A state agency shall follow the procurement requirements in the Finance and Administration Cabinet Manual of Policies and Procedures.

Section 2. Incorporation by Reference.
(1) "Finance and Administration Cabinet Manual of Policies and Procedures", Revised October 2026.[~~May 2026~~] is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Finance and Administration Cabinet, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:00 p.m. This material may also be obtained at the Finance and Administration Cabinet's website, https://finance.ky.gov/office-of-the-secretary/office-of-policy-and-audit/Pages/Finance-Policies.aspx.

HOLLY M. JOHNSON, Secretary

APPROVED BY AGENCY: September 30, 2026
FILED WITH LRC: September 30, 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 10:00 a.m. at the Kentucky Finance and Administration Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on 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: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622. Phone: (502)564-6660, Fax: (502)564-9875. Email: cary.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622. Phone: (502)564-6660 Email: cary.bishop@ky.gov

Subject Headings: (1) Capital Construction, (2) Finance and Administration, (3) Infrastructure, (4) Purchasing and Procurement
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation publishes a manual of procedures that clarify and explain detailed processes necessary for daily administration of purchase-related activities.
(b) The necessity of this administrative regulation: This regulation fulfills the requirement of KRS 45A.045(2) for the Secretary to publish a manual of procedures which shall be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation incorporates by reference the policies and procedures manual required by KRS 45A.045(2).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides guidance to vendors, prospective bidders, Finance and Administration Cabinet ("FAC") staff and other state employees in the administration of Kentucky's Model Procurement Code (KRS Chapter 45A).
(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 contains updates and clarifications to the existing Finance and Administration Cabinet procedures manual, as detailed in the attached summary of changes. In addition to technical, grammatical, and formatting updates, the updated manual brings the manual into alignment with the requirements of 26RS HB 480, in regard to vendor payment documents and disputes; updates small purchase amounts; and clarifies application of administrative oversight requirements.
(b) The necessity of the amendment to this administrative regulation: Aside from the recent changes required by 26RS HB 480, after a 2025 major update, the first since a prior comprehensive review and update in 2016, Finance has become aware of the need for clarification and update of portions of the manual, both in language revised in 2025 as well as older language.
(c) How the amendment conforms to the content of the authorizing statutes: The manual is required by KRS 45A.045(2).
(d) How the amendment will assist in the effective administration of the statutes: Updates will simplify and clarify the Finance and Administration Cabinet's Manual of Policies and Procedures for all users and eliminate confusion as to procedures to be followed in KRS 45A procurement matters.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. The update's primary purpose is to align with the requirements of 26RS HB 480.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Affected state units, parts, or divisions consist of all state agencies subject to the KRS 45A.045 procurement authority of the Finance and Administration Cabinet. Excluded from this scope would be any postsecondary educational institution that has opted-out pursuant to KRS 164A.560, or any state government entity exempted by act of the legislature from the KRS 45A.045 central procurement authority of the Finance and Administration Cabinet. No local entity will be affected, except to the extent they independently elect to adopt regulations, pursuant to KRS 45A.360, modeled on the Manual of Policies and 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: The primary action required of regulated entities is that their procurement staff will be required to review and be aware of the updates in the amended manual. The most notable action required will be for agencies to be aware of the increased need for timely processing and payment of contractor invoices and to exercise due diligence to avoid application of late payment penalties.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No additional cost.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Agencies will have more detailed and clear guidance regarding the steps to be taken to procure goods and services for their agency in a manner that complies with Commonwealth law.

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

(a) Initially: No additional cost.

(b) On a continuing basis: No additional cost.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: No additional funding is necessary for implementation of this regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased.

(10) TIERING: Is tiering applied? Yes, the Manual of Policies and Procedures contains tiering primarily regarding tiered levels of general and small purchase procurement authority for different executive branch entities. That said, the focus of changes in this amendment are generally updates to policies and procedures that affect all state agencies subject to Finance's KRS 45A.045 authority in a similar manner.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: No federal statute or regulation at issue. While the Commonwealth's Model Procurement Code is modeled on the federal model, the statute authorizing this regulation is a state statute, KRS 45A.045.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 45A.045(2) expressly requires the Finance and Administration to publish, and periodically revise, a manual of procedures incorporated by reference within an administrative regulation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Finance and Administration Cabinet. Affected state units, parts, or divisions consist of all state agencies subject to the KRS 45A.045 procurement authority of the Finance and Administration Cabinet. Excluded from this scope would be any postsecondary educational institution that has opted-out pursuant to KRS 164A.560, or any state government entity exempted by act of the legislature from the KRS 45A.045 central procurement authority of the Finance and Administration Cabinet.

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

1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entity will be affected, except to the extent they independently elect to adopt regulations, pursuant to KRS 45A.360, modeled on the Manual of Policies and Procedures.

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

1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0

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

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

1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0

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

(a) Fiscal impact of this administrative regulation: No fiscal impact is expected from this amendment. The nature of the changes in the amendment are primarily intended to clarify application of existing procurement statutes and regulations and eliminate potential confusion.

(b) Methodology and resources used to reach this conclusion: Review by the Office of Procurement Services and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are limited to procedural clarifications not expected to have a significant fiscal impact.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, the revisions to the incorporated manual of procedures are intended to primarily update and clarify existing procedures without imposing any new significant costs on affected entities.

(b) The methodology and resources used to reach this conclusion: Review by the Office of Procurement Services and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are limited to procedural clarifications not expected to have a major economic impact.

STATEMENT OF EMERGENCY
300 KAR 6:011E.

This emergency administrative regulation is being promulgated pursuant to KRS 300 KAR 6:011, to meet substantial procedural changes enacted in the 2026 legislative session to the Kentucky Historic Preservation Tax Credit as currently outlined in KRS 171.396, KRS 171.398, and KRS 171.399. These changes rendered the former Kentucky Administrative Regulations for this Tax Credit program, along with the forms incorporated by reference therein, void. Eligible applicants for this Tax Credit program currently have no way to apply without emergency regulations being adopted. These proposed emergency administrative regulations will allow the Commonwealth to publish rules and applicable forms to allow for the timely participation by eligible applicants. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
LINDY CASEBIER, Secretary

TOURISM, ARTS AND HERITAGE CABINET
Heritage Council
(Emergency Amendment)

300 KAR 6:011E. Historic rehabilitation tax credit certifications.

EFFECTIVE: October 14, 2026

RELATES TO: KRS 171.396, 171.3961, 171.3963, 171.397, 171.398, 171.399, 42 U.S.C. 12101, 54 U.S.C. 300101, 36 C.F.R. 67, 36 C.F.R. 800

STATUTORY AUTHORITY: KRS 171.398[~~397~~](12), (14)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation is in compliance with the requirements of

2025 RS HB 6, Section 8(2). This administrative regulation is being promulgated to meet a deadline established by 2025 legislation.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.39[7]8 (12) and (14) authorize the Kentucky Heritage Council to promulgate administrative regulations to implement the certified historic structures rehabilitation tax credit and to impose fees for tax credit applications. This administrative regulation establishes the application process to determine a taxpayer's eligibility to claim a certified historic structure rehabilitation tax credit.

Section 1. Definitions.

(1) "Act" means the enabling legislation for the historic rehabilitation tax credit, KRS 171.396 through 171.399[7].

(2) "Adjusted basis of the structure" means the last purchase price of the depreciable property, minus the cost of land, plus improvements already made, minus allowable straight-line depreciation per IRC 1016 and Treasury Regulation 1.48-12(b)(2)(iii). The date to determine the adjusted basis of the building is the first day of the 24-month measuring period for the substantial rehabilitation test or the first day of the taxpayer's holding period of the building, whichever is later.

(3) "Affordability" is defined by in KRS 171.963(1).

(4) "Affordable" is defined by KRS 171.396(1).

(5) "Affordable Housing," for the purposes of the Commercial Residential Property category, is defined in KRS 171.396(5)(c).

(6) "Affordable Commercial Residential Property" means the same as Commercial Residential Property, defined in KRS 171.396(5).

(7) "Applicant" means the owner(s), individual(s), or entity(ies), who shall be the liable party and primary contact for the certified historic structure (Part 1), rehabilitation plan (Part 2), certified rehabilitation (Part 3), and maintaining the property use and certified rehabilitation during the monitoring period, subject to penalties promulgated by the Department of Revenue. An applicant who is not the fee and simple owner shall submit an ownership authorization form (TC-O) bearing the signatures and authorizations from all owners. For property owned by local government or quasi-government property, the highest government official within the jurisdiction shall be the applicant or the signatory on an owner-authorization form (TC-O) for rehabilitation tax credit applications. State-owned property, including public universities, must be accompanied by an owner-authorization form signed by both the Finance Cabinet Secretary and the Tourism, Arts, and Heritage Cabinet Secretary. Regardless of ownership, the final amount of credit approved for a certified historic structure's certified rehabilitation shall not exceed the maximum credit allowed for the property use category under KRS 171.398.

(8) "Audit" means the comprehensive examination of a project's financial records and assessing the expenses for accuracy as qualifying rehabilitation expenses within the project timeline, and for applicable projects, may also include the evaluation of an applicant's process for determining the Adjusted Basis for the purposes of meeting the substantial rehabilitation test pursuant to KRS 171.396(13).

(9) "Construction" means any physical changes to the certified historic structure.

(10)[(3)] "Certified historic structure" is defined by KRS 171.396(2)[(1)].

(11)[(4)] "Certified rehabilitation" is defined by KRS 171.396(3)[(2)].

(12)[(5)] "Certified rehabilitation credit cap" is defined by KRS 171.396(4)[(3)].

(13) "Commercial Residential Property" is defined by KRS 171.386(5).

(15)[(7)] "Completed rehabilitation project" means any certified historic structure that has been substantially rehabilitated per the rehabilitation plan and, after the completion date, has been submitted by the applicant to the council for final certification of rehabilitation under the Act.

(16)[(8)] "Completion date" means[:]the month date, and year that the certified historic structure is placed in service or the last eligible rehabilitation expense, whichever is later.

[(a)] [For owner-occupied residential property, the month, date, and year in which the last eligible rehabilitation expense is incurred; or]

[(b)] [For all other property, the month, date, and year in which the rehabilitation project is completed to allow occupancy of the entire building or some identifiable portion of the building and, if applicable, a certificate of occupancy has been issued.]

(17) "Corporation" is the Kentucky Housing Corporation and is defined in KRS 198A.010(4).

(18) "Council" means the Kentucky Heritage Council.

(19)[(9)] "Department" means the Kentucky Department of Revenue.

(20)[(10)] "Director" means the executive director of the Kentucky Heritage Council.

(21)[(11)] "Disqualifying work" is defined by KRS 171.396(7)[(5)].

(22)[(12)] "Exempt entity" is defined by KRS 171.396(8)[(6)].

(23)[(13)] "File" or "filed" means [physical]receipt by the council of an application for certification through the tax credit application portal along with the tender of the appropriate review fee through the payment portal, unless an alternative submittal method has been requested and approved in advance.

(24)[(14)] "Final amount of credit approved" means the individual credit awarded for certified rehabilitation to an applicant[owner] of a certified historic structure as determined pursuant to KRS 171.3961 or KRS 171.397, or KRS 171.398, whichever is applicable, upon filing of the Certificate of Rehabilitation-Part 3 and upon approval by the council.

(25)[(15)] "Inspection" means a visit by the director or an authorized representative of the council to a property for the purposes of reviewing and evaluating the significance of the structure, the condition of the property for the purposes of assessing if there is an opportunity for meaningful consultation, and the ongoing or completed rehabilitation work for the duration of the monitoring period.

(26)[(16)] "Meaningful consultation" means the opportunity to consult and provide a preliminary approval of the rehabilitation plan with[a historic building owner]an applicant prior to the start of construction. Construction may not begin until after preliminary approval of the rehabilitation plan (TC-2) is issued by the council.[removal of historic fabric or work that does not meet the Secretary of the Interior's Standards for Rehabilitation as established in Section 4(2) of this administrative regulation.]

(27) "Median Family Income" is defined by KRS 171.396(10) and verified by the Kentucky Housing Corporation through the applicant's submittal of the TC-HC form.

(28) "Monitoring Period" means three (3) years following the council's certified TC-3 approval date for all projects except commercial-residential property, where all commercial-residential property's affordable residential units must be leased and certified by the corporation within one (1) year of the council's part 3 certification date and the monitoring period is five (5) years thereafter, following the corporation's certification date that all affordable residential units are filled and meet the income and rental requirements.

(29)[(17)] "National Register of Historic Places" means the National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture that the U. S. Secretary of the Interior is authorized to expand and maintain pursuant to Section 101(a)(1) of the National Historic Preservation Act of 1966, 54 U.S.C. 300101, and implemented through 36 C.F.R. Part 800.

(30)[(18)] "Owner" means:

(a) The person, partnership, corporation, public agency, or other entity holding a fee simple interest in a property, or any other person or entity recognized by the department for purposes of the applicable tax benefit under KRS 171.397 or KRS 171.3961 or KRS 171.398, whichever is applicable; or

(b) A lessee, if the remaining term of the lease is not less than twenty-seven and one-half (27 1/2) years for residential property or thirty-nine (39) years for all other property. Lessees must provide an ownership authorization form signed by the building owner and copy of their lease.

(31)[(19)] "Owner-occupied residential property" is defined by KRS 171.396(11)[(8)].

(32) "Placed in Service" means the property's rehabilitation plan has been completed and the property is available for occupancy as its specific use category elected by the applicant in the Part 2 application.

(33)[(20)] "Preliminary Determination of Maximum Credit Eligibility"["Preliminary tax credit allocation"]means the maximum [individual] credit available for a complete and adequately documented rehabilitation plan[certified rehabilitation]that is filed by no later than April 15 or August 15 of the year the proposed project will begin to an applicant[owner] of a certified historic structure as determined pursuant to KRS 171.398[7][on April 29 of the year in which the Certificate of Rehabilitation-Parts 1 and 2 are filed and approved by the council].

(34) "Programmatic Agreement" means a defined process, established through a contractual agreement with the council and owner of a preservation easement property held by the council, which establishes routine scopes and streamlined reviews for rehabilitation tax credit requirements.

(35)[(21)] "Property" means a building or buildings and its site that are significant construction elements within the National Register Nomination. In no case will individual buildings under shared ownership from a functionally-related historic site, or portions of a single building, other than Owner-Occupied Residential Condominiums, be divided into separate projects[and landscape features].

(36) "Property Use Category" means the property's proposed use once the rehabilitation is certified as complete and shall either be owner-occupied residential, commercial, affordable commercial-residential, or a tax-exempt property use.

(37)[(22)] "Qualified rehabilitation expense" is defined by KRS 171.396 (12)[(9)].

(38)[(23)] "Rehabilitation" means the process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, or cultural values. Qualifying rehabilitation projects must primarily focus on the preservation of significant features.

(39)[(24)] "Rehabilitation plan" means a proposed plan pursuant to which a certified historic structure will be substantially rehabilitated.

(40)[(25)] "Rehabilitation project" means a substantive change that prioritizes the preservation of significant features to any certified historic structure, submitted by the applicant to the council, for certifications of rehabilitation under the Act.

(41)[(26)] "Standards for rehabilitation" mean the Secretary of the Interior's Standards for Rehabilitation, 36 C.F.R. 67.7, as established by the U. S. Department of Interior and restated in Section 4(2) of this administrative regulation.

(42)[(27)] "Starting date" means the date upon which the applicant applies for the building permit for work proposed by the rehabilitation plan or the date upon which actual physical work contemplated by the plan of rehabilitation begins, whichever is later.

(43)[(28)] "Substantial rehabilitation" is defined by KRS 171.396(13)[(10)].

(44)[(29)] "Taxpayer" is defined by KRS 171.396(14)[(11)].

(45) "Year" means the calendar year, starting January 1 through December 31, annually.

Section 2. Certifications of Rehabilitation.

[(1)] [For tax credits under KRS 171.3961, a request for certification of historic significance and of rehabilitation under the Act shall be a five (5) stage process that requires the filing of the:]

[(a)] [Certification Application-Intent to Apply for Major Certified Rehabilitation;]

[(b)] [Certification Application Part 1-Evaluation of National Register Status;]

[(c)] [Certification Application Part 2-Description of Rehabilitation;]

[(d)] [Certification Application Part 3-Request for Certification of Completed Work; and]

[(e)] [Summary of Investment and Election of Credit.]

(1)[(2)] For tax credits under KRS 171.397, filed prior to April 30, 2026, a request for certification of historic significance and of rehabilitation under the Act shall be a four (4) stage process that requires the filing of the:

(a) Certification Application Part 1-Evaluation of National Register Status;

(b) Certification Application Part 2-Description of Rehabilitation;

(c) Certification Application Part 3-Request for Certification of Completed Work; and

(d) Certification Application -Summary of Investment and Election of Credit.

(2) For tax credits under KRS 171.398, filed on or after to April 30, 2026, a request for certification of historic significance and of rehabilitation under the Act shall be a minimum four (4) stage process that requires the filing of the:

(a) Certification Application Part 1 - Evaluation of Certified Historic Structure (TC-1);

(b) Certification Application Part 2 - Description of Rehabilitation Plan (TC-2);

(c) Certification Application Part 3 - Request for Certification of Completed Rehabilitation (TC-3); and

(d) Certification Application Part 4 - Summary of Investment and Election of Credit (TC-4).

(3) For tax credits filing for the Commercial-Residential Property category under KRS 171.398, a request for certification of historic significance and of rehabilitation under the Act shall be a five (5) stage process that requires the filing of the:

(a) Certification Application Part 1 - Evaluation of Certified Historic Structure (TC-1);

(b) Tax Credit Housing Corporation Application - Certification of Commercial-Residential Property Requirements (TC-HC);

(c) Certification Application Part 2 - Description of Rehabilitation Plan (TC-2);

(e) Certification Application Part 3 - Request for Certification of Completed (TC-3); and

(f) Certification Application Part 4 - Summary of Investment and Election of Credit (TC-4).

[(3)] [Intent to Apply for Expanded Credit shall be a request for certification of an applicant's intent to claim a tax credit established by KRS 171.3961 for a proposed rehabilitation project.]

[(4)] [Part 1 shall be a request for certification of historic significance.]

[(5)] [Part 2 shall be a request for certification of a proposed rehabilitation project.]

[(6)] [Part 3 shall be a request for certification of a completed rehabilitation project.]

[(7)] [Summary of Investment and Election of Credit shall be actual cost, square footage, and use attributed to the rehabilitation work and an irrevocable election by the taxpayer to receive a refundable credit or transfer the credit.]

(4) An applicant who intends to apply for a tax credit established by KRS 171.399 for a proposed rehabilitation project shall submit an intent to apply under credit 399 form (TC-399) on or before January 1, 2031, in addition to the applications established in this section.

(5)[(8)] Certification of applications shall be filed with the council by the applicant as established in paragraphs (a) through [(c)](d) of this subsection.

(a)

1. A complete and adequately documented Part 1 and Part 2 shall be filed with the council [on or before April 29]prior to the start of construction for a preliminary determination of maximum credit eligibility for a credit under KRS 171.39[7]8 on or before:

a. April 15; or

b. August 15 of the year in which the proposed project will begin.

2. Part 1, Intent to apply under credit 399 form, and Part 2, [and Intent to Apply for Expanded Credit] shall be filed with the council on or after January 1, 2027, but before January 1, 2031, for a credit under KRS 171.399.[on or before June 30, 2015, for a credit under KRS 171.3961.]

(b)

1. The applicant shall not begin construction until after the preliminary approval of their rehabilitation plan has been issued by the council.[Part 1 and Part 2 may be filed after rehabilitation has commenced, but an applicant who begins rehabilitation prior to

~~receiving Part 2 certification shall assume the risk that certification may be denied.~~]

[~~2.~~] [~~If rehabilitation has commenced prior to receiving Part 2 certification, the applicant shall check a corresponding box on the Part 2 form that may prompt an inspection by council staff to determine level of completeness.~~]

2.[~~3.~~]] If it is determined that construction has begun prior to the preliminary approval of the rehabilitation plan,[~~demolition or rehabilitation has progressed beyond the point at which "meaningful consultation" can be carried out,~~] the council shall notify the applicant within thirty (30) days of review or inspection that a foreclosure on the agency's opportunity to comment on the rehabilitation plan has occurred and the application is closed.

3.[~~4.~~] Application or review fees that have been paid shall be refunded minus the actual cost associated with the processing and closure of an application.

4. An applicant[~~5. A taxpayer~~] may appeal a determination of foreclosure.

a. An appeal shall be submitted by filing an appeal in writing within thirty (30) days of notification to the council board.

b. The council board shall either confirm the determination or reverse the determination based solely upon the Part 1 and 2 application materials and record developed by the council, to determine whether the council reached incorrect conclusions of the project's construction start date.[~~on compliance with this administrative regulation, with instructions to return the application to council staff for standard processing and review.~~]

c. The council board shall decide the appeal and shall notify the taxpayer of the decision in writing within thirty (30) days from the date the appeal is considered at the regularly scheduled council meeting if a quorum is present.

d. If the council board reverses a determination and concludes that the review of a Part 2 application shall resume as usual, then the application's filing date, for the purposes of a preliminary determination of maximum credit eligibility, shall be considered the council board's appeal determination date.

(c)

1. The council may issue preliminary approval of the Part 2 application with or without conditions (TC-C form). Compliance with the issued conditions is required in order for a completed project to qualify as a certified rehabilitation for purposes of the Act.

2. If the information listed on the signed cover page of an application is invalid, it is the applicant's responsibility to submit a new cover page to the application portal. The filing date and assessed fee for that application shall be based on the latest cover page submitted.

2. An applicant shall submit an amendment application (TC-A) for changes in the rehabilitation plan's construction scopes, prior to those construction scopes taking place. If construction to the scopes that are under review has begun prior to the preliminary approval of an amendment to a rehabilitation plan, and the council determines that the scopes are substantive enough to affect certification that the project will meet the Standards for Rehabilitation, then the council shall notify the applicant within thirty (30) days of review or inspection that a foreclosure on the agency's opportunity to comment on the rehabilitation plan has occurred and the application is closed. The appeal process outlined in paragraph (b) of this section shall be available to the applicant for a foreclosed amendment application.

(d)

1. Part 3 and Part 4[~~Summary of Investment and Election of Credit~~] shall be filed with the council after the completion date of a completed rehabilitation project for a final determination of credit.

5.[~~(9)~~] If at any stage an application is not approved by the council, during the rehabilitation project or the monitoring period, the rehabilitation project shall not qualify as a certified rehabilitation for purposes of the Act.

Section 3. Certifications of Historic Significance-Part 1.

(1) Application. The Certification Application Part 1-Evaluation of Certified Historic Structure[~~National Register Status~~] form shall be filed with the council for certification of historic significance.

(a) Property individually listed in the National Register of Historic Places. Individually listed property shall be considered a certified historic structure for purposes of the Act subject to confirmation by the council based of compliance with the requirements established in this administrative regulation. The following information shall be provided by the applicant:

1. Names and mailing addresses of applicant(s), and owner authorization form, if applicable[~~owners~~];

2. Name and address of property;

3. Photographic documentation of the building and property prior to [~~and after~~]alteration, showing all exterior and interior features and spaces to ensure that the listed property has not lost the characteristics that caused it to be listed on the National Register of Historic Places; and

4. Descriptions of all the buildings within the listing if the property contains more than one (1) building for the purpose of determining which of the buildings are of historic significance to the property; and if requested:

5. Brief description of appearance including alterations, distinctive features and spaces, and dates of construction;

6. Brief statement of significance summarizing how the property reflects the values that give its distinctive historical and visual character, and explaining any significance attached to the property itself;

7. A copy of a map indicating where the subject property is located. If an individually-listed property is also located in a historic district listed in the National Register of Historic Places, a copy of the map of the National Register historic district where the subject property is located and a clear delineation of the property's location within the district shall also be included; and

8. Signatures of owners requesting confirmation of listing in the National Register of Historic Places or concurring in the request if the owners are not the applicants.

(b) Property located in a historic district listed in the National Register of Historic Places. If the property is located in historic district listed in the National Register of Historic Places, an applicant shall request that the property be certified by the council as a historic structure contributing to the significance of a historic district and provide the:

1. Names and mailing addresses of applicant(s), and owner authorization form, if applicable;[~~owners~~]

2. Name and address of property;

3. Name of historic district;

4. Photographic documentation of the building and property prior to [~~and after~~]alteration showing all exterior and interior features and spaces, and photographic documentation of adjacent properties and structures on the street showing significance to the historic district; and if requested:

5. Brief description of appearance including alterations, distinctive features and spaces, and dates of construction;

6. Brief statement of significance summarizing how the property reflects the values that give the district its distinctive historical and visual character, and explaining any significance attached to the property itself;

7. A copy of the map of the National Register historic district where the subject property is located and a clear delineation of the property's location within the district; and

8. Signatures of owners requesting certification or concurring in the request if the owners are not the applicants.

(2) Multiple structures. A property containing more than one (1) building shall be treated as a single certified historic structure if the council determines that the buildings have been functionally related historically to serve an overall purpose, whether the property is individually listed in the National Register or is located within a registered historic district. Buildings that are functionally related historically shall be those that have functioned together to serve an overall purpose during the property's period of significance. A certified historic site shall submit a single rehabilitation plan describing all proposed changes, which shall be reviewed based on their cumulative effects. If a certified historic building or site is suspected of being reconfigured to gain tax credit awards over the maximum credit amount defined in KRS171.398, or to avoid review without changing beneficial ownership, then different legal ownership entities or applicants in and of themselves are not considered to be different parcels for the purposes of the council's review.

(3) Standards for evaluating significance.

(a) In addition to the existing National Register documentation, an application for certification of historic significance shall contain documentation with information about the significance of the specific buildings and structures.

(b) A property located within a historic district listed in the National Register of Historic Places shall be evaluated for contribution to the historic significance of the district by applying the standards established in subparagraphs 1. through 3. of this paragraph.

1. A property contributing to the historic significance of a district shall be a property that by location, design, setting, materials, workmanship, concept, and association adds to the district's sense of time and place and historical development.

2. A property not contributing to the historic significance of a district shall be a property that does not add to the district's sense of time and place and historical development; or a property in which the location design, setting, materials, workmanship, concept and association have been so altered or have so deteriorated that the overall integrity of the property has been irretrievably lost.

3. If the building was built within the past fifty (50) years, it shall not be considered to contribute to the significance of a district, unless a strong justification concerning its historical or architectural merit is given or the historical attributes of the district are considered to be less than fifty (50) years old.

(c) An evaluation of historic significance shall be made based upon the appearance and condition of the property before rehabilitation was begun.

(d) The qualities of a property and its environment that qualify it as a certified historic structure shall be determined taking into account all available information, including information derived from the physical and architectural attributes of the building, and shall not be limited to information contained in the National Register nomination reports.

(e) If a non-historic surface material obscures a façade, it may be necessary to remove the surface materials prior to requesting certification so that a determination of significance can be made. Coordination with the council prior to any changes taking place is necessary to ensure the project shall remain eligible for certification. After the material has been removed, if the obscured façade has retained substantial historic integrity and the property otherwise contributes to the historic district, it shall be determined to be a certified historic structure.

(4) Review of Part 1 Applications.

(a) A complete and adequately-documented Certification Application Part 1-Evaluation of Certified Historic Structure[~~National Register Status~~] form shall be reviewed by the council to determine if the property contributes to the historic significance of the district by applying the standards established in subsection (3) of this section. If the request for certification is missing documentation, the council shall notify applicants via email and provide ten (10) days for the applicant to provide the necessary materials. If the materials are not or cannot be provided, the council shall close the application, and a new request may be submitted once the materials constitute a complete and adequately documented application.

(b) After consideration of the information contained in the application and other available information, the council shall approve the application if:

1. The property meets the standards for evaluating for significance established in subsection (3) of this section; or

2. The director confirms that the property is individually listed in the National Register of Historic Places.

(5)

(a) If the application is not adequate to complete the review, the council shall attempt to notify the applicant by mail, telephone, or e-mail using the contact information provided on the application.

(b) The applicant's failure to respond in ten (10) days shall result in the application being closed.

(c) The council's notification or failure to notify shall not constitute a waiver of a deficiency or an alteration of a time limitation established under the Act.

(6) An applicant shall notify the council of any substantial damage, alteration, or changes to a property that occurs after issuance of a Certification of Part 1-Evaluation of National Register Status. The council may, upon thirty (30) days written notice to the applicant, withdraw a certification of historic significance and may seek to have the property removed from the National Register under 36 C.F.R. 800.

Section 4. Certifications of Rehabilitation-Part 2.

(1) Applications.

(a) A Certificate of Application Part 2-Description of Rehabilitation form shall be filed with the council for certification that a rehabilitation plan is a substantial rehabilitation and meets the standards for rehabilitation established in subsection (2) of this section.

(b) A rehabilitation project shall be done according to a rehabilitation plan.

(c) The burden shall be upon the applicant to supply sufficient information to the council for a determination that the rehabilitation plan is a substantial rehabilitation and meets the standards for rehabilitation established in subsection (2) of this section.

(d) An application cover page shall include the:

1. Names and mailing addresses of applicant(s), and owner authorization form, if applicable[~~owners~~];

2. Name and address of property;

3. Designation of whether the application is for owner-occupied residential property [~~or other property~~], commercial property, affordable commercial-residential property, or tax-exempt property;

4. Information sufficient to establish the proposed use of the structure;

5. Adjusted basis for the property if other than owner-occupied residential or owned by an exempt entity;

6. Proposed starting date and completion date;

(a) Applications submitted prior to April 30, 2026 are limited to a consecutive 24-months of qualified rehabilitation expenses, not to begin prior to two calendar years before the project is allocated funding.

(b) Applications submitted on or after April 30, 2026 may capture expenses from any time, so long as construction did not begin prior to the council's certification of the Part 2 application and the building's adjusted basis, if applicable, is exceeded within the last 24-months of construction.

7. Projected total qualified rehabilitation expenses; and

8. Signatures of applicant(s) requesting certification.

(e) Description of rehabilitation plan shall include:

1.[~~8.~~] Numbered photographs adequate to document the appearance of the structure, both on the interior and exterior, and its site and environment before rehabilitation that correspond to numbered positions on existing plans;

2.[~~9.~~] Taxpayer identification number or Social Security number;

3.[~~10.~~] 10. Written detailed description of existing features and their conditions, and a written description of proposed rehabilitation work and the impact on existing features; and

4.[~~11.~~] Plans for any attached, adjacent, or related new construction, if applicable[~~;~~].

(2) Standards for rehabilitation.

(a) The standards for rehabilitation shall be the criteria used to determine if the rehabilitation qualifies as a certified historic rehabilitation. Rehabilitation shall be consistent with the historic character of the structure or structures and, if applicable, the district in which it is located.

(b) A rehabilitation project shall meet all of the standards for rehabilitation established in this paragraph.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. A change that creates a false impression of historical development, such as adding a conjectural feature or architectural element from another building, shall not be undertaken.

4. Changes to the property that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated architectural features shall be repaired rather than replaced. If the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, if possible, materials. Replacement of missing architectural features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If these resources shall be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c)

1. The quality of materials, craftsmanship, and related new construction in rehabilitation shall match the quality of materials, craftsmanship, and design of the historic structure.

2. Certain treatments, if improperly applied, or certain materials by their physical properties, can cause or accelerate physical deterioration of historic buildings, and use of these treatments or materials shall result in denial of certification.

3. The burden shall be upon the applicant to consult with the council for a determination as to what rehabilitation measures are appropriate for the structure.

4. Inappropriate rehabilitation measures on historic properties shall include, but not be limited to:

a. Improper masonry treatments, repointing materials and techniques;

b. Improper exterior masonry cleaning methods;

c. New materials which are incompatible with the historic character of the property or materials that are inferior in quality and longevity compared to visually similar alternatives;

d.[~~c.~~] Improper introduction of insulation if damage to historic fabric would result; and

e.[~~d.~~] Incompatible additions and new construction.

(d) The council may consider the dismantling and rebuilding of a portion of a certified historic structure to stabilize and repair weakened structural members and systems as a certified historic rehabilitation if:

1. The necessity for dismantling is justified in supporting documentation;

2. Significant architectural features and overall design are retained; and

3. Adequate historic materials are retained to maintain the architectural and historic integrity of the overall structure.

(3) Substantial rehabilitation. A rehabilitation project shall be a substantial rehabilitation only if the requirements of KRS 171.396(9) and (10) are met. To determine if a rehabilitation project is a substantial rehabilitation, the conditions established in this subsection shall apply.

(a) Increases to the adjusted basis of the structure shall include capital improvements to the structure, legal fees incurred for perfecting title, and zoning costs. Any depreciation previously claimed for the structure shall be subtracted from this figure.

(b) If a cost only partially qualifies as an eligible rehabilitation expense because some of the cost is attributable to the enlargement of the building, the expenditures shall be apportioned proportionately between the original portion of the building and the enlargement.

(c) In addition to the expenses listed in KRS 171.396(9), qualified rehabilitation expenses shall include:

1. The cost of work done to structural components of the building within the footprint of the historic structure if the components are permanent;

2. Costs related to new heating, plumbing, and electrical systems, as well as expenses related to updating kitchens and bathrooms, compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 and fire suppression systems and fire escapes, if proposed in conjunction with other substantial rehabilitation scopes that primarily involve the preservation of characteristic features; and

3. The cost of architectural and engineering fees, site survey fees, [~~legal expenses,~~] development fees, review fees, audits, and other construction-related costs, if those costs are added to the basis of the property and the costs are directly associated with the rehabilitation plan's construction expenses.

(d) In addition to the exclusions listed in KRS 171.396(9), qualified rehabilitation expenses shall not include expenses associated with new construction, solar panels, EV charging stations, appliances, interest, utilities, taxes, undefined and unrealized costs, and sitework, such as excavation, parking [~~lot~~]areas or sidewalks. The council shall determine if an expense is considered a qualifying cost[~~the construction costs for a new building~~].

(4) Review of Part 2 Applications.

(a) A complete and adequately documented Certification Application Part 2- Description of Rehabilitation shall be reviewed by the council for a determination that the rehabilitation plan is a substantial rehabilitation and meets the standards for rehabilitation established in subsection (2) of this section. Applicants that do not meet this standard shall be notified via email and given ten (10) days to submit missing elements, and if necessary, make changes to their proposed rehabilitation plan; otherwise, the project shall be closed[~~placed on hold~~] and removed from the allocation pool.[~~until KHC certifies that the Part 2 constitutes a complete and adequately documented application.~~]

(b) After consideration of the information contained in the application and other available information, the council shall issue a preliminary certification of rehabilitation if the rehabilitation plan is a substantial rehabilitation and meets the standards for rehabilitation established in subsection (2) of this section.

(5)

(a) If the application is not adequate to complete the review or if revisions to the rehabilitation project are necessary to meet the standards of rehabilitation established in subsection (2) of this section, the council shall attempt to notify the applicant by mail, telephone, or e-mail using the contact information provided on the application.

(b) An applicant's failure to respond in ten (10) days shall result in [~~denial of~~]the application being closed.

(c) The council's notification or failure to notify shall not constitute a waiver of a deficiency or an alteration of a time limitation established under the Act.

(6) Changes to the description of rehabilitation plans. Once a rehabilitation plan has been approved by the council, an applicant may only make substantive changes in the work stated in the application by:

(a) Filing a Certification Application-Continuation/Amendment form with the council; and

(b) Receiving notification from the council that the revised plan continues to meet the standards of rehabilitation established in subsection (2) of this section and is a substantial rehabilitation.

(7) Changes to the application cover page. Once an application has been submitted to the council, an applicant may only make changes to the application cover page by resubmitting the application cover page. Council staff shall not change an application on behalf of an applicant, nor will an amendment application suffice for changing the information contained on a cover page. An amendment application shall only provide information related to the rehabilitation plan.

Section 5. Certifications of Rehabilitation-Part 3 Completed Work and Part 4-Summary of Investment and Election of Credit.

(1) Application. Upon completion of a rehabilitation project, an applicant shall file a Certification Application Part 3-Request for

Certification of Completed Work form with the council for final certification of rehabilitation. An application shall include the:

(a) Names and mailing addresses of applicant(s)[~~owners~~], and owner authorization form, if applicable;

(b) Name and address of property;

(c) Designation of[~~whether the application is for owner-occupied residential property or other property~~] project category, which must match that of the Part 2 certification request;

(d) Actual starting date and completion date;

(e) Actual qualified rehabilitation expenses and if needed, supporting documentation verifying the expenses' amounts, expended date, and;

(f) Photographs adequate to document the appearance of the structure, both on the interior and exterior, and its site and environment [~~during and~~]after rehabilitation;

(g) Taxpayer identification number or Social Security number; and

(h) Signatures of applicant(s)[~~owners~~], and owner authorization form, if applicable.[~~or a representative authorized to sign on behalf of the owner requesting certification.~~]

(2) Part 4-Summary of Investment and Election of Credit. In addition to filing a Certification Application Part 3-Request for Certification of Completed Work form, the applicant shall file a Summary of Investment and Election of Credit form with the council. The Summary of Investment and Election of Credit shall include the:

(a) Names and mailing addresses of the applicant(s)[~~owners~~], and owner authorization form, if applicable;

(b) Name and address of the property;

(c) Actual costs attributed to the rehabilitation work and documentation to support that the reported qualifying rehabilitation costs are attributed to the rehabilitation project under the Act;

(d) Signatures of the applicant(s)[~~owners~~], and owner authorization form, if applicable,[~~or a representative authorized to sign on behalf of the owner~~];

(e) Notarization of the signatures;[~~if the property is an owner-occupied residence or, for all other property, compilation~~]

(f) For projects with QREs of $400,000 or less, receipts shall be submitted for review and certification. For projects with QREs greater than $400,000, an audit by a certified public accountant or equivalent of the actual costs attributed to the rehabilitation of the historic structure; and

(g)[~~(f)~~] An irrevocable election by the taxpayer to:

1. Use the credit, in which case, the credit shall be refundable; or

2. Transfer the credit, pursuant to KRS 171.397(8) or KRS 171.398(3)(b), in which case, the credit shall be non-refundable.

(3) Scope of review.

(a)

1. Rehabilitation plans shall encompass all work on the interior and exterior of the certified historic structure or structures and the site and environment, as well as related demolition, new construction, or rehabilitation work that could affect the historic qualities, integrity or site, landscape features, and environment of the certified historic structure.

2. Conformance to the standards of rehabilitation established in Section 4(2) of this administrative regulation shall be determined on the basis of application documentation and other available information by evaluating the property as it existed prior to the commencement of rehabilitation.

(b) A phased rehabilitation project shall not be authorized. Starting April 30, 2022, a Part 2 application shall not be submitted if a building has already received a Part 2 allocation from a previous year that has not yet been certified or if the owner has not relinquished that allocation in writing. Starting April 30, 2026, a Part 2 application shall not be accepted if the property is within a previous project's monitoring period, if the prior project was subject to KRS 171.378.

(c) Portions of a completed rehabilitation project that are not in conformance with the standards for rehabilitation shall not be exempted and shall result in denial of the Certification Application Part 3-Request for Certification of Completed Work.

(4) Review of Part 3 Applications. A complete and adequately documented Certification Application Part 3 - Request for Certification of Completed Work shall be reviewed by the council for a determination that the completed rehabilitation project is a certified rehabilitation and a determination of the final amount of credit approved. The council shall issue a final certification of rehabilitation if:

(a) All elements of the completed rehabilitation project reflect the documentation provided and meet the standards for rehabilitation as established in Section 4(2) of this administrative regulation;

(b) The completed rehabilitation project was a substantial rehabilitation, which did not begin construction prior to the Part 2 certification and contains qualifying expenses that primarily preserved historic features; and

(c) Part 3 and Part 4 was filed with the council after the completion date.

(5) If the application is not adequate to complete the review or if revisions to the rehabilitation project are necessary to meet the standards of rehabilitation established in Section 4(2) of this administrative regulation, the council shall attempt to notify the applicant by mail, telephone, or e-mail using the contact information provided on the application. Applicant's failure to respond within sixty (60) days shall result in [~~denial of~~] the application being closed. The council's notification or failure to notify shall not constitute a waiver or alteration of time limitations established under the Act.

Section 6. Recapture of Preliminary Tax Credit Allocation For Credits Under KRS 171.397 and KRS 171.398.

(1) Notice of Recapture. For tax credits under KRS 171.397 and KRS 171.398, if an owner fails to obtain a Certification of Completed Work within thirty-six (36) months from the date of the taxpayer's preliminary determination[~~allocation~~] of maximum tax credit eligibility, the director shall mail to the owner written notice of recapture and project closure[~~of the preliminary tax credit allocation~~].

(2) Objection.

(a) If the owner objects to the recapture of the preliminary allocation of tax credit, the owner shall file written notice of objection accompanied by a supporting statement establishing grounds for objection within sixty (60)[~~forty-five (45)~~] days of the date of the notice of recapture.

(b) If the owner does not timely object, the preliminary tax credit allocation shall be recaptured by the council and added to the certification rehabilitation credit cap for the next allocation cycle, pursuant to KRS 171.398(3)(c)[~~calendar year, pursuant to KRS 171.397(2)(c)~~].

(3) Reinstatement. Within thirty (30) days of receipt of the owner's notice of objection, the council shall review the objection and determine if the owner has provided reasonable grounds as established in subsection (5) of this section to reinstate the preliminary allocation.

(a) If the council determines that the preliminary tax credit allocation shall be reinstated, the:

1. Council shall give the applicant(s)[~~owner~~] written notice that the preliminary tax credit allocation has been reinstated for an additional twenty-four (24) months;

2. Owner shall pay a review fee for a Part 2 application in the amount established in Section [~~10~~]11(2) of this administrative regulation[~~, whichever is applicable~~]; and

3. Applicant(s)[~~Owner~~] shall obtain a signed Part 3-Request for Certification of Completed Work (TC-3 form) on or before the expiration of twenty-four (24) months. If the owner fails to obtain a Certification of Completed Work or fails to request an extension under subsection (4) of this section, the council shall initiate recapture of the preliminary tax credit allocation under the procedures established in this section.

(b) If the council determines that the preliminary tax credit allocation shall not be reinstated:

1. The council shall give the owner written notice that the preliminary tax credit allocation has not been reinstated;

2. The owner shall be given thirty (30) days from the date of the notice that the preliminary tax credit allocation has not been reinstated to file an appeal, pursuant to Section 9[~~8~~]of this administrative regulation; and

3. If the owner fails to file a timely appeal, pursuant to Section 9[~~8~~] of this administrative regulation:

a. The preliminary allocation shall not be reinstated;

b. The preliminary tax credit allocation shall be recaptured by the council; and

c. The preliminary tax credit allocation shall be added to the certification rehabilitation credit cap for the next allocation cycle, pursuant to KRS 171.398(3)(c)[~~calendar year, pursuant to KRS 171.397(2)(c)~~].

(4) Extension of Preliminary Tax Credit Allocation.

(a) At any time prior to expiration of thirty-six (36) months from the date of the taxpayer's preliminary allocation of tax, an applicant or owner may request in writing that the preliminary tax credit allocation be extended for a period of twenty-four (24) months if the applicant or owner:

1. Provides written documentation of reasonable grounds established in subsection (5) of this section for an extension; and

2. Pays a review fee for a Part 2 application in the amount established in Section 11[~~10~~] (2) of this administrative regulation, whichever is applicable.

(b) Prior to the expiration of the twenty-four (24) month extension, the owner may request another extension under the procedures established in this subsection. There shall not be a limit on the number of extensions that an owner may request.

(5) Grounds for Reinstatement or Extension.

(a) Reasonable grounds shall be documentation of on-going efforts to obtain financial, legal, material, or physical resources necessary to complete the rehabilitation project or documentation that the delay in completion of the rehabilitation project is necessary and unavoidable.

(b) Reasonable grounds shall not include casualty loss or demolition to the extent that the structure no longer qualifies as a certified historic structure, inability to qualify as a substantial rehabilitation, or inability or unwillingness to perform work conditioned by the council and necessary to qualify the project as a certified rehabilitation.

(c) The number of prior reinstatements or extensions shall not be a factor in determining if a reinstatement or extension shall be granted.

Section 7. Inspection, Monitoring, and Enforcement.

(a) Inspection. The director or an authorized representative of the council and/or corporation shall be authorized to conduct an inspection of the property at any time during the project's monitoring period[~~up to three (3) years~~] after the council has issued a Certification of Completed Work to determine if the work has maintained the certified rehabilitation plan, project category use, including any applicable rent and income requirements, and meets the standards for rehabilitation established in Section 4(2) of this administrative regulation.

(b) Monitoring. The council and/or corporation shall be authorized to request documentation and conduct monitoring to determine if the property's rehabilitation plan and property use category have been maintained for the duration of the project's monitoring period.

(c) Enforcement. The council and/or corporation shall refer the applicant, as listed on the Certification of Completed Work, to the Department of Revenue to assess penalties pursuant to KRS 171.159(11), if the property fails to maintain the rehabilitation plan and/or property use category during the monitoring period. Disposing of a property during the monitoring period is done at the applicant's own risk, and the responsibilities and penalties shall not be transferred upon sale. Should the property fail to maintain the rehabilitation plan and property use category under new ownership, the applicant(s) listed on the request for certification applications shall be subject to penalty by Revenue.

Section 8. Amendments following a Certification of Completed Work.

(a) During the monitoring period, any proposed construction shall be submitted in an amendment application (TC-A form) for the councils review and approval prior to the work being undertaken. Any proposed work shall be and considered an amendment to previously certified rehabilitations, unless a programmatic agreement has been established prior to the certification of the historic structure for easement properties.

(b) Unless a Programmatic Agreement has been established prior to the certification of the historic structure, all certified rehabilitated properties must submit an amendment application to the council during the monitoring period for any construction or proposed use changes, to ensure the proposed work is consistent with the previously approved certification of completed work.

Section 9.[~~Section 8.~~] Appeal. An applicant[~~taxpayer~~] may appeal a determination that the rehabilitation project does not qualify as a certified rehabilitation for purposes of the Act. An appeal shall be filed in writing, in care of the council, to the director or a reviewing officer designated by the director to hear an appeal.

(1) An appeal shall be made within thirty (30) days of the date of receipt of the determination being appealed.

(2) The director or the reviewing officer shall decide, based solely upon the record developed by the council, if the council:

(a) Reached incorrect conclusions of law;

(b) Made clearly erroneous factual findings;

(c) Did not consider relevant facts; or

(d) Abused the discretion available to that person.

(3) The director's or reviewing officer's decision shall:

(a) Confirm the determination;

(b) Reverse the determination due to incorrect conclusions of law; or

(c) Remand the matter to the council for further proceedings.

(4) The director or reviewing officer shall decide the appeal and shall notify the taxpayer of the decision in writing within thirty (30) days from the date the appeal is received.

(5) If the appeal is decided by a reviewing officer and the reviewing officer affirms the determination, the taxpayer may appeal the reviewing officer's determination in writing to the director. An appeal shall be pursuant to this subsection.

(a) An appeal to the director shall be filed within the time period established in subsection (1) of this section.

(b) The director shall use the same standards of review established in subsection (2) of this section.

(c) The director shall:

1. Confirm the decision of the reviewing officer;

2. Reverse the determination due to incorrect conclusions of law; or

3. Remand the matter to the council for further proceedings.

(d) The director shall decide the appeal and shall notify the taxpayer of the decision in writing within thirty (30) days from the date the appeal is received.

Section 10.[~~Section 9.~~] Revocation of Owners' Certifications.

(1) If, after obtaining final certification of rehabilitation, the council determines that the rehabilitation was not undertaken as represented by the owner in the applications, amendments, or supporting documentation, or the owner upon obtaining final certification undertook disqualifying work, the council may revoke a certification by giving written notice to the owner.

(2) The owner may file an appeal, pursuant to Section 9[~~8~~] of this administrative regulation.

(3) If the owner fails to file a timely appeal, the final certification of rehabilitation shall be revoked.

Section 11.[~~Section 10.~~] Fees for Processing Rehabilitation Certification Requests.

(1)

(a) Payment of fees for review of Parts 2 and 3 shall be filed with the council with applications and shall be nonrefundable after the review has commenced and a determination has been issued.

(b) If an independent review of project expenses is required when inconclusive or incompatible findings on project expenses are present, the state auditor may be asked to verify the expenses reported and the applicant will be responsible for paying for the assessed fee.

(c) If applying under the affordable commercial residential project use category, the applicant will be responsible for paying additional fees for the corporation's review and monitoring in the amount established in Section 11(2) of this administrative regulation.

(d)[~~(b)~~] Certification shall not be issued until the appropriate remittance is received.

(e)[(c)] Payment shall be made through the council's Payment Portal or, with prior approval, by check or money order payable to the Kentucky State Treasurer.

(2) For tax credits under KRS 171.397 and KRS 171.398, fees for reviewing rehabilitation certification requests of owner-occupied residential property, commercial, and other buildings shall be charged in accordance with the table established in this subsection. If a Part 2 application is denied, there shall not be a charge for a Part 3 review.

Rehabilitation Costs ("Total QREs") listed on the State Rehabilitation Tax Credit application[for Owner-Occupied Residences, Commercial and Other Tax-Exempt Buildings]	Ky Heritage Council Part 2 Review Fee	Ky Housing Corporation Part 2 Review Fee (only required for Affordable-Commercial Residential projects)	Ky Housing Corporation Part 3 Review Fee (only required for Affordable-Commercial Residential projects)	Ky Heritage Council Part 3 Review Fee
$20,000 - $50,000	$150.00	$500.00	$150.00	$150.00 per affordable commercial- residential unit per year of Monitoring ($750.00 total per unit).
$50,001 – 100,000	$250.00		$250.00	
$100,001 - $250,000	$375.00		$375.00	
250,001 - $500,000	$500.00		$500.00	
$500,001 - $6,000,000	.15% of estimate eligible costs and expenses		.15% of estimate eligible costs and expenses	
Over $6,000,000	$9,000.00		$9,000.00	

Section 12.[Section 11.] Incorporation by Reference.

(1) The following material is incorporated by reference for applications submitted prior to April 30, 2026:

(a) "Certification Application Part 1-Evaluation of National Register Status", KHC Form TC-1, Rev. 2022;

(b) "Certification Application Part 2-Description of Rehabilitation Plan", KHC Form TC-2, Rev. 2022;

(c) "Certification Application Part 3-Request for Certification of Completed Work", KHC Form TC-3, Rev. 2022;

(d) "Certification Application-Continuation/Amendment", KHC Form TC-2a, Rev. 2022;

(e) "Summary of Investment and Election of Credit", KHC Form TC-4, Rev. 2022 [and]

[(f)] [Intent to Apply for Major Rehabilitation, KHC Form TC-00, Rev. 2022;]

(2) The following material is incorporated by reference for applications submitted after April 30, 2026:

(a) "Certification Application Part 1-Evaluation of Certified Historic Structure", KHC Form TC-1, Rev. 2026;

(b) "Certification Application Part 2-Description of Rehabilitation Plan", KHC Form TC-2, Rev. 2026;

(c) "Conditions of Approval for a Rehabilitation Plan", KHC Form TC-C, Rev. 2026;

(d) "Certification Application - Amendment Form", KHC Form TC-A, Rev. 2026;

(e) "Certification Application Part 3-Request for Certification of Completed Work" KHC Form TC-3, Rev. 2026;

(f) "Certification Application Part 4-Summary of Investment and Election of Credit", KHC Form TC-4, Rev. 2026;

(g) "Intent to apply under Credit 399 Form", KHC Form TC-399, Rev. 2026;

(h) "Ownership Authorization Form," KHC Form TC-0, Rev. 2026; and

(i) "Tax Credit Housing Corporation Application - Certification of Commercial-Residential Property Requirements", KHC Form TC-HC, Rev. 2026.

(3)[(2)] This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Heritage Council, 410 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(4) [(3)] This material is also available on the Council's Web site at https://heritage.ky.gov/historic-buildings/rehab-tax-credits/Pages/guides.aspx.Approved by:

CRAIG POTTS, Executive Director
LINDY CASEBIER, Secretary

APPROVED BY AGENCY: October 14, 2026
FILED WITH LRC: October 14, 2026 at 1:20 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2026 at the Mayo Underwood Building at 500 Mero Street, Frankfort, Kentucky 40601. individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends 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 attend the public hearing, you may submit written comments on the 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.

CONTACT PERSON: Craig Potts, Executive Director, 410 High Street, Frankfort, Kentucky 40601, Email: craig.potts@ky.gov, Phone: (502) 564-7005, Facsimile: (502) 564-5820

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Craig Potts, Email: craig.potts@ky.gov. Phone: 502-564-7005

Subject Headings: Historic rehabilitation tax credit certifications

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides the updated framework necessary to implement the revised Kentucky Historic Rehabilitation Tax Credit program. 2026 HB757 (KRS 171.398) created a new category of "affordable" commercial housing projects and also changed the timeline to file applications generally in addition to other less significant changes, thereby requiring revisions to this administrative regulation. Updates to the forms incorporated by reference are also required to accommodate the statutory changes.

(b) The necessity of this administrative regulation: This emergency regulation establishes the process for the new April 15 and August 15 application deadlines established in 2026 HB757. It also incorporates the process for the Kentucky Housing Corporation's involvement in the administration of the historic

preservation tax credit program as set out in 2026 HB757, including eligibility, compliance, processing requirements and associated forms and fees.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The basic structure of the administrative regulation remains unchanged in this proposal. New language has been added to several areas within that basic structure however to accommodate revised/new deadlines and the addition of a "Commercial Residential" (affordable housing) component. Certified "Commercial Residential" projects are to receive a larger incentive than other commercial project types, with an affordability test being a key component that is monitored over a 5-year period. The administrative regulation sets out the process for compliance with this statutory change.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: While some technical corrections have been needed, the basic framework of the regulations prior to this change accommodated the efficient use and administration of the historic preservation tax credit incentive. The revisions proposed here align with the statutory changes including the establishment of a new administrative schedule (two application "pools" each year verses one starting in 2027) and additional processes through which applicants can pursue the enhanced incentive for "Commercial Residential" projects. New/amended forms incorporated by reference and fees are also proposed to accommodate statutory changes that are not currently accounted for.

(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 the statutory changes established in 2026 HB757 (KRS 171.398) to be properly administered. The basic structure of the existing administrative regulation stays largely intact but is enhanced in select areas.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to account for the statutory changes made to the historic preservation tax credit program during the 2026 legislative session. The existing regulations, and forms incorporated by reference, are inadequate to properly administer the program as revised.

(c) How the amendment conforms to the content of the authorizing statutes: These proposed administrative regulation revisions attempt to address technical inconsistencies and reflect the plain language outlined in 2026 HB757 (KRS 171.398). The statutory changes require a variety of updates and additions to allow for the proper use and administration of the program.

(d) How the amendment will assist in the effective administration of the statutes: Without this amendment, the statutory changes made to the historic preservation tax credit program in the 2026 legislative session could not be fully administered.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, regulation session 2026 HB 757

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: These amended regulations that reflect the revised statutes could affect all users of the program including homeowners, commercial property owners/developers, non-profits and state and local governments.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No new action. There will now be two application deadlines, April and August, instead of the current single deadline in April. There will expanded opportunity to participate in the program thereby incentivizing the rehabilitation of historic structures to be used for affordable housing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): New fees are included for the Kentucky Housing Corporation's processing and monitoring responsibilities under the revised statute. Non-Commercial Residential projects will not be subject to these new fees. Professional audit requirements are also included for projects over $400,000.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The greatest beneficiary of the amendments will be applicants who are proposing Commercial Residential projects. Instead of a 20% incentive like all other projects in the category, they will receive a 30% incentive.

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

(a) Initially: Minor change. No cost anticipated.

(b) On a continuing basis: Minor change. No cost anticipated.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Minor change. No additional funding needed to administer the administrative regulation change.

(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 funding to implement this administrative regulation. The program is funded by applicant fees.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes. This administrative regulation change maintains the existing fee structure but adds an additional, separate fee structure for Kentucky Housing Corporation reviews of Commercial Residential projects.

(10) TIERING: Is tiering applied? The Kentucky Historic Preservation Tax Credit was implemented in 2005, and with the exception of owner-occupied projects, this incentive can often be utilized in tandem with the federal credit. Key provisions are: 30% of qualified rehabilitation expenses for owner-occupied residential properties. A minimum investment of $20,000 is required, with the total credit not to exceed $60,000. 20% of qualified rehabilitation expenses for all other properties, requiring a minimum investment of the adjusted basis (Value of the property minus the value of the land). The total maximum credit for any one project is $10,000,000.00. "Other" properties include tax-exempt properties owned by governments and non-profit organizations. 30% of qualified rehabilitation for Commercial Residential properties, requiring at least 50% of the property to be used as affordable housing (80% AMI) for a 5 year period. Those eligible to apply for the credit include: Individuals Businesses Non-profit organizations Governments A "first purchaser" of a principal residence following rehabilitation Tenants Former property owners

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 171.398 authorizes the Kentucky Heritage Council to promulgate administrative regulations to implement the certified historic structures rehabilitation tax credit.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: House Bill 757

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Heritage Council, Kentucky Housing Corporation, and Kentucky Department of Revenue.

(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): Unknown. Increased

property tax revenue associated with rehabilitation could affect local entities along with sales tax revenue and job creation.

(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 anticipated.

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

1. Expenditures:
For the first year: 0
For subsequent years: 0
2. Revenues:
For the first year: 0
For subsequent years: 0
3. Cost Savings:
For the first year: 0
For subsequent years: 0

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

(a) Fiscal impact of this administrative regulation: This will result in no cost savings or expenditures for regulated entities.

(b) Methodology and resources used to reach this conclusion: Applicants remit a review fee for the Rehabilitation Tax Credit services provided by the promulgated state agency.

(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): Not applicable.

(b) The methodology and resources used to reach this conclusion: Applicant fee schedule for Rehabilitation Tax Credit applications.

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
302 KAR 79:014E.

This emergency administrative regulation is being promulgated to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. Specifically, during the 2026 Regular Session, the General Assembly passed House Bill 757, which enacted KRS 363.785. Under KRS 363.785(1), beginning on January 1, 2027, all electric power dealers selling electricity to the public from an electric vehicle charging station capable of generating 20 kw/h of power or more shall obtain a license from the Kentucky Department of Agriculture. KRS 363.785(6) further requires the Kentucky Department of Agriculture to promulgate administrative regulations in accordance with KRS Chapter 13A within ninety (90) days of July 15, 2026. This administrative regulation is being filed on an emergency basis to ensure compliance with the statutory deadline. This emergency regulation will be replaced by an ordinary administrative regulation because the licensure program for retail electric vehicle charging stations will remain in effect permanently, unless altered by the General Assembly. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
JONATHAN SHELL, Commissioner of Agriculture

DEPARTMENT OF AGRICULTURE
Office of Consumer and Environmental Protection
(New Emergency Administrative Regulation)

302 KAR 79:014E. Retail Electric Vehicle Charging Station Licensing and Inspection.

EFFECTIVE: October 8, 2026
RELATES TO: KRS 363.510; KRS 363.785
STATUTORY AUTHORITY: KRS 363.510; KRS 363.785
NECESSITY, FUNCTION, AND CONFORMITY: KRS 363.785 requires the Kentucky Department of Agriculture to issue licenses to electric vehicle power dealers operating an electric vehicle charging station with a charging capacity of 20 kilowatts or more that offers electricity for sale to the public to power electric vehicles and to inspect those electric vehicle charging stations. This administrative regulation establishes the licensing and inspection procedures utilized by the department. KRS 363.785(6) requires the department to promulgate administrative regulations establishing electric vehicle charging station inspection standards and to carry out and enforce KRS 363.785.

Section 1. Licensing and Renewal.

(1) Beginning January 1, 2027, unless otherwise exempt under KRS 363.785(5), a person shall not offer for sale to the public electric power dispensed from an electric vehicle charging station with an electrical charging capacity of twenty (20) kilowatts or more to charge an electric vehicle without first obtaining a retail electric vehicle charging license from the department.

(2) To apply for a retail electric vehicle charging license, each electric vehicle power dealer shall use the department's online licensure portal to complete a "Retail Electric Vehicle Charging License Application" and pay the licensure fee of One Hundred Dollars ($100.00) per electric vehicle charging port per electric vehicle charging station.

(3) When completing a Retail Electric Vehicle Charging License Application, each electric vehicle power dealer shall provide the dealer or an authorized representative's contact information and identify each electric vehicle charging station with an electrical charging capacity of twenty (20) kilowatts or more that the dealer is operating in the Commonwealth by:

(a) Model type, including the minimum and maximum kilowatt capacity;

(b) The National Council on Weights and Measures, National Type Evaluation Certificate of Conformance number for all electric vehicle charging stations installed after January 1, 2025;

(c) The number of electric vehicle charging ports on the electric vehicle charging station;

(d) The street address and geolocation of the electric vehicle charging station; and

(e) If the electric vehicle charging station is being operated pursuant to a lease, the duration of the lease term.

(4) If the electric vehicle power dealer operates a new electric vehicle charging station with an electrical charging capacity of twenty (20) kilowatts or more between the initial approval of the retail electric vehicle charging license and annual renewal, the dealer shall use the department's online licensure portal to complete an "Additional Electric Vehicle Charging Station Approval Application" and provide the same information about the additional electric vehicle charging station as required in subsection (3) of this Section.

(5) A valid retail electric vehicle charging license, or other proof of licensure as provided by the department, shall be conspicuously displayed at each electric vehicle charging station for which a license is required.

(6) Operating an electric vehicle charging station without a retail electric vehicle charging license shall result in the placement of a Stop-Sale Order on each electric vehicle charging station for which a retail electric vehicle charging license is required. Upon successful application submission and approval of the necessary retail electric vehicle charging license, the Stop-Sale Order issued under this subsection of this Section shall be removed.

(7) Each retail electric vehicle charging license shall be effective from the date of issuance until January 31 of the following calendar year.

(8) Prior to January 31 of each calendar year, an electric vehicle power dealer holding a retail electric vehicle charging license shall use the department's online licensure portal to renew the license by confirming the accuracy of the information associated with the licensee's account and paying the applicable licensure fee.

(9) All applications and licensure fees required by this Section of this administrative regulation shall be submitted using the department's online licensure portal available at the department's website, https://www.kyagr.com/OnlinePortal/RegisterCompany.

Section 2. Inspections and Enforcement.

(1) All electric vehicle charging stations for which a retail electric vehicle charging station license is required shall conform to all standards in the current edition of the National Institute of Standards and Technology's Handbook 44 and 302 KAR 81:010.

(2) An electric vehicle charging station that deviates from any standard in the current edition of the National Institute of Standards and Technology's Handbook 44 or 302 KAR 81:010 shall be subject to a Stop-Sale Order.

(3) Any Stop-Sale Order issued under this Section shall remain in effect until the electric vehicle power dealer provides proof the electric vehicle charging station has been brought into compliance with all standards in the current edition of the National Institute of Standards and Technology's Handbook 44 and the department has confirmed such compliance following an additional inspection.

(4) The department shall conduct the additional inspection required under subsection (3) of this Section within ten (10) days of receiving notice from the electric vehicle power dealer of the proof of conformity required under subsection (3) of this Section.

(5) The department shall affix to any electric vehicle charging station placed under a Stop-Sale order, for any reason, a tag or other object preventing the public from using the electric vehicle charging station. Removal of the tag or other object by any person without the express written approval of the department shall result in the department initiating action against the person under KRS 363.991.

Section 3. Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "Retail Electric Vehicle Charging License Application" 10/2026; and

(b) " Additional Electric Vehicle Charging Station Approval Application," 10/2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Department of Agriculture, Division of Regulation and Inspection, 107 Corporate Drive, 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 Department's website at https://www.kyagr.com/consumer/electric-vehicle-charger.html.

JONATHAN SHELL, Commissioner

APPROVED BY AGENCY: October 8, 2026

FILED WITH LRC: October 8, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on November 23, 2026, at 1:00 P.M., at 107 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 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 E. Manley, Deputy General Counsel, Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601. (502) 782-9219. MarcE.Manley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Marc Manley Phone: (502) 782-9219 Email: MarcE.Manley@ky.gov

Subject Headings: Licensing, Weights and Measures, Inspections, Fuel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a process to apply for a retail electric vehicle charging license and how retail electric vehicle charging stations will be inspected.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because under KRS 363.785, and effective on January 1, 2027, the General Assembly requires all electric vehicle power dealers operating a retail electric vehicle charging station with an electrical power charging capacity of twenty (20) kilowatts or more, that is accessible to general public vehicular traffic, and is selling electricity at retail to charge a battery or other storage device of an electric vehicle to obtain a retail electric vehicle charging license from the Department.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 363.785(6) requires the department to promulgate this administrative regulation on or before October 13, 2026.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 363.785 requires all electric vehicle power dealers operating a retail electric vehicle charging station with an electrical power charging capacity of twenty (20) kilowatts or more, that is accessible to general public vehicular traffic, and is selling electricity at retail to charge a battery or other storage device of an electric vehicle to obtain a retail electric vehicle charging license from the Department. This administrative regulation established the process to apply for a license from the department and how inspections of retail electric vehicle charging stations will be inspected.

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

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

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

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

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

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact approximately 100 electric vehicle power dealers in the Commonwealth. This administrative regulation will not impact any state or local governments.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The entities identified in question (4) will now be required to obtain a license from the department for each retail electric vehicle charging station with an electrical power charging capacity of twenty (20) kilowatts or more, that is accessible to general public vehicular traffic, and is selling electricity at retail to charge a battery or other storage device of an electric vehicle to obtain a retail electric vehicle charging license from the Department. To obtain the license, the entity will be required to provide certain information in an application and pay a fee of $100.00 per electric vehicle charging port.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): As required under KRS 363.785(2), the entities identified in question (4) will incur costs of $100.00 per electric vehicle charging port for each retail electric vehicle charging station that it operates.

(c) As a result of compliance, what benefits will accrue to the

entities identified in question (4): The entities will be able to lawfully operate a retail electric vehicle charging station by complying with this administrative regulation.

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

(a) Initially: $692,200.00

(b) On a continuing basis: $300,000.00

(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 for this administrative regulation will come from the licensure fees collected from the entities identified in question (4) and general fund dollars appropriated by the General Assembly.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The fees required by this administrative regulation were established by the General Assembly. The department has no authority under KRS 363.785 to alter the fee amount.

(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. Rather, KRS 363.785 establishes the fees that are collected by the process established by this administrative regulation.

(10) TIERING: Is tiering applied? No tiering is being applied because this administrative regulation treats all impacted individuals the same.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 363.510; KRS 363.785

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2026 Ky. Acts ch. 161, sec. 93, effective July 15, 2026

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Department of Agriculture. The Department of Agriculture is the only state unit impacted by this administrative regulation. No other state units, parts, or divisions are affected by this administrative regulation.

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

1. Expenditures:

For the first year: $692,200.00

For subsequent years: $300,000.00

2. Revenues:

For the first year: $46,000.00

For subsequent years: $46,000.00

3. Cost Savings:

For the first year: There will be no cost savings as this is a new regulatory program, resulting in a net expenditure by the department.

For subsequent years: There will be no cost savings as this is a new regulatory program, resulting in a net expenditure by the department.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No other state or local entity is impacted by this administrative regulation.

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation impacts electric vehicle power dealers operating retail electric vehicle charging stations.

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

1. Expenditures:

For the first year: $100.00 per electric vehicle charging port

For subsequent years: $100.00 per electric vehicle charging port

2. Revenues:

For the first year: $0.00

For subsequent years: $0.00

3. Cost Savings:

For the first year: $0.00

For subsequent years: $0.00

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

(a) Fiscal impact of this administrative regulation: The Department anticipates a significant fiscal impact will result from this new program established by statute.

(b) Methodology and resources used to reach this conclusion: The Department obtained data from the Department of Energy indicating 460 electric vehicle charging ports subject to regulation at 116 unique locations exist in Kentucky. Many of these are owned by the same entity, suggesting the number of electric vehicle power dealers already operating in the Commonwealth is approximately 100 or fewer. The Department estimated revenues of $46,000.00 based on the number of electric vehicle station charging ports subject to regulation (~460) and multiplying it by $100.00. The costs to the Department were estimated by reviewing the cost of hiring two (2) additional employees, including salary and benefits, additional vehicles, and equipment to inspect the electric vehicle charging stations.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will have a major economic impact because the cost to regulated entities and the cost born by the department of implement this new regulatory program established by the General Assembly will cost more than $250,000.00 per year.

(b) The methodology and resources used to reach this conclusion: The Department obtained data suggesting how many electric vehicle power dealers are already operating in the Commonwealth and estimated the amount of fees that would be received based on that data. The costs to the Department were estimated by reviewing the cost of hiring two (2) additional employees, including salary and benefits, additional vehicles, travel expenses, training, and equipment to inspect the electric vehicle charging stations.

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
601 KAR 11:035E.

This emergency amendment to an existing administrative regulation is being promulgated to comply with KRS 281A.165, to establish and clarify the application process for military personnel to apply for a commercial driver's license. This emergency amendment will allow qualified military applicants to complete a military certification for the written and skills test exemption, TC Form 94-167. This emergency amendment is being promulgated so that the Kentucky Transportation Cabinet may address the imminent needs of Kentucky's service members who qualify for the exemptions set forth by KRS 281A.165, especially with the consideration that the service members only have one year beyond their separation date to qualify for those exemptions, and to formally acknowledge that many of our nation's active-duty service members and veterans have formally completed military driver's programs and have experience driving a vehicle in the military that would require a commercial driver's license to operate as a civilian. This emergency amendment will expedite this process by acknowledging the "Even Exchange Program" as defined in 49 C.F.R. 383.77. This will allow qualified applicants to become part of the Commonwealth's Commercial

Driver's License (CDL) program without unnecessary costs and delay. This emergency amendment to an existing administrative regulation will be replaced by an ordinary administrative regulation pursuant to KRS Chapter 13A. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
REBECCA GOODMAN, Secretary

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Driver Licensing
(Emergency Amendment)

601 KAR 11:035E. Waiver of written knowledge and skills test for military personnel.

EFFECTIVE: September 29, 2026
RELATES TO: KRS 281A, 49 C.F.R. 383
STATUTORY AUTHORITY: KRS 281A.165
NECESSITY, FUNCTION, AND CONFORMITY: KRS 281A.165 requires the Transportation Cabinet to promulgate an administrative regulation to establish an application form for military personnel applying for a commercial driver's license and requesting the waiver of a written knowledge and skills test. This administrative regulation establishes an application form and the procedures for submitting the form to the cabinet.

Section 1. Waiver Form.
(1) An applicant for a commercial driver's license who meets the criteria established in KRS 281A.165 may apply for a written knowledge and skills test exemption. If the applicant applies, the applicant shall complete a Military Certification for Written Knowledge and Skills Test Exemption, TC Form 94-167.
(2) A completed application form shall be submitted to the Transportation Cabinet, Department of Vehicle Regulation, 200 Mero Street, Frankfort, Kentucky 40622.

Section 2. Notification.
(1) Within thirty (30) days of submission to the cabinet, an applicant shall be notified by mail of the approval or disapproval.
(2) An applicant shall take the notification of an approved application form to any KYTC Driver License Regional Office[~~the circuit clerk's office for his or her county of residence~~].

Section 3. Incorporation by Reference.
(1) "Military Certification for Written and Skills Test Exemption", TC Form 94-167, September 2026[~~August 2011~~], is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Vehicle Regulation, 200 Mero Street, Frankfort, Kentucky 40622. This material may also be obtained by accessing the cabinet's Web site at http://transportation.ky.gov/.

601 KAR 11:035E. Approved by Transportation Cabinet.
REBECCA GOODMAN, Secretary
MATTHEW COLE, Commissioner

APPROVED BY AGENCY: September 28, 2026
FILED WITH LRC: September 29, 2026 at 10:50 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, November 23, 2026, at 10:30 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 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: Will Fogle, General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, Telephone: (502) 782-4841, Fax: (502) 564-5238, Email: William.Fogle@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: William Fogle, Phone: 502-782-4841, Email: William.Fogle@ky.gov

Subject Headings: Transportation; Licensing; Veterans; Workforce Development
(1) Provide a brief summary of:
(a) What this administrative regulation does: Allows for the written and skills test to be waived for qualified military applicants.
(b) The necessity of this administrative regulation: To allow recently separated military members to apply for a CDL without written and skills testing.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This amendment conforms to KRS 281A.165 and 49 C.F.R. 383.77.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Language clean-up to include both written and skills testing. To make the regulation consistent with statutory language.
(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: Clarifying to allow both written and skills test waivers.
(b) The necessity of the amendment to this administrative regulation: Clarifying to allow both written and skills test waivers.
(c) How the amendment conforms to the content of the authorizing statutes: Clarifying to allow both written and skills test waivers.
(d) How the amendment will assist in the effective administration of the statutes: Clarifying to allow both written and skills test waivers.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment is not due to the implementation of legislation, it is to accommodate a request from the Federal Motor Carriers Safety Administration.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This will benefit motor carrier companies and military veterans eligible for this 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: The individual will have to apply by Form TC 94-167, to bypass written and skills test.
(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 associated with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This amendment will reduce the costs to veterans applying for the waivers.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No costs.
(b) On a continuing basis: No costs.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: N/A
(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? No. Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 186A.165 and 49 C.F.R. 383.77

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: It is not.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Vehicle Regulation, Division of Driver Licensing, and Kentucky State Police.

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

1. Expenditures:
For the first year: 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): N/A

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: (3)(a) – None, (4)(a) – N/A, (5)(a) – 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 entity will have a “major economic impact”.

(b) The methodology and resources used to reach this conclusion: N/A

AMENDED IN-PROCESS EMERGENCY ADMINISTRATIVE REGULATIONS

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

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

BOARDS AND COMMISSIONS
Board of Licensure For Occupational Therapy
(Emergency Amended After Comments)

201 KAR 28:060E. Licensure, renewals, and reinstatements.

EFFECTIVE: October 14, 2026
RELATES TO: KRS 319A.075, 319A.080, 319A.100, 319A.110, 319A.120, 319A.140, 319A.150, 319A.160, 319A.170
STATUTORY AUTHORITY: KRS 319A.070(1), 319A.075, (3)(a), 319A.100, 319A.160, 319A.170
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.070(3)(a) authorizes the board to promulgate administrative regulations and administer the provisions of KRS Chapter 319A. KRS 319A.100 authorizes the board to issue a temporary permit to certain applicants for licensure. KRS 319A.170 requires the board to determine and collect licensure fees. KRS 319A.160 authorizes the board to set fees for renewal, late renewal, reinstatement, and activation of an inactive license. KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2, requires applicants seeking an initial license and to reinstate a license to obtain a national and state criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation sets forth the procedure by which applicants shall apply for, renew, or reinstate a temporary permit or license administered by the board under the provisions of KRS Chapter 319A.

Section 1. Initial Licensure. An applicant for licensure administered by the board who has not previously been licensed, certified, or registered in any state shall submit:
(1) A completed Application Form, DPL-OT-01, July 2026[, ~~Form OTB-1~~];
(2)
(a) A certified copy of an official academic transcript from an occupational therapy or occupational therapy assistant program accredited by the ACOTE or its equivalent indicating that the applicant successfully completed educational and fieldwork requirements; or
(b) For applicants trained at an educational facility outside the United States, evidence of legal permission, as furnished by the U.S. Department of Immigration and Naturalization, for employment in the United States;
(3) Electronic or other verification by the NBCOT that the applicant has been certified as an OTR or COTA.[~~:~~]
[~~(a)~~] [~~Meets the requirements of certification as an OTR or COTA;~~]
[~~(b)~~] [~~Is authorized to take the NBCOT or equivalent exam required by KRS 319A.120; or~~]
[~~(c)~~] [~~Has requested an official NBCOT Score Transfer Report be sent to the board.~~]
(4) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigations (FBI), and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph; and
(5) The appropriate fee for licensure:
(a) Fifty (50) dollars for an OT/L; or
(b) Thirty-five (35) dollars for an OTA/L; and
(6)[~~(5)~~] Evidence of successful[~~sucessful~~] completion of the jurisprudence exam.

Section 2. Temporary Permit[~~Licensure~~].
(1) A temporary permit to practice may be issued to an applicant for licensure. An applicant for licensure may request a temporary permit by:
(a) Submitting[~~submitting~~] the materials and fee required in Section 1(1), (2), (4), and (5)[~~through 1(5)~~] of this administrative regulation and a completed Supervision Temporary Permit Form, DPL-OT-02, July 2026[~~, Form OTB-2~~], signed by a licensed occupational therapist in good standing with the board.
(b) Providing electronic or other verification by the NBCOT that the applicant:
1. **Has completed educational and fieldwork requirements and the board has received a verification letter from the educational institution; and [~~Meets the requirements for certification as an OTR or COTA;~~]**
2. Is authorized to take the NBCOT or equivalent exam required by KRS 319A.120 **and the board has received an authorization to test letter from NBCOT.[~~; or~~]**
[~~3.~~] [~~Has requested an official NBCOT Score Transfer Report be sent to the board.~~]
(c) Providing evidence of successful completion of the jurisprudence exam.
(2) A temporary permit shall be valid for ninety (90) days, and shall be revoked by the Board upon notice that the temporary permit holder has had two (2) unsuccessful attempts to pass the NBCOT exam.[~~A temporary permit holder shall be licensed by the board upon successful completion of the jurisprudence exam.~~]
[~~(3)~~] [~~A temporary permit holder shall have the permit revoked upon two (2) unsuccessful attempts to pass the NBCOT exam.~~]

Section 3. Reciprocal Licensure. An applicant for licensure administered by the board that is or has been licensed, certified, or registered in another state shall submit:
(1) A completed Application Form, DPL-OT-01, July 2026[~~, Form OTB-1~~];
(2) An official statement from the body responsible for licensure of occupational therapists in every jurisdiction in which the applicant has held a license or credential that the individual is in good standing in that jurisdiction;
(3) A current copy of the certificate issued by the NBCOT stating that the individual met the initial requirements for certification as an OTR or a COTA;
(4) Evidence of successful completion of the jurisprudence exam; and
(5) The appropriate fee for licensure:
(a) Fifty (50) dollars for an OT/L; or
(b) Thirty-five (35) dollars for an OTA/L.

Section 4. License Renewal and Grace Period.
(1) An individual licensed by the board shall submit annually, on or before October 31:
(a) A completed Annual OT/OTA Renewal Application, DPL-OT-03, July 2026[~~, Form OTB-3~~];
(b) The appropriate fee for renewal:
1. Fifty (50) dollars for an OT/L;
2. Thirty-five (35) dollars for an OTA/L; and
(c) Evidence of completion of twelve (12) continuing competence units.

(2) An individual licensed by the board fewer than (90) days prior to the annual renewal date shall not be required to renew during the first year of licensure.

(3) An individual licensed by the board who has failed to renew as required by subsection (1) of this section shall be granted a sixty (60) day grace period to submit:

(a) All items required by subsection (1) of this section; and

(b) A late renewal fee of twenty-five (25) dollars.

Section 5. Expired and Inactive Licenses.

(1) A license not renewed by the conclusion of the grace period shall expire.

(2) The board shall send the individual holding a terminated license a notice of expiration with instructions to cease and desist the practice of occupational therapy.

(3) Pursuant to KRS 319A.160(10), a license may be placed in inactive status for up to three (3) years upon petition to the board on the Annual OT/OTA Renewal Application, DPL-OT-03, July 2026[, ~~Form OTB-3~~]. An individual holding an inactive license shall submit annually on or before October 31:

(a) The Annual OT/OTA Renewal Application, DPL-OT-03, July 2026[, ~~Form OTB-3~~]; and

(b) An inactive renewal fee of ten (10) dollars.

Section 6. License Reinstatement and Activation.

(1) An expired license shall be reinstated upon submission of:

(a) Completed Reinstatement Application, DPL-OT-04, July 2026[, ~~Form OTB-4~~];

(b) Late renewal fee of twenty-five (25) dollars;

(c) Reinstatement fee of seventy-five (75) dollars;

(d) Documentation of employment from time of expiration to present;

(e) Documentation of current or initial certification by NBCOT or its equivalent;

(f) Completion of NBCOT or equivalent exam;[~~and~~]

(g) Evidence of completion of continuing competence requirements pursuant to 201 KAR 28:200, Section 2(3)[~~.~~]and

(h) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigations (FBI), and make payment of any required fee to the KISP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph.

(2) An inactive license shall be reactivated upon submission of:

(a) Written notification to the board of the licensee's intent to return to active status;

(b) Identification of the licensee's proposed place of employment;

(c) Reinstatement fee of seventy-five (75) dollars; and

(d) Evidence of completion of continuing competence requirements pursuant to 201 KAR 28:200, Section 2(3).

Section 7. License Termination.

(1) A license not reinstated within five (5) years of expiration shall terminate.

(2) Terminated licenses shall not be eligible for reinstatement.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application Form", DPL-OT-01, July 2026[~~Form OTB-1, (December 2018)~~];

(b) "Supervision Temporary Permit Form[~~,~~]", DPL-OT-02, July 2026[~~Form OTB-2, (September 2018)~~];

(c) "Annual OT/OTA Renewal Application[~~,~~]", DPL-OT-03, July 2026[~~Form OTB-3 (September 2018);~~]

(d) "Reinstatement Application", DPL-OT-04, July 2026.[~~Form OTB-4; (September 2018).~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure of Occupational Therapy, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and located on the board's website at www.bot.ky.gov.

201 KAR 28:060E
JILL PHELPS, Chair

APPROVED BY AGENCY: October 14, 2026
FILED WITH LRC: October 14, 2026 at 3:00 p.m.

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

BOARDS AND COMMISSIONS
Board Of Licensure and Certification for Dietitians and Nutritionists
(Emergency Amended After Comments)

201 KAR 33:015E. Application; approved programs.

EFFECTIVE: October 14, 2026
RELATES TO: KRS 310.021, 310.031(1), (2)
STATUTORY AUTHORITY: KRS 310.041(1), (2), (6), 310.095
NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041 requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. KRS 310.095 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes the procedure for submitting an application for licensure, certification, or dual licensure as a nutritionist and as a dietitian; and establishes requirements for programs of study to be approved by the board.

Section 1. Application Requirements.

(1)

(a) For licensure to practice as a dietitian, an "Application for Credential", Form DPL-DN-001,[~~An Application for Licensure, Certification, or Dual Licensure~~] shall be submitted [~~for licensure to practice dietetics~~] after the requirements established in KRS 310.021 are met.

(b)[~~(2)~~] For certification to practice as a nutritionist, an "Application for Credential", Form DPL-DN-001,[~~An Application for Licensure, Certification, or Dual Licensure~~] shall be submitted [~~for certification to practice nutrition~~] after the requirements established in KRS 310.031 are met.

(c)[~~(3)~~] For a dual credential to practice as a dietitian and nutritionist, an "Application for Credential", Form DPL-DN-001,[~~An Application for Licensure, Certification, or Dual Licensure~~] shall be submitted [~~for dual licensure to practice dietetics and nutrition~~] after the requirements established in KRS 310.021 and 310.031 are met.

(2)[~~(4)~~] Each application[~~Application for Licensure, Certification, or Dual Licensure~~] shall be accompanied by the nonrefundable application fee, established in 201 KAR 33:010.

(3)[~~(5)~~] Each application shall be signed by the applicant.

(4)[~~(6)~~]

[~~(a)~~] Each application to practice as a dietitian[~~dietetics~~] and each application for a dual credential under KRS 310.021[~~licensure~~] shall include:

(a)[~~1.~~] A copy of the applicant's current dietitian registration card issued by the Commission on Dietetic Registration; or

(b)[~~2.~~] A letter from the Commission on Dietetic Registration indicating successful completion of the registration examination; or

(c)[~~3.~~] A registered dietitian Credential Verification Statement from the Commission on Dietetic Registration.

[(b)] [An Academy of Nutrition and Dietetics membership card shall not constitute compliance with paragraph (a)1. of this subsection.]

(5) Each application to practice as a dietitian, including an application for a dual credential, shall include the results of a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

(6)[(7)] Each application to practice as a nutritionist[nutrition and each application for dual licensure] shall include:

(a) A[a] certified copy of the applicant's official baccalaureate transcript and master's transcript demonstrating satisfaction of the criteria provided in KRS 310.031(2)(a) **and (b)**; and

(b) Meet the requirements of an approved **baccalaureate and an approved master's degree** program as provided in Section 2 of this administrative regulation; or

(c) Meet[meet] the criteria established in **KRS 310.031(3)[KRS 310.031KRS 310.031(3)]**.

(7)[(8)] If the applicant is or was licensed or certified[registered] in another jurisdiction, the applicant shall:

(a) List each jurisdiction and license or certification[registration] number;

(b) Provide a complete licensure or certification disciplinary history; and

(c) Provide license verification documentation from each respective jurisdiction that [is]has been created by the respective jurisdiction within the sixty (60) days prior to the submission of the application, which is not a license card or other initial license document, and which includes:

1. The applicant's name;
2. License or certification number;
3. License or certification status;
4. License or certification expiration date; and
5. Any disciplinary action or conditions on the license or certification.

[1.] [Created by each respective jurisdiction within the sixty (60) days prior to the submission of the application; and]

[2.] [Is not a license card, scroll, initial certificate, diploma, or other initial license document.]

Section 2. Approved Programs.

(1) A baccalaureate degree from a college or university approved by the board pursuant to KRS 310.021(3) or 310.031(2)(a) shall be a degree program that is listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics.

(2) If an applicant's baccalaureate degree is not listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics, then the applicant shall demonstrate at least forty-five (45) semester hours or sixty-eight (68) quarter hours, as evidenced by a certified copy of an academic transcript, of coursework at the baccalaureate or graduate level in addition to the hours required by KRS 310.031(2)(b). The coursework shall include content specific to each of the following areas:

(a) Communication;
(b) Counseling;
(c) Physical and biological sciences;
(d) Social sciences;
(e) Research;
(f) Food composition;
(g) Nutrient metabolism;
(h) Food systems management;
(i) Nutrition therapy;
(j) Lifecycle nutrition; and
(k) Healthcare systems.

(3) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall include only didactic hours of graduate credit specifically related to human nutrition. Examples include:

(a) Food sources of nutrients;
(b) Physiological and chemical processes of digestion, absorption, and metabolism;
(c) Nutrient needs throughout the life cycle;
(d) Nutrition assessment processes;
(e) Pathophysiology of disease states;
(f) [Medical]Nutrition[nutrition] therapy;
(g) Nutrient needs in exercise and fitness; and
(h) Nutrition in health and wellness.

(4) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall not include practicums, courses that are primarily obtained from work experiences, independent study, thesis, or dissertation credit hours.

Section 3. Incorporation by Reference.

(1) "Application for Credential", Form DPL-DN-01, July 2026["Application for Licensure, Certification, or Dual Licensure", January 2022], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists, 500 Mero Street, [2SC32,] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at https://bdn.ky.gov/.

201 KAR 33:015E
ERIN ELIASSEN, Chair

APPROVED BY AGENCY: October 14, 2026
FILED WITH LRC: October 14, 2026 at 3:00 p.m.

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

BOARDS AND COMMISSIONS
Board of Licensure and Certification for Dietitians and Nutritionists
(Emergency Amended After Comments)

201 KAR 33:020E. Renewals, late renewal, revocation, inactive status, and reinstatement.

EFFECTIVE: October 14, 2026
RELATES TO: KRS 310.041
STATUTORY AUTHORITY: KRS 310.041, 310.050, 310.095
NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.050(1) requires the board to promulgate administrative regulations establishing procedures for annual renewal of licenses and certificates. KRS 310.095 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by means of a fingerprint check by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes procedures for annual renewal, late renewal, revocation, inactive status and reinstatement of licenses and certificates.

Section 1. [Regular]Renewal.

(1) A credential shall be renewed on or before October 31 of each year.

(2) An initial credential issued within ninety (90) days **before [of]** October 31 shall be renewed on or before October 31 of the following year.[A licensed dietitian or certified nutritionist shall annually, before November 1,]

(3) To apply for renewal, a credential holder shall:

(a) Submit [submit] a completed Renewal Application, DPL-DN-02; and

(b) Pay[pay] to the board the renewal fee established by 201 KAR 33:010, Section 2, for the renewal of the license or certificate.

[(2)] [Except as provided under Section 2 of this administrative regulation, if a license or certificate is not renewed before November 1 of each year, it shall expire.]

(c)[(3)] Document compliance[Compliance] with continuing education requirements established[shall be documented as provided] by 201 KAR 33:030.

[(3)] [Compliance with continuing education requirements shall be documented as provided by 201 KAR 33:030.]

Section 2. Grace Period and Late Renewal.[and the Grace Period.]

(1) A sixty (60) day grace period shall be allowed beginning November 1, during which a licensee or certificate holder may renew his or her license or certificate upon payment of the renewal fee plus the late renewal fee established by 201 KAR 33:010, Section 2. [(2)(a)] A licensee or certificate holder may continue to practice during the sixty (60) day grace period.

[(b)] [Upon request of the employer, a licensee or certificate holder practicing in accordance with paragraph (a) of this subsection shall present evidence of a valid pre-existing license or certificate.]

(2)[(3)] A person requesting renewal [of a certification or licensure]during the sixty (60) day grace period shall comply with the continuing education requirements as required by KRS 310.050(3) and as specified by 201 KAR 33:030.

Section 3. Automatic Revocation. Failure to renew during the grace period shall result in automatic revocation of the license or certification[Upon revocation] as set forth by KRS 310.050(4), and a licensee or certificate holder[,] shall no longer be eligible to practice in the Commonwealth.

Section 4. Renewal of Inactive Status. A credential holder who has elected to hold the credential in an inactive status shall annually renew the inactive status during the renewal period and pay the fee set forth in 201 KAR 33:010. Section 3(1).

Section 5. [Licensure and Certification] Reinstatement. After the sixty (60) day grace period, a license or certificate that was[, which has been] automatically revoked due to failure to renew[,] shall be reinstated if the licensee or certificate holder has:

(1) Submitted a complete Reinstatement Application, DPL-DN-03;

(2) Paid the renewal fee plus a reinstatement fee as set forth by 201 KAR 33:010; and

(3) Documented that he or she has complied with the continuing education requirements established by 201 KAR 33:030.

(4) For an application for reinstatement to practice as a dietitian or a dual credential, the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) shall **be** submitted directly to the board. The applicant shall pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction.

(5) Any person who fails to apply for reinstatement within three (3) years of termination or revocation of the credential shall apply for a new license or certification and shall meet the current licensure or certification requirements.

Section 6.[Section 5.] Address and Contact Information Changes.

[(1)] A credential[licensee or certificate] holder shall submit any change in the credential holder's name,[a current] address, phone number or email address to the board [office by letter] within thirty (30) days of any such[an address] change.

[(2)] [The letter shall include the licensee's or certificate holder's name, new address, phone number, and license or certificate number. (3) Changes to other contact information such as the licensee's or certificate holder's name, email address, or phone number shall require the licensee or certificate holder to submit the current contact information to the board office by letter within thirty (30) days of the changed contact information. The letter shall include the updated contact information and the license or certificate number.]

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

(1) The following material is incorporated by reference:

(a) "Renewal Application", DPL-DN-02, July 2026,[November 2015]; and

(b) "Reinstatement Application", DPL-DN-03, July 2026,[November 2015].

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists, 500 Mero Street, 2 SC 32[911 Leawood Drive], Frankfort, Kentucky 40601, Monday through Friday, 8:00 [8] a.m. to 4:30[5] p.m. or

(b) This material may also be obtained at the Board of Licensure and Certification for Dietitians and Nutritionists at https://bdn.ky.gov.

201 KAR 33:020E
ERIN ELIASSEN, Chair

APPROVED BY AGENCY: October 14, 2026
FILED WITH LRC: October 14, 2026 at 3:00 p.m.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

DEPARTMENT OF TREASURY
State Treasurer's Office
Unclaimed Property Division
(Amended at Subject Matter Committee, September 15, 2026)

20 KAR 1:050. Unclaimed property; examination of holder records.

RELATES TO: KRS 393A.030, 393A.520, 393A.560, 393A.570, ***393A.600***[393.010, 393.110, 393.160, 393.280]
STATUTORY AUTHORITY: KRS 393A.030[393.280]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 393A.030 authorizes the State Treasurer to promulgate administrative regulations necessary to implement KRS Chapter 393A.*** This administrative regulation relates to the examination of holder records by the department if any holder fails to make a full and complete report of property as required by KRS Chapter 393A[393].

Section 1. If any holder fails to make a full and complete report of property as required by KRS Chapter 393A[393], the department, after giving notice as provided in subsection (1) of this section, may examine the records and other accounts of the holder.

(1) The department shall notify the holder in writing ten (10) days prior to an examination. However, if the department determines that the existence of the records may be placed in jeopardy unless action is taken forthwith, the department may examine all records immediately without any prior notice.

(2) The examination may include:

(a) Records of current accounts, dormant accounts, and accounts that may have been closed and archived;

(b) Verification of contractual agreements between depositors and the final organization regarding the deduction of service charges, account increases or decreases, and the cessation of interest payments; and

(c) In addition to the examination of unclaimed accounts and contractual agreements, the examiner may review the holder's annual procedures for reviewing dormant accounts.

(3) The department shall have reason to believe that a holder has failed to comply with the reporting requirements of KRS Chapter 393A[393] and may examine the records of the holder if one (1) of the following conditions exist:

(a) A holder has not submitted a report to the department;

(b) A holder has submitted reports to the department in which the holder's report states it has no unclaimed property;

(c) A holder fails to report types of unclaimed property normally reported by like businesses or associations;

(d) When amounts on the holder's report or amounts remitted from the holder are not comparable to reports received from like holders; and

(e) When information is provided by other governmental agencies or reliable sources that a holder may be holding unclaimed property that has not been reported.

(5)[(4)] At the completion of an examination a statement of examination findings and proposed adjustments shall be delivered to the holder. The statement shall be delivered by the department by hand, electronic mail, or by certified mail. The statement shall contain sufficient information to make the holder aware of his ***or her*** reporting obligations and legal options.

(6)[(5)] The holder shall have thirty (30) days in which to review the examination findings and proposed adjustments to the findings. No later than thirty (30) days of the date of the statement, the holder shall cause to be generated an amended annual report. If the holder disagrees on the facts, he ***or she*** shall file an official written protest within the thirty (30) day period or the amount as set out by the statement will become absolute and final and be immediately due and payable. The protest shall be filed with the department and shall ***establish[set out]*** a clear and concise assignment of any error alleged to have been committed by the department in its examination or its statement. The holder may request an administrative hearing in its protest.

FILED WITH LRC: September 15, 2026

CONTACT PERSON: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

DEPARTMENT OF TREASURY
State Treasurer's Office
Unclaimed Property Division
(Amended at Subject Matter Committee, September 15, 2026)

20 KAR 1:060. Unclaimed property; safe deposit boxes or other safekeeping repositories.

RELATES TO: KRS 393A.010, 393A.040***[, 393A.050, 393A.060, 393A.070, 393A.080, 393A.090, 393A.100,]***393A.110, 393A.220, ***393A.360,*** 393A.400, 393A.410[393.010, 393.020, 393.050, 393.060, 393.062, 393.064, 393.090, 393.110, 393.120]
STATUTORY AUTHORITY: KRS 393A.030[393.280]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 393A.030 authorizes the State Treasurer to promulgate administrative regulations necessary to implement KRS Chapter 393A.*** This administrative regulation relates to the reporting, inventory, safekeeping, and liquidation of unclaimed property from holders who maintain safe deposit or other safekeeping repositories.

Section 1. Pursuant to KRS Chapter 393A[393], every holder maintaining safe deposit boxes or other safekeeping repositories located in the Commonwealth shall report to the department with an inventory of property in its possession ***that[which]*** constitute unclaimed funds.

(1) An inventory report shall be submitted for each safe deposit box or safekeeping repository. Each report shall be signed by two (2) officials of the holding company who opened the safe deposit box or safekeeping repository and conducted the inventory. Each report shall include a statement containing the following information:

(a) The name, last known address, and Social Security number of owner;

(b) The expiration date of the lease or rental agreement for such safe deposit box or other safekeeping depository;

(c) The date of opening of such safe deposit box or other safekeeping repository;

(d) The number or identifying description of the safe deposit box or other safekeeping repository;

(e) A detailed list describing each item therein, including the corresponding safe keeping codes;

(f) The name and address of the holder reporting the property; and

(g) The names, signatures, and official positions of the two (2) holding company employees who opened the box and conducted the inventory.

(2) The property of each safe deposit box or safekeeping repository shall be placed in an individual self-sealing, clear envelope, bag, or similar container[envelope]. A copy of the holder

inventory report shall be placed in the clear envelope. The clear envelope shall be sealed and initialed on the reverse side by the two (2) holding company employees who conducted the inventory. The name of the owner of the box, date, and holder name shall be printed on the reverse side of the clear envelope. Transparent sealing tape (of the strong bonding type) shall be placed over the flap of the envelope. A second copy of the holder inventory report shall be attached to the front of the clear envelope.

(3) A holder shall submit its unclaimed property report to the department by electronic submission through the department's designated online portal, in the format prescribed by the department ***at https://kyholder.unclaimedproperty.com/Account/Login***.[~~The holder shall mail a copy of the report(s) and notify the department of pending delivery of property.~~]

(4) At least five (5) business days prior to the physical delivery of property, a holder shall notify the department of its intent to deliver the property. The notification shall include the anticipated date of delivery and the method of delivery.

(5) Property delivered to the department shall be packaged in a secure and appropriate manner based on the nature of the property to prevent damage, loss, or deterioration during handling and transit. Holders shall exercise reasonable care in the preparation and shipment of property, including items that may have monetary or sentimental value.

(6) Failure to comply with the requirements of this ***[~~sub~~]***section may result in the department rejecting the report or delivery, requiring resubmission, or taking other action as authorized by KRS 393 and KRS 393A.

(7)[~~(4)~~] The holder shall be responsible for the secured delivery of the contents of each safe deposit box or other safekeeping repository to the department. The department may take direct delivery from the holder at the holder's place of business or residence.

Section 2. Upon receipt of the contents of the safe deposit ***box[~~box(es)~~]*** or other safekeeping ***repository[~~repository(ies)~~]***[~~, along with the inventory report(s)~~], the department shall review the inventory reports of property delivered and secure the properties in the vault. For those properties that are reported to contain coins and paper money, the Department shall[~~immediately~~] conduct an inventory of property delivered, verify ***the*** holder ***report[~~report(s)~~]***, and determine if the coins and paper money have numismatic value.[~~secure property in the department vault.~~]***Additionally, if specifically requested to do so by the Holder, the Department shall conduct an inventory of the property delivered, verifying the presence of each item identified by the Holder in the accompanying Holder report.***

(1) The inventory shall be conducted by two (2) department employees**,** each of whom shall have the security of the property within the vault as one ***(1)*** of ***his or her[~~their~~]*** primary responsibilities[~~with appropriate supervision~~]. The Department shall not be required to inventory properties whose inventory does not indicate the presence of coins or paper money***, unless specifically requested to do so by Holder.***

(2) The contents of each envelope inventoried ***shall[~~will~~]*** be separated into the following groups:

(a) BBOND Bearer Bonds;[~~TNG - jewelry with gemstones, watches and other valuables;~~]

(b) COIN Coins;[~~MNY - coins and paper money (foreign & domestic) which have numismatic value;~~]

(c) CRCY Currency;[~~STK - stock certificates;~~]

(d) DISK Electronic Media;[~~BND - U.S. Savings Bonds;~~]

(e) EMPY Empty;[~~INS - insurance policies;~~]

(f) FIRE Firearms;[~~CSH - Coins and paper money which do not have numismatic value;~~]

(g) JEWL Jewelry;[~~DST - items of no value; and~~]

(h) MILI Military Items;[~~OTH - military discharge, birth certificate; photos, etc.~~]

(i) MISC Miscellaneous Items;

(j) PAPR Papers;

(k) SAVB Savings Bonds;

(l) SILV Pure Silver;

(m) STCK Stock;

(n) STMP Stamps;

(o) TRVL Travelers Checks & Money Orders;

(p) WACH Watches, and;

(q) WILL Last Will and Testament.

(3) Each item shall be assigned an identification or serial number. A property tag shall be prepared for each group with an assigned owner identification or serial number, name of owner, and Social Security number if available.[~~The groups of tangible property will be placed in individually secured plastic bags. The groups of intangible property shall placed into folders.~~] The items ***shall[~~will~~]*** be placed together in a sealed container.

(4) A detailed department inventory statement shall be completed for each safety deposit box or safekeeping repository envelope received. The Department may use the inventory report provided by the Holder to satisfy this requirement when the presence of coins or paper money is not indicated. Each statement shall include the following information:

(a) The name and last known address of the ***owner[~~owner(s)~~]***;

(b) The name and address of holder reporting the property;

(c) Date of delivery and holder inventory;

(d) Date of holder inventory;

(e) Number or identifying description of the safe deposit box or safekeeping repository;

(f) Date of department inventory;

(g) A detailed list describing each item therein, separated into groups as ***established[~~stated~~]*** in subsection (2) of this section;

(h) The assigned holder identification or serial number; ***and***

(i) The assigned owner identification or serial number***.[~~; and~~]***

(5)[~~(j)~~] The department shall audit the property against the inventory. Two (2) department employees who conducted the inventory shall verify the accuracy of the property and shall evidence ***the[~~such~~]*** verification by initialing the activity within the department's system.[~~An official note signed by department employees, who conducted the inventory, verifying accuracy of holder report. The note shall be signed for approval by a supervisor.~~]

(6)[~~(k)~~] Nothing in this section shall be construed to prevent the Department from effectuating these procedures through an electronic means or format.

(7)[~~(5)~~] Property shall be secured in the department vault for safekeeping purposes. Tangible property shall be retained for a period of three (3) years and then may be put to public auction, pursuant to KRS Chapter 393A[~~393~~], and proceeds, less costs, paid to the state. Intangible property shall be retained for a period of one (1) year, then liquidated and the proceeds, less costs, paid to the state. Owners of property shall be credited for the amount received through liquidation or auction.

(a) Coins and paper money not of numismatic value shall be deposited for the state immediately and a copy of all documentation reasonably necessary to verify the deposit amount and date shall be linked to the owner in the Department's electronic tracking software and maintained in any other way ***the department deems[~~they deem~~]*** appropriate and necessary[~~the pay-in voucher placed in owner's file~~]***.[~~;~~]***

(b) Miscellaneous papers or property of no value shall be retained for a period of three (3) years and, then, destroyed.

(c) The Kentucky Historical Society may[~~shall~~] be contacted for determination of items of historical value. Papers or property determined to have historical value shall be retained and may be loaned to the society.

(8)[~~(6)~~] The department shall maintain an accurate inventory and essential information through entry into the computer.

(9)[~~(7)~~] The department shall direct that two (2) employees be present at all times when handling property. Security of property in the vault shall be maintained by the following procedure:

(a) Two (2) employees shall receive written or verbal authorization from a supervisor prior to entry to the vault; and

(b) The employees shall maintain a log of:

1. Their entry time and date; exit time and date; and

2. Their purpose in accessing the vault for every instance.[~~state in writing the purpose, property to be handled, the time and date.~~]

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CONTACT PERSON: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100,

Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

DEPARTMENT OF TREASURY
State Treasurer's Office
Unclaimed Property Division
(Amended at Subject Matter Committee, September 15, 2026)

20 KAR 1:080. Reports to be filed by holders of unclaimed property.

RELATES TO: KRS ***393A.040,*** 393A.220, 393A.230, 393A.340, 393A.480***, 424.180, 424.190***[393.110(1), 393.130]
STATUTORY AUTHORITY: KRS 393A.030[393.280(4)]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 393A.030[393.280(4)]***authorizes[allows]*** the State Treasurer to promulgate administrative regulations and any reasonable and necessary rules for the enforcement of KRS Chapter 393A[393]. KRS 393A.220[393.110(1)] requires the holder of unclaimed property to submit annual reports to the Department of the Treasury concerning the property. This administrative regulation establishes the reporting requirements for a holder of unclaimed property.

Section 1. Reports Filed by a Holder of Unclaimed Property. A holder of unclaimed property shall annually ***electronically*** file, in accordance with KRS 393A.220[393.110], a completed, Unclaimed Property Report/Remit Form with the Department of the Treasury no later than the close of business on November 1 of each year.

(1) A holder of property presumed abandoned shall make an annual report to the Department of the Treasury concerning the property. The annual report shall cover the twelve (12) months ending on June 30 of that year. Holders are required to submit their report by electronic submission through the designated online portal[diskette or compact disc] in the format required by the department ***at https://kyholder.unclaimedproperty.com/Account/Login***[for ten (10) or more properties]. All property so reported shall be turned over simultaneously with the report by November 1 to the Department of the Treasury. This reporting requirement applies to all properties, with the exception of travelers' checks and money orders, and shall be verified and shall include:

(a) The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of value of fifty (50) dollars[$100] or more presumed abandoned under this chapter and in the case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his or her last known address according to the records of the life insurance corporation;

(b) Identifying data of the property owner, including, Social Security number, date of birth, policy number, check number, name, and address of listed beneficiaries, etc.;

(c) Description of the property, including, physical description, property type codes, and the amount appearing from the records to be due, except items of value of fifty (50) dollars[$100] or less. The items of value of fifty (50) dollars[$100] or less may be reported in aggregate.

(d) The date when the property became payable, demandable, or returnable, and the date of the last known transaction with the owner with respect to the property if readily available.

(2) If the fair cash value of the property is more than ***fifty (50) dollars[$50]***[100], the holder of property presumed abandoned shall send written notice to the apparent owner, not more than ***180[120]*** days or less than sixty (60) days before filing the report, stating that the holder is in possession of the property subject to this section. The holder shall not be required to mail a notice to any apparent owner where the fair cash value of the property is fifty (50) dollars[$100] or less. The notice shall contain:

(a) The statement to the owner that properties are being held to which the addressee appears entitled;

(b) The name and address of the person holding the property and any necessary information regarding a change of name and address of the holder; and

(c) A statement, that if satisfactory proof of claim is not presented by the owner to the holder by the date specified, the property shall be placed in the custody of the department to whom all further claims shall be directed.

(3)

(a) A person shall turn over to the department all property reportable as required by KRS Chapter 393A[393] and this administrative regulation to the department by November 1, unless:

1. The person making the report or the owner of the property shall certify to the department that any or all of the statutory conditions necessary to create a presumption of abandonment no longer exists or never did exist; or

2. The person is able to provide documentation of facts or circumstances that will rebut the presumption of abandonment;

(b) If either of these conditions are met, then the person reporting or holding the property shall not be required to turn the property over to the department except on order of court.

(4) The holder of abandoned property shall maintain its records for a period of ***seven (7)[ten (10)]***[five (5)] years from the date of its report for items reported in the aggregate.

(5) If the owner of the property reported in the aggregate makes a valid claim within ***seven (7)[ten (10)]***[five (5)] years, the holder shall provide the owner with account data necessary for the department to identify the account from the aggregate amount.

(6) The annual reports shall be retained by the department for a period of five (5) years.

(7)

(a) The department shall notify all apparent owners of the unclaimed property in accordance with this section by means of posting on the department's Web site.

(b) The department may use any of the following to provide additional notice to the apparent owners:

1. Publication in a newspaper of general circulation:

a. In the area of the state in which the last known address of a person to be named in the notice is located; or

b. If the address is unknown, in the area in which the holder has its principal place of business in the state; or

2. Individual contact by regular or electronic mail, or by telephone, if the department has current contact information on file;

(c) ***The department*** may[shall], notwithstanding KRS 424.180 and 424.190, provide, on an annual basis, notice or published advertisement of property transferred to it. Any procedures prescribed by the department in accordance with this section shall employ the most cost-effective methods available for the submission of reports to the department and the notice or advertisement of property transferred to the department. The cost of the publication shall be paid by the state.

(d) The advertisement shall be published as required on or before October 1 following the year when the report was received, and the publishing shall be paid constructive notice to all parties.

(8) If a person files an action in court claiming any property ***that[which]*** has been reported, or is to be reported, under the provisions of this chapter, the person reporting or holding the property shall be under no duty, while the action is pending, to turn the property over to the department, but shall have a duty of notifying the department of the pendency of the action.

(9) The person reporting or holding the property or any claimant of it shall always have the right to a judicial determination of his or her rights under this chapter, and nothing in this chapter shall be construed otherwise. The Commonwealth may institute an action to recover the property presumed abandoned, whether it has been reported or not, and may include in one (1) petition all property within the jurisdiction of the court in which the action is brought, if the property of different persons is set out in separate paragraphs.

Section 2. Reports on Property Held in an Interest Bearing Account. If the holder of unclaimed property is required to place that property in an interest bearing account, pursuant to KRS 393A.040(5)(a)[393.130], the holder shall submit to the Department of the Treasury the following reports: A statement on the interest-bearing account holding unclaimed property. The statement shall:

(1) Be the kind normally issued on an interest-bearing account;

(2) Be filed with the Department of the Treasury on an annual basis according to the holder's normal course of business; and

(3) Include the value of the unclaimed property and the amount of the interest paid on the account.

Section 3. Reports on an Amount Paid Out of an Account Holding Unclaimed Property.

(1) A holder of an account holding unclaimed property shall file a report within ten (10) business days of paying an amount out of the account.

(2) The report shall include:

(a) The name, Social Security number, and the address of the property owner;

(b) The amount paid;

(c) The portion of the amount that represents interest paid and the portion that represents the original amount of unclaimed property;

(d) The date the property was presumed abandoned;

(e) Proof of payment;

(f) An itemization of each fee or expense charged against the account; and

(g) An affidavit indicating:

1. What specific proof was used in determining that the person that received the amount or payment was the rightful claimant; and

2. That the procedures for paying a claim for unclaimed property as established in 20 KAR 1:040 were followed.

(3) The report shall be filed at the Department of the Treasury.

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

[~~(1)~~] [~~"Unclaimed Property Report/Remit Form", 2006 edition, is incorporated by reference.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of the Treasury, 1050 U.S. Hwy. 127 South, Suite 100, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:00 p.m.~~]

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CONTACT PERSON: Russell Webber, Deputy State Treasurer, Kentucky State Treasury, 1050 US Hwy 127 South, Suite 100, Frankfort, Kentucky 40601, (502) 564-4722, Russell.Webber@ky.gov.

OFFICE OF THE ATTORNEY GENERAL
Office of Regulatory Relief
(As Amended at ARRS, October 13, 2026)

40 KAR 12:450. Emergency Contractors.

RELATES TO: KRS 367.379

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), ***367.379(7)***~~***[367.379(8)]***~~

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS ***367.379(7)***~~***[367.379(8)]***~~ authorizes the Attorney General to promulgate administrative regulations pertaining to emergency contractors. This administrative regulation establishes an online registration application, an online renewal application, person in control statement, and a surety bond form to be used by emergency contractors in designated emergency areas.

Section 1. Emergency ***Contractor***~~***[Contractors]***~~ Registration Application.

(1) Except as ***established***~~***[provided]***~~ in ***subsection***~~***[paragraph]***~~ (4) of this section, a contractor***, as defined by KRS 367.379(1)(a),*** shall not perform services for Commonwealth of Kentucky residents in a designated emergency area under a KRS 367.379(2)(a) Attorney General executive order, unless the Attorney General approves the contractor's online Emergency Contractor Registration Application in accordance with this administrative regulation. An applicant shall submit an online registration application using the Emergency Contractor Registration Application Portal available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(2) To complete an online application, an applicant shall submit:

(a) Payment of the $100.00 registration fee;

(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, other evidence of the applicant's authority to transact business in Kentucky, or verification of a sole proprietor's business address;

(c) ***A copy***~~***[Copies]***~~ of the applicant's general liability insurance policy or insurance declaration page evidencing insurance coverage in t0he minimum amount of $200,000; a completed Emergency Contractor ***Surety*** Bond, form EC-1; or other completed surety bond in the minimum amount of $200,000 by a surety authorized to do business in Kentucky; and

(d) ***A copy***~~***[Copies]***~~ of the applicant's workers compensation insurance policy.

(3)

(a) An applicant shall complete ***the***~~***[its]***~~ application by submitting additional information or documents ***related to the application*** within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any application:

1. If an applicant fails to timely complete the application by not paying the application fee or providing requested information or documents; or

2. For any reason that the Attorney General, in the exercise of sound discretion, deems sufficient.

(4) ***An*** emergency ***contractor***~~***[contractors]***~~ shall not be required to obtain registration to perform work in a designated emergency area ***if***~~***[when]***~~:

(a) Work is performed pursuant to a contract executed prior to a state of emergency declaration; or

(b) The Attorney General issues an executive order under KRS 367.379(2)(b)1 determining that a local government in the designated emergency area imposes emergency registration or emergency licensure requirements for contractors that are greater than the requirements imposed under KRS 367.379 (3)(a), (b), and (c)***, in which case***~~***[whereby]***~~ the contractor shall comply with that local government's requirements.

Section 2. Emergency Contractor Person in Control. ~~***[(1)]***~~A registrant shall not perform services for Commonwealth of Kentucky residents in a designated emergency area under a KRS 367.379(2)(a) Attorney General executive order unless the registrant designates a person responsible for the conduct of all employees and solicitors for a designated emergency area. If not provided in the original application, a registrant shall identify the person in control of a designated emergency area using the Emergency Contractor Person in Control ~~***[submission]***~~Portal available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

Section 3. Emergency Contractor Renewal Applications.

(1) An approved emergency contractor registration or renewal shall be valid for one (1) year from the date of registration or renewal by the Attorney General.

(2) Thirty (30) days prior to the expiration of a current registration, a registered emergency contractor may renew ***the***~~***[its]***~~ registration. Registration renewal shall be accomplished by submitting an online renewal application using the Emergency Contractor ***Registration*** Renewal Application Portal available at https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx.

(3) ***To submit***~~***[When submitting]***~~ an online renewal application, each registrant shall submit:

(a) Payment of the $100.00 registration renewal fee;

(b) If the registrant's prior submitted general liability insurance policy or surety bond is no longer current:

1. ***A copy[~~Copies~~]*** of the applicant's current general liability insurance policy or insurance declaration page evidencing insurance coverage in the minimum amount of $200,000;

2. A completed Emergency Contractor ***Surety*** Bond, form EC-1; or

3. Other completed surety bond in the minimum amount of $200,000 by a surety authorized to do business in Kentucky; and

(c) If the registrant's prior submitted worker's compensation policy is no longer current, ***a copy[~~copies~~]*** of the registrant's current worker's compensation insurance policy.

(4)

(a) A registrant shall complete ***the[~~its~~]*** renewal application by submitting additional information or documents ***related to the[~~for its~~]*** application within thirty (30) days of a request by the Attorney General.

(b) The Attorney General may deny any renewal application:

1. If a registrant fails to timely complete the application by not paying the application fee or providing requested information or documents; or

2. For any reason that the Attorney General, in the exercise of sound discretion, deems sufficient.

Section 4. ***[~~Annual Registration Fee. The annual registration fee for an emergency contractor shall be $100.00.~~]***

[~~Section 5.~~] Written Notification of Material Changes. A registered emergency contractor shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, application attachments, or written notices**.**

Section 5.[~~6.~~] Record Requests. An emergency contractor shall make requested business records and documents and information related to an investigation or inquiry readily available to the Attorney General for inspection and copying upon request.

Section 6.[~~7.~~] Subsequent Proceedings. Registration or renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to or after any registration or renewal and shall not prevent subsequent proceedings against a registrant.

Section 7.[~~8.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Emergency Contractor Registration Application ***Portal***", July 2026;

(b) "Emergency Contractor Person in Control ***Portal[~~ submission,~~]***", July 2026;***[~~ and~~]***

(c) "Emergency Contractor ***Registration*** Renewal Application ***Portal***", July 2026; ***and***

(d) "Emergency Contractor Surety Bond***"***, form EC-1***[~~"~~]***, July 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

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CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

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
(As Amended at ARRS, October 13, 2026)

101 KAR 2:150. State Safety Program.

RELATES TO: KRS 18A.030(2)(i), 18A.155, Chapter 338[~~KRS 18A.030(2)(i), 18A.110(7)(i), 18A.155~~]

STATUTORY AUTHORITY: KRS 18A.030(2)(b), 18A.110(7)(h)[~~KRS 18A.030(2)(i), 18A.110(7)(i), 18A.155~~]

NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 18A.030(2)(b) requires the Secretary of the Personnel Cabinet to promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapters 13A and 18A, and with federal standards.*** KRS 18A.110(7)(h)[~~KRS 18A.110(7)(i)~~] requires the Secretary of the Personnel Cabinet to promulgate administrative regulations[~~,~~] for the development and[~~,~~] operation [~~and enforcement~~] of programs to improve work safety. This administrative regulation establishes the state safety program.

Section 1. Establishment of State Safety Program.

(1) A state safety program shall be established and administered through the Personnel Cabinet, and headed by a state safety coordinator who ***shall[~~will~~]***:

(a) Obtain applicable data and analyze costs associated with workers' compensation injuries; and

(b) Advise agencies on relevancy of data.

(2) An appointing authority shall designate an agency safety representative for each site location.

(3) The state safety program shall comply with the occupational health and safety requirements established in KRS Chapter 338 and the administrative regulations promulgated by the Kentucky Occupational Safety and Health Program in 803 KAR Chapter 2.

Section 2. Duties of Agency Safety Representative.

(1) Each agency safety representative shall:

(a) Implement and supervise a safety program;

(b) Attend safety meetings sponsored by the Personnel Cabinet;

(c) Conduct safety meetings and training sessions for agency employees;

(d) Document preventive safety measures; and

(e) Promote safety of employees.

(2) The agency safety representative may establish an agency safety committee, to meet on a regular basis for:

(a) Review of causes of accidents;

(b) Inspection of facilities;

(c) Development of hazard abatement methods; and

(d) Assessment of safety training needs.

Section 3. Duties of Supervisors.

(1) A supervisor shall:

(a) Review the safety program with new employees;

(b) Enforce general safety regulations and procedures;

(c) Maintain safe working conditions; and

(d) Require employees to follow safety regulations and procedures.

(2) A supervisor or designee shall investigate each accident and shall forward a report on the findings to the state safety coordinator in the Personnel Cabinet.

(3) A supervisor shall require an employee to attend a regular safety meeting and training session at a time to be determined in coordination with the agency safety representative.

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CONTACT PERSON: Rosemary Holbrook, Assistant General Counsel, Office of Legal Services, 501 High Street, 3rd floor,

Frankfort, Kentucky 40601, phone: (502) 564-7430, fax: (502) 564-0224, email: RosemaryG.Holbrook@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.

PERSONNEL CABINET
Office of the Secretary
(As Amended at ARRS, October 13, 2026)

101 KAR 2:221. Employee Educational Assistance Program.

RELATES TO: KRS 18A.030(2)(i), 26 U.S.C. 127
STATUTORY AUTHORITY: KRS 18A.030(2)(b), 18A.110(7)(h)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110(7)(h) requires the Secretary of the Personnel Cabinet to promulgate administrative regulations ***that[~~which~~]*** govern the development and operation of programs to improve work effectiveness of employees in the state service, including training, health, welfare, counseling and employee relations. This administrative regulation establishes the requirements for employee participation and the agency reporting obligations relating to the Employee Educational Assistance Program to ensure that agencies are maintaining and reporting required usage data.

Section 1. Definitions.
(1) "Educational assistance" means the financial assistance provided to an employee by the employee's cabinet or agency for the purpose of continuing the employee's education or training, based on the educational needs of the workforce, which results in an improved workforce and assists the employee in the achievement of individual career goals.
(2) "Educational provider" means a public or private degree-granting postsecondary education institution accredited by a regional or national accrediting body recognized by the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA), or other approved education or training ***provider[~~providers~~]***.
(3) "Employee Educational Assistance Program" means the program established by this administrative regulation.
(4) "Satisfactory ***grade[~~Grade~~]***" means a grade that meets the minimum academic standards required by the institution for the student to receive credit toward completion of ***the student's[~~their~~]*** degree or certificate program.
(5) "Service obligation" means the twelve (12) month minimum period that an employee is obligated to work in state government following the receipt of educational assistance, beginning:
(a)
1. On the educational provider's published end date of the academic term in which the employee is receiving educational assistance; or
2. If no published end date exists, on the date of the last class activity, such as the final exam, the date a final paper is submitted, or the last scheduled class session; and
(b) After the employee has achieved a satisfactory grade on the current coursework.

Section 2. Employee Educational Assistance Program.
(1) The Personnel Cabinet shall be responsible for issuing, administering, and monitoring the Employee Educational Assistance Program.
(2) A cabinet or agency may adopt an educational assistance policy to specify the terms and conditions of the agency or cabinet's participation in the Employee Educational Assistance Program.
(a) A cabinet or agency's education assistance policy shall not conflict with the employee educational assistance program.
(b) A cabinet or agency's educational assistance policy shall be subject to the approval of the secretary.
(c) A copy of the cabinet or agency's current educational assistance policy shall be filed with the Personnel Cabinet upon approval by the secretary.
(d) A cabinet or agency shall utilize this administrative regulation if no other educational assistance policy is filed with the Personnel Cabinet for that cabinet or agency.
(3) Eligibility requirements. A permanent, full-time classified employee with status shall be eligible for the Employee Educational Assistance Program if the employee:
(a) Is in full-time active work status;
(b) Has not received a disciplinary action within one ***(1)*** year immediately preceding the date of application for educational assistance;
(c) Has not received one ***(1)*** of the two (2) lowest final performance evaluation scores for the previous year;
(d) Does not have an outstanding reimbursement obligation in accordance with subsection (8) of this section; and
(e) Has not exceeded the maximum gross income tax exclusion provided by 26 U.S.C. 127.
(4) Employee Educational Assistance Program financial provisions.
(a) Funding.
1. Funding for educational assistance shall come from a cabinet or agency's budget.
2. Cabinet or agency participation in the Employee Educational Assistance Program shall be based on the availability of cabinet or agency funds.
(b) Approved educational assistance funds.
1. Educational assistance may be granted to pay for tuition and other related expenses ***if*** permitted by 26 U.S.C. 127 and approved in advance by the Personnel Cabinet.
2. Documentation of the Personnel Cabinet's approval of expenses shall be maintained in the cabinet or agency's educational assistance policy file and made available during periodic audits conducted by the Personnel Cabinet.
(c) Limits of funding.
1. The maximum educational assistance an agency may provide to an employee per calendar year shall not exceed the limits specified in 26 U.S.C. 127.
2. Financial assistance from any other financial aid program shall not be duplicated under this program. If eligible for tuition waiver or student fee waiver, the employee shall apply for these programs first.
(5) Disbursement of funds shall be in accordance with Personnel Cabinet payroll system requirements.
(6) Approved courses.
(a) Each course, program, or degree for which educational assistance is provided shall have a clear and direct relationship to:
1. The work of the cabinet or agency;
2. Improving the employee's effectiveness in his or her present position;
3. Preparing the employee for a position to which the employee can reasonably aspire; or
4. A requirement for a degree or program on the cabinet or agency's approved list of courses, programs, and degrees.
(b) Lists of courses, programs**,** and degrees.
1. With approval of the Personnel Cabinet**,** a cabinet or agency may establish lists of courses, programs, and degrees for which educational assistance may be granted and shall be based on the recognized educational needs of the workforce in the agency.
2. Each approved list shall be made available for review by the respective cabinet or agency employees.
3. The cabinet or agency shall annually review the approved list and make revisions as necessary and appropriate after re-approval by the Personnel Cabinet.
4. A request by an employee for an exception or addition to the approved list shall be made in writing to the cabinet or agency's designated agent. Exceptions and additions shall only be granted after approval by the Personnel Cabinet.
(c) Courses taken through the Employee Educational Assistance Program shall not be applied toward an Educational Achievement Award.
(7) Maximum courses allowed.

(a) Educational assistance provided for undergraduate and post-graduate studies shall not exceed the following:

1. For undergraduate studies, a maximum of eight (8) courses per year, with a limit of:

a. Three (3) courses in any regular semester session;

b. Two (2) courses in any regular quarter session; and

c. One (1) course in any inter-session; and

2. For post-graduate studies (including graduate level professional studies), a maximum of six (6) courses per year, with a limit of:

a. Two (2) courses in any regular semester session;

b. One (1) course in any regular quarter session; and

c. One (1) course in any summer session or inter-session.

(b) An appointing authority or designated agent may make an exception to the maximum course load if:

1. The exception is necessary for an employee to complete the approved program;

2. The exception ***shall[will]*** not adversely affect the cabinet or agency's service or the employee's performance; and

3. The exception is approved in advance by the Personnel Cabinet.

(c) The Personnel Cabinet's approval of a cabinet or agency's exception to the maximum course load shall be maintained in the cabinet or agency's Educational Assistance Program file for audit purposes.

(8) Employee obligations.

(a) To be eligible for educational assistance funds or to continue to receive those funds, the employee shall:

1. Sign an agreement with the cabinet or agency;

2. Continue to work on a full-time basis;

3. Provide the agency, within thirty (30) calendar days upon completion of a course, evidence of a satisfactory grade; and

4. Complete the service obligation.

(b) A cabinet or agency shall attempt to recover from an employee the full amount of educational assistance funds expended on that employee's behalf if:

1. The employee's application form contains any material falsification;

2. The employee fails to provide the agency, within thirty (30) calendar days upon completion of a course, evidence of a satisfactory grade;

3. The employee drops a course, regardless of cause, without prior approval of the appointing authority or designated agent; or

4. The employee receives duplicate payment for the same course from any other source, such as a scholarship, Veteran's Educational Payments, or an Educational Achievement Award.

(c) A cabinet or agency shall attempt to recover from an employee the educational assistance funds expended on that employee's behalf if the employee resigns, retires**,** or is dismissed for cause prior to completion of the service obligation.

1. Any amount of educational assistance funds a cabinet or agency seeks to recover pursuant to an employee's failure to complete the service obligation shall be prorated according to the portion of the service obligation the employee has fulfilled.

2. The service obligation shall not apply to an employee who is laid-off.

(d) If an employee for whom a cabinet or agency has paid educational assistance transfers from one cabinet or agency to another while enrolled in the course or prior to completion of the employee's service obligation, the employee shall be required to repay educational assistance funds.

(e) An approved course shall be taken on the employee's own time. Flexible scheduling options and leave time may be utilized at a cabinet or agency's discretion to accommodate course schedules.

(9) Records.

(a) The cabinet or agency shall maintain complete and accurate records relating to its Employee Educational Assistance Program.

(b) A cabinet or agency's appointing authority or designated agent shall be responsible for maintenance and accuracy of all records relating to a cabinet or agency's Employee Educational Assistance Program.

(c) A cabinet or agency shall utilize its signed agreement with the employee as the key record for the Employee Educational Assistance Program.

(d) A cabinet or agency's educational assistance policy shall be made available for periodic audits or upon request.

(e) The cabinet or agency shall maintain all records associated with this program in the agency personnel file of the employee and shall forward the records to the receiving cabinet or agency if the employee transfers.

(f) The Personnel Cabinet shall be responsible for retaining comprehensive statewide records, on a fiscal year basis, of Educational Assistance Program activity.

1. This information shall be reported annually to the secretary or as needed upon request and shall include the following:

a. The number of employees participating in the program;

b. The amount (tuition and fees) reimbursed;

c. The number of employees granted educational leave; and

d. A summary of the annual reporting data required by Section 3(3) of this administrative regulation.

2. The Personnel Cabinet may request additional information from cabinets or agencies as needed to assist in the administration or monitoring of the program.

Section 3. Program Audits.

(1) The Personnel Cabinet shall conduct annual audits of cabinet or agency compliance with the Employee Educational Assistance Program from a representative sample selected by the Personnel Cabinet.

(2) In the course of the audits, the Personnel Cabinet shall review a cabinet or agency's Educational Assistance Program documents and records.

(3) Cabinets and agencies shall maintain the following data and reports in the cabinet or agency's Educational Assistance Program file:

(a) Total dollar expenditures for educational assistance;

(b) Total number of employees utilizing educational assistance provided by the agency;

(c) Total dollar expenditures by educational provider by the cabinet or agency;

(d) Approved lists of course titles, degrees, or programs;

(e) A list of all course titles, degrees, programs, and certifications for which educational assistance is provided on a fiscal year basis;

(f) ***Each[~~The~~]*** employee's signed agreement;

(g) A list of all outstanding reimbursement obligations; and

(h) A list of all employees that have completed degree requirements during the current fiscal year.

Section 4. Equal Opportunity. Each participating cabinet or agency shall ensure that its Employee Educational Assistance Policy is administered fairly, consistently, and equitably for all employees.[~~ RELATES TO: KRS 18A.110(7)(i),164.357 STATUTORY AUTHORITY: KRS 18A.030(2) and 18A.110(7)(i) NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110(7)(i) requires the Secretary of the Personnel Cabinet to promulgate administrative regulations which govern the development and operation of programs to improve the work effectiveness of employees in the state service, including training, health, welfare, counseling and employee relations. This administrative regulation establishes the requirements for employee participation in and the agency reporting obligations relating to the Employee Educational Assistance Program to ensure that agencies are maintaining and reporting required usage data.~~]

[~~Section 1.~~] [~~Definitions.~~]

[~~(1)~~)] [~~"Educational assistance" means the financial assistance provided to an employee by the employee's cabinet or agency for the purpose of continuing the employee's education or training, based on the educational needs of the workforce, which results in an improved workforce and assists the employee in the achievement of individual career goals.~~]

[~~(2)~~)] [~~"Educational providers" means accredited public or private degree-granting postsecondary education institutions, educational television, accredited correspondence or online schools, secondary schools, General Educational Development (GED) preparatory programs, Kentucky Virtual Campus (KYVC), or other approved education or training providers.~~]

[(3)] ["Employee Educational Assistance Program" means the program established by this administrative regulation.]

[(4)] ["Satisfactory Grade" means:]

[(a)] [a grade of "C" or higher for undergraduate or law school courses;]

[(b)] [a grade of "B" or higher for graduate-level or other professional studies courses; or]

[(c)] ["Pass" for courses which are graded on a "Pass/Fail" basis.]

[(5)] ["Service obligation" means the six (6) month minimum period of time that an employee is obligated to work in state government following the receipt of educational assistance, beginning:]

[(a)]

[1.] [On the educational provider's published end date of the academic term in which the employee is receiving educational assistance; or]

[2.] [If no published end date exists, on the date of the last class activity, such as the final exam, the date a final paper is submitted, or the last scheduled class session; and]

[(b)] [If the employee has achieved a satisfactory grade on the current coursework.]

[(6)] ["Special-Purpose Educational Assistance Program" means coursework or specified training that has been predetermined by a cabinet or agency to be mandatory or job related that is required to meet accreditation, or certification or professional standards.]

[Section 2.] [Employee Educational Assistance Program.]

[(1)] [The Governmental Services Center (GSC) shall be responsible for issuing, administering, and monitoring the Employee Educational Assistance Program.]

[(2)] [A cabinet or agency may adopt an Educational Assistance Policy to specify the terms and conditions of the agency or cabinet's participation in the Employee Educational Assistance Program.]

[(a)] [A cabinet or agency's education assistance policy shall not conflict with the employee educational assistance program.]

[(b)] [A cabinet or agency's educational assistance policy shall be subject to the approval of the Executive Director of GSC or the Executive Director's designated agent.]

[(c)] [A copy of the cabinet or agency's current educational assistance policy shall be filed with the GSC upon approval by the Executive Director of GSC or the Executive Director's designated agent.]

[(d)] [A cabinet or agency shall utilize this administrative regulation if no other Educational assistance policy is filed with the GSC for that cabinet or agency.]

[(3)] [Eligibility requirements.]

[(a)] [A permanent, full-time classified employee shall be eligible for the Employee Educational Assistance Program if the employee:]

[1.] [Is in full-time active work status; and]

[2.] [Has satisfactorily completed the initial probationary period.]

[(b)] [The requirements established in paragraph (a) of this subsection may be waived by a cabinet or agency on an individual basis if the nature of the work justifies providing educational assistance.]

[1.] [If a cabinet or agency waives any requirement for an employee, the agency shall maintain justification documentation.]

[2.] [Documentation shall include:]

[a.] [The employee's application for educational assistance;]

[b.] [The specific education or training requested; and]

[c.] [The written determination by the cabinet or agency that waiver of one or more requirements is justified based on the nature of the employee's work.]

[3.] [Documentation shall be maintained in the cabinet or agency's Educational Assistance Policy file and made available during periodic audits conducted by the GSC.]

[4.] [An employee who has an outstanding reimbursement obligation in accordance with subsection (8) of this section shall not receive further educational assistance until the outstanding obligation is satisfied.]

[5.] [The cabinet's or agency's Education Assistance Policy shall not apply to programs providing scholarships or other educational assistance to individuals who are not qualifying employees of the executive branch of Kentucky state government.]

[(4)] [Employee Educational Assistance Program.]

[(a)] [Funding.]

[1.] [Funding for educational assistance shall come from a cabinet or agency's budget.]

[2.] [Cabinet or agency participation in the Employee Educational Assistance Program shall be based on the availability of cabinet or agency funds.]

[(b)] [Approved educational assistance funds.]

[1.] [Educational assistance shall be granted to pay for tuition and other related expenses, such as:]

[a.] [Laboratory fees;]

[b.] [Basic and normal costs charged by the institution for course registration;]

[c.] [Computer usage fees;]

[d.] [Required texts and other required course supplies;]

[e.] [Examination fees; or]

[f.] [Records and transcript fees required by the institution.]

[2.] [Educational assistance may be granted for educational testing for credit, such as General Educational Development (GED), College Level Examination Program (CLEP), or Defense Activity for Non-Traditional Education Support (DANTES).]

[3.] [Educational assistance shall be available for educational testing which is an entry requirement by an educational provider, such as ACT, SAT, GRE, GMAT, or LSAT.]

[4.] [A cabinet or agency may elect to cover additional or other types of educational expenses.]

[a.] [Additional or other types of educational expenses by a cabinet or agency shall not require pre-approval from the GSC.]

[b.] [Documentation of a cabinet or agency's approval of expenses shall be maintained in the cabinet or agency's Educational Assistance Policy file and made available during periodic audits conducted by the GSC.]

[(c)] [Limits of funding.]

[1.] [Educational assistance provided for coursework at an accredited in-state private college, out-of-state college, or out-of-state university shall be limited by the then-current costs at the four (4) year state university located in Kentucky nearest to the employee's county of employment.]

[a.] [The educational assistance provided per semester hour of credit shall not exceed the then-current cost per semester hour at the four (4) year state university located in Kentucky nearest the employee's county of employment.]

[b.] [Educational assistance based on semester quarter-hours of credit shall not exceed two-thirds (2/3) of the then-current cost per semester hour at the four (4) year state university located in Kentucky nearest the employee's county of employment.]

[2.] [Educational assistance provided per semester hour of credit for an online course or program shall be limited to the higher of:]

[a.] [The then-current costs per semester hour for an online course or program offered by a Kentucky public post-secondary educational institution which is delivered directly by that institution; or]

[b.] [The then-current costs per semester hour for an online course or program offered by a Kentucky public postsecondary educational institution which is delivered through the Kentucky Virtual Campus (KYVC).]

[3.] [Educational assistance based on semester quarter-hours of credit for an online course or program shall not exceed two-thirds (2/3) of the higher of:]

[a.] [The then-current costs per semester hour for an online course or program offered by a Kentucky public postsecondary educational institution which is delivered directly by that institution; or]

[b.] [The then-current costs per semester hour for an online course or program offered by a Kentucky public postsecondary educational institution which is delivered through KYVC.]

[4.] [Each cabinet or agency shall verify that the selected university or college has:]

[a.] [Conducted regular assessments to accredit each academic, academic support, and nonacademic programs;]

[b.] [Assessment results which substantiate that the academic activities are aligned with institutional mission and goals; and]

[c.] [Provided information specifying the source of the accreditation information on the Employee Educational Assistance Program Form.]

[(5)] [Payments of funds to educational providers.]

[(a)] [The cabinet or agency shall pay educational assistance funds directly to the educational provider if:]

[1.] [The employee's application for educational assistance was timely filed;]

[2.] [The application meets cabinet or agency approval; and]

[3.] [A GSC exception request is approved if necessary.]

[(b)] [Financial assistance from any other financial aid program shall not be duplicated under this program.]

[1.] [If eligible for tuition waiver or student fee waiver, the employee shall apply for these programs first.]

[2.] [If additional allowable costs remain after the utilization of the Tuition Waiver or Student Fee Waiver, the employee may seek additional funding from the educational assistance program to cover those remaining costs.]

[(6)] [Approved courses.]

[(a)] [Each course, program, or degree for which educational assistance is provided shall have a clear and direct relationship to:]

[1.] [The work of the cabinet or agency;]

[2.] [Improving the employee's effectiveness in his or her present position;]

[3.] [Preparing the employee for a position to which the employee can reasonably aspire; or]

[4.] [A requirement for a degree or program on the cabinet or agency's approved list of courses, programs, and degrees.]

[(b)] [Approved Lists of courses, programs and degrees.]

[1.] [A cabinet or agency shall establish approved lists of courses, programs, and degrees for which educational assistance may be granted.]

[a.] [A cabinet or agency's approved list of courses, programs and degrees shall be based on the recognized educational needs of the workforce in the agency.]

[b.] [A cabinet or agency may establish different approved lists for work units or job classifications.]

[c.] [A cabinet or agency may grant educational assistance for courses that do not qualify an individual to meet the minimum requirements for a job outlined on the official class specification.]

[2.] [Each approved list shall be made available for review by cabinet or agency employees.]

[3.] [A copy of a cabinet or agency's current approved list shall be provided to the GSC.]

[4.] [The cabinet or agency shall periodically review the approved list and make revisions as necessary and appropriate.]

[5.] [A request by an employee for an exception or addition to the approved list shall be made in writing to the cabinet or agency's designated agent.]

[(c)] [Courses taken through the Employee Educational Assistance Program shall not be applied toward an Educational Achievement Award.]

[(7)] [Maximum courses allowed.]

[(a)] [Educational assistance provided for undergraduate and post-graduate studies shall not exceed the following:]

[1.] [For undergraduate studies, a maximum of eight (8) courses per year, with a limit of:]

[a.] [Three (3) courses in any regular semester session;]

[b.] [Two (2) courses in any regular quarter session; and]

[c.] [One (1) course in any summer session or inter-session; and]

[2.] [For post-graduate studies (including graduate level professional studies), a maximum of six (6) courses per year, with a limit of:]

[a.] [Two (2) courses in any regular semester session;]

[b.] [One (1) course in any regular quarter session; and]

[c.] [One (1) course in any summer session or inter-session.]

[(b)] [An appointing authority or designated agent may make an exception to the maximum course load if:]

[1.] [The exception is necessary for an employee to complete the approved program; and]

[2.] [The exception will not adversely affect the cabinet or agency's service or the employee's performance.]

[(c)] [Documentation of a cabinet or agency's exception to the maximum course load shall be maintained in the cabinet or agency's Educational Assistance Program file and made available during periodic audits conducted by the GSC.]

[(8)] [Kentucky State University Requirement pursuant to KRS 164.357.]

[(a)] [The following employees shall receive educational assistance only for classroom, online or independent study courses at Kentucky State University (KSU), unless the course, program or degree required is not available or offered at KSU:]

[1.] [Employees who live in Franklin County or an adjoining county; or]

[2.] [Employees whose work station is in Franklin County or an adjoining county.]

[(b)] [This KSU requirement shall apply uniformly unless the Executive Director of the GSC or designee waives the requirement for a particular employee or course by written approval to an exception request.]

[(9)] [Employee obligations.]

[(a)] [To be eligible for educational assistance funds or to continue to receive those funds, the employee shall:]

[1.] [Sign the Employee Educational Assistance Program Form;]

[2.] [Continue to work on a full-time basis;]

[3.] [Provide the agency, within thirty (30) calendar days upon completion of a course, evidence of a satisfactory grade; and]

[4.] [Complete the minimum six (6) month service obligation. The employee shall be required at a minimum to comply with requirements established in this paragraph in order to qualify for and maintain educational assistance funds:]

[a.] [The employee shall continue to work on a full-time basis;]

[b.] [The employee shall sign the Employee Educational Assistance]

[c.] [Program Form and comply with the terms of the form;]

[d.] [The employee shall provide the agency within thirty (30) calendar days upon completion of a course evidence of a Satisfactory Grade; and]

[e.] [The employee shall complete the minimum six (6) month service obligation.]

[(b)] [A cabinet or agency shall recover from an employee the full amount of educational assistance funds expended on that employee's behalf if:]

[1.] [The employee's application form contains any material falsification;]

[2.] [The employee fails to provide the agency, within thirty (30) calendar days upon completion of a course, evidence of a satisfactory grade;]

[3.] [The employee drops a course, regardless of cause, without prior approval of the appointing authority or designated agent; or]

[4.] [The employee receives duplicate payment for the same course from any other source, such as a scholarship, Veteran's Educational Payments, or an Educational Achievement Award.]

[(c)] [A cabinet or agency shall recover from an employee the educational assistance funds expended on that employee's behalf if the employee resigns, retires or is dismissed for cause prior to completion of the six (6) month minimum service obligation.]

[1.] [Any amount of educational assistance funds a cabinet or agency seeks to recover pursuant to an employee's failure to complete the six (6) month minimum service obligation shall be prorated according to the portion of the service obligation the employee has fulfilled.]

[2.] [The six (6) month minimum service obligation shall not apply to an employee who is laid-off.]

[(d)] [If an employee for whom a cabinet or agency has paid educational assistance transfers from one cabinet or agency to another through the Internal Mobility Program while enrolled in the course or prior to completion of the employee's six (6) month minimum service obligation, the employee shall not be required to repay educational assistance funds, unless previously agreed to by other contract.]

[(e)] [An approved course should be taken on the employee's own time. If a course is only offered only during working hours, eligible employees must request an Exception for Benefit of the Public Interest as set forth in Section 4 of this administrative regulation.]

[(10)] [Records and forms.]

[(a)] [The cabinet or agency shall maintain complete and accurate records relating to its Employee Educational Assistance Program and Special-Purpose Educational Assistance Program if applicable.]

[(b)] [A cabinet or agency's appointing authority or designated agent shall be responsible for maintenance and accuracy of all records relating to a cabinet or agency's Employee Educational Assistance Program or Special-Purpose Educational Assistance Program.]

[(c)] [A cabinet or agency shall utilize the Employee Educational Assistance Authorization Form as the key record for the Employee Educational Assistance Program.]

[(d)] [A cabinet or agency's Educational Assistance Policy or Special-Purpose Educational Assistance Program records shall be made available for GSC periodic audits or upon request.]

[(e)] [The cabinet or agency shall maintain all records and forms associated with this program in the agency personnel file of the employee and shall forward the records to the receiving cabinet or agency if the employee transfers.]

[(f)] [Administration in the GSC shall be responsible for retaining comprehensive statewide records, on a fiscal year basis, of Educational Assistance Program activity.]

[1.] [This information shall be reported annually to the Secretary of the Personnel Cabinet or as needed upon request and shall include the following:]

[a.] [The number of employees participating in the program;]

[b.] [The amount (tuition and fees) reimbursed;]

[c.] [The number of employees granted educational leave;]

[d.] [The number of employees taking courses at each cabinet's or agency's request;]

[e.] [The number of employees taking courses for required certification; and]

[f.] [A summary of the annual reporting data required by Section 5(3)(a) through (h) of this administrative regulation.]

[2.] [GSC may request additional information from cabinets or agencies as needed to assist in the administration or monitoring of the program.]

[Section 3.] [Special-Purpose Educational Assistance Program.]

[(1)] [A cabinet or agency may create a Special-Purpose Educational Assistance Program which provides educational assistance for an employee to obtain a specific degree or certification that is in the interest of the cabinet or agency.]

[(2)] [A cabinet or agency and employee may set different terms and obligations other than those established in the Educational Assistance Program.]

[(a)] [A Special-Purpose Educational Assistance Program may grant the employee the opportunity to use paid work hours to attend class or to complete coursework.]

[(b)] [A cabinet or agency shall not waive the proration requirement for recovery of educational assistance funds if the employee fails to complete the six (6) month minimum service obligation.]

[(3)] [Approval of a cabinet or agency's Special-Purpose Educational Assistance Program shall be subject to the written approval of the Executive Director of the GSC or designee.]

[Section 4.] [Exceptions for Benefit of the Public Interest.]

[(1)] [The Executive Director of the GSC or designee may grant exception upon request by the cabinet or agency to any portion of the Educational Assistance Program in which the power of exception is not expressly granted to the cabinet or agency.]

[(2)] [A request for exception from the cabinet or agency shall, at a minimum, meet the following guidelines and include the following information:]

[(a)] [The request from the cabinet or agency's appointing authority or designated agent shall be in writing;]

[(b)] [The request shall include the completed Employee Educational Assistance Authorization Form from the cabinet or agency's appointing authority or designated agent; and]

[(c)] [The request shall include the specific nature of the exception, the reason for the exception, and an explanation as to why the exception would be in the cabinet or agency's interest or in the public's interest.]

[(3)] [The request for exception shall be mailed or sent electronically by email to the Executive Director of the GSC.]

[(4)] [A request for exception shall be received by the GSC:]

[(a)] [Prior to the start of the educational course for which the exception is requested; or]

[(b)] [Prior to the date by which the cabinet or agency seeks to take any action subject to the exception requested.]

[(5)] [An agency shall not be required to file requests for exception if proposing a Special- Purpose Educational Assistance Program for approval by the GSC.]

[(a)] [Upon the approval of a cabinet or agency's Special-Purpose Educational Assistance Program, any exceptions contained within the Special-Purpose Educational Assistance Program which establish terms and obligations different than those terms and obligations established in the Employee Educational Assistance Program, shall be deemed approved.]

[(b)] [Exceptions within a cabinet or agency's Special-Purpose Educational Assistance Program shall be approved for the remainder of the respective fiscal year.]

[Section 5.] [Program Audits.]

[(1)] [The GSC shall conduct annual audits of cabinet or agency compliance with the Employee Educational Assistance Program from a representative sample selected by GSC.]

[(2)] [In the course of the audits, the GSC shall review a cabinet or agency's Educational Assistance Program and Special-Purpose Educational Assistance Program documents and records.]

[(3)] [Cabinets and agencies shall maintain the following data and reports in the cabinet or agency's Educational Assistance Program and Special-Purpose Educational Assistance Program file:]

[(a)] [Total dollar expenditures for educational assistance;]

[(b)] [Total number of employees utilizing educational assistance provided by the agency;]

[(c)] [Total dollar expenditures by educational provider by the cabinet or agency;]

[(d)] [Approved Lists of course titles, degrees, or programs;]

[(e)] [A list of all course titles, degrees, programs, certification or Special-Purpose Educational Assistance Program for which educational assistance is provided on a fiscal year basis;]

[(f)] [The completed Employee Educational Assistance Authorization Form, which is required for approval provided to the GSC if an exception to the Employee Educational Assistance Program is requested or required;]

[(g)] [A list of all outstanding reimbursement obligations; and]

[(h)] [A list of all employees that have completed degree requirements during the current fiscal year.]

[Section 6.] [Equal Opportunity. Each participating cabinet or agency shall ensure that its Employee Educational Assistance Policy is administered fairly, consistently, and equitably for all employees.]

[Section 7.] [Incorporation by Reference.]

[(1)] ["Employee Educational Assistance Program Form", June 2008, 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 a.m. to 4:30 p.m.]

FILED WITH LRC: October 13, 2026

CONTACT PERSON: Rosemary Holbrook, Assistant General Counsel, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone: (502) 564-7430, fax: (502) 564-0224, email: RosemaryG.Holbrook@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.

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(As Amended at ARRS, October 13, 2026)

103 KAR 41:040. Vending[~~Cigarette vending~~]machine operators.

RELATES TO: KRS 138.130, 138.195
STATUTORY AUTHORITY: KRS 131.130, 138.195
NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(1) authorizes the Department of Revenue to promulgate administrative regulations for the administration and enforcement of Kentucky tax laws. KRS 138.195***(4)(e)*** requires the department to promulgate an administrative regulation to prescribe how the information shall be affixed to a vending machine. This administrative regulation[~~, under authority of KRS 138.195,~~] outlines license requirements for [~~cigarette~~]vending machine operators that sell cigarettes, tobacco products, vapor products, or a combination thereof.

Section 1. Definitions.
(1) "Cigarettes" is defined by KRS 138.130(2).
(2) "Department" is defined by KRS 138.130(5).
(3) "Tobacco products" is defined by KRS 138.130***(24)[(23)]***.
(4) "Vapor products" is defined by KRS 138.130***(30)[(29)]***.

Section 2. Upon issuance of a [~~cigarette~~]vending machine operator's license by the department [~~Department of Revenue~~], the license shall be retained at the principal address of the vending machine operator. If a change of address occurs, written notification shall be given to the department. The license number along with the name and address of the operator shall be affixed to each machine in operation in such a manner as to be visible at the time of the purchase of cigarettes, tobacco products, vapor products, or a combination thereof.

FILED WITH LRC: October 13, 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).

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, October 13, 2026)

103 KAR 41:090. Evidence of tax payment.

RELATES TO: KRS 138.146
STATUTORY AUTHORITY: KRS 131.130(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130***(1)***authorizes the Department of Revenue to promulgate administrative regulations for the administration and enforcement of Kentucky tax laws. This administrative regulation ***is promulgated pursuant to[interprets]*** KRS 138.146 and outlines requirements of the Department of Revenue for affixing evidence of cigarette tax payment.

Section 1. Payment of cigarette tax shall be evidenced by [~~either~~]the affixing of a decal stamp [~~or a metered impression~~]to each individual package of cigarettes.

Section 2. The decal stamps shall be printed, manufactured, and distributed exclusively by the authority of the Department of Revenue or its appointed agents. The stamps may [~~can~~]be affixed either by manual or mechanical application. The privilege of using a machine for affixing decal stamps shall [~~must~~]be secured from the Department of Revenue in advance of use. The application shall [~~must~~]be filed, in writing, by the party desiring to use this method of affixing tax evidence.

Section 3. [~~The use of any type of metering device, affixing tax evidence by the application of an impression, shall be subject to the approval of the Department of Revenue. The person affixing the tax evidence shall declare in writing to the Department of Revenue his intentions of using this method of stamping, and request permission to purchase the required tax units from the department or its appointed agents. The setting and sealing of any tax meter register shall be performed exclusively by authorized employees or agents of the department. The privilege of using the metering device shall be withdrawn from any party failing to affix tax impressions in a manner satisfactory to the Department of Revenue.~~]

[~~Section 4.~~] The decal stamp [~~or metered impression~~]shall be affixed to either the top or bottom edge of all standard packages of twenty (20) cigarettes in [~~such~~]a manner that the tax evidence will be visible when the packages are displayed for sale by the retailer. On packages containing more or less than twenty (20) cigarettes, the tax evidence shall be affixed to any part of the outer wrapping affording ample space and providing for a ready inspection by agents of the department.

FILED WITH LRC: October 13, 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).

OFFICE OF THE GOVERNOR
Department of Workers' Claims
(As Amended at ARRS, October 13, 2026)

120 KAR 1:089. Workers' compensation medical fee schedule for physicians.

RELATES TO: KRS 342.0011(32), 342.019, 342.020, 342.035
STATUTORY AUTHORITY: KRS 342.020, 342.035(1), (4)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation is in compliance with the requirements of 2025 RS HB 6, Section 8(2) because this administrative regulation is being promulgated to meet a deadline established by KRS 342.035(1). The commissioner is required to promulgate administrative regulations to ensure that all fees, charges, and reimbursements for medical services under KRS Chapter 342 are limited to charges that are fair, current, and reasonable for similar treatment of injured persons in the same community for like services, where treatment is paid for by general health insurers. KRS 342.035 requires a schedule of fees to be reviewed and updated, if appropriate, every two (2) years on July 1.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.035(1) requires the commissioner of the Department of Workers' Claims to promulgate administrative regulations to ensure that all fees, charges, and reimbursements for medical services under KRS Chapter 342 are limited to charges that are fair, current, and reasonable for similar treatment of injured persons in the same community for like services, where treatment is paid for by general health insurers. KRS 342.035(4) requires the commissioner to promulgate an administrative regulation to ***establish[adopt]*** a schedule of fees to regulate charges by medical providers and other

health care professionals. [establishing the workers' compensation medical fee schedule for physicians. Pursuant to] KRS 342.035 requires the[a] schedule of fees to be reviewed and updated, if appropriate, every two (2) years on July 1. This administrative regulation ***establishes[adopts]***[establishes] the medical fee schedule for physicians.

Section 1. Definitions.

(1) "Medical fee schedule" means the 2026[2024] Kentucky Workers' Compensation Schedule of Fees for Physicians produced and published by FAIR Health, Inc.

(2) [.]"Physician" is defined by KRS 342.0011(32).

Section 2. Purpose and Adoption.

(1) The purpose of the schedule of fees ***shall be[is]*** to regulate charges by medical providers and other health care professionals providing services for work-related injuries and occupational diseases. The commissioner shall review and update the schedule of fees every two ***(2)*** years as required by KRS 342.035.

(2) The ***[commissioner adopts the]***2026 Kentucky Workers' Compensation Schedule of Fees for Physicians, produced and published by FAIR Health, Inc.***[The fee schedule]*** may be obtained directly from FAIR Health, Inc., at https://orders.fairhealth.org/.

Section 3.[Section 2.] Services Covered.

(1) The medical fee schedule shall govern all medical services provided to injured employees by physicians under KRS Chapter 342.

(2) The medical fee schedule shall also apply to other health care or medical services providers to whom a listed CPT, HCPCS, or Transportation code, is applicable unless:

(a) Another fee schedule of the Department of Workers' Claims applies;

(b) A lower fee is required by KRS 342.035 or a managed care plan approved by the commissioner pursuant to 120 KAR 001:110[803 KAR 25:110]; or

(c) An insurance carrier, self-insured group, or self-insured employer has an agreement with a physician, medical bill vendor, or other medical provider to provide reimbursement of a medical bill at an amount lower than the medical fee schedule.

Section 4.[Section 3.] Fee Computation.

(1) The appropriate fee for a procedure or item covered by the medical fee schedule shall be the Maximum Allowable Reimbursement (MAR) listed in the 2026[2024] Kentucky Workers' Compensation Schedule of Fees for Physicians for those procedures or items for which a specific monetary amount is listed.

(2) Procedures Listed Without Specified Maximum Allowable Reimbursement Monetary Amount. The appropriate fee for a procedure or item for which ***a[no]*** specific monetary amount is not listed shall be determined and calculated in accordance with numerical paragraph seven (7) of the General Instructions of the medical fee schedule unless more specific Ground Rules ***in the medical fee schedule*** are applicable to that service or item, in which case the fee shall be calculated in accordance with the applicable Ground Rules.

(3) The resulting fee shall be the maximum fee allowed for the service provided.

Section 5.[Section 4.] Services Performed Outside the Boundaries of Kentucky.

(1) A physician or healthcare or medical services provider located outside the boundaries of Kentucky shall be deemed to have agreed to comply with this administrative regulation if it treats a patient who is covered under KRS Chapter 342.

(2) Pursuant to KRS 342.035, medical fees due to an out-of-state physician or healthcare or medical services provider shall be calculated under the fee schedule in the same manner as for an in-state physician.

[Section 5.] [Incorporation by Reference.]

[(1)] ["2024 Kentucky Workers' Compensation Schedule of Fees for Physicians", July 1, 2024 Edition, is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Workers' Claims, Mayo-Underwood Building 3rd Floor, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

[(3)] [The fee schedule may be obtained directly from FAIR Health, Inc., at https://orders.fairhealth.org/. A link to FAIR Health, Inc., may be found on the Department of Workers' Claims Web site at https://elc.ky.gov/Workers-Compensation/Pages/Medical-Services.aspx.]

FILED WITH LRC: October 13, 2026

CONTACT PERSON: B. Dale Hamblin, Jr., Assistant General Counsel, Department of Workers' Claims. Mayo-Underwood Building, 3rd Floor 500 Mero Street, Frankfort, Kentucky 40601. Telephone Number: (502) 782-4404, Fax Number: (502) 564-0681 Email: Dale.Hamblin@ky.gov

BOARDS AND COMMISSIONS
Board of Physical Therapy
(As Amended at ARRS, October 13, 2026)

201 KAR 22:135. Fees.

RELATES TO: KRS 61.874(4), 327.050(2), (8), 327.075(1), 327.080[(1)]

STATUTORY AUTHORITY: KRS 327.040(1)[(11)], (12)[(13)], 327.050(2), (8), 327.075(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 327.040***(1) requires[(11) authorizes]*** the board to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327. KRS 327.050(2) and (8) require the board to establish fees for application and renewal of licenses for physical therapists, and KRS 327.075(1) requires the board to establish a reinstatement fee. KRS 327.040***(12)[(13)]*** authorizes the board to establish reasonable fees for the certification, renewal, and endorsement of physical therapist assistants. This administrative regulation establishes the fees required to apply for a credential by application, reinstatement, or renewal.

Section 1. Payment of Fees.

(1) Except as provided in subsection (2) of this section, an application fee shall be:

(a) Made payable as required by KRS 327.080[(1)]; and

(b) Paid by:

1. Cashier's check;
2. Certified check;
3. Money order;
4. Credit card;
5. Debit card; or
6. Cash.

(2) A renewal application fee shall be paid:

(a) As required by subsection (1) of this section; or

(b) By personal check.

Section 2. Licensure fees shall be:

(1) $225 for initial credentialing by application;

(2) $205 for a reinstatement application plus the twenty (20) dollar impaired practitioner's assessment as set forth in 201 KAR 22:140, Section 1; and

(3) $170 for a renewal application plus the twenty (20) dollar impaired practitioner's assessment as set forth in 201 KAR 22:140, Section 1.

Section 3. Other administrative fees shall be:

(1) Verification of licensure forty (40) dollars;
(2) Billfold license fifteen (15) dollars;
(3) Wall certificate twenty-five (25) dollars;
(4) Licensure mailing list on a CD or by email $150; and
(5) Licensure mailing labels $150.

FILED WITH LRC: October 13, 2026

CONTACT PERSON: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, (502) 429-7140 and Fax (502) 429-7142, Stephen.Curley@ky.gov.

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
(As Amended at ARRS, October 13, 2026)

201 KAR 23:020. Fees.

RELATES TO: KRS 335.080(1)(d), (g), 335.090(1)(d), (g), 335.100(1)(c), (f), 335.130(1), 335.135 Section 2 R., Section 3 D, Section 4 A 2, Section 7 B 1

STATUTORY AUTHORITY: KRS 335.070(3), 335.080(1)(d), (g), 335.090(1)(d), [~~(g),~~]335.100(1)(c), (f), 335.130(1), 335.135 Section 3 D

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.080(1)(d), 335.090(1)(d), and 335.100(1)(c) require the board to establish examination fees by promulgation of an administrative regulation. KRS ***335.080(1)(e), 335.090(1)(e), and 335.100(1)(e)[~~335.080(1)(g), 335.090(1)(g), and 335.100(1)(f)~~]*** require the board to establish initial license fees by promulgation of an administrative regulation. KRS 335.130(1) requires the board to establish renewal fees by promulgation of an administrative regulation. KRS ***335.070(4) authorizes[~~335.070(3) allows~~]*** the board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and KRS 335.990. This administrative regulation establishes the application,[~~these~~] examination, initial license, and license renewal fees.

Section 1. The fee for the licensed clinical social worker examination shall be the amount set by the Association of Social Work Boards ***published at https://www.aswb.org/exam/***.

Section 2. The fee for the certified social worker examination shall be the amount set by the Association of Social Work Boards ***published at https://www.aswb.org/exam/***.

Section 3. The fee for the licensed social worker examination shall be the amount set by the Association of Social Work Boards ***published at https://www.aswb.org/exam/***.

Section 4. The initial license fee and the renewal fee for a licensed clinical social worker license shall be $200.

Section 5. The initial license fee and the renewal fee for a certified social worker license shall be $125.

Section 6. The initial license fee and the renewal fee for a licensed social worker shall be seventy-five (75) dollars.

Section 7. The initial license and renewal fee shall be fifty (50) dollars for the following licenses:
(1) The temporary licensed social work license;
(2) The temporary certified social work license;
(3) The renewal of the temporary licensed social work license;
(4) The renewal of the temporary certified social work license;
(5) The out-of-state temporary 90-day license for licensed social work, certified social work, and licensed clinical social work.

Section 8. The initial license fee and the renewal fee for the multistate license shall be seventy-five (75) dollars for licensed social work, $125 dollars for certified social work, and $200 for licensed clinical social work, inclusive of the portion the board pays to the Social Work Compact Commission as ***established[~~set forth~~]*** in 201 KAR 23:012.

Section 9. The application fee for a license requested from the board shall be twenty-five (25) dollars.
(1) The fee applies to:
(a) The licensed social work license;
(b) The certified social work license;
(c) The licensed clinical social worker license;
(d) The temporary licensed social work license;
(e) The temporary certified social work license;
(f) The renewal of the temporary licensed social work license;
(g) g. The renewal of the temporary certified social work license;
(h) h. The out-of-state temporary 90-day license for licensed social work, certified social work, and licensed clinical social work; and
(i) The multistate license.
(2) The fee is payable at the time of application and is non-refundable.

Section 10. Equivalency. The application fee for an equivalency license requested from the board shall be twenty-five (25) dollars.

FILED WITH LRC: October 13, 2026

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.

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
(As Amended at ARRS, October 13, 2026)

201 KAR 23:072. Examination requirements.

RELATES TO: KRS 335.070, 335.080, 335.090, ***[~~and~~]***335.100
STATUTORY AUTHORITY: KRS 335.070
NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070 authorizes the board to promulgate administrative regulations establishing examination requirements for a license to practice as a licensed social worker, certified social worker, ***or[~~and~~]*** a licensed clinical social worker. This administrative regulation establishes the examination requirements.

Section 1. Examination for Licensed Social Worker. The national examination shall be the Bachelors Examination developed and owned by the Association of Social Work Boards (ASWB) and administered by the ASWB or its designated examination contractor.

Section 2. Examination for Certified Social Worker. The national examination shall be the Masters Examination developed and owned by the Association of Social Work Boards (ASWB) and administered by the ASWB or its designated examination contractor.

Section 3. Examination for Licensed Clinical Social Worker. The national examination shall be the Clinical Examination developed and owned by the Association of Social Work Boards (ASWB) and administered by the ASWB or its designated examination contractor.

Section 4. Administration of examinations.
(1) The applicable examinations set forth in Sections 1, 2, and 3 of this administrative regulation shall be taken by computer administration.
(2) The board shall submit to the ASWB or its examination contractor a list of applicants eligible to sit for the applicable examination.

Section 5. Time of examinations.

(1) The applicant shall sit for the applicable examination ***required by[set forth in]*** Sections 1, 2, and 3 of this administrative regulation within one (1) year of the notice of the application being approved by the board. An applicant may sit for the referenced examinations at any approved ASWB examination contractor testing center in the United States, U.S. Territories, or Canada.

(2) If an applicant loses eligibility to sit for the applicable examination because of failure to reschedule, cancel, or appear to take the applicable examination as stated in subsection (1) of this section:

(a) The applicant shall forfeit all fees paid; and

(b) Any temporary license issued to the applicant shall be terminated.

Section 6. Examination for licensure as a social worker.

(1) The applicant shall pass the Bachelors Examination in accordance with Section ***1[(1)]*** of this administrative regulation.

(2) The applicant shall obtain a scaled score of seventy percent or greater or shall have obtained a previous national passing score as set by the ASWB ***that[which]*** satisfied the licensure requirement at the time of that examination. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.

Section 7. Examination for certification as a social worker.

(1) The applicant shall pass the Masters Examination in accordance with Section ***2[(2)]*** of this administrative regulation.

(2) The applicant shall obtain a scaled score of seventy percent or greater or shall have obtained a previous national passing score as set by the ASWB ***that[which]*** satisfied the certification requirement at the time of that examination. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.

Section 8. Examination for licensure as a clinical social worker.

(1) The applicant shall pass the Clinical Examination in accordance with Section ***3[(3)]*** of this administrative regulation.

(2) The applicant shall obtain a scaled score of seventy percent or greater or shall have obtained a previous national passing score as set by the ASWB ***that[which]*** satisfied the licensure requirement at the time of that examination. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.

FILED WITH LRC: October 13, 2026

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.

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
(As Amended at ARRS, October 13, 2026)

201 KAR 23:120. Equivalency standard.

RELATES TO: KRS 335.070, 335.080,335.090, 335.100, 335.135***, 335.160***

STATUTORY AUTHORITY: KRS Chapter 13A, 335.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS ***335.070(4)[335.070(5)]*** authorizes the Kentucky Board of Social Work to promulgate administrative regulations to carry out the provisions of KRS Chapter 335. KRS ***335.080(1)(b)[335.080(1)(c)]*** and ***335.090(1)(b)2[335.090(1)(c)2]*** authorize the board to approve educational institutions and determine equivalent course requirements for applicants seeking licensure as a certified social worker or licensed social worker. This administrative regulation establishes the equivalency standards for single-state licensure under KRS 335.080 and KRS 335.090. In accordance with the strict educational mandates of KRS 335.100(1)(a) and the Social Work Licensure Compact in KRS 335.135, these equivalency standards ***shall[do]*** not apply to applicants for a licensed clinical social worker license or a multistate license, both of which require a degree from an institution accredited by the Council on Social Work Education.[This administrative regulation clarifies what the board will consider as equivalent education to that of a baccalaureate degree in social work or a social welfare program.]

Section 1. In determining equivalency, the board ***shall[will]*** compare any program to that of a master's or bachelor's degree from a Council on Social Work Education (CSWE)[CSWE (council of social work educators)] accredited school. In determining equivalency, the board ***shall[will]*** require that the educational content of a program shall include:

(1) Human behavior and the social environment;

(2) Social welfare policy and service;

(3) Research;

(4) Social work practice; and

(5) Educational practicum.

Section 2.

(1) In human behavior and the social environment emphasis ***shall[should]*** be placed on the psychosocial situation. Six (6) hours of ***these[such]*** courses ***shall[should]*** be at the upper division, or three (3) hours if ***[such is]***built on a base of psychological and sociological courses.

(2) Social welfare policy and service courses shall include at least three (3) hours at the upper division social work or social welfare courses, built on courses in political science and economics. In the absence of political science and economics, there shall be at least six (6) hours in the social welfare policies and services area.

(3) Research courses shall be one three (3) hour social research course based on ***[some kind of]***basic research.

(4) Social work practicum shall include six (6) hours of social work practice courses taught by an individual with an advanced degree in social work. In the absence of classes in lower division social work methods, three (3) additional hours shall be required in a lower division course, totaling nine (9) hours.

(5) Practicum shall be taught by an individual with an advanced degree in social work for at least 450 hours. Two (2) hours per week of supervision shall be required by an individual with an advanced degree in social work.

Section 3. Limitations on Equivalency.

(1) Equivalency established in Sections 1 and 2 of this administrative regulation only qualifies an applicant for a Kentucky single-state license as a licensed social worker under KRS 335.090 or a certified social worker under ***KRS*** 335.080.

(2) Equivalency established in this administrative regulation shall not apply to applicants for a licensed clinical social worker license under KRS 335.100.

(3) To qualify for a multistate license under KRS 335.135, an applicant shall hold a bachelor's or master's degree in social work from a program that***[is]***:

(a) ***Is*** accredited by the CSWE***[:]*** or ***[(b)]***in candidacy with CSWE at the time of the applicant's graduation and subsequently becomes accredited; and

(b)[(c)] Meets all other requirements for the multistate license as set forth in KRS 335.135.

Section 4. Background Check. ***Equivalency applicants shall:***

(1) ***[Equivalency applicants shall]***Complete a background check in accordance with KRS 335.160***; and[.]***

(2) Pay the application fee of twenty-five (25) dollars required by 201 KAR 23:020 and the cost of the background check.

FILED WITH LRC: October 13, 2026

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.

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

301 KAR 1:410. Taking of fish by nontraditional fishing methods.

RELATES TO: KRS 150.010, 150.170, 150.175, 150.235, 150.445, 150.620, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.440, 150.470, 235.280

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 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 150.440 requires the department to promulgate administrative regulations for establishing open seasons and limits for rough fish by gigging, grabbing, snaring, and snagging. KRS 150.470 requires the department to promulgate administrative regulations for daily limits and size limits for fish. KRS 235.280 requires the department to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of the state. This administrative regulation establishes the procedures for taking sport and rough fish by nontraditional fishing methods.

Section 1. Private Lakes and Ponds.

(1) ***In accordance with KRS 150.170(5)(a),*** 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~~]; and***

(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***, in accordance with KRS 150.170(5)[~~; 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) ***If a bona fide landowner extends privileges to another person pursuant to subsection (1)(b) of this section, that person shall be required to furnish the permission to a game warden upon request, in accordance with KRS 150.170(5)(b)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.[~~Section 1.~~] General Provisions.

(1) A person using nontraditional fishing methods shall observe the daily limits and size limits established in paragraphs (a) through (d) of this subsection:

(a) The daily limit for catfish using any non-traditional fishing method shall not include more than one (1) trophy catfish of each species, except as established in Section 6(3) of this administrative regulation.

(b) The paddlefish daily limit shall be two (2) with no size limit.

(c) The shovelnose sturgeon daily limit shall be two (2) with no size limit.

(d) The invasive carp daily limit shall be unlimited with no size limit.

(2) The possession limit for paddlefish, trophy catfish, and shovelnose sturgeon shall be two (2) times the daily limit for each species.

(3) Shovelnose sturgeon shall not be harvested from the Mississippi River and shall be immediately released.

(4) A person shall release any:

(a) Lake sturgeon;

(b) Pallid sturgeon; or

(c) Alligator gar.

Section 3.[~~Section 2.~~] Skin Diving, Scuba Diving, and Underwater Spear Fishing.

(1) Skin diving or scuba diving shall be prohibited in all lakes owned by the department, except as established in subsections (2), (3), and (4) of this section.

(2) Skin diving and scuba diving shall be allowed in salvage operations if the diver receives prior written permission from:

(a) The department's Division of Law Enforcement; or

(b) The local game warden who is assigned to the particular department-owned lake.

(3) Skin diving or scuba diving shall be permitted anytime without prior authorization in cases of emergency involving the possibility of saving human life or in the recovery of a drowning victim.

(4) Skin diving and scuba diving shall be allowed in Greenbo Lake:

(a) In a designated cove marked with signage and buoys;

(b) From April 1 through October 31; and

(c) From 10:00 a.m. to 6:00 p.m. daily.

(5) A person who is skin diving or scuba diving in a designated cove as established in subsection (4) of this section shall display an international diving flag as established in 301 KAR 6:030.

(6) Recreational boating and angling shall be prohibited in the designated cove marked with signage and buoys during the times open to skin diving and scuba diving as established in subsection (4) of this section if an international diving flag is present in the cove.

(7) Underwater spearing of fish with a hand-held spear or mechanically propelled spear shall be legal throughout the year in lakes 1,000 surface acres in size or larger, as measured at the normal summer pool level as established in paragraphs (a) and (b) of this subsection.

(a) An angler who is spearing fish shall:

1. Be completely submerged in the water where spearing takes place; and

2. Only spear rough fish.

(b) The daily limit shall be fifteen (15) rough fish, no more than five (5) of which shall be catfish.

Section 4.[~~Section 3.~~] Sport Fishing Trot Lines, Jug Lines, and Set Lines.

(1) Each sport fishing trot line, jug line, or set line shall be permanently labeled or tagged with the customer identification number found on the current sport fishing license of the person using it.

(2) Each sport fishing trot line shall be permanently labeled or tagged as established in subsection (1) of this section at both ends of the line.

(3) Each trot line, jug line, or set line shall be checked by the owner at least once every twenty-four (24) hours, at which time the owner shall:

(a) Bait all hooks; and

(b) Remove all caught fish.

(4) A trot line, set line, or jug line shall be confiscated if it is not:

(a) Properly labeled or tagged; or

(b) Checked or baited at least once every twenty-four (24) hours.

(5) An angler shall not use more than:

(a) Two (2) sport fishing trot lines;

(b) Twenty-five (25) set lines; or

(c) Fifty (50) jug lines.

(6) Multiple anglers in one (1) boat shall not use more than fifty (50) jug lines per boat.

(7) An angler using a sport fishing trot line shall:

(a) Set the trot line at least three (3) feet below the water's surface;

(b) Not have more than fifty (50) single or multi-barbed hooks; and

(c) Have all hooks at least eighteen (18) inches apart on the trot line.

(8) A person shall not use a jug line or set line with more than one (1) single or multi-barbed hook.

(9) A sport fishing trot line, jug line, or set line shall not be used in the waters established in paragraphs (a) through (d) of this subsection:

(a) In the Tennessee River within 700 yards of Kentucky Lake Dam;

(b) In the Cumberland River below Lake Barkley Dam to the Highway 62 bridge;

(c) In any lake less than 500 surface acres owned or managed by the department, except:

1. Ballard Wildlife Management Area lakes, Ballard County;

2. Peal Wildlife Management Area lakes, Ballard County; and

3. Swan Lake Wildlife Management Area lakes, Ballard County; or

(d) In the areas of the Ohio River established in subparagraphs 1. through 8. of this paragraph:

1. Smithland Dam downstream to a line perpendicular to the end of the outer lock wall;

2. J. T. Meyers Dam downstream to a line perpendicular to the end of the outer lock wall and that portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike;

3. Newburgh Dam downstream to a line perpendicular to the end of the outer lock wall;

4. Cannelton Dam downstream to a line perpendicular to the end of the outer lock wall;

5. McAlpine Dam downstream to the K & I railroad bridge;

6. Markland Dam downstream to a line perpendicular to the end of the outer lock wall;

7. Meldahl Dam downstream to a line perpendicular to the end of the outer lock wall; or

8. Greenup Dam downstream to a line perpendicular to the end of the outer lock wall.

(10) An angler using a trot line, jug line, or set line shall follow all sport fish daily limits, possession limits, and size limits as established in 301 KAR 1:201.

Section 5.[~~Section 4.~~] Temporary Aquatic Areas and Temporary Pools.

(1) The department, with consent of the landowner, may delineate temporary aquatic areas and temporary pools where anglers may take rough fish by any method except:

(a) Poison;

(b) Electrical devices;

(c) Firearms; or

(d) Explosives.

(2) ***Upon request,*** the department shall ***approve[~~be authorized to establish~~]*** the***[~~exact~~]*** dates and times when rough fish may be taken in temporary aquatic areas and temporary pools ***left as a result of flooding***.

(3) A person with a valid commercial fishing license may use nets and seines if the nets and seines are appropriately tagged, as established in 301 KAR 1:146.

(4) A person shall first obtain the permission of the landowner before taking rough fish from a temporary pool.

Section 6.[~~Section 5.~~] Gigging and Snagging.

(1) Gigging and snagging season shall be February 1 through May 10, except as established in subsections (8) and (10) of this section.

(2) It shall be illegal to possess a gig, of any type, while in a boat, or on or in a stream or lake, from November 1 through the last day of January of the following year.

(3) A person shall not:

(a) Gig or snag a sport fish, as established in 301 KAR 1:060, except as established in subsections (8) and (10) of this section;

(b) Gig or snag from a platform;

(c) Gig from a boat in any lake less than 500 surface acres;

(d) Gig at night from a boat; or

(e) Snag from a boat.

(4) A snagging rod shall be equipped with:

(a) Line;

(b) Guides;

(c) A reel; and

(d) One (1) single hook or treble hook attached to the line, except that five (5) hooks, either single or treble, may be used while snagging in:

1. The Green River and its tributaries; or

2. The Rolling Fork River and its tributaries.

(5) A person who accidentally gigs or snags a sport fish shall immediately return the fish to the water, except as established in subsections (8) and (10) of this section.

(6) A person shall not gig or snag in the areas or bodies of water established in paragraphs (a) through (g) of this subsection:

(a) The Cumberland River below Wolf Creek Dam downstream to the Tennessee line, including Hatchery Creek;

(b) Any tributary of the Cumberland River below Wolf Creek Dam to the Tennessee line from the junction of the tributary with the Cumberland River to one-half (1/2) mile upstream;

(c) The Cumberland River below the Lake Barkley Dam to the U.S. 62 bridge;

(d) The Middle Fork of the Kentucky River, from Buckhorn Lake Dam downstream to the Breathitt County line in Perry County;

(e) The Rough River, below Rough River Lake Dam downstream to the State Highway 54 bridge in Breckinridge and Grayson counties;

(f) Cave Run Lake; or

(g) Within 200 yards of any dam on a river or stream, except as established in subsection (8) of this section.

(7) A person shall not gig in the Tennessee River below Kentucky Lake Dam.

(8) A person may snag sport fish or rough fish in the Tennessee River below the Kentucky Lake Dam to the U.S. 62 bridge:

(a) For twenty-four (24) hours a day from January 1 through May 31; and

(b) From sunset to sunrise from June 1 through December 31.

(9) A person shall not snag in that section of the Tennessee River from the U.S. 62 bridge to the Interstate 24 bridge.

(10) A person may snag sport fish or rough fish year-round in the section of the Tennessee River from the Interstate 24 bridge to the Ohio River.

(11) A person shall not snag on the Tennessee River:

(a) Under the U.S. 62 bridge;

(b) Under the P & L Railroad bridge; or

(c) From any fishing pier or jetty.

(12) There shall not be a daily limit for rough fish except the daily aggregate limit for snagging of rough and sport fish in the Tennessee River below Kentucky Lake Dam shall be eight (8), except there shall not be a daily limit on invasive carp.

(13) There shall not be a size limit for sport fish snagged in the Tennessee River below Kentucky Lake Dam.

(14) A person shall immediately retain, and not release or cull, any gigged or snagged paddlefish.

(15) All snagged fish in the Tennessee River below Kentucky Lake Dam shall be immediately retained, and not released or culled, except for invasive carp, shad, or herring.

(16) All gigged or snagged rough fish in the Cumberland River below Lake Barkley Dam shall be immediately retained, and not released or culled, except for invasive carp, shad, or herring.

(17) A person shall immediately cease snagging if:

(a) A daily limit of paddlefish is reached;

(b) A daily limit of shovelnose sturgeon is reached;

(c) A daily limit of sport fish has been caught in the Tennessee River below Kentucky Lake Dam, even if the daily limit for that sport fish is less than eight (8); or

(d) A trophy catfish is snagged.

Section 7.[~~Section 6.~~] Grabbing.

(1) The grabbing season for rough fish shall be June 1 to August 31 during daylight hours.

(2) Grabbing shall not be permitted in any lake less than 500 surface acres owned or managed by the department, except:

(a) Ballard Wildlife Management Area lakes, Ballard County;

(b) Peal Wildlife Management Area lakes, Ballard County; and

(c) Swan Lake Wildlife Management Area lakes, Ballard County.

(3) The daily limit for grabbing shall be fifteen (15) fish, no more than five (5) of which may be catfish, except anglers grabbing at Barren River Lake, Carr Creek Lake, Dewey Lake, Fishtrap Lake, Taylorsville Lake, or Yatesville Lake may only harvest one (1) blue or channel catfish over twenty-five (25) inches.

Section 8.[~~Section 7.~~] Bow Fishing.

(1) An angler using archery equipment, a crossbow, or a pneumatic arrow launching device shall not take:

(a) Sport fish;

(b) Alligator gar;

(c) More than five (5) catfish daily; or

(d) Lake sturgeon.

(2) Any paddlefish, shovelnose sturgeon, or catfish shot with archery equipment, a crossbow, or a pneumatic arrow launching device shall:

(a) Be immediately retained, and not released or culled; and

(b) Count toward a person's daily limit.

(3) Bow fishing shall be open statewide, except:

(a) In the Cumberland River below Wolf Creek Dam downstream to the Tennessee line including Hatchery Creek;

(b) In any tributary of the Cumberland River below Wolf Creek Dam to the Tennessee line, from the junction of the tributary with the Cumberland River to one-half (1/2) mile upstream;

(c) In:

1. Carpenter Lake (Daviess County);
2. Clear Creek Lake (Bath County);
3. Greenbo Lake (Greenup County);
4. Lake Carnico (Nicholas County); and
5. Lake Reba (Madison County); or

(d) From a boat in restricted areas below navigation, power generating, or flood control dams.

FILED WITH LRC: October 13, 2026

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

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

301 KAR 2:049. Small game and furbearer hunting and trapping on public areas.

RELATES TO: KRS 150.010, 150.092, 150.170, 150.370, 150.399, 150.990, 150.995

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(7), (9), 150.360, 150.400, 150.410, 150.620

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area. KRS 150.175(7) and (9) authorize the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.360 requires restrictions on the taking of wildlife and authorizes the department to promulgate administrative regulations establishing the requirements for hunting coyotes, bobcats, and beavers at night. KRS 150.400 authorizes the department to establish the types of traps that can legally be used by trappers. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands the department has acquired for public recreation. This administrative regulation establishes exceptions to statewide small game and furbearer requirements ***and establishes rules for dog training areas*** on public areas.

Section 1. Definitions.

(1) "Adult" means a person who is at least eighteen (18) years of age.

(2) "Body-gripping trap" means a commercially manufactured spring-loaded trap designed to kill an animal upon capture.

(3) "Dry land set" means a trap that is set so that no portion of the trap touches the water of a stream, river, pond, lake, wetland, or other water course.

(4) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, least weasel, long-tailed weasel, river otter, bobcat, coyote, or striped skunk.

(5) "Pheasant hunt unit" means a portion of a WMA that is designated by the department for the purposes of a pheasant quota hunt.

(6) "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.

(7) "Youth" means a person under the age of sixteen (16) by the date of the hunt or the trapping date.

Section 2. This administrative regulation shall establish exceptions to the statewide requirements established in 301 KAR 2:122, 2:251, and 3:010.

Section 3. General Requirements on a Wildlife Management Area or Outdoor Recreation Area.

(1) Except as established in subsection (2) of this section, a person hunting any species during daylight hours, and any person accompanying that hunter, shall comply with hunter orange requirements as established in 301 KAR 2:132, 2:172, and 2:300.

(2) The hunter orange clothing requirement in subsection (1) of this section shall not apply to a person:

(a) Hunting waterfowl or doves as established in 301 KAR 2:225; or

(b) Hunting waterfowl as established in 301 KAR 2:221, 2:222, or 2:226.

(3) There shall be a free youth small game hunting week for seven (7) consecutive days beginning on the Saturday after Christmas, in which a youth may take small game without a hunting license.

(4) There shall be a free youth trapping week for seven (7) consecutive days beginning on the Saturday after Christmas, in which a youth may trap without a trapping license.

(5) A body-gripping trap used as a dry land set shall have a maximum inside jaw spread of five and one-quarter (5 1/4) inches measured:

(a) In the center of the trap; and

(b) In the unset position.

(6) Dry land sets shall not be placed closer than ten (10) feet apart.

(7) Prior to trapping on a WMA or Outdoor Recreation Area, a person shall complete for each area a KDFWR Public Area Trapping Registration Form obtained from a department office or the department's Web site at fw.ky.gov.

(8) On all state and federal public lands, a person shall only hunt beavers during daylight hours.

Section 4. Exceptions on Wildlife Management Areas and Outdoor Recreation Areas.

(1) Barren River Wildlife Management Area.

(a) The WMA shall be considered to be entirely within the Eastern Zone, as established in 301 KAR 2:122.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) On the Peninsula Unit, including Narrows, Goose, and Grass Islands, a person shall not hunt with a breech-loading firearm.

(2) Beaver Creek WMA, including private inholdings.

(a) Ruffed grouse season shall be open from October 1 through December 31.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) A person shall hunt coyotes and bobcats during daylight hours only.

(3) Cane Creek WMA, including private inholdings.

(a) Ruffed grouse season shall be open from October 1 through December 31.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) A person shall hunt coyotes and bobcats during daylight hours only.

(4) Cedar Creek Lake WMA.

(a) Rabbit season shall be closed after December 31.

(b) With the exception of the statewide squirrel season, the area shall be closed to all other small game and furbearer hunting.

(5) Clay WMA.

(a) The pheasant hunt unit shall be closed for four (4) consecutive days beginning on the first Friday in December to all hunting except archery deer hunting, muzzleloader deer hunting, as established in 301 KAR 2:178, and the pheasant quota hunt, as established in Section 5 of this administrative regulation.

(b) Rabbit season shall be closed after December 31.

(c) Any person hunting rabbits shall:

1. Check in and check out at a self-service kiosk; and

2. Clearly display a department-provided hang-tag in a vehicle.

(d) Northern bobwhite and ruffed grouse hunting shall be open from November 1 through December 31 on Tuesday and Saturday except:

1. After 3:00 p.m.;

2. During a quota deer hunt as established in 301 KAR 2:178;

3. During opening weekend of modern gun deer season as established in 301 KAR 2:172; and

4. During a pheasant quota hunt in the pheasant hunt unit, as established in Section 5 of this administrative regulation.

(e) The daily bag limit shall be:

1. Four (4) northern bobwhite; and

2. Two (2) ruffed grouse.

(f) A northern bobwhite or ruffed grouse hunter shall:

1. Check in and check out at a self-service kiosk; and

2. Clearly display a department-provided hang-tag in a vehicle.

(g) Pheasants may be taken beginning on the Tuesday following the pheasant quota hunt through December 31.

1. Any person with a valid hunting license may take a pheasant.

2. The daily limit per hunter shall be three (3) pheasants of either sex.

(h) Quota fox hunting field trials.

1. There shall be a maximum of three (3) four (4) day events per calendar year which shall begin:

a. The Wednesday preceding the last Saturday in February;

b. The second Wednesday in September; and

c. The fourth Wednesday in September.

2. Each event shall be limited to 250 participants.

3. The area shall be closed to nonparticipants.

4. A participant shall:

a. Wear a laminated identification badge issued by the department during the event; and

b. Return the laminated badge at the close of the event.

(6) Curtis Gates Lloyd WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) A person shall not allow a dog to be unleashed from April 1 until the third Saturday in August, except if squirrel hunting.

(7) Dix River WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) Ruffed grouse season shall be open from October 1 through December 31.

(8) Fleming WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) Ruffed grouse season shall be open from October 1 through December 31.

(9) Green River Lake WMA.

(a) The pheasant hunt units shall be closed to all hunting for four (4) consecutive days beginning on the third Friday in November, except for archery deer hunting and the pheasant quota hunt established in Section 5 of this administrative regulation.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) Pheasant.

1. Beginning on the Tuesday following the pheasant quota hunt through December 31, any person with a valid hunting license may take a pheasant.

2. The daily limit per hunter shall be three (3) pheasants of either sex.

(d) The area shall be closed to ruffed grouse hunting and trapping.

(10) Higginson-Henry WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(11) Kleber WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(12) Lake Cumberland WMA.

(a) Ruffed grouse season shall be open from October 1 through December 31.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(13) Mill Creek WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) A person shall hunt coyotes and bobcats during daylight hours only.

(14) Miller-Welch Central Kentucky WMA.

(a) Small game and furbearer hunting seasons shall be closed, except that squirrel season shall be open.

(b) A person shall not allow a dog to be unleashed:

1. From April 1 until the third Saturday in August; or

2. On a Monday, Wednesday, or Friday during the remainder of the year, except:

a. If a person is hunting squirrels during an open season; or

b. If a person is participating in an authorized field trial.

(15) Mullins WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(16) Nolin Lake WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(17) [~~Otter Creek Outdoor Recreation Area.~~]

[~~(a)~~] [~~Except as authorized by the department, a person shall not enter the area during a deer quota hunt without a valid quota hunt confirmation number.~~]

[~~(b)~~] [~~Northern bobwhite season shall be closed.~~]

[~~(c)~~] [~~Rabbit hunting season shall be from December 1 through December 31.~~]

[~~(d)~~] [~~Trapping season shall be from January 1 through the last day in February.~~]

[~~(e)~~] [~~A person who traps on the area shall:~~]

[~~1.~~] [~~First obtain prior authorization from the area manager; and~~]

[~~2.~~] [~~Only trap in department designated areas.~~]

[~~(f)~~] [~~Except during deer quota hunts, a person shall not use the following to take furbearers:~~]

[~~1.~~] [~~A rifle;~~]

[~~2.~~] [~~Ball ammunition; or~~]

[~~3.~~] [~~Slug ammunition.~~]

[~~(g)~~] [~~A person shall not use a rimfire gun to take small game, except during a deer quota hunt.~~]

[~~(18)~~] Paul Van Booven WMA. The area shall be closed to vehicle access from one (1) hour after sunset until one (1) hour before sunrise.

(18)[~~(19)~~] Peabody WMA.

(a) A person hunting northern bobwhite on the Sinclair Unit shall:

1. Only hunt between 7:30 a.m. and 3:00 p.m.;
2. Only hunt on Thursday and Sunday; and
3. Not take more than four (4) northern bobwhite daily.

(b) A person hunting northern bobwhite on the Ken Unit shall:

1. Only hunt between 7:30 a.m. and 3:00 p.m.;
2. Only hunt on Wednesday and Saturday; and
3. Not take more than four (4) northern bobwhite daily.

(c) A northern bobwhite or rabbit hunter on the Sinclair Unit or Ken Unit shall:

1. Check in and check out at a self-service kiosk; and
2. Clearly display a department-provided hang-tag in a vehicle.

(19)[~~(20)~~] Pennyrile Forest WMA.

(a) Ruffed grouse season shall be open from December 1 through December 31.

(b) The daily limit shall be two (2) ruffed grouse.

(20)[~~(21)~~] Pioneer Weapons WMA.

(a) A person shall not hunt with a breech-loading firearm.

(b) A person shall hunt coyotes and bobcats during daylight hours only.

(21)[~~(22)~~] Redbird WMA. A person shall hunt coyotes and bobcats during daylight hours only.

(22)[~~(23)~~] Robinson Forest WMA.

(a) Hunting shall not be permitted on the Main Block.

(b) The remainder of the WMA shall be open under statewide requirements.

(23)[~~(24)~~] Rockcastle WMA.

(a) Rabbit season shall be closed after December 31.

(b) A rabbit hunter shall:

1. Check in and check out at a self-service kiosk; and
2. Clearly display a department-provided hang-tag in a vehicle.

(c) Northern bobwhite and ruffed grouse hunting shall be open on Tuesday and Saturday until 3:00 p.m. from November 1 through December 31, except it shall be closed during:

1. A deer quota hunt as established in 301 KAR 2:178; and
2. Opening weekend of modern gun deer season, as established in 301 KAR 2:172.

(d) The daily bag limit shall be:

1. Four (4) northern bobwhite; and
2. Two (2) ruffed grouse daily.

(e) A northern bobwhite or ruffed grouse hunter shall:

1. Check in and check out at a self-service kiosk; and
2. Clearly display a department-provided hang-tag in a vehicle.

(24)[~~(25)~~] Taylorsville Lake WMA. Northern bobwhite and rabbit seasons shall be closed after December 31.

(25)[~~(26)~~] Tradewater WMA.

(a) Ruffed grouse season shall be open from December 1 through December 31.

(b) The daily limit shall be two (2) ruffed grouse.

(26)[~~(27)~~] West Kentucky WMA.

(a) A person shall check in daily at a designated check station prior to using an "A" tract.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31 on Tracts 2, 3, 6, and 7.

(c) Northern bobwhite and rabbit seasons shall be open on Tracts 1, 4, 5, and "A" beginning one-half (1/2) hour before sunrise until 1:00 p.m. local time from January 1 through January 10, except if harvest limits are reached prior to January 10.

1. A hunter shall report harvest numbers and total hours hunted to the area supervisor on a daily basis.
2. If a tract is closed prior to January 10, a sign indicating closure shall be posted at the hunter check station at least twenty-four (24) hours prior to the closure.

(d) A person shall not:

1. Use a rifle, ball, or slug ammunition;
2. Operate a vehicle on Tract 6 from February 1 through April 16; or
3. Allow a dog to be unleashed from April 1 until the third Saturday in August, except while squirrel hunting, ***or training a dog within a designated dog training area as established in subsection (26)(f) of this section.***

(e) West Kentucky Wildlife Management Area Dog Training Permits.

1. Except as established in subparagraph 5 of this paragraph.[~~subsection 5.~~] of this section, a person training a dog at West Kentucky Wildlife Management Area shall possess a valid annual, weekly, or one (1) day dog training permit at West Kentucky WMA issued by the department.

2. A permit shall be valid as follows:

a. An annual dog training permit at West Kentucky WMA shall be valid from March 1, or the date of purchase thereafter, through the last day of February for which the permit is issued;

b. A weekly dog training permit at West Kentucky WMA shall be valid for seven (7) consecutive calendar days, beginning on the date specified on the permit, or through the last day of February, whichever occurs first; or

c. A one (1) day dog training permit at West Kentucky WMA shall be valid for the calendar day specified on the permit.

3. An applicant for a permit required by this section shall pay the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022.

4. A permit issued pursuant to this section shall be valid only:

a. For the person to whom the permit is issued; and

b. At West Kentucky Wildlife Management Area.

5. Subparagraph 1 of this paragraph.[~~Subsection 1.~~] of this section shall not apply to a person while participating in a sporting dog or associated event at West Kentucky Wildlife Management Area approved by the department under a Wildlife Management Area Use Permit and under an associated one (1) day group dog training permit at West Kentucky WMA, issued pursuant to 301 KAR 3:010.

(f) Unleashed dogs shall be allowed within the boundaries of a designated dog training area year-round, except during:

1. August 25 through the first Sunday in September;

2. The youth statewide spring turkey season;

3. The opening weekend of spring turkey season; and

4. A deer quota hunt conducted on the portion of the WMA containing the designated dog training area.

(g) The department will designate areas for dog training on West Kentucky WMA and identify the designated areas by signage and maps available on the department's Web site at fw.ky.gov.

(27)[~~(28)~~] Yellowbank WMA.

(a) Northern bobwhite and rabbit seasons shall be closed after December 31.

(b) The pheasant hunt units shall be closed for four (4) consecutive days beginning on the first Friday in December to all hunting except archery deer hunting, muzzleloader deer hunting, and the pheasant quota hunt as established in Section 5 of this administrative regulation.

(c) A person shall:

1. Possess a valid hunting license to take pheasant, unless exempt pursuant to KRS 150.170; and
2. Not take more than three (3) pheasants of either sex.

Section 5. Pheasant Quota Hunts.

(1) There shall be a pheasant quota hunt on:

(a) Green River Wildlife Management Area for three (3) consecutive days beginning the third Friday in November;

(b) Clay Wildlife Management Area for three (3) consecutive days beginning the first Friday in December; and

(c) Yellowbank Wildlife Management Area for three (3) consecutive days beginning on the first Friday in December.

(2) There shall be a one (1) day clean-up hunt immediately following each of the hunts for pheasant quota hunters drawn for that particular WMA.

(3) Hunt hours for each day shall be from 9:00 a.m. to 4:00 p.m.:

(a) Eastern time for the Green River Wildlife Management Area and Clay Wildlife Management Area hunts; and

(b) Central time for the Yellowbank Wildlife Management Area hunt.

(4) During a quota hunt or clean-up hunt, a person shall wear hunter orange clothing as established in 301 KAR 2:172.

(5) The daily bag limit per hunter shall be two (2) pheasants of either sex, except there shall be a daily bag limit of three (3) pheasants of either sex during the one (1) day clean-up hunt.

(6) Pheasant quota hunt procedures.

(a) A person selected for a pheasant quota hunt may hunt on the one (1) day clean-up hunt for that area.

(b) A person applying for a pheasant quota hunt shall not apply:

1. More than one (1) time for each hunt and shall not be drawn for more than one (1) hunt; and

2. As a group of more than five (5) people.

(c) A person who is drawn to hunt shall pay the pheasant quota hunt permit fee established in 301 KAR 3:022 prior to the hunt.

Section 6. Pheasant Quota Hunt Requirements.

(1) A person applying for a pheasant quota hunt shall:

(a) ***Complete the pheasant quota hunt application process on the department's Web site at fw.ky.gov between September 1 and September 30. An applicant must create an account by providing the applicant's:***

1. First and last name;

2. Date of birth;

3. Last four (4) digits of the applicant's Social Security number; and

4. Address (street, city, state, zip code, and country).[~~Complete the pheasant quota hunt application process on the department's Web site at fw.ky.gov between September 1 and September 30; and~~]

(b) Pay a non-refundable three (3) dollar application fee for each applicant.

(2) A person, prior to participating in a quota hunt, shall be required to show a:

(a) Department-issued quota hunt permit;

(b) Valid Kentucky hunting license or proof of exemption; and

(c) Hunter education card, if required pursuant to 301 KAR 2:185.

(3) A youth-mentor quota hunt party shall have a minimum of one (1) youth as a member of the party.

(4) A person shall comply with all quota hunt requirements or be ineligible to apply for any other quota hunt during the following year, except for an elk quota hunt.

(5) A person who is ineligible to apply for a quota hunt pursuant to subsection (5) of this section shall maintain all preference points that were accrued in other quota hunts.

(6) A youth shall only apply as part of a party that has at least one (1) adult.

(7) The department 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.

(8) A quota hunt applicant who is not selected and who applies to hunt the following year shall be given one (1) preference point for each year the applicant was not selected.

(9) A random selection of hunters with preference points shall be made for each year's quota hunts before those without preference points are chosen.

(10) A person shall forfeit all accumulated points if, in a given year, the person does not apply for the hunt in which points were earned, except as established in subsection (6) of this section.

Section 7. Dog Training Areas on Wildlife Management Areas ***Except West Kentucky WMA***.

(1) ***Except at West Kentucky WMA, a[A]*** group or club may request that a dedicated dog training area be authorized by the department on a specific WMA.

(2) The department shall authorize a dog training area if:

(a) The department approves a suitable location for the dog training area; and

(b) A signed memorandum of understanding is entered into with the club or group.

(3) ***Except at West Kentucky WMA, the[~~The~~]*** conditions established in this subsection shall apply for each dog training area on a WMA.

(a) All northern bobwhite to be used in training shall be banded with aluminum leg bands and individually placed in the dog training area.

(b) Dog training areas shall remain open to all other legal WMA uses.

(c) A person shall comply with all ***permitted*** dog training area requirements pursuant to 301 KAR 2:041, unless otherwise stated in the memorandum of understanding.

(d) Unleashed dogs shall be allowed within the boundaries of the dog training area year-round, except for:

1. May 15 through August 15;

2. The youth statewide turkey season; and

3. The statewide turkey season.

(e) Released northern bobwhite with aluminum leg bands, chukars, pheasants, or pigeons may be harvested on legal dog training days.

(f) Immediately prior to dog training, a person shall:

1. Walk and examine the entire dog training area to ensure that no wild northern bobwhite are present; and

2. Then place released birds in the training area.

Section 8. General Requirements on Federally Owned Areas.

(1) Season dates, bag limits, and other requirements of 301 KAR 2:251 and 2:050 shall apply, except as otherwise established in this administrative regulation.

(2) Hunter orange requirements established in Section 3 of this administrative regulation shall apply to a person hunting or trapping on federal areas referenced in this section.

(3) A person shall:

(a) Obtain permission from the landowner before hunting;

(b) Not hunt except on assigned dates and in assigned areas; and

(c) Comply with all requirements established by the agency controlling the area.

Section 9. Exceptions on Specific Federally Owned Areas.

(1) If hunting is not prohibited by other area priorities, Fort Campbell, Fort Knox, Land Between the Lakes National Recreation Area, Bluegrass Army Depot, and Reelfoot National Wildlife Refuge may allow hunting if in compliance with 301 KAR 2:122 and 2:251 for:

(a) Squirrels, from June 1 through June 14;

(b) Northern bobwhite and rabbit, no earlier than November 1 nor later than the last day of February;

(c) Furbearers, no earlier than October 1 nor later than the last day of February;

(d) Frogs, year round; or

(e) Crows, for a maximum of 124 days between September 1 and the last day of February.

(2) A person shall hunt coyotes and bobcats during daylight hours only on lands managed by:

(a) Daniel Boone National Forest;

(b) Fort Knox;

(c) [~~(b)~~] George Washington and Jefferson National Forests;

(d) [~~(c)~~] Land Between the Lakes National Recreation Area;

(e) [~~(d)~~] Clarks River National Wildlife Refuge; [~~and~~]

(f) Green River National Wildlife Refuge

(g) [~~(e)~~] Reelfoot National Wildlife Refuge.

(3) Fort Knox shall not allow more than thirty (30) days of ruffed grouse hunting between October 1 and the last day of February.

(4) On Land Between the Lakes National Recreation Area, a person hunting the species listed in this administrative regulation shall not use:

(a) Crossbows;

(b) Shotgun slugs or shot larger than BB; or

(c) Center-fire rifles or center-fire handguns, except during designated groundhog or coyote hunts.

(5) Big South Fork National River and Recreation Area.

(a) Ruffed grouse season shall be open from October 1 through December 31.

(b) Northern bobwhite and rabbit seasons shall be closed after December 31.

(c) A person shall hunt coyotes and bobcats during daylight hours only.[~~hunting coyotes shall comply with any federal requirements established by the National Park Service.~~]

Section 10. Incorporation by Reference.

(1) "KDFWR Public Area Trapping Registration Form", 2016 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time.

FILED WITH LRC: October 13, 2026

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

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

301 KAR 2:176. Wildlife causing damage and landowner designee process.

RELATES TO: KRS ***13B,*** 150.010, ***150.170,*** 150.175, 150.360, 150.390, ***150.400, 150.410,*** 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.105***[, 150.170(7), 150.186]***

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Department ***of Fish and Wildlife Resources*** to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.105 authorizes the commissioner, with the approval of the commission, to destroy or bring under control wildlife causing damage. KRS ***150.170(8)[150.170(7)]*** authorizes landowners, their spouses or dependent children, or a designee to destroy wildlife causing damage. ***KRS 150.170(10)(b)[It also]*** authorizes the department to promulgate administrative regulations that establish procedures for the designee appointment process. This administrative regulation establishes the requirements for***[the issuance of]*** wildlife control tags***,[and]*** destruction tags, and***[establishes the requirements for]*** the landowner designee appointment process.[]

Section 1. Definitions.

(1) "Carcass tag" means a tag affixed to the carcass that allows the individual who legally takes the animal to move the carcass, utilize the edible parts of the same, or transfer possession to another individual.

(2) "Control tag" means a tag issued by the department that authorizes an individual to take wildlife during an open hunting or trapping season for the species causing damage.

(3) ***["Destruction tag" means an authorization issued by the department that authorizes a landowner or designee to take wildlife outside of an open hunting or trapping season for the species causing damage.]***

[(4)] "Department representative" means a department employee who is a wildlife biologist or game warden.

(4)[(5)] "Designee" means a person who has been designated by a landowner and approved by the commissioner to remove wildlife causing damage on the landowner's property.

(5) "Destruction tag" means an authorization issued by the department that authorizes a landowner or designee to take wildlife outside of an open hunting or trapping season for the species causing damage.

(6) "Food plot" means a crop or cultivated plants grown to attract and feed wildlife.

(7) "Landowner" means the person who has title to a particular property.

Section 2. Qualifying for Control Tags.

(1) A landowner shall qualify for control tags if:

(a) Hunting or trapping for the species occurred on the property during the previous season;

(b) Standard deterrent measures recommended by a department representative have proven ineffective or are impractical;

(c) A department representative certifies wildlife damage to crops, gardens, property, or wildlife habitat; or

(d) Hunting or trapping seasons and bag limits are determined by a department representative to be inadequate to control wildlife populations on the property.

(2) A department representative shall make an on-site inspection of each property for which a request for control tags has been made, unless the property:

(a) Has been previously inspected by a department representative and the landowner affirms that wildlife damage still exists; or

(b) Is immediately adjacent to property assessed by a department representative as having severe wildlife damage.

(3) The department shall not issue control tags to a landowner whose only damage is to a food plot.

Section 3. Applying for Control Tags.

(1) A landowner shall request control tags by contacting the department through:

(a) A game warden; or

(b) The wildlife biologist for the county in which the property is located.

(2) If required by Section 2 of this administrative regulation, a department representative shall visit the property and assess the nature and extent of wildlife damage.

Section 4. Number of Control Tags Issued.

(1) The Wildlife Division shall determine the number of control tags to be issued for each property based on the recommendation of the department representative.

(2) The department shall not issue a control tag if:

(a) The county hunting or trapping season is adequate to achieve the desired reduction in wildlife numbers; or

(b) Crop, property, or environmental damage is not present.

Section 5. Transfer of Control Tags.

(1) Control tags shall be issued in the landowner's name.

(2) A landowner:

(a) May transfer a control tag to another person; and

(b) Shall require hunters or trappers to sign a control tag after an animal has been taken.

Section 6. Use of Control Tags.

(1) A control tag shall not be valid except on the property for which it was issued.

(2) A control tag shall expire after the license year for which it was issued.

(3) A person who uses a control tag:

(a) Shall have in possession a valid:

1. Control tag; and

2. Hunting or trapping license, as applicable for the method of take, and permit for the species causing damage, if applicable, unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120; and

3. Proof of hunter education if required by 301 KAR 2:185***;[.]***

(b) May use control tags during any open hunting or trapping season for the species;

(c) Shall comply with weapon and season requirements as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300, except that antlered deer or elk may not be taken; and

(d) Shall submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone.

(e) Shall telecheck the animal by midnight on the day it was recovered if telecheck is normally required for the species taken.

(4) Wildlife taken with a control tag shall not count toward the zone or statewide bag limit as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300.

(5) Traps used to take wildlife with a control tag shall:

(a) Be tagged and checked as established in KRS 150.400 and 150.410; and

(b) Comply with trap requirements as established in 301 KAR 2:251.

Section 7. Destruction Tags.

(1) Unless otherwise prohibited from receiving destruction tags under Section 8 of this administrative regulation, the[~~The~~] Wildlife Division may issue destruction tags[~~tag~~]:

(a) To a person authorized by the commissioner to remove wildlife that are or may become a public safety or environmental threat or that have entered a permitted captive cervid facility;

(b) To a landowner or the designee who requests the same from a department representative***; [;]***[:]

[~~1.~~] [~~Who continues to experience damage after using control tags; or~~]

[~~2.~~] [~~Whose property cannot be hunted legally and wildlife are posing a public safety or environmental threat;~~]

(c) To a captive cervid facility permit holder or applicant:

1. Whose fence meets the fencing and holding requirements in 301 KAR 2:083; and

2. Who has attempted to remove wild deer using nonlethal methods or statewide deer seasons as established in 301 KAR 2:172; or

(d) If a department representative determines that out of season take is warranted to curtail damage after conducting the initial site visit as established in Section 3 of this administrative regulation.

(2) For wildlife species other than white-tailed deer causing damage, a [A] destruction tag shall specify the:

(a) Number and sex of wildlife to be destroyed if the species causing damage is sexually dimorphic;

(b) Method of destruction;

(c) Name of the person who will destroy the wildlife; and

(d) Dates during which the destruction will take place.

(3) For white-tailed deer causing damage:

(a) The Wildlife Division shall issue a minimum of five (5) destruction tags to the landowner or approved designee that are valid for antlerless deer only for two (2) consecutive years; and

(b) Each destruction tag issued ***shall[~~will~~]*** be valid for two (2) years.

(4) A destruction tag shall not be issued without the recommendation of a department representative and the approval of the commissioner.

(5)[~~(4)~~] A person who uses a destruction tag shall:

(a) Have in possession a valid:

1. Destruction tag;

2. Hunting or trapping license for the species causing damage[], unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120;

3. Proof of hunter education if required by 301 KAR 2:185; and

4. Completed Wildlife Damage Designee Form for the property in which wildlife are being removed;

(b) Attach to each carcass a carcass tag that contains the confirmation number, hunter's name, and telephone number;

(c) Not remove the carcass tag until the carcass is processed or disposed of;

(d) Relinquish to the department, destroy, or leave afield all inedible parts;

(e) Telecheck the animal by midnight on the day the animal was recovered if telecheck is ordinarily required for the species taken;

(f) Submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone; and

(g) Not take wildlife causing damage at night unless specified by a department representative and approved by the commissioner in writing on the Wildlife Damage Designee Form.

(6)[~~(5)~~] A destruction tag shall not be used except as established on the authorization.

(7)[~~(6)~~] A person who receives a destruction tag for species other than bear, bobcat, deer, elk, river otter, or turkey shall:

(a) Complete ***an Out-of-Season[a]*** Wildlife Destruction Tag Reporting Form issued by the department; and

(b) Submit the completed form to the department at # 1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Wildlife Destruction Tag Report, within fourteen (14) days after the expiration date designated on the destruction tag.

Section 8. Designee Procedures, Requirements and Denial Process.

(1) A landowner may appoint a designee to kill wildlife causing damage on the landowner's land as follows:[.]

(a) ***[(]***There shall be no limit to the number of designees that a landowner may have in Zone 1 counties;

(b) A landowner may appoint up to five (5) designees per 100 acres of property in Zone 2 counties;

(c) A landowner may appoint up to three (3) designees per 100 acres of property in Zone 3 counties;

(d) A landowner may appoint one (1) designee per 100 acres of property in Zone 4 counties; and

(e) ***The Commissioner may authorize*** a landowner***[may be authorized]*** to appoint additional designees if***[it is deemed]*** necessary***[by the Commissioner]*** to prevent further damage, pursuant to ***KRS*** 150.105.

(2) The landowner and designee shall complete and submit to the department a Wildlife Damage Designee Form.

(3) The department shall have thirty (30) days upon receipt of the Wildlife Damage Designee Form to approve or deny a designee.

(4) The department shall deny a designee that:

(a) Has received a felony conviction; or

(b) Has been convicted of any state or federal wildlife violation during the previous three (3) years.

Section 9. Denial or Revocation of Control Tags or Destruction Tag and Appeal Procedures.

(1) The department shall revoke a control tag or destruction tag or deny a future tag to a person who fails to comply with the requirements of this administrative regulation.

(2) An individual whose request for a tag has been denied or revoked may request an administrative hearing, which shall be conducted pursuant to KRS Chapter 13B.

(3) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(4) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(5) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

Section 10. Taking of Wildlife in the Act of Causing Damage

(1) A landowner, tenant, or approved designee may take wildlife in the act of causing damage as established in KRS ***150.170(8)[150.170 (7)]***.

(2) Individuals established in KRS ***150.170(8)[~~150.170 (7)~~]*** who take wildlife in the act of causing damage shall electronically report the take to the department at https://app.fw.ky.gov/reprint/krs150170.aspx within 24 hours of take.

(3) Individuals established in ***KRS 150.170(8)[~~150.170 (7)~~]*** who have taken an animal causing damage shall request and obtain a carcass tag to remove the animal from the property or utilize the

edible portions of the same via the electronic submission form as established in this section.

Section 11.[~~Section 10.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Wildlife Damage Designee Form", 2026[~~2025~~] edition; and

(b) "Out-of-Season Wildlife Destruction Reporting Form", 2026[~~2025~~] edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. Eastern Time or online at:

(a) Wildlife Damage Designee Form: https://fw.ky.gov/Wildlife/Documents/Wildlife-Damage-Designee-Form.pdf; ***or***

(b) Out-of-Season Wildlife Destruction Reporting Form: https://fw.ky.gov/Wildlife/Documents/Out-Season-Wildlife-Destr-Rpt-Form.pdf.

FILED WITH LRC: October 13, 2026

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

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

301 KAR 5:210. Special agency fundraising permits.

RELATES TO: KRS 150.025, ***150.170,***150.175, 150.195

STATUTORY AUTHORITY: KRS 150.025, 150.195

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 of Fish and Wildlife Resources to promulgate administrative regulations to establish hunting seasons, bag limits, and the methods of taking wildlife. KRS 150.175 requires the department to ***promulgate administrative regulations establishing[~~establish~~]*** game permits to be used in combination with a statewide hunting license or valid youth statewide license, as well as requirements on how those permits are to be used. KRS 150.195(1) requires the department to promulgate administrative regulations pertaining to the issuance of, and other matters relating to, licenses and permits issued by the department. This administrative regulation establishes the requirements for the issuance and use of Special Agency Fundraising Permits.

Section 1. Definitions.

(1) "Big game pursuit permit" means a permit that allows the holder to lawfully take, in addition to the statewide harvest limits, the following species: one (1) deer of either sex, one (1) bear of either sex, and in the spring turkey season the year after selection, one (1) legal spring turkey.

(2) "Elk expedition permit" means a permit that allows the holder to harvest one (1) elk of either sex.

(3) "Grand slam permit" means a permit that allows the holder to lawfully take during the year of selection, one (1) elk of either sex and, in addition to the statewide harvest limits, the following species: one (1) deer of either sex, one (1) bear of either sex; and in the spring turkey season the year after selection, one (1) legal spring turkey.

(4) "Immediate family" means a person's spouse, mother, father, daughter, brother, sister, grandparent, or son.

(5) "Proceeds" means the amount of money received from the sale of applications for special agency fundraising permits.

(6) "Special Agency Fundraising Permit" means a Kentucky hunting permit subject to a special application and drawing process to select the holder, that includes privileges to take specified big game animals when used in conjunction with a statewide annual hunting license.

[~~(1)] ["Elk hunt sweepstakes permit" means a permit that allows the holder to harvest one (1) elk of either sex.~~]

[~~(2)] ["Immediate family" means a person's spouse, mother, father, daughter, brother, sister, grandparent, or son.~~]

[~~(3)] ["Premium combination big game permit" means a permit that allows the holder to lawfully take during the year of selection, one (1) elk of either sex and, in addition to the statewide harvest limits, the following species: one (1) deer of either sex, one (1) bear of either sex; and in the spring turkey season the year after selection, one (1) legal spring turkey.~~]

[~~(4)] ["Proceeds" means the amount of money received from the sale of applications for special agency fundraising permits.~~]

[~~(5)] ["Special Agency Fundraising Permit" means a Kentucky hunting permit subject to a special application and drawing process to select the holder, that includes privileges to take specified big game animals when used in conjunction with a statewide annual hunting license.~~]

[~~(6)] ["Standard combination big game permit" means a permit that allows the holder to lawfully take, in addition to the statewide harvest limits, the following species: one (1) deer of either sex, one (1) bear of either sex, and one (1) legal spring turkey.~~]

Section 2. Application and Drawing Process.

(1) The application period shall be August 1 of the year preceding through May 30 (midnight eastern time) of the year in which the drawing occurs.

(2) An applicant shall:

(a) Complete the application process on the department's ***website[~~Web site~~]*** at fw.ky.gov, in accordance with Section 1 of 301 KAR 5:030; and

(b)

1. Pay the applicable non-refundable[~~nonrefundable~~] application fee for the permit desired, as outlined in 301 KAR 5:022; or[~~as follows:~~]

2.[~~(c)~~] Complete the process for free entry for a big game pursuit permit, as follows:

[~~1.~~] [~~For elk hunt sweepstakes permit and premium combination big game permits:~~]

[~~a.~~] [~~Five (5) dollars for residents and ten (10) dollars for nonresidents 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.~~]

[~~2.~~] [~~For standard combination big game permits:~~]

[~~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;~~]

a.[~~1.~~] Harvest and telecheck at least four (4) female deer from Zone 1 counties during the previous hunting season as established in 301 KAR 2:172;

b.[~~2.~~] Electronically submit a time-stamped image of each harvested female deer, up to four (4), to the department at fw.ky.gov; and

c.[~~3.~~] Submit a request to the department for entry into the big game pursuit permit drawing at fw.ky.gov.

(3) An applicant may purchase an unlimited number of applications or bundles of applications.

(4) The number of special agency fundraising permits available per year shall be:

(a) One (1) elk expedition[~~sweepstakes~~] permit for a resident or nonresident holder;

(b) One (1) grand slam [~~premium combination big game~~] permit for a resident or nonresident holder;

(c) One (1) big game pursuit[~~standard combination big game~~] permit for a resident; and

(d) One (1) big game pursuit[~~standard combination big game~~] permit for a nonresident.

(5) There shall be a random electronic drawing conducted subsequent to the general elk hunt drawing each year. This drawing shall be taken from among applications in each applicant pool for the corresponding special agency fundraising permits available for that fall's hunting seasons.

(a) Each drawing shall be sequential, in the following order:

1. The grand slam permit [~~elk hunt sweepstakes~~] first;

2. The elk expedition[~~premium big game~~] permit second; and

3. The big game pursuit[~~standard combination big game~~] permit, for selection of resident and nonresident permit holders, third.

(b) If an individual applicant is selected for the grand slam permit or elk expedition[~~hunt sweepstakes~~] permit [~~or the premium combination big game permit~~], that applicant shall be removed from the other special agency fundraising permits applicant pools prior to the drawings to determine the holders of those other permits.

(6) The commissioner shall extend the application deadline if technical difficulties with the application system prevent applications from being accepted for one (1) or more days during the application period.

(7) An applicant who is selected for a grand slam[~~Kentucky elk hunt sweepstakes~~] permit shall be ineligible to receive a grand slam permit or the prizes associated with a grand slam[~~the elk hunt sweepstakes~~] permit in any subsequent year's drawing.

(8) A person subject to a waiting period resulting from being selected in the general Kentucky Elk Hunt drawing shall be eligible to apply for special agency fundraising permits.

Section 3. Issuance and Use of Permits.

(1) Upon conclusion of the drawing process for special agency fundraising permits, the department shall announce the drawing results on the agency ***website[~~Web site~~]*** and issue the permits to the recipients, subject to any applicable deferrals or transfers as described in Section 4 of this administrative regulation, prior to the first hunting season for which the permits are applicable.

(2) A permit holder shall only take animals:

(a) Through the use of legal hunting equipment; and

(b) During the normal season dates for which take is otherwise allowed.

(3) A permit holder shall carry proof of purchase of a valid Kentucky hunting license, unless exempted from the requirement to be licensed in accordance with KRS 150.170.

(4) The holder of a permit that allows take of an elk shall comply with the statewide bag limit of one (1) elk per hunter per license year and other requirements in 301 KAR 2:132.

(5) The holder of a special agency fundraising permit that includes privileges to take elk may use the permit in any elk hunting unit open to hunting during any open elk hunting season on:

(a) Private land with permission from the landowner; or

(b) Lands that are:

1. Owned or managed by the department; and

2. The subject of public access agreements between the landowners and the department.

(6) The permit holder referenced in subsection (5) shall only use methods allowed during the season segment that is open while he or she is hunting, as established in 301 KAR 2:132.

Section 4. Deferral or Transfer of Permits.

(1) A recipient of a special agency fundraising permit that includes privileges to take elk in Kentucky may:

(a) Defer use of the elk hunting privilege included in the permit for one (1) year if he or she has previously obtained an elk permit of any kind for use during the Kentucky elk hunting season to which the special agency fundraising permit pertains; or

(b) Transfer use of the elk hunting privilege included in the permit to one (1) member of his or her immediate family for use during any hunting season to which the permit pertains.

(2) A holder wishing to transfer or defer use of the elk hunting privilege included in a permit shall contact the office of the commissioner in writing, no later than July 31 of the year in which he or she is selected through the drawing for the permit.

Section 5. Goods or Services May Be Included. The department may obtain goods or services of interest to prospective applicants, through purchase, donation or sponsorship, to incentivize applications for a special agency fundraising permit. The recipient of the permit shall also receive applicable goods or services included in the drawing for a permit, as posted on the agency ***website[~~Web site~~]***, except that a recipient may refuse an applicable good or service at his or her choosing.

Section 6. Use of Fees. Fees from the sale of special agency fundraising permits shall be deposited into the department's restricted Fish and Game Fund account and used solely for agency operational expenditures.

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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 ARRS, October 13, 2026)

301 KAR 11:002. Fish and Wildlife Commission Member selection process[~~Selection of Fish and Wildlife Resources Commission nominees~~].

RELATES TO: KRS 150.022, 150.023

STATUTORY AUTHORITY: KRS 150.022, 150.025

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department of Fish and Wildlife Resources to promulgate administrative regulations to carry out the purposes of KRS Chapter 150. KRS 150.022 requires that a meeting of sportsmen and sportswomen in a commission district be held to nominate five (5) candidates for membership on the Kentucky Fish and Wildlife Commission. These five (5) candidate names shall then be submitted to the Governor for his or her selection. This administrative regulation establishes the procedures for nominating the candidates for commission membership.

Section 1. Scheduling of Meetings and Notification of the Public.

(1) At least thirty (30) days prior to the expiration of the term of a member of the Fish and Wildlife Resources Commission, the commissioner shall select the time and place for a public meeting to select a list of five (5) nominees to submit to the governor. The meeting shall be held within a county of the commission district that shall be centrally located and easily accessible to the majority of the sportsmen and sportswomen of that district.

(2) The location of the meeting shall be in a public building with facilities adequate to accommodate the expected turnout. If more participants attend than the facilities can reasonably accommodate, the commissioner (or his or her designee) may order a change in location, if a suitable site is readily available, or may take whatever steps he or she deems necessary to ensure the orderly and safe conduct of the meeting.

(3) Each meeting shall be called to order at 7:30 p.m. local prevailing time. If a change of location is called as established in subsection (2) of this section, the commissioner shall delay the

beginning of the meeting for at least one (1) hour. The commissioner may also delay the beginning of the meeting for any other reason necessary, but the commissioner shall not convene the meeting earlier than the stated starting time.

(4) The facilities where the meeting is held shall be made available to the public by [~~at least~~] 6 p.m. local prevailing time.

(5) At least thirty (30) days prior to the meeting, the commissioner shall:

(a) Cause to be published in each newspaper in the district a legal notice announcing the purpose, time, and place of the meeting;

(b) Prepare and distribute news releases announcing the meeting to all major mass media outlets in the district; and

(c) Prepare and distribute posters about the meeting for posting at each county courthouse in the district and at those places where sportsmen or sportswomen are known to gather or frequent.

[~~(5)~~] [~~The commissioner shall cause to be published in each newspaper in the district a legal notice announcing the purpose, time, and place of the meeting. The commissioner shall also prepare and distribute news releases announcing the meeting to all major mass media outlets in the district. In addition, the commissioner shall prepare and distribute posters about the meeting for posting at each county courthouse in the district and at those places where sportsmen are known to gather or frequent.~~]

Section 2. Participation in the meeting.

(1) Applications for nomination

(a) To be considered for nomination, individuals shall submit, so as to be received by the commissioner's office at least fifteen (15) days prior to the meeting, a notarized and completed Commission Member Nominee Application, with accompanying documentation.

(b) The department shall review all Commission Member Nominee Applications and accompanying documents submitted by the deadline and determine if each individual meets qualification requirements as established in KRS 150.022.

(c) Only those individuals who are physically present at the meeting that have both properly submitted a Commission Member Nominee Application and have been determined as qualified by the department may be considered for nomination.

(2) Only those individuals who are physically present at the meeting, are residents of the district, and who have been licensed hunters, trappers, or anglers for each of the past two (2) consecutive license years, not including the current license year, may participate in the nomination process or voting.

Section 3. Conduct of the Meeting.

(1) The commissioner, or an official of the department designated by the commissioner, shall serve as chair of the meeting and shall be the final arbiter of any disputes or procedural questions that arise during the course of the meeting.

(2) After calling the meeting to order, the chair shall explain the purpose of the meeting and the rules under which it shall be conducted.

(3) The chair shall read the list of names of all individuals who are qualified for nomination and request those physically present come forward. Only those qualified individuals physically present at the meeting at the time of this call shall be eligible for nomination.

(4) If five (5) or fewer individuals are eligible for nomination, those individuals shall be automatically placed on the list of nominees to be presented to the Governor. The chair shall declare that the purpose of the meeting has been fulfilled and shall adjourn the meeting.

[~~(3)~~] [~~The chair shall then open the floor to nominations.~~]

[~~(4)~~] [~~As each name is placed in nomination, the nominee shall sign an affidavit attesting to his or her residency in the district.~~]

[~~(5)~~] [~~The chair shall not close the nominations until he or she has called three (3) times for additional nominations and has received none. Motions to close the nominations shall not be recognized while there are still those waiting to place a name in nomination.~~]

[~~(6)~~] [~~If no more than five (5) names are placed in nomination, the chair shall declare that the purpose of the meeting has been fulfilled and shall adjourn the meeting.~~]

Section 4.[~~Section 3.~~] Balloting to Select Five (5) Nominees.

(1) If more than five (5) individuals are eligible for nomination,[~~names are placed in nomination,~~] the list of nominees shall be narrowed to five (5) names by [~~secret~~] ballots cast by the qualified sportsmen and sportswomen in attendance.

(2) The chair shall direct each individual eligible for nomination[~~nominee~~] to appoint [~~at least~~] one (1) individual to serve on a balloting committee.[~~ The chair shall determine the number needed for this committee, and each ~~][~~individual qualified for nomination~~][nominee][~~ shall be allowed an equal number of committee members.~~]

(3) Members of the balloting committee shall distribute Commission Member Nomination Ballots[~~ballots~~] to the participants in the meeting. Each Commission Member Nomination Ballot[~~ballot~~] shall consist of two (2) parts: A statement of eligibility [~~an affidavit~~] by which each participant shall certify[~~attest to~~] his or her legal right to participate in the selection process as established in KRS 150.022 and a voting ticket[~~ballot~~] with which the participant may vote for one (1) nominee.

(4) Each eligible participant shall complete the information requested on the statement of eligibility and sign the portion certifying[~~affidavit and swear an oath attesting to~~] the veracity of that information.

(5) Each eligible participant shall then vote for the individuals eligible for nomination[~~nominee~~] of his or her choice on the Commission Member Nomination Ballot[~~ballot~~] provided. Ballot boxes, overseen by personnel of the department, shall be available at designated exits. Each eligible participant shall hand the department employee his or her signed statement of eligibility[~~affidavit~~] and shall place his or her voting ticket[~~ballot~~] in the ballot box.

(6) After depositing his or her Commission Member Nomination Ballot[~~ballot~~], each participant shall immediately leave the meeting room and shall not return until all votes[~~ballots~~] are cast and the ballot boxes are closed.

(7) The ballot boxes shall be opened in the presence of the balloting committee, who shall count the ballots in the presence of the chair or his or her designee.

(8) Each member of the balloting committee shall sign a Balloting Committee Certification Form that confirms[~~an affidavit attesting to~~] the ballot count and [~~to~~] the fact that, to the best of his or her knowledge, the process of distributing and counting the ballots was conducted in a fair and impartial manner. The chair shall obtain a written statement from any committee member who feels that irregularities did occur during the course of the meeting.

(9) Immediately after the votes[~~ballots~~] are counted and the results certified by the balloting committee, the chair shall announce the names of the top five (5) nominee vote recipients[~~full results of the balloting~~] and shall then adjourn the meeting.

Section 5.[~~Section 4.~~] Resolving Ties or Disputes.

(1) In the event of a tie vote for fifth and sixth place, the chair shall settle the issue by the toss of a coin. Tie votes that do not affect the outcome of the selection of the five (5) names shall not be resolved.

(2) Any other disputes, whether over vote counts or over procedural matters, shall be arbitrated immediately by the chair, whose decision shall be binding unless subsequently overturned by the commission or the courts.

(3) Any individual who is aggrieved by a decision of the chair or by any other action at the meeting may appeal in writing to the Fish and Wildlife Resources Commission. An appeal shall be made within ten (10) calendar days after the meeting.

(4) Upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

(5) Any party aggrieved by a final order of the commission may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.

Section 6.[~~Section 5.~~] Submission of the List of Nominees to the Governor.

(1) The commissioner shall, within thirty (30) working days after the meeting, submit to the governor the names of the five (5) nominees chosen at the meeting.

(2) If balloting was used to limit the list to five (5) names, the commissioner shall not submit any ballot totals to the governor.

Section 7. Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "Commission Member Nominee Application", ***October[July]*** 2026 edition;

(b) "Commission Member Nomination Ballot", July 2026 edition; and

(c) "Balloting Committee Certification Form", July 2026 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/More/Documents/Commission_Member_Nominee_Application_-_Draft_-_Clean.pdf for the "Commission Member Nominee Application";

(b) https://fw.ky.gov/More/Documents/Commission_Member_Nomination_Ballot_Draft_-_Clean.pdf for the "Commission Member Nomination Ballot";

(c) https://fw.ky.gov/More/Documents/Balloting_Committee_Certification_Form_Clean.pdf for the "Balloting Committee Certification Form".

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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.

JUSTICE AND PUBLIC SAFETY CABINET
Parole Board
(As Amended at ARRS, October 13, 2026)

501 KAR 1:030. Determining parole eligibility.

RELATES TO: KRS 49.480, 119.025, 197.410(2), ***439.320,*** 439.340, 439.3401, 439.563, 532.043, 532.060, 532.080, 640.080

STATUTORY AUTHORITY: KRS 439.340(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 439.340(3)***(b)*** requires the Kentucky Parole Board to promulgate administrative regulations with respect to eligibility of prisoners for parole. This administrative regulation establishes the criteria for determining parole eligibility.

Section 1. Definitions.

(1) "Board" is defined by KRS 439.250(5).

(2) "Deferment" means a decision by the board that an inmate shall serve a specific number of months before further parole consideration.

(3) "Detainer" means a document, issued or made by a legal authority, authorizing the keeper of a prison or jail to keep the person named in the document in custody.

(4) "Parole" means the release of an inmate with a signed parole certificate to:

(a) The community prior to the expiration of his sentence, subject to conditions imposed by the board and subject to its supervision; or

(b) Answer the detainer.

(5) "Parole eligibility date" means the date set by the board for conducting parole hearings at the location designated for an inmate's parole release hearing to take place during the month the inmate becomes eligible for parole.

(6) "Parole recommendation" means a decision of the board that an inmate may be released from incarceration prior to the expiration of his sentence.

(7) ***["Parole for violent offender" is defined in KRS 439.3401.]***

[(8)] ["Physical injury" is defined in][KRS][500.080(17)][500.080(13)][.]

[(9)] ["Serious physical injury" is defined in KRS][500.080(19)][500.080(15)][.]

[(10)] "Serve-out", "SOT", or "serve-out-time" means a decision of the board that an inmate shall serve until the completion of his sentence.

[(11)] ["SOTP" means Sex Offender Treatment Program.]

[Section 2.] [Ineligibility.]

[(1)] [An eligible sex offender, as defined in KRS 197.410(2), convicted prior to July 15, 1998 shall not be eligible for a parole consideration hearing unless:]

[(a)] [He has been denied entrance into the][SOTP][Sex Offender Treatment Program][;]

[(b)] [He has been terminated from the SOTP; or]

[(c)] [He has successfully completed the SOTP.]

[(2)] [On or after July 15, 1998, a sex offender's eligibility shall be governed by KRS 197.045(4).][(3)On or after July 15, 1998, a person confined to a state penal institution or county jail as a result of the revocation of his postincarceration supervision][by the court][pursuant to KRS 532.043 and 532.060 shall not be eligible for parole consideration.]

[(4)] [If an inmate is within][ninety (90)][sixty (60)][days of being released by minimum expiration, administrative release, or maximum expiration at the time of his next scheduled parole hearing, the inmate shall not be eligible for parole.]

Section 2.[3.] Parole Eligibility.

(1) Initial parole review. ***[Except as provided by Section 2 of this administrative regulation, a]***

(a) A person confined to a state penal institution or county jail shall have his case reviewed by the board, in accordance with ***paragraph (b) or (c) of this subsection, unless parole eligibility is set by a statute, then the statute shall control.[following schedules:][A nonviolent offender convicted of a Class D felony with an aggregate sentence of one (1) to five (5) years shall have his or her case reviewed by the Parole Board upon reaching his or her parole eligibility date as established in KRS 439.340(3)(a).]***

(b) For a felony offense committed prior to December 3, 1980

Sentence Being Served	Time Service Required Before First Review (Minus Jail Credit)
1 year	4 months
More than 1year and less than 18 months	5 months
18 months up to and including 2 years	6 months
More than 2 years and less than 2 1/2 years	7 months
2 1/2 years up to 3 years	8 months
3 years	10 months

More than 3 years, up to and including 9 years	1 year
More than 9 years, up to and including 15 years	2 years
More than 15 years, up to and including 21 years	4 years
More than 21 years, up to and including life	6 years

(c) For a felony offense committed after December 3, 1980:

Sentence Being Served	Time Service Required Before First Review (Minus Jail Credit)
1 year, up to but not including 2years	4 months
2 years, up to and including 39 years	20% of sentence received
More than 39 years, up to and including life	8 years
Persistent felony offender I in conjunction with a Class A, B, or C felony	10 years

(d) ***If a person is eligible for parole as described in paragraph (a) of this subsection, the Parole Board may, at the board's discretion, grant or deny parole based on the factors set forth in KRS 439.340, amendments thereto, or other applicable law.***

(e) The Board may order a serve out on the sentence at the initial parole review.[For any crime, committed on or after July 15, 1986, but prior to July 15, 1998, which is a capital offense, Class A felony, or Class B felony where the elements of the offense or the judgment of the court demonstrate that the offense involved death or serious physical injury to the victim or Rape 1 or Sodomy 1:]

[Sentences of a number of years]	***[50% of the sentence received or 12 years, whichever is less]***
[Sentence of life]	***[12 years]***

[(e)] [For a crime:]

[1.] [Committed on or after July 15, 1998, which is a capital offense, Class A felony, or Class B felony where the elements of the offense or the judgment of the court demonstrate that the offense involved death or serious physical injury to the victim or Rape 1 or Sodomy 1;]

[2.] [Committed on or after July 15, 2002, which is:]

[a.] [Burglary in the first degree accompanied by the commission or attempted commission of a felony sexual offense in KRS Chapter 510;]

[b.] [Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;]

[c.] [Burglary in the first degree accompanied by commission or attempted commission of kidnapping as prohibited by KRS 509.040; or]

[d.] [Robbery in the first degree;]

[3.] [Committed on or after July 12, 2006, which is:]

[a.] [A capital offense;]

[b.] [Class A felony;]

[c.] [Complicity to a Class A felony;]

[d.] [Class B felony involving the death of the victim or serious physical injury to a victim;]

[e.] [The commission or attempted commission of a Class A or B felony sex offense in KRS Chapter 510;]

[f.] [The use of a minor in a sexual performance as described in KRS 531.310(2)(b) and 531.310(2)(c);]

[g.] [Promoting a sexual performance by a minor as described in KRS 531.320(2)(b) and 531.320(2)(c);]

[h.] [Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a) when the minor is less than sixteen (16) years old or if the minor incurs physical injury;]

[i.] [Promoting prostitution in the first degree as described in KRS 529.030(1)(a) when the minor is less than sixteen (16) years old or if the minor incurs physical injury;]

[j.] [Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;]

[k.] [Burglary in the first degree accompanied by the commission or attempted commission of kidnapping as prohibited by KRS 509.040; or]

[l.] [Robbery in the first degree; or]

[4.] [Committed on or after June 26, 2007, which is:]

[a.] [A capital offense;]

[b.] [Class A felony;]

[c.] [Complicity to a Class A felony;]

[d.] [Class B felony involving the death of the victim or serious physical injury to a victim;]

[e.] [The commission or attempted commission of a Class A or B felony sex offense in KRS Chapter 510;]

[f.] [The use of a minor in a sexual performance as described in KRS 531.310(2)(b) and 531.310(2)(c);]

[g.] [Promoting a sexual performance by a minor as described in KRS 531.320(2)(b) and 531.320(2)(c);]

[h.] [Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a) when the minor is less than sixteen (16) years old or if the minor incurs physical injury;]

[i.] [Human trafficking as described in KRS 529.010(5)(b) when the victim is a minor;]

[j.] [Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;]

[k.] [Burglary in the first degree accompanied by the commission or attempted commission of kidnapping as prohibited by KRS 509.040; or]

[l.] [Robbery in the first degree]

[Sentence of a number of years]	***[85% of sentence received or 20 years. whichever is less]***
[Sentences of life]	***[20 years]***

[5.] [Committed on or after June 25, 2013, including:]

[a.] [Manslaughter under KRS 507.040 or Reckless Homicide under KRS 507.050 where a clearly identifiable peace officer or firefighter is killed in the line of duty:]

[Sentence Being Served]	***[At least 85% of the sentence imposed]***

[b.] [Manslaughter under KRS 507.040 or Reckless Homicide under KRS 507.050 where a peace officer or firefighter is killed in the line of duty:]

[Sentence Being Served]	***[At least 50% of the sentence imposed]***

[6.] [Committed on or after March 25, 2015, but prior to June 29, 2017, including:]

[a.] [Importing Heroin, under KRS 218A.1410;]

[b.] [Trafficking in Controlled Substance – Heroin under KRS 218A.1412(3)(c);]

[c.] [Aggravated Trafficking – Heroin under KRS 218A.142; or]

[d.] [Homicide or Fetal Homicide under KRS 507 or 507A due to overdose, under KRS 439.3401(3)(d);]

[Sentence Being Served]	[At least 50% of the sentence imposed]

[7.] [Committed on or after June 29, 2017, but prior to July 14, 2022, including:]

[a.] [Importing Heroin, Carfentanil, Fentanyl, or Fentanyl Derivatives under KRS 218A.1410;]

[b.] [Trafficking in Controlled Substance under KRS 218A.1412(3)(b)(2)(a);]

[c.] [Trafficking in Controlled Substance under KRS 218A.1412(3)(c); or]

[d.] [Aggravated Trafficking in Controlled Substance under KRS 218A.142:]

[Sentence Being Served]	[At least 50% of the sentence imposed]

[8.] [Committed on or after July 14, 2018, including:]

[a.] [Criminal Gang Syndicate under KRS 506.120;]

[b.] [Enhancement of Criminal Gang-Related Felonies under KRS 506.170; or]

[c.] [Criminal Attempt to Commit Murder of a Peace Officer or Firefighter under KRS 439.3401:]

[Sentence Being Served]	[At least 85% of the sentence imposed]

[9.] [Committed on or after June 27, 2019, including:]

[a.] [Manslaughter under KRS 507.040 or Reckless Homicide under KRS 507.050 where a clearly identifiable emergency medical services personnel is killed in the line of duty; or]

[b.] [Class B Criminal Attempt to Commit Murder where a clearly identifiable emergency medical services personnel is acting in the line of duty, regardless of whether injury occurs:]

[Sentence Being Served]	[At least 85% of the sentence imposed]

[c.] [Manslaughter under KRS 507.040 or Reckless Homicide under KRS 507.050 where an emergency medical services personnel is killed in the line of duty:]

[Sentence Being Served]	[At least 50% of the sentence imposed]

[10.] [Committed on or after July 14, 2022, including:]

[a.] [Class A or Class B Incest under KRS 530.020(2)(b) or (c);]

[b.] [Importing Carfentanil, Fentanyl, or Fentanyl Derivatives under KRS 218A.1410; or]

[c.] [Aggravated Trafficking in Controlled Substance under KRS 218A.142:]

[Sentence Being Served]	[At least 85% of the sentence imposed]

[d.] [Aggravated Trafficking in Heroin under KRS 218A.142:]

[Sentence Being Served]	[At least 50% of the sentence imposed]

[9.] [Committed on or after July 15, 2024, which is:]

[a.] [Commission or attempted commission of a Capital offense or Class A felony;]

[b.] [A felony involving the death or serious physical injury to a victim;]

[c.] [Burglary 1][st][Degree under KRS 511.020 if a person other than a participant in the crime was present in the building during commission of the offense;]

[d.] [Robbery 2][nd][Degree under KRS 515.030;]

[e.] [Arson 1][st][Degree under KRS 513.020;]

[f.] [Strangulation 1][st][Degree under KRS 508.170;]

[g.] [Carjacking under KRS 515.040;]

[h.] [Class C Promoting Contraband 1][st][Degree under KRS 520.050.]

[i.] [Wanton Endangerment 1][st][Degree under KRS 508.060 involving the discharge of a firearm; or]

[j.] [Distribution of matter portraying a sexual performance by a minor under KRS 531.340:]

[Sentence Being Served]	[At least 85% of the sentence imposed]

](f)

1. For an individual serving multiple sentences, regardless of whether the sentences have been ordered to run concurrently or consecutively, parole eligibility shall be calculated based on the single conviction resulting in the latest parole eligibility date, except as otherwise provided in this administrative regulation.

2. Where a person is serving two (2) or more sentences that have been ordered to run consecutively and at least two (2) of those sentences require the same percentage of time to be served before becoming parole eligible, all consecutive sentences that require the same percentage of time to be served before becoming parole eligible shall be aggregated together before applying the percentage of time to be served.

3. Parole eligibility shall be calculated based on the latest parole eligibility date described in this administrative regulation.[For an individual serving multiple sentences, if one (1) or more of the crimes resulted in a conviction with committed under paragraph (e) of this subsection and one (1) or more of the crimes resulted in a conviction committed under paragraph (c) of this subsection, parole eligibility shall be calculated by applying the parole eligibility criteria in effect at the time the most recent crime was committed or the sentencing of the offender for that crime, as applicable pursuant to statute.]

(2) Subsequent parole review.[Except as provided in KRS 439.340(14):]

(a) After the initial review for parole, a subsequent review, during confinement, shall be at the discretion of the board, except deferments shall not exceed the limits set in KRS 439.340(14); and

(b) The board[, at the initial or a subsequent review,] may order a serve-out on a sentence at any subsequent parole review.

(3) Parole review with new felony conviction.

(a) If a confined prisoner is sentenced for a felony committed prior to the date of his current incarceration, he has not been discharged since his original admission, and if this new conviction will be served consecutively, the sentence received for the latter conviction shall be added to the sentence currently being served to determine his parole eligibility.

(b) If a confined prisoner is sentenced for a felony committed prior to the date of his current incarceration, he has not been discharged since his original admission, and if the new conviction will be served concurrently but results in a later parole eligibility date, the later parole eligibility date shall apply.

(c)

1. If a confined prisoner is a returned parole violator who receives an additional consecutive sentence, his parole eligibility shall be set on the length on the new sentence only, beginning from the date of his final sentencing, unless the board has previously set a new parole eligibility date.

2. If the board has previously set a new parole eligibility date, the parole eligibility date shall be the date which last occurs.

(d)[(c)] If parole is recommended, and a confined prisoner receives an additional sentence after board consideration, but before his release:

1. The recommendation of parole shall automatically be voided; and

2. The new parole eligibility date shall be set based upon the date of original admission on the aggregate sentences.

(4) Parole review for crimes committed while in an institution or while on escape. If an inmate commits a crime while confined in an institution or while on an escape and receives a concurrent or consecutive sentence for this crime, eligibility time towards parole consideration on the latter sentence shall not begin to accrue until he becomes eligible for parole on his original sentence. This shall include a life sentence.

(a) Except as provided by paragraph (b) of this subsection, in determining parole eligibility for an inmate who receives a sentence for an escape, a sentence for a crime committed while in the institution, or on a sentence for a crime committed while on an

escape, the total parole eligibility shall be set by adding the following, regardless of whether the sentences are ordered to run concurrently or consecutively:

1. The amount of time to be served for parole eligibility on the original sentence;

2. If the inmate has an additional sentence for escape, the amount of time to be served for parole eligibility on the additional sentence for the escape;

3. If the inmate has an additional sentence for a crime committed while in the institution, the amount of time to be served for parole eligibility on the additional sentence for the crime committed while in the institution; and

4. If the inmate has an additional sentence for a crime committed while on escape, the amount of time to be served for parole eligibility on the additional sentence for the crime committed while on escape.

(b) If the board has previously set a parole eligibility date for an inmate described in paragraph (a) of this subsection, and that date is later than that set under paragraph (a) of this subsection, the later date shall be the parole eligibility date.

(c)

1. Except as provided by paragraph (b) of this subsection, if a confined prisoner who has previously met the board is given a deferment, escapes during the period of the deferment, and returns from that escape without a new sentence for the escape, the time out on the escape shall be added to the original deferment date to arrive at the new adjusted date.

2.

a. If the prisoner later receives a sentence for the escape, the previous deferment shall be automatically voided and the new parole eligibility date shall be set based on the new sentence beginning from the date of sentencing for the new sentence, unless the deferment date set by the board is a later date than that set based on the new sentence.

b. If the deferment date set by the board is a later date, the parole eligibility date shall be the date which last occurs.

(d) If an inmate receives a serve-out or deferment on his original sentence prior to receiving an additional sentence for escape [~~sentence~~] or a sentence for a crime committed while on escape or while confined in an institution, his parole eligibility date shall be set from the date of his new sentence or from the date previously set by the board, whichever occurs last.

(e) If an inmate receives a parole recommendation but escapes prior to being released, the parole recommendation shall be void. Upon return to a state institution, the board shall, as soon as possible, conduct a file review and set or fix his parole eligibility date. If the board so determines it may conduct a face-to-face hearing with this person at the institution with a ***[~~three (3) member~~]*** panel ***in accordance with the provisions of KRS 439.320***.

(5) Parole reviews for persons on shock probation or on prerelease probation. If a person is shock probated, or on prerelease probation, and is later returned to the institution as a shock probation violator or prerelease probation violator, his new parole eligibility shall be calculated by adding the period of time the inmate is on shock probation or prerelease probation to his original parole eligibility date.

(a) If a person on shock probation or prerelease probation is returned to the institution with a new consecutive sentence acquired while on shock probation or prerelease probation, he shall be eligible for a parole hearing if he has reached parole eligibility on the aggregate of the two (2) sentences. The time served toward parole eligibility prior to discharge by shock probation or prerelease probation shall be included as part of the total period of time to be served for parole eligibility on the aggregate sentences. The time spent out on shock probation or prerelease probation shall not be included as part of the total period of time to be served for parole eligibility.

(b) If a person on parole is returned to the institution, has received a new sentence for a crime committed while on parole, and is probated or shock probated on the new sentence, the board shall, as soon as possible, conduct a file review and set or fix his parole eligibility date. If the board so determines, it may conduct a face-to-face hearing with this person at the institution with a panel ***in accordance with the provisions of KRS 439.320[~~of at least two (2) members~~]***.

Section 3.[~~4.~~] Emergency Authority. If the Commissioner of the Department of Corrections gives notice to the board of a need to relieve state prison or local jail overpopulation, the board may authorize the Commissioner to release one (1) or more persons who have been granted parole but who remain in custody solely to meet the time service requirements of this administrative regulation, if:

(1) Sixty (60) or fewer days remain between the date of the actual release and the date on which the inmate would otherwise be physically released on parole;

(2) The release would not result in a violation of a statutorily set minimum service of time requirement, including that set out for violent offenders under KRS 439.3401; and

(3) All other release requirements, including victim notification and re-entry planning, are completed.

FILED WITH LRC: October 13, 2026

CONTACT PERSON: Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegsContact@ky.gov

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, October 13, 2026)

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) ***requires the Cabinet to establish requirements for escort vehicles, safety markings, and other safety restrictions governing the operation of an overweight or overdimensional vehicle. KRS[~~,~~]***[~~***189.271(9)(b),***~~]***[~~189.2715(1), ~~]189.2716 ***requires the department to promulgate administrative regulations governing the issuance of annual permits for the operation of motor vehicles that are transporting steel products in divisible or nondivisible loads on state highways from a facility manufacturing products in this state to a riverport within this state, and whose dimensions exceed the limits for vehicle width. KRS [~~, and~~]*** 189.2717(1) ***authorizes[~~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***(6)[(7)]***.

(7) "Nondivisible" means a load, cargo unit, or vehicle that if separated into smaller loads or vehicles would:

(a) Compromise the intended use of the vehicle, making it unable to perform the function for which it was intended;

(b) Destroy the value of the load or vehicle, making it unusable for its intended purpose; or

(c) Require more than four (4) or eight (8) work hours to dismantle and reassemble contingent on the route traveled.

(8) "Overdimensional" means the motor vehicle exceeds the dimension limits established in 603 KAR 5:070.

(9) "Overweight" means the motor vehicle exceeds:

(a) The gross weight limit established in 603 KAR 5:066;

(b) The axle weight limit established in 603 KAR 5:066;

(c) The gross weight limits established by KRS 177.9771 for a motor vehicle transporting coal or coal by-products;

(d) The bridge weight limit established by 603 KAR 5:066; or

(e) The gross weight limit posted at a bridge or other structure.

(10) "Permit fee" means the fee established [~~in KRS 189.270, 189.2715, or 189.2717~~] for the issuance of an overweight or overdimensional trip or annual permit, to cover the cost of processing the permit application, including:

(a) A qualification check of the applicant;

(b) A statutory compliance check; and

(c) An initial bridge and weight analysis.

(11) "Pole trailer" means a motor vehicle without motive power that is:

(a) Designed to be drawn by a motor vehicle and attached to the towing motor vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing motor vehicle; and

(b) Used for transporting long or irregularly shaped loads such as poles, pipes, or structural members that generally are capable of sustaining themselves as beams between the supporting connections.

(12) "Sealed, containerized, ocean-going cargo unit" means a nondivisible unit of cargo that is part of international trade due to importation from, or exportation to, another country.

(13) "Self-propelled specialized mobile equipment" means every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways.

(14) "Steering axle" means the axle or axles of a vehicle or combination of vehicles by which the vehicle or vehicles are guided or steered.

(15) "Tandem" means any two (2) axles with centers forty-two[~~forty two~~] (42) inches or more apart but less than ninety-six[~~ninety six~~] (96) inches apart.

(16) "Tridem" means any three (3) consecutive axles with centers forty-two[~~forty two~~] (42) inches or more apart and less than 120 inches apart.

(17) "Trunnion axle" means an axle configuration with two (2) individual axles mounted in the same transverse plane with four (4) tires on each axle connected at a pivot point that allows each individual axle to oscillate in a vertical plane to provide constant and equal weight distribution on each individual axle.

Section 2. Overweight or Overdimensional Permit Application.

(1) To apply[~~An application~~] for a Kentucky Overweight/Overdimensional Single Trip Permit [~~Worksheet, TC Form 95-10, and~~]or an [~~Application for~~]Annual Overweight or Overdimensional Permit,[~~ TC Form 95-25, shall be submitted to the Division of Motor Carriers by:~~]access the online motor carrier permitting system at http://drive.ky.gov/motor-carriers/Pages/Purchase-Overweight-Over-Dimensional-Permits.aspx.

[~~(a)~~] [~~Hand delivery;~~]

[~~(b)~~] [~~Mail;~~]

[~~(c)~~] [~~Fax; or~~]

[~~(d)~~] [~~The online motor carrier permitting system at http://drive.ky.gov/motor-carriers/Pages/Purchase-Overweight-Over-Dimensional-Permits.aspx.~~]

(2) An applicant for an overweight or overdimensional single trip permit shall submit a completed Kentucky Overweight/Overdimensional Permit Worksheet[~~, TC Form 95-10 to the Division of Motor Carriers~~].

(3) An overweight or overdimensional single trip permit shall be valid for one (1) move and a duration of ten (10) days.

(4) An overweight or overdimensional single trip permit application shall specify the following information regarding the towing vehicle:

(a) The year, make, and vehicle identification number;

(b) The license plate number and jurisdiction;

(c) The maximum weight for which the towing vehicle is registered;

(d) The jurisdiction or state of the apportioned registration;

(e) The name, address, and telephone number of the operator or owner;

(f) A general description of the cargo;

(g) The effective date of travel;

(h) The serial number for a manufactured home;

(i) The specific routes of travel requested;

(j) The Kentucky Highway Use License (KYU License) or the DOT number; and

(k) The axle spacing and axle group configuration.

(5) An applicant for an overweight or overdimensional annual permit shall submit a completed Application for Annual Overweight or Overdimensional Permit[~~, TC Form 95-25 to the Division of Motor Carriers~~].

(6) An overweight or overdimensional annual permit shall be valid for an unlimited number of moves for a duration of 365 days.

(7) An overweight or overdimensional annual permit application shall specify the following information regarding the towing vehicle:

(a) The year, make, and vehicle identification number;

(b) The license plate number, jurisdiction, and unit number;

(c) The maximum weight for which the towing vehicle is registered;

(d) The jurisdiction or state of the apportioned registration;

(e) The name, address, and telephone number of the operator or the owner;

(f) A general description of the cargo;

(g) The effective date of travel;

(h) The Kentucky Highway Use License (KYU License) or the DOT number; and

(i) The axle spacing and axle group configuration.

Section 3. Permit Fees.[~~Validity and Availability.~~] The following are the fees for all overweight or overdimensional single trip and annual permits and shall be paid using a credit card or an electronic funds transfer (EFT). In addition to the permit fee there shall also be a financial institution fee:

(1) Single trip shall cost $120.

[~~(1)~~]

[~~(a)~~] [~~A valid overweight or overdimensional annual or single trip permit issued by the Division of Motor Carriers shall be carried in the overweight or overdimensional vehicle during transit.~~]

[~~(b)~~] [~~The permit shall be presented upon request to law enforcement or authorized personnel of the Department of Vehicle Regulation.~~]

[~~(c)~~] [~~A modification by the permittee to the permit that is not authenticated by the Division of Motor Carriers shall render the permit invalid.~~]

(2) S05 Single Trip Metal Commodities shall cost $200.

(3) A01 Non-divisible Annual less than fourteen (14) feet wide shall cost $750.

(4) A02 Non-divisible Annual less than fourteen (14) feet wide shall cost $1500.

(5) A05 Metal Commodity shall cost $1250.

(6) A06 Non-divisible Steel statewide shall cost $1000.

(7) A09 Feed Annual shall cost $300.

(8) A10 Annual Manufactured Home permit shall cost $1500.

(9) Riverport Annual Permit shall cost $500.

(10) Superload bridge analysis cost an additional $500.

[(2)] [A separate overweight or overdimensional permit shall be required for each vehicle involved in a movement.]

[(3)] [An overweight or overdimensional permit shall not be issued for a divisible load that if reasonably divided, dismantled, disassembled, or rearranged would no longer be overweight or overdimensional except as provided by KRS 189.2715, 189.2716, or 189.2717.]

[(4)] [A special overweight or overdimensional annual or trip permit to allow the movement of a motor vehicle with a gross weight or gross dimension in excess of the weights and dimensions established in KRS 189.270, 189.271, 189.2715, and 189.2717 may be issued by the Division of Motor Carriers if the movement is necessary to provide transportation for specified cargo that is in the interest of the health, welfare, or economy of the Commonwealth.]

Section 4. Permit Validity and Availability[Changes to Overweight or Overdimensional Permits].

(1) [A duplicate overweight or overdimensional permit that is needed to replace a lost, stolen, or destroyed annual permit or to transfer or amend the permit to another towing vehicle shall be obtained from the Division of Motor Carriers by a payment of ten (10) dollars.]

(a) A valid overweight or overdimensional annual or single trip permit issued by the Division of Motor Carriers shall be carried in the overweight or overdimensional vehicle during transit.

(b) The permit shall be presented upon request to law enforcement or authorized personnel of the Department of Vehicle Regulation.

(c) A modification by the permittee to the permit that is not authenticated by the Division of Motor Carriers shall render the permit invalid.

(2) A separate overweight or overdimensional permit shall be required for each vehicle involved in a movement[One (1) transfer to another towing vehicle or one (1) amendment of vehicle information shall be allowed for each overweight or overdimensional annual permit during the permit's effective year].

(3) Except as provided by KRS 189.2716 or 189.2717, an overweight or overdimensional permit shall not be issued for a divisible load that if reasonably divided, dismantled, disassembled, or rearranged would no longer be overweight or overdimensional.[The original overweight or overdimensional permit shall be returned to the Division of Motor Carriers prior to the transfer of an annual permit].

Section 5. Changes to Overweight or Overdimensional Permits[Travel Restrictions].

(1) A duplicate overweight or overdimensional permit that is needed to replace a lost, stolen, or destroyed annual permit or to transfer or amend the permit to another towing vehicle shall be obtained from the Division of Motor Carriers by a payment of ten (10) dollars.[In accordance with 23 C.F.R. 658.17, the Division of Motor Carriers may deny an overweight or overdimensional permit application if:]

[(a)] [The route includes a portion of the interstate highway system; and]

[(b)] [The load is divisible.]

(2) One (1) transfer to another towing vehicle or one (1) amendment of vehicle information shall be allowed for each overweight or overdimensional annual permit during the permit's effective year.[The cabinet shall deny or restrict an overweight or overdimensional permit for the use of a route that may cause damage to property or is detrimental to public safety or convenience. The following shall be considered in making a determination on the application:]

[(a)] [The strength of bridges and structures on the route;]

[(b)] [Traffic congestion on the route;]

[(c)] [Horizontal and vertical clearance on the route;]

[(d)] [The availability of alternate routes that afford greater safety;]

[(e)] [Urban development in residential and commercial areas on the route; and]

[(f)] [The proximity of schools to the route.]

(3) The original overweight or overdimensional permit shall be returned to the Division of Motor Carriers prior to the transfer of an annual permit.[Overdimensional restrictions shall not prohibit a utility company from working in an emergency situation to restore utility service to an area otherwise experiencing an outage.]

[(4)]

[(a)] [As needed for public safety, the department shall prohibit movements in congested areas within the peak traffic hours.]

[(b)] [Additional restrictions shall be noted on the overweight or overdimensional permit upon issuance.]

[(5)]

[(a)] [Travel on an overweight and overdimensional permit shall not be permitted in Boone, Kenton, Campbell, Fayette, Jefferson County (Louisville) or at the Owensboro, Kentucky 2155 bridge from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday.]

[(b)] [An overweight or overdimensional load originating in Fayette County shall be exempt from traffic rush hour restrictions on Interstate 64 and Interstate 75 in Fayette County and on connecting routes to both interstates up to a distance of three (3) miles from the interstates.]

[(6)] [If proof of an emergency is submitted to the Division of Motor Carriers, a move shall be authorized during the hours restricted by KRS 189.270(11)(a).]

[(7)] [Each vehicle transporting a load under the provisions of an overweight or overdimensional annual or single trip permit shall obtain prior approval from the Division of Motor Carriers for a deviation from the routes approved by the Transportation Cabinet.]

Section 6. Travel Restrictions[Height].

(1) In accordance with 23 C.F.R. 658.17, the Division of Motor Carriers may deny an overweight or overdimensional permit application if:[A vehicle and load with a height in excess of thirteen (13) feet, six (6) inches shall obtain an overweight or overdimensional single-trip permit pursuant to KRS 189.270(2) prior to movement.]

(a) The route includes a portion of the interstate highway system; and

(b) The load is divisible.

(2) The cabinet shall deny or restrict an overweight or overdimensional permit for the use of a route that may cause damage to property or is detrimental to public safety or convenience. The following shall be considered in making a determination on the application:[An overweight or overdimensional annual permit shall not be issued or used for the movement if the height of the combination load and towing vehicle exceeds thirteen (13) feet, six (6) inches.]

(a) The strength of bridges and structures on the route;

(b) Traffic congestion on the route;

(c) Horizontal and vertical clearance on the route;

(d) The availability of alternate routes that afford greater safety;

(e) Urban development in residential and commercial areas on the route; and

(f) The proximity of schools to the route.

(3) Overdimensional restrictions shall not prohibit a utility company from working in an emergency situation to restore utility service to an area otherwise experiencing an outage.[The maximum height for each overweight or overdimensional single-trip permit shall be determined by the cabinet based upon underpass and bridge height along the designated route.]

(4) [A vehicle and load exceeding (15) feet, (6) inches in height shall submit a completed Overweight or Overdimensional Proposed Route Survey, TC Form 95-625 in addition to TC Form 95-10 to the Division of Motor Carriers.]

(a) As needed for public safety, the department shall prohibit movements in congested areas within the peak traffic hours.

(b) Additional restrictions shall be noted on the overweight or overdimensional permit upon issuance.

(5)

(a) Travel on an overweight and overdimensional permit shall not be permitted in Boone, Kenton, Campbell, Fayette, or Jefferson Counties, or at the Owensboro Kentucky 2155 bridge from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday.

(b) An overweight or overdimensional load originating in Fayette County shall be exempt from traffic rush hour restrictions on Interstate 64 and Interstate 75 in Fayette County and on connecting routes to both interstates up to a distance of three (3) miles from the interstates.

(6) If proof of an emergency is submitted to the Division of Motor Carriers, a move shall be authorized during the hours restricted by KRS 189.270(12)(a).

(7) Each vehicle transporting a load under the provisions of an overweight or overdimensional annual or single trip permit shall obtain prior approval from the Division of Motor Carriers for a deviation from the routes approved by the Transportation Cabinet.

Section 7. Height[~~Weight~~].

(1) A vehicle and load with a height in excess of thirteen (13) feet, six (6) inches shall obtain an overweight or overdimensional single-trip permit pursuant to KRS 189.270(2) prior to movement.[~~Gross or axle overweight shall not be permitted on:~~]

[~~(a)~~] [~~A unit that does not have a registered weight of at least 80,000 lbs; or~~]

[~~(b)~~] [~~A towing vehicle whose horsepower or braking capacity is not adequate to safely transport the overdimensional or overweight load.~~]

(2) An overweight or overdimensional annual permit shall not be issued or used for the movement if the height of the combination load and towing vehicle exceeds thirteen (13) feet, six (6) inches***, 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 bridges and roads on the moving route have sufficient capacity to accommodate the load~~].

[~~(5)~~] [~~Self-propelled specialized mobile equipment shall not exceed the following axle, axle group, or gross weight:~~]

[~~(a)~~] [~~Single axle: 23,000 pounds;~~]

[~~(b)~~] [~~Tandem axle group: 46,000 pounds; and~~]

[~~(c)~~] [~~Tridem axle group: 69,000 pounds.~~]

[~~(6)~~] [~~The maximum gross weight for a four (4) axle self-propelled specialized mobile equipment shall be 92,000 pounds.~~]

[~~(7)~~] [~~The maximum gross weight for a five (5) axle self-propelled specialized mobile equipment shall be 115,000 pounds.~~]

Section 8. Weight[~~Manufacturers of Self-Propelled Specialized Mobile Equipment~~].

(1) Gross or axle overweight shall not be permitted on:

(a) A unit that does not have a registered weight of at least 80,000 lbs; or

(b) A towing vehicle whose horsepower or braking capacity is not adequate to safely transport the overdimensional or overweight load.

[~~(1)~~]

[~~(a)~~] [~~A manufacturer of self-propelled construction equipment that is not licensed as a motor vehicle may obtain an annual permit for the sole purpose of road-testing the equipment prior to its sale.~~]

[~~(b)~~] [~~Operation of the equipment during the road-testing shall be limited to employees of the manufacturer upon designated routes within the Commonwealth.~~]

(2) The weight on a single axle in any combination shall not exceed the product of 700 pounds times the aggregate width in inches established by the manufacturer's stamped tire measurement of all the tires on the axle, or the following axle or axle group weights, whichever is less:

(a) Single axle - 24,000 pounds;

(b) Steering axle - 20,000 pounds;

[~~(2)~~] [~~The annual permit issued to a manufacturer of self-propelled construction equipment shall be limited to equipment that is:~~]

[~~(a)~~] [~~A maximum width of ten (10) feet; and~~]

[~~(b)~~] [~~A gross vehicle weight not in excess of 160,000 pounds.~~]

(c) Tandem axle group if the combination vehicle has only five (5) axles total - 45,000 pounds;

(d) Tandem axle group if the combination vehicle has six (6) or more axles total - 48,000 pounds;

(e) Tridem axle group - 60,000 pounds;

(f) Five (5) axle combination units not exceeding 96,000 pounds gross weight;

(g) Six (6) axle combination units not exceeding 120,000 pounds gross weight; or

(h) Seven (7) axle combination units not exceeding 160,000 pounds gross weight.

(3) Trunnion axle group maximum gross weights shall be determined by a route and bridge analysis performed by the cabinet's Bridge Preservation Branch.

[~~(3)~~]

[~~(a)~~] [~~A manufacturer desiring to road test equipment shall submit a completed Application for Annual Overweight or Overdimensional Permit, TC Form 95-25 to the Division of Motor Carriers.~~]

[~~(b)~~] [~~The application for a permit shall designate the model of the equipment and the requested or intended route. A separate TC Form 95-25 shall be submitted or required for each model, and each requested or intended route.~~]

[~~(c)~~] [~~The cost of each annual permit shall be $250 dollars.~~]

[~~(d)~~] [~~A permit issued to the manufacturer of self-propelled construction equipment shall be valid for twenty-four (24) hours a day except that pursuant to the concerns cited in Section 5 of this administrative regulation, the department may restrict operation under the permit on Monday through Friday between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m.~~]

(4) Maximum weights shall not be permitted unless each of the bridges and roads on the moving route have sufficient capacity to accommodate the load.

(5) Self-propelled specialized mobile equipment shall not exceed the following axle, axle group, or gross weight:

(a) Single axle: 23,000 pounds;

(b) Tandem axle group: 46,000 pounds; and

(c) Tridem axle group: 69,000 pounds.

(6) The maximum gross weight for a four (4) axle self-propelled specialized mobile equipment shall be 92,000 pounds.

(7) The maximum gross weight for a five (5) axle self-propelled specialized mobile equipment shall be 115,000 pounds.

Section 9. Manufacturers of Self-Propelled Specialized Mobile Equipment[~~Length~~].

(1) [~~A front overhang on a combination vehicle shall be prohibited.~~]

(a) A manufacturer of self-propelled construction equipment that is not licensed as a motor vehicle may obtain an annual permit for the sole purpose of road-testing the equipment prior to its sale.

(b) Operation of the equipment during the road-testing shall be limited to employees of the manufacturer upon designated routes within the Commonwealth.

(2) The annual permit issued to a manufacturer of self-propelled construction equipment shall be limited to equipment that is:[A manufactured home that has a combined length of the manufactured home and towing vehicle greater than 120 feet shall not be towed upon a Kentucky highway.]

(a) A maximum width of ten (10) feet; and

(b) A gross vehicle weight not in excess of 160,000 pounds.

(3) [A manufactured home shall not exceed ninety (90) feet in length.]

(a) A manufacturer desiring to road test equipment shall submit a completed Application for Annual Overweight or Overdimensional Permit, using the process described in Section 2(1)(a) of this regulation.

(b) The application for a permit shall designate the model of the equipment and the requested or intended route. A separate Application shall be submitted or required for each model, and each requested or intended route.

(c) The cost of each annual permit shall be $750.

(d) A permit issued to the manufacturer of self-propelled construction equipment shall be valid for twenty-four (24) hours a day except that pursuant to the concerns cited in Section 5 of this administrative regulation, the department may restrict operation under the permit on Monday through Friday between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m.

Section 10. Length[Width].

(1) A front overhang on a combination vehicle shall be prohibited[Prior to movement, a vehicle and load with a width in excess of eight and a half (8 1/2) feet shall obtain an overweight or overdimensional permit pursuant to KRS 189.270(2)].

(2) A manufactured home that has a combined length of the manufactured home and towing vehicle greater than 120 feet shall not be towed upon a Kentucky highway[Prior to movement, a vehicle and load with a width in excess of eight (8) feet traveling on routes not included on the Designated National Truck Network shall obtain an overweight or overdimensional permit except as provided in KRS 189.2225(3)].

(3) A manufactured home shall not exceed ninety (90) feet in length.[An annual permit shall not be issued for the movement of an overweight or overdimensional load in excess of sixteen (16) feet in width.]

[(4)]

[(a)] [A move of an overweight or overdimensional load more than twelve (12) feet wide shall not be made on a highway if a wind advisory has been issued by the National Weather Service; or]

[(b)] [If adverse weather conditions or road conditions would cause the move to be dangerous.]

[(5)] [A move of an overweight or overdimensional load that is more than twelve (12) feet wide operating pursuant to an annual permit shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Division of Motor Carriers.]

Section 11. Width[Power Unit Flag and Sign Requirements].

(1) Prior to movement, a vehicle and load with a width in excess of eight and a half (8 1/2) feet shall obtain an overweight or overdimensional permit pursuant to KRS 189.270(2).[Red or orange fluorescent flags that are a minimum of eighteen (18) inches square (11,612.7 millimeters square) shall be displayed on each vehicle and load operating under the provisions an overweight or overdimensional permit.]

[(a)] [A vehicle operating overwidth shall display four (4) warning flags, one (1) at each of the four (4) corners. If a portion of the load extends beyond the four (4) corners, additional flags shall be displayed at the widest points of the load.]

[(b)] [A vehicle operating overlength, or with a rear overhang, shall display two (2) warning flags located to indicate the maximum width at the extreme rear of the vehicle or load.]

(2) Prior to movement, a vehicle and load with a width in excess of eight (8) feet traveling on routes not included on the Designated National Truck Network shall obtain an overweight or overdimensional permit except as provided in KRS 189.2225(3).[A vehicle exceeding twelve (12) feet (3.65 meters) in width, or having front overhang shall display two (2) warning signs.]

[(a)] [A warning sign shall be six (6) to eight (8) feet in width stating "OVERSIZE LOAD" in black letters on a yellow background.]

[(b)] [The black letters shall be at least eighteen (18) inches high (11,612.7 millimeters) with a brush stroke of at least one and four tenths (1.4) inches (35.56 millimeters).]

[(c)] [A warning sign shall be displayed at the:]

[1.] [Front of the power unit;]

[2.] [Rear of the towed unit; or]

[3.] [Rear of the load.]

(3) An annual permit shall not be issued for the movement of an overweight or overdimensional load in excess of sixteen (16) feet in width[If a front overhang exceeds ten (10) feet (3.05 meters), an amber strobe or flashing light shall be placed on the power unit of the towing vehicle and shall be in use while the power unit is in operation].

(4) [The lighting devices and reflectors established in 49 C.F.R. 393.11 for pole trailers and projecting loads shall be required.]

(a) A move of an overweight or overdimensional load more than twelve (12) feet wide shall not be made on a highway if a wind advisory has been issued by the National Weather Service; or

(b) If adverse weather conditions or road conditions would cause the move to be dangerous.

(5) A move of an overweight or overdimensional load that is more than twelve (12) feet wide operating pursuant to an annual permit shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Division of Motor Carriers[As a special provision of the permit, and due to safety considerations, the Division of Motor Carriers may require additional lighting or warning flags].

Section 12. Power Unit Flag and Sign Requirements.[Braking Requirements.]

(1) Red or orange fluorescent flags that are a minimum of eighteen (18) inches square (11,612.7 millimeters square) shall be displayed on each vehicle and load operating under the provisions of an overweight or overdimensional permit[The number, type, size, and design of brake assemblies required to assist the towing vehicle in controlling and stopping a manufactured home or boat shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour shall not exceed forty (40) feet].

(a) A vehicle operating overwidth shall display four (4) warning flags, one (1) at each of the four (4) corners. If a portion of the load extends beyond the four (4) corners, additional flags shall be displayed at the widest points of the load.

(b) A vehicle operating overlength, or with a rear overhang, shall display two (2) warning flags located to indicate the maximum width at the extreme rear of the vehicle or load.

(2) A vehicle exceeding twelve (12) feet (3.65 meters) in width, or having front overhang shall display two (2) warning signs.[If required, a manufactured home not equipped with brakes on all axles shall certify to law enforcement that the towing unit has sufficient brake assemblies to meet the braking distance specified in this section by producing:]

(a) A warning sign shall be six (6) to eight (8) feet in width stating "OVERSIZE LOAD" in black letters on a yellow background.[A manufacturer's statement;]

(b) The black letters shall be at least eighteen (18) inches high (11,612.7 millimeters) with a brush stroke of at least one and four tenths (1.4) inches (35.56 millimeters).[Documented technical data; or]

(c) A warning sign shall be displayed at the:[An engineering analysis or its equivalent stating that the braking distance has been met.]

1. Front of the power unit;

2. Rear of the towed unit; or

3. Rear of the load.

(3) If a front overhang exceeds ten (10) feet (3.05 meters), an amber strobe or flashing light shall be placed on the power unit of the towing vehicle and shall be in use while the power unit is in

operation[The certification shall be carried in the towing unit and presented upon request to law enforcement].

(4) The lighting devices and reflectors established in 49 C.F.R. 393.11 for pole trailers and projecting loads shall be required.

(5) As a special provision of the permit, and due to safety considerations, the Division of Motor Carriers may require additional lighting or warning flags.

Section 13. Braking Requirements[Escort Vehicle Safety Requirements].

(1) The number, type, size, and design of brake assemblies required to assist the towing vehicle in controlling and stopping a manufactured home or boat shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour shall not exceed forty (40) feet.[A required escort vehicle shall accompany the overweight or overdimensional vehicle at a distance of 300 feet (91.44 meters) on open highways unless it is necessary to travel at a distance closer or farther away from the vehicle accompanied for safety or due to road conditions. An escort vehicle shall:]

[(a)] [Maintain radio contact with the load;]

[(b)] [Have amber strobe lights or flashing lights;]

[(c)] [Keep its headlamps lit during transit; and]

[(d)] [Use a height pole front escort if the escorted load is in excess of fourteen (14) feet eleven (11) inches.]

(2) If required, a manufactured home not equipped with brakes on all axles shall certify to law enforcement that the towing unit has sufficient brake assemblies to meet the braking distance specified in this section by producing:[A warning sign stating "OVERSIZE LOAD" shall be displayed on a lead escort vehicle so that it is visible to oncoming traffic for a vehicle and load with a width in excess of twelve (12) feet.]

(a) A manufacturer's statement;

(b) Documented technical data; or

(c) An engineering analysis or its equivalent stating that the braking distance has been met.

(3) The certification shall be carried in the towing unit and presented upon request to law enforcement.

Section 14. Escort Vehicle Safety Requirements[Escorts required].

(1) A required escort vehicle shall accompany the overweight or overdimensional vehicle at a distance of 300 feet (91.44 meters) on open highways unless it is necessary to travel at a distance closer or farther away from the vehicle accompanied for safety or due to road conditions. An escort vehicle shall[A lead escort shall be required on two (2) lane routes of travel if]:

(a) Maintain radio contact with the load;[The vehicle and load width is in excess of twelve (12) feet.]

(b) Have amber strobe lights or flashing lights;[The vehicle and load length is in excess of seventy five (75) feet; or]

(c) Keep its headlamps lit during transit; and[The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.]

(d) Use a height pole front escort if the escorted load is in excess of fourteen (14) feet eleven (11) inches.

(2) A warning sign stating "OVERSIZE LOAD" shall be displayed on a lead escort vehicle so that it is visible to oncoming traffic for a vehicle and load with a width in excess of twelve (12) feet.[A trail escort shall be required on two (2) lane routes of travel if:]

[(a)] [The vehicle and load width is in excess of twelve (12) feet;]

[(b)] [The vehicle and load length is in excess of eighty five (85) feet; or]

[(c)] [The vehicle and load do not maintain the posted speed limit.]

[(3)] [A lead escort shall be required on four (4) lane routes of travel if:]

[(a)] [The vehicle and load width is in excess of fourteen (14) feet; or]

[(b)] [The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.]

[(4)] [A trail escort shall be required on four (4) lane routes of travel if:]

[(a)] [The vehicle and load width is in excess of twelve (12) feet;]

[(b)] [The vehicle and load length is in excess of 110 feet; or]

[(c)] [The vehicle and load width is in excess of twelve (12) feet and does not maintain a speed of forty five (45) miles per hour.]

[(5)] [Due to safety considerations, the Division of Motor Carriers may require additional escort vehicles as a special provision of the permit.]

Section 15. Escorts Required[House or Building Permits].

(1) A lead escort shall be required on two (2) lane routes of travel if:

(a) The vehicle and load width is in excess of twelve (12) feet;

(b) The vehicle and load length is in excess of seventy five (75) feet; or

[(1)]

[(a)] [An application for a permit to move a house or building shall be made on House Moving Application, TC Form 95-310, and submitted to the Division of Motor Carriers via mail, hand delivery, or the motor carrier online permitting system at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m., or via fax at (502) 564-0992.]

[(b)] [The mover shall provide all escorts and flagmen deemed necessary during the move to ensure the safety of the public.]

(c) The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.

(2) A trail escort shall be required on two (2) lane routes of travel if:

[(2)] [A house moving permit shall not be issued for the movement of a permanent building other than a portable storage unit on a parkway or an interstate highway.]

(a) The vehicle and load width is in excess of twelve (12) feet;

(b) The vehicle and load length is in excess of eighty five (85) feet; or

(c) The vehicle and load do not maintain the posted speed limit.

(3) A lead escort shall be required on four (4) lane routes of travel if:

(a) The vehicle and load width is in excess of fourteen (14) feet; or

(b) The vehicle and load height is in excess of fourteen (14) feet eleven (11) inches.

[(3)]

[(a)] [The Division of Motor Carriers shall contact the appropriate cabinet district office for specific routing restrictions or local highway conditions prior to the issuance of a house moving permit.]

[(b)] [Specific restrictions shall be identified on the house moving permit and a deviation from the restrictions shall void the house moving permit.]

(4) A trail escort shall be required on four (4) lane routes of travel if:

(a) The vehicle and load width is in excess of twelve (12) feet;

(b) The vehicle and load length is in excess of 110 feet; or

(c) The vehicle and load width is in excess of twelve (12) feet and does not maintain a speed of forty five (45) miles per hour.

(5) Due to safety considerations, the Division of Motor Carriers may require additional escort vehicles as a special provision of the permit.

Section 16. House or Building Permits[Building Materials. A vehicle hauling building materials to a home or home site may travel fifteen (15) miles off of a state highway for purpose of delivery if the highway is classified to carry the registered weight of the vehicle].

(1) [The vehicle shall meet the requirements and limits of its registration and also be within the axle weight limits. The vehicle shall not be required to have a permit for overweight or overlength dimensions.]

(a) An application for a permit to move a house or building shall be made on House Moving Application, TC Form 95-310, and submitted to the Division of Motor Carriers by mail, hand delivery, or the motor carrier online permitting system at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m., or by fax at (502) 564-0992.

(b) The mover shall provide all escorts and flagmen deemed necessary during the move to ensure the safety of the public.

(2) A house moving permit shall not be issued for the movement of a permanent building other than a portable storage unit on a parkway or an interstate highway[An operator shall be required to provide a bill of lading either to vehicle enforcement, or to a cabinet designee, while engaged in the transportation of home building materials].

(3)

(a) The Division of Motor Carriers shall contact the appropriate cabinet district office for specific routing restrictions or local highway conditions prior to the issuance of a house moving permit.

(b) Specific restrictions shall be identified on the house moving permit and a deviation from the restrictions shall void the house moving permit.

Section 17. Building Materials. A vehicle hauling building materials to a home or home site may travel fifteen (15) miles off of a state highway for purpose of delivery if the highway is classified to carry the registered weight of the vehicle[Permits for sealed, containerized, ocean-going cargo units].

(1) The vehicle shall meet the requirements and limits of its registration and also be within the axle weight limits. The vehicle shall not be required to have a permit for overweight or overlength dimensions[A vehicle moving a sealed, containerized, ocean-going cargo unit that meets the requirements and limitations established in KRS 189.222, 189.270, and Section 7 of this administrative regulation shall be eligible for an overweight single trip or annual permit].

(2) An operator shall be required to provide a bill of lading either to vehicle enforcement, or to a cabinet designee, while engaged in the transportation of home building materials.[An applicant for an overweight or overdimensional single trip permit shall submit the following to the Division of Motor Carriers:]

[(a)] [A completed Kentucky Overweight or Overdimensional Permit Worksheet, TC Form 95-10;]

[(b)] [A payment of sixty (60) dollars pursuant to KRS 189.270(2);]

[(c)]

[1.] [Either a copy of an international bill of lading signed by a custom's official; or]

[2.] [An international bill of lading with an equipment interchange and inspection report; and]

[(d)] [The seal number and container number for the load.]

[(3)] [An applicant for an overweight or overdimensional annual permit shall submit the following to the Division of Motor Carriers:]

[(a)] [A completed Kentucky Overweight/Overdimensional Permit Worksheet, TC Form 95-25;]

[(b)] [A payment of 250 dollars pursuant to KRS 189.270(3); and]

[(c)]

[1.] [Either an acknowledgement of possession of a copy of an international bill of lading signed by a custom's official; or]

[2.] [An international bill of lading with an equipment interchange and inspection report containing the seal number and container number for each load.]

[(4)] [During transit, an operator shall have in his or her possession either a copy of the international bill of lading signed by a custom's official, or an international bill of lading with an equipment interchange and inspection report containing the seal number and container number for the load.]

Section 18. Permits for Sealed, Containerized, Ocean-going Cargo Units[Incorporation by Reference].

(1) A vehicle moving a sealed, containerized, ocean-going cargo unit that meets the requirements and limitations established in KRS 189.222, 189.270, and Section 7 of this administrative regulation shall be eligible for an overweight single trip or annual permit.[The following material is incorporated by reference:]

[(a)] ["Kentucky Overweight/Overdimensional Permit Worksheet", TC Form 95-10, February, 2017; and]

[(b)] ["Application for Annual Overweight or Overdimensional Permit", TC Form 95-25, September, 2014;]

[(c)] ["House Moving Application", TC Form 95-310, August, 2012;]

[(d)] ["Overweight or Overdimensional Proposed Route Survey", TC Form 95-625, February, 2017.]

(2) An applicant for an overweight or overdimensional single trip permit shall submit the following to the Division of Motor Carriers using the process described in:[This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m.]

(a) A completed Kentucky Overweight or Overdimensional Permit Application***;[.]***

(b) A payment of $120 pursuant to section 3(1)(a) of this administrative regulation***;[.]***

(c)

1. Either a copy of an international bill of lading signed by a custom's official; or

2. An international bill of lading with an equipment interchange and inspection report; and

(d) The seal number and container number for the load.

(3) An applicant for an overweight or overdimensional annual permit shall submit the following to the Division of Motor Carriers:

(a) A completed Kentucky Overweight/Overdimensional Permit Application;

(b) A payment of $750 pursuant to section 3(1)(b) of this administrative regulation; and

(c)

1. Either an acknowledgement of possession of a copy of an international bill of lading signed by a custom's official; or

2. An international bill of lading with an equipment interchange and inspection report containing the seal number and container number for each load.

(4) During transit, an operator shall have in his or her possession either a copy of the international bill of lading signed by a custom's official, or an international bill of lading with an equipment interchange and inspection report containing the seal number and container number for the load.

Section 19. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "House Moving Application", TC Form 95-310, August, 2012; and

(b) "Overweight or Overdimensional Proposed Route Survey", TC Form 95-625, May 2018[.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Motor Carriers, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4 p.m.

FILED WITH LRC: October 13, 2026

CONTACT PERSON: Jon Johnson, Staff Attorney Manager / Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, Telephone: (502) 782-8180, Fax: (502) 564-5238, Email: Jon.Johnson@ky.gov.

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
(As Amended at ARRS, October 13, 2026)

601 KAR 9:090. Procedures for inspecting vehicles.

RELATES TO: KRS 186A.020, 186A.115, 186A.500-555[550], 189.010-210

STATUTORY AUTHORITY: KRS 186A.020, 186A.115

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186A.020 authorizes the cabinet to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 186A. This

administrative regulation establishes a[~~an alternate~~] procedure for inspecting vehicles by [~~Kentucky~~]certified motor vehicle inspectors or special inspectors.

Section 1. Definitions.

(1) "Roadworthiness" means "roadworthy condition" as defined by KRS 186A.510(8).

(2) "Salvage title" is defined by KRS 186A.520(1)[~~means the certificate of title for a vehicle that is not driven on a highway~~].

Section 2. Inspection of Vehicles Brought into Kentucky.

(1) If an owner of a vehicle brought into the state as established in KRS 186A.115 does not have the title to that vehicle available upon the vehicle's physical inspection for roadworthiness, the certified motor vehicle inspector or special inspector shall be allowed to inspect the vehicle and complete the certified inspector section of the application for title.

(2) A certified motor vehicle inspector or special inspector shall not sign or date the application for title of a vehicle brought into this state until the title for the vehicle being inspected is surrendered to the certified motor vehicle inspector or special inspector for examination and verification.

(3)

(a) If the federal safety standard label on the door of the vehicle is missing or illegible, the certified motor vehicle inspector or special inspector shall document this discrepancy on the application.

(b) The certified motor vehicle inspector or special inspector shall certify the inspection by using the vehicle identification number plate and the corresponding number on the vehicle title document.

Section 3. Inspection of Rebuilt or Reconstructed Vehicles.

(1) A certified motor vehicle inspector or special inspector shall inspect and certify a specially constructed or reconstructed vehicle if an outstanding motor vehicle title or manufacturers statement of origin document does not exist.

(2) A motor vehicle owner applying for a salvage title shall not be required to have a certified motor vehicle inspection.

Section 4. Procedures of Inspector.

(1) A certified motor vehicle inspector or special inspector shall not inspect a vehicle if the inspector has an interest or ownership in the vehicle, or if the vehicle is owned by the inspector's immediate family.

(2)

(a) Before signing the certificate of inspection for a specially constructed or reconstructed vehicle, a certified motor vehicle inspector or special inspector shall perform a physical inspection of the vehicle.

(b) A certified motor vehicle inspector or special inspector shall ensure[~~insure~~] that the vehicle complies with the equipment and safety requirements of KRS 189.010 through 189.210.

(c) The certified motor vehicle inspector or special inspector shall execute a certificate of inspection if the vehicle complies with the equipment and safety requirements established by KRS 189.010 through 189.210.

Section 5. Expirations. All certified inspections under this administrative regulation shall remain valid for one (1) year from the date of issuance.

FILED WITH LRC: October 13, 2026

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet Office of Legal Services. 200 Mero Street Frankfort, Kentucky 40622. Telephone: (502) 782-8180, Fax: (502) 564-5238, Email: jon.johnson@ky.gov

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 Aging and Independent Living
Division of Quality Living
(As Amended at ARRS, October 13, 2026)

910 KAR 1:200. Senior Community Service Employment Program.

RELATES TO: KRS 205.201, 205.455, Chapter 342, 20 C.F.R. Part 641, 29 C.F.R. 95.2gg, 97.3, 5 U.S.C. 7323, 29 U.S.C. 206, 3101, 3171[~~2801, 2881, 2901~~], 38 U.S.C. 4215(a)(1), 42 U.S.C. 401, 402, 3001 - 3058ee[~~641.230. 2002(22)~~], 3021, 3056[~~n~~], 9902(2), 11302(a)***, Pub.L. 113 - 128[.]***

STATUTORY AUTHORITY: KRS 194A.050(1), 205.204(1), (2), 42 U.S.C. 3001

NECESSITY, FUNCTION, AND CONFORMITY: The Older Americans Act of 1965, as amended, authorizes grants to states to provide assistance in the development of new or improved programs for older persons. KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations to implement programs mandated by federal law or to qualify for the receipt of federal funds. KRS 205.204(1) and (2) authorize the cabinet secretary to administer the Older Americans Act in Kentucky and authorize the cabinet to promulgate administrative regulations to comply with any requirement imposed or required by federal law. This administrative regulation sets forth the standards of operation for the senior community service employment program in Kentucky.

Section 1. Definitions.

(1) "Area plan" means a plan, submitted by a district for approval of the department, which releases funds under contract for the delivery of SCSEP services within a planning and service area.

(2) "At risk for homelessness" means an individual who:

(a) Is likely to become homeless; and

(b) Lacks the resources and support networks needed to obtain housing.

(3) "Authorized position" means an enrollment opportunity during a program year based on an average national unit cost pursuant to 20 C.F.R. 641.140.

(4) "Co-enrollment" means enrollment for an individual who meets the qualifications for SCSEP participation and is also enrolled as a participant in WIOA[~~WIA~~] or another employment and training program, as ***identified[provided]*** in the participant's individual employment plan.

(5) "Community service" means a service provided by the SCSEP participant within a community to gain work experience and job skills, including:

(a) Social, health, welfare, and educational services including literacy and tutoring;

(b) Legal and other counseling services and assistance including tax counseling and assistance and financial counseling;

(c) Library;

(d) Recreational;

(e) Conservation, maintenance, or restoration of natural resources;

(f) Community betterment or beautification;

(g) Antipollution and environmental quality efforts;

(h) Weatherization activities;

(i) Economic development; or

(j) Other services essential and necessary to the community as determined by the Secretary of Health and Human Services ***pursuant to 20 C.F.R. 641.140***.

(6) "Community service assignment" means part-time, temporary employment paid with grant funds for a project at a host agency through which an eligible individual is engaged in community service and receives work experience and job skills that can lead to unsubsidized employment.

(7) "Department" or "DAIL" means the Department for Aging and Independent Living.

(8) "Disability" means a mental or physical impairment, or a combination of mental and physical impairments, that result in substantial functional limitations in one (1) or more of the following areas of major life activity:

(a) Self-care;

(b) Receptive and expressive language;

(c) Learning;

(d) Mobility;

(e) Self-direction;

(f) Capacity for independent living;

(g) Economic self-sufficiency;

(h) Cognitive functioning; or

(i) Emotional adjustment.

(9) "District" is defined by KRS 205.455(4).

(10) "Frail" means an individual fifty-five (55) years of age or older who is functionally impaired because the individual:

(a) Is unable to perform at least two (2) activities of daily living without verbal reminding, physical cueing, or supervision; or

(b) Requires supervision due to a cognitive or other mental impairment and behaves in a manner that poses a health or safety hazard to the individual or another individual pursuant to 42 U.S.C. 3002.[2002(22)]

(11) "Grantee" is defined by 29 C.F.R. 97.3.

(12)[(11)] "Greatest economic need" is defined by[means the need resulting from an income level at or below the poverty guidelines established by the Department of Health and Human Services and approved by the Office of Management and Budget pursuant to] 42 U.S.C. 3002(23).

(13)[(12)] "Greatest social need" is defined by[means the need caused by non-economic factors pursuant to] 42 U.S.C. 3002(24)[, including:]

[(a)] [Physical and mental disabilities;]

[(b)] [Language barriers; and]

[(c)] [Cultural, social, or geographical isolation, including isolation caused by racial or ethnic status that:]

[1.] [Restricts the ability of an individual to perform normal daily tasks; or]

[2.] [Threatens the capacity of the individual to live independently].

(14)[(13)] "Homeless" is defined by[means an individual, pursuant to] 42 U.S.C. 11302[(a), who:]

[(a)] [Lacks a fixed regular nighttime residence; and]

[(b)] [Has a primary nighttime residence that is:]

[1.] [A supervised publicly or privately operated shelter designed to provide temporary living accommodations including:]

[a.] [A welfare hotel;]

[b.] [A congregate shelter; or]

[c.] [Transitional housing for the mentally ill;]

[2.] [An institution that provides a temporary residence for individuals intended to be institutionalized; or]

[3.] [A public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings].

(15)[(14)] "Host agency" means a public agency or private, nonprofit organization, other than a political party, exempt from taxation pursuant to[under the provision of Section 501(c)(3) of the Internal Revenue Code of 1986,] 26 U.S.C. 501(c)(3)[, which provides a training worksite and supervision for one (1) or more participants].

(16)[(15)] "Individual employment plan" or "IEP" means a participant's plan ***developed in accordance with 20 C.F.R. 641.535(a)(3)(ii) and*** based on:

(a) An assessment of the participant conducted by the sub-recipient; or

(b) A recent assessment or plan of the participant developed by another employment and training program and a related service strategy.

[(c)] [][The IEP must be developed pursuant to 20 C.F.R. 641.535(a)(3)(ii).]

(17)[(16)] "Job ready" means an individual does not require further education or training to perform work that is available in the individual's labor market.

(18)[(17)] "Limited English proficiency" means an individual who does not speak English as a primary language and has a limited ability to read, speak, write, or understand English.

(19) "Low employment prospects" is defined ***by[in]*** 20 C.F.R. 641.140.

(20)[(18)] "Low income" means an income that during the preceding six (6) months on an annualized basis or the actual income during the preceding twelve (12) months, whichever is more beneficial to the applicant, is not more than 125 percent more than the poverty levels established and periodically updated by the United States Department of Health and Human Services.

(21) "Low literacy skills" means the individual computes or solves problems, reads, writes, or speaks at or below the grade 8 level, or is unable to compute or solve problems, read, write, or speak at a level necessary to function on the job, in the individual's family, or in society.

(22)[(19)] "OAA" means the Older Americans Act, 42 U.S.C. 3001 to 3058ee, as amended.

(23)[(20)] "One-stop center" means the one-stop center system in a WIOA[WIA] local area through which one-stop partners provide core services and access to other programs and services carried out by the one-stop partners.

(24)[(21)] "One-stop delivery system" means a system through which:

(a) Employment and training programs, services, and activities are available through a network of one-stop partners;

(b) Information about and access to core services is available, regardless of where the individual initially entered the workforce investment system;

(c) Referral to WIOA[WIA] intensive and training services is available; and

(d) Access to other activities and programs carried out by other one-stop partners is available.

(25)[(22)] "Participant" means an individual who is:

(a) Determined to be eligible for the SCSEP program;

(b) Given a community service assignment; and

(c) Receiving a service funded by the SCSEP program.

(26)[(23)] "Program year" means the one (1) year period beginning on July 1 and ending on June 30.

(27)[(24)] "Project" means an undertaking by a sub-recipient in accordance with a contract agreement between the department and sub-recipient that provides service to a community and training and employment opportunities to an eligible individual.

(28) "Recipient" is defined by 29 C.F.R. 95.2(gg).

(29) "Residence" means an individual's declared dwelling place or address as demonstrated by appropriate documentation ***pursuant to 20 C.F.R. 641.140***.

(30) "'Rural" means:

(a) An area not designated as a metropolitan statistical area by the U.S. Census Bureau;

(b) Segments within metropolitan counties identified ***pursuant to 20 C.F.R. 641*** by codes 4 through 10 in the Rural Urban Commuting Area (RUCA) system; and

(c) RUCA codes 2 and 3 for census tracts that are larger than 400 square miles and have population density of less than ***thirty (30)[30]*** people per square mile.

(31)[(25)] "SCSEP" means the Senior Community Service Employment Program authorized pursuant to[under Title V of the OAA,] 42 U.S.C. 3056[n, and administered by the Department of Labor that serves unemployed low income persons who:]

[(a)] [Are fifty-five (55) years of age and older;]

[(b)] [Have poor employment prospects; and]

[(c)] [Need training in part-time community service assignments, skills, and experience to facilitate transition to unsubsidized employment].

(32) "Service area" means the geographic area served by a local SCSEP project in accordance with a grant agreement.

(33) "Severe disability" means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments that:

(a) Is likely to continue indefinitely; and

(b) Results in substantial functional limitation in three (3) or more of the following areas of major life activity:

1. Self-care;
2. Receptive and expression language;
3. Learning;
4. Mobility;
5. Self-direction;
6. Capacity for independent living; and
7. Economic self-sufficiency.

[~~(26)~~] [~~"Sub-recipient" means the legal entity to which a sub-award of financial SCSEP assistance is made by the department and who is accountable to the department for the use of the funds provided~~].]

(34)[~~(27)~~] "Sub-recipient agreement" means an agreement between the department and sub-recipient that provides for transfer of SCSEP funds to the sub-recipient for the purpose of carrying out the activities authorized in the agreement.

(35)[~~(28)~~] "Supportive services" means services and incidentals, specified in Section 7 of this administrative regulation, that are necessary to enable an individual to participate in activities authorized under the SCSEP.

(36)[~~(29)~~] "Unemployment" means an individual who is without a job, is available to work and wants to work, or has occasional employment that does not result in a constant source of income.

(37) "Veteran" means an individual who is a "covered person" for purposes of the Jobs for Veterans Act, 38 U.S.C. 4215 (a)(1).

(38)[~~(30)~~] "Workforce Innovation and Opportunity Act" or "WIOA" means the Workforce Innovation and Opportunity Act, Public Law 113-128 (July 22, 2014), as amended.[~~"Workforce Investment Act" or "WIA" means the Workforce Investment Act of 1998, 29 U.S.C. 2801 to 2901, as amended.~~]

Section 2. Eligibility Criteria. To participate in SCSEP, an applicant shall be:

(1) At least fifty-five (55) years old;

(2) Unemployed;

(3) An individual or a member of a family with an income that is not more than 125 percent of the federal poverty guidelines, updated annually in the Federal Register by the United States Department of Health and Human Services under authority of 42 U.S.C. 9902(2);[~~and~~]

(4) A resident of Kentucky[~~-~~]; and

(5) Not job-ready.

Section 3. Application.

(1) A participant shall not be considered a federal employee solely as a result of the participant's participation in the SCSEP.

(2) To apply for SCSEP, an applicant shall submit official records to a sub-recipient that substantiate:

(a) The applicant's state of residence, such as:

1. Driver's license;
2. State, federal, or tribal ID card;
3. Social Security statement;
4. Rental agreement; or
5. Voter registration card;

(b) The applicant's date of birth, such as:

1. Birth certificate;
2. Driver's license;
3. Government identification card; or
4. Social Security award letter;

(c) The number of individuals residing in the applicant's household, with documentation, such as a:

1. Lease; or
2. Signed attestation:

a. From a third party who has knowledge of the number of individuals residing in the applicant's household; and

b. That reflects the living situation at the time of the application;

(d) If applicable, that the applicant has a disability and shall be considered a family-of-one, with documentation, such as:

1. Social Security Disability Insurance (SSDI) or other Social Security Administration records; and

2. Records indicating disability, such as the following:

a. Medical records;
b. Disability records;
c. Veteran's medical record;
d. Vocational rehabilitation letter; or
e. Worker's compensation record; and

(e)

1. The applicant's employment including official documents and business records that establish includable income, military discharge papers, or other military identification; and

2. Attestation that other includable income does not exist.

(3) An individual selected for participation in the SCSEP shall participate in the following activities:

(a) Initial orientation;

(b) Initial assessment;

(c) Subsequent assessment as specified in Section 5(1)(c)2 of this administrative regulation; and

(d) Development of initial and updated IEP.

Section 4. Eligibility Determination.

(1) A sub-recipient shall determine an applicant's initial eligibility through the application process established in Section 3 of this administrative regulation and annually thereafter.

(2) The sub-recipient shall:

(a) Calculate:

1. The includable income received by the applicant during the twelve (12) month period ending on the date the applicant applied; and

2. The annualized income for the six (6) month period ending on the date the applicant applied; and

(b) Compute the applicant's income eligibility using the method identified in paragraph (a) of this subsection that is more favorable to the applicant.

(3) The following benefit payments shall be included in SCSEP income eligibility determinations:

(a) Earnings;

(b) Seventy-five (75) percent of benefits received under Title II of the Social Security Act, 42 U.S.C. 402;

(c) Survivor benefits;

(d) Pension or retirement income;

(e) Interest income;

(f) Dividends;

(g) Rents, royalties, estates, and trusts;

(h) Educational assistance;

(i) Alimony; and

(j) Other inclusions as authorized by the Department of Labor, pursuant to 20 C.F.R. 641.507 and 641.510.

(4) The following benefit payments shall be excluded from SCSEP income eligibility determinations:

(a) Unemployment compensation received under Title XVI of the Social Security Act, 42 U.S.C. 3021;

(b) A payment made to or on behalf of veterans or former members of the Armed Forces administered under the Secretary of Veterans Affairs;

(c) Twenty-five (25) percent of a benefit received under Title II of the Social Security Act, 42 U.S.C. 401 to 402;

(d) Social Security Income or Social Security Disability Income; and

(e) Other exclusions allowed by the Department of Labor, pursuant to 20 C.F.R. 641.507 and 641.510.

(5) Priority for SCSEP shall be given to an individual who has one (1) or more of the following characteristics:

(a) Is [~~age~~] sixty-five (65) years of age or older;

(b) Has a disability;

(c) Has limited English proficiency or low literacy skills;

(d) Resides in a rural area;

(e) Has low employment prospects;

(f) Has failed to find employment after using services provided through the one-stop delivery system;

(g) Is homeless or at risk for homelessness; or

(h) Is:

1. A veteran as defined by the Jobs for Veterans Act, 38 U.S.C 4215(a);

2. The spouse of a veteran who died of a service-connected disability;

3. The spouse of a member of the Armed Forces on active duty who has been listed for a total of more than ninety (90) days as missing in action, captured in the line of duty by hostile force, or forcibly detained by a foreign government or power;

4. The spouse of a veteran who has a total disability resulting from a service connected disability; or

5. The spouse of a veteran who died while a disability so evaluated was in existence.

(6) A sub-recipient shall apply priorities in the following order:

(a) A veteran or veteran's spouse who:

1. Qualifies as a covered person under the Job for Veterans Act, 38 U.S.C. 4215(a); and

2. Possesses at least one (1) of the priority characteristics specified in subsection (5)(a) through (g) of this section;

(b) A veteran or veteran's spouse who:

1. Qualifies as a covered person under the Job for Veterans Act, 38 U.S.C. 4215(a); and

2. Does not possess any of the priority characteristics specified in subsection (5)(a) through (g) of this section; and

(c) An individual who:

1. Is not a veteran or veteran's spouse;

2. Does not qualify as a covered person under the Jobs for Veterans Act, 38 U.S.C. 4215(a); and

3. Possesses at least one (1) of the priority characteristics specified in subsection (5)(a) through (h)[~~(g)~~] of this section.

Section 5. Enrollment Process.

(1) If an individual is selected for participation in the SCSEP program, the sub-recipient shall:

(a) Provide orientation to the SCSEP, including:

1. Information of project goals and objectives;

2. Community service assignments;

3. Training opportunities;

4. Available supportive services;

5. The availability of a free physical examination;

6. Participant rights and responsibilities;

7. ***Allowed[~~Permitted~~]*** and prohibited political activities pursuant to the Hatch Act, 5 U.S.C. 7323; and

8. A written copy and verbal review of its policies for terminating a participant as specified in Section 10(4) of this administrative regulation;

(b) Assess a participant's work history, including:

1. Skills and interests;

2. Physical capabilities;

3. Talents;

4. Aptitudes;

5. Needs for supportive services;

6. Occupational preferences;

7. Training needs;

8. Potential for performing community service assignments; and

9. Potential for transition to unsubsidized employment;

(c)

1. Perform an initial assessment upon program entry, unless an assessment has already been performed under Title I of WIOA[~~WIA~~], 29 U.S.C. 3171[~~2881 to 2901~~]; and

2. Perform assessments at least twice annually, including the initial assessment;

(d) Use the information gathered during an initial assessment to develop an IEP that includes an employment goal for the participant, except that an assessment and IEP developed under Title I of WIOA[~~WIA~~] shall satisfy the requirement for SCSEP assessment and IEP [~~in accordance with 42 U.S.C. 641.230~~];

(e) Update an IEP to reflect information gathered during subsequent assessments;

(f) Place a participant in a community service assignment in the community in which the participant resides or a nearby community;

(g) Provide or arrange for training identified in a participant's IEP consistent with the SCSEP's goal of unsubsidized employment;

(h) Assist a participant with supportive services identified in the participant's IEP;

(i) Provide services for a participant or refer the participant to services through the one-stop delivery system established under WIOA[~~WIA~~];

(j) Provide counseling to the participant on progress in meeting the goals and objectives identified in the participant's IEP and in meeting the participant's supportive service needs;

(k) Provide a participant with wages and benefits for time spent in the community service assignment, orientation, and training;

(l) Monitor to ensure a participant's safe and healthy working conditions at the participant's community services employment worksite; and

(m) Assist the participant in obtaining unsubsidized employment, including providing or arranging for employment counseling in support of the participant's IEP.

(2) A sub-recipient shall not enroll a job-ready individual as a SCSEP participant but shall refer the individual to an employment provider, such as a one-stop center for job placement assistance under WIOA[~~WIA~~] or another employment program.

Section 6. Participant Training.

(1) In addition to the training provided in a community service assignment, a sub-recipient may arrange skill training for a participant, if the training:

(a) Is consistent with the participant's IEP;

(b) Makes the most effective use of the participant's skills and talents; and

(c) Prepares the participant for unsubsidized employment.

(2) If training is provided, training shall be:

(a) Before or during a community service agreement;

(b) In the form of:

1. Lectures;

2. Seminars;

3. Classroom instruction;

4. Individual instruction; or

5. On-the-job experiences; or

(c) Through the sub-recipient or an arrangement with other workforce development programs, such as WIOA[~~WIA~~].

(3) A sub-recipient shall pay, if necessary in accordance with a participant's IEP, for:

(a) Participant training including the payment of costs of:

1. Instructors;

2. Classroom rental;

3. Training supplies;

4. Materials;

5. Equipment; and

6. Tuition; or

(b) Costs associated with supportive services as specified in Section 7 of this administrative regulation.

Section 7. Supportive Services.

(1) A sub-recipient shall, if necessary in accordance with the participant's IEP, provide directly or arrange for supportive services identified on a participant's IEP to enable the participant to successfully participate in the SCSEP project, such as:

(a) Costs of transportation;

(b) Health and medical services;

(c) Special job-related or personal counseling; or

(d) Incidentals for work or training, such as:

1. Shoes;

2. Badges;

3. Uniforms;

4. Eyeglasses;

5. Tools;

6. Dependent care;

7. Housing, including temporary shelter; or

8. Other needs-related payments for job readiness.

(2) A sub-recipient shall contact a placed participant throughout the first twelve (12) months following placement to determine if the participant has the necessary supportive services to remain employed and to provide or arrange to provide the services if needed.

Section 8. Wages and Benefits.

(1)

(a) Pursuant to 20 C.F.R. 641.565(a), a sub-recipient shall pay a participant's wages for time spent in:

1. Orientation;

2. Training; and

3. Community service assignments.

(b) The highest applicable required wage shall be either the:

1. Minimum wage applicable under the Fair Labor Standards Act of 1938, 29 U.S.C. 206; or

2. Prevailing rate of pay for persons employed in similar public occupations by the same employer.

(2) A SCSEP participant shall be paid the highest applicable required wage while receiving WIOA[~~WIA~~] intensive services.

(3) A sub-recipient shall:

(a) Make adjustments to minimum wage rates payable to a participant as required by the Fair Labor Standards Act, 29 U.S.C. 206;

(b) Ensure that a participant receives Worker's Compensation pursuant to KRS Chapter 342;

(c) Offer the participant an opportunity to receive a physical examination annually and inform the participant that:

1. A physical examination is a benefit and not an eligibility criterion; and

2. A participant may choose not to accept the physical examination;

(d)

1. Document a participant's refusal, if applicable, of an annual physical examination through a signed statement by the participant and within at least sixty (60) workdays of commencement of the community service assignment;

2. Each year thereafter, offer the physical examination and document the offer and a participant's refusal, if applicable;

(e) Provide compensation for scheduled work hours during which a host agency's business is closed for a federal holiday, that shall either be paid or in the form of rescheduled work time; and

(f) Provide sick leave that is not part of an accumulated sick leave program that shall either be paid or in the form of rescheduled work time.

(4) A sub-recipient shall not:

(a) Carry over allowable benefits from one (1) program year to the next;

(b) Provide payment or otherwise compensate a participant for unused benefits, such as sick leave or a holiday; and

(c) Use SCSEP funds:

1. To provide contributions to a retirement system or plan;

2. To pay the cost of pension benefits for a program participant;

3. For annual leave;

4. For accumulated sick leave; or

5. For a bonus.

Section 9. Durational Limits.

(1)

(a) Except as established in subsection (3) of this section, an eligible individual shall not participate in the SCSEP for more than forty-eight (48) months in the aggregate.

(b) Consecutive participation shall not be required, from the later of July 1, 2007, or the date of the individual's enrollment in the program.

(2) A sub-recipient shall:

(a) Inform a participant, upon enrollment in the SCSEP, of the time limit specified in subsection (1) of this section and possible extension in subsection (3) of this section;

(b) Provide for a system to transition a participant to unsubsidized employment or other assistance before the maximum enrollment duration has expired;

(c) Reflect the transition in the participant's IEP; and

(d) Ensure that a project does not exceed the overall average participation cap for all participants as described in subsection (4) of this section.

(3) The department may request from the Department of Labor increased periods of participation beyond forty-eight (48) months for a participant who:

(a) Has not obtained the participant's IEP goal; and

(b)

1. Has a severe disability; or

2. Is frail.

(4)

(a) Except as provided in paragraph (b) of this subsection, a sub-recipient shall manage its SCSEP project so that it does not exceed an average participation cap for all participants of twenty-seven (27) months in the aggregate.

(b) The department may request an extended average participation period of up to thirty-six (36) months (in the aggregate) for a particular project area in a given program year, if the Department of Labor determines that circumstances exist to justify an extension due to the following:

1. High rates of unemployment or poverty or participation in the program of block grants to States for temporary assistance for needy families under part A of Title IV of the Social Security Act, 42 U.S.C. 601, in the areas served by a sub-recipient, relative to other areas of the state involved or of the nation;

2. Significant downturns in the economy of an area served by the sub-recipient or in the national economy;

3. Significant numbers or proportions of participants with one (1) or more barriers to employment, including "most-in-need" individuals described in 20 C.F.R. 641.710(a)(6), serviced by a sub-recipient relative to the numbers or proportions for sub-recipients serving other areas of the state or nation;

4. Changes in federal, state, or local minimum wage requirements; or

5. Limited economies of scale for the provision of community service employment and other authorized activities in the areas served by the sub-recipient.

(5) An authorized break in participation from the program shall:

(a) Be considered a formal leave of absence***[for the following reasons]***:

1. ***For*** personal circumstances; or

2. If a suitable community service assignment is not available;

(b) Be formally entered by the sub-recipient in the Grantee Performance Management System (GPMS)[~~SCSEP Performance and Results Quarterly Performance Reporting (SPARQ) system~~]; and

(c) Not count toward the individual time limit specified in subsection (1) of this section or the average participation cap specified in subsection (4) of this section.

(6) A host agency shall notify the sub-recipient of a participant's absence or break in participation without pay for up to:

(a) Two (2) weeks approved by the host agency supervisor; or

(b) Sixty (60) calendar days with approval of the host agency supervisor and sub-recipient staff.

(7) A participant shall be granted a leave of absence with approval from the department for up to ninety (90) calendar days in extenuating circumstances, such as:

(a) Illness;

(b) Family care; or

(c) Institutionalization.

(8) Except for an extenuating circumstance specified in subsection (7) of this section, the participant shall request a leave of absence or approved break in participation from the host agency supervisor at least five (5) working days prior to the proposed absence or break.

(9) A sub-recipient may request a waiver to the state SCSEP coordinator ninety (90) days prior to a participant reaching the forty-eight (48) month durational limit, if the participant meets the requirements of subsection (3) of this section.

Section 10. Termination.

(1) A sub-recipient shall give a participant written notice explaining the reason for termination and grievance procedures and may terminate the participant thirty (30) days after it has provided the written notice for the following reasons:

(a) If the sub-recipient determines that a participant was incorrectly declared eligible as a result of false information knowingly given by the individual;

(b) If, during eligibility verification, the sub-recipient finds a participant is no longer eligible for enrollment;

(c) If the sub-recipient determines that it incorrectly determined a participant to be eligible for the program through no fault of the participant;

(d) For failure to comply with the requirements of this administrative regulation or for cause, such as:

1. An act or threat of violence;

2. Inappropriate, disrespectful, demeaning, or abusive behavior, such as:

a. Loud, abusive, profane, foul, obscene, vulgar, crude, insulting, or threatening language;

b. Inappropriate jokes or gestures, discriminatory slurs, or sexual comments;

3. Theft or being a party to theft;

4. Dissemination of confidential information obtained during the course of the participant's community service assignment;

5. Illegal use, possession, or sale of prescription medication, alcohol, or drugs; or

6. Intoxication during work hours; or

(e) Refusal to accept a reasonable number, in accordance with 20 C.F.R 641.580(e), of job offers or referrals to unsubsidized employment consistent with the IEP and if there are no extenuating circumstances that would hinder the participant from moving to unsubsidized employment.

(2) If a sub-recipient makes an unfavorable determination of enrollment eligibility, the sub-recipient shall refer the individual to other potential sources of assistance, such as the one-stop delivery system.

(3) If a sub-recipient terminates a participant, the sub-recipient shall refer the participant to other potential sources of assistance, such as the one-stop delivery system.

(4) A sub-recipient[~~sup-recipient~~] shall provide a participant, upon enrollment, with a written copy and verbal review of its policies for terminating a participant as specified in subsection (1) of this section.

(5)

(a) A participant shall not be terminated from the SCSEP solely on the basis of age.

(b) A sub-recipient shall not impose an upper age limit for participation in the SCSEP.

Section 11. Sub-recipient Responsibilities. A sub-recipient shall:

(1) Provide SCSEP services throughout the geographic area under its area plan or proposal;

(2) Adhere to provisions set forth in the OAA and federal regulations promulgated under the Act, 20 C.F.R. Part 641;

(3) Implement and carry out the SCSEP[~~SCEP~~] in accordance with the provisions of a sub-recipient agreement;

(4) Enroll[~~Pursuant to 42 U.S.C. 3056(a)(4)(c), enroll~~] and serve eligible individuals, with the focus on:

(a) Individuals with the greatest economic need;

(b) Minority individuals;

(c) Individuals who are limited English proficiency; and

(d) Individuals with the greatest social need;

(5) Recruit and determine the eligibility of SCSEP participants;

(6) Recruit and select host agencies;

(7) Ensure that a host agency shall not reduce the number of employment opportunities or vacancies that would be available to an individual not participating in the program;

(8) Provide supervision for SCSEP participants;

(9) Assist a participant with supportive services identified on the participant's IEP;

(10) Provide participant wages and benefits;

(11) Coordinate with the local Workforce Innovation and Opportunity Act[~~Investment Board~~] initiatives and programs including co-enrollment of SCSEP[~~SCEP~~] participants;

(12) Monitor for a participant's safe and healthy working conditions;

(13) ***Allow[~~Permit~~]*** staff of the department and the district to monitor and evaluate provided SCSEP services;

(14) Monitor that each paid or volunteer staff member meets the qualification and training requirements of SCSEP;

(15) Develop a policy and procedure for a referral for service to other programs and services in accordance with a participant's IEP;

(16) Work with a participant to ensure the participant is:

(a) Receiving SCSEP services; and

(b) Taking actions designed to help achieve the participant's goals;

(17) Contact private and public employers directly or through the one-stop delivery system to develop or identify unsubsidized employment opportunities;

(18) Encourage host agencies to assist a participant in the participant's transition to unsubsidized employment, including unsubsidized employment in the host agency;

(19) Adhere to other sub-recipient requirements set forth in this administrative regulation; and

(20) Collect and report program data timely as is required by the SCSEP[~~Submit required SCSEP data monthly to the Department of Labor, pursuant to 20 C.F.R. 641.700~~].

Section 12. Department Responsibilities. The department shall:

(1) Develop and implement the state SCSEP plan with the assistance of sub-recipients and national SCSEP providers;

(2) Have an equitable distribution of authorized positions in the aggregate;

(3) Adhere to provisions set forth in the Older Americans Act and federal regulations promulgated under the Act, 20 C.F.R. Part 641;

(4) Enroll[~~Pursuant to 42 U.S.C. 3056(a)(4)(c), enroll~~] and serve eligible individuals, with the focus on:

(a) Individuals with the greatest economic need;

(b) Minority individuals;

(c) Individuals who are limited English proficiency; and

(d) Individuals with the greatest social need;

(5) Provide a sub-recipient with:

(a) Technical assistance related to SCSEP;

(b) SCSEP information required to accomplish the sub-recipient's agreement responsibilities; and

(c) Annual SCSEP training;

(6) Monitor the performance of the sub-recipient for compliance with the terms, conditions, and performance criteria included within the sub-recipient agreement;

(7) Submit required SCSEP data quarterly to the Department of Labor[~~,~~][~~pursuant to 20 C.F.R. 641.700~~];

(8) Review performance measures on a quarterly basis and relay that information to each sub-recipient pursuant to 20 C.F.R. 641.700;

(9)

(a) Allocate SCSEP funds to a sub-recipient; and

(b) Monitor the sub-recipient:

1. For use of the allocated funds; and

2. To ensure the nonfederal share of the total SCSEP costs shall be used for in-kind services at a fair market value to services and facilities contributed; and

(10) Adhere to performance measures and indicators as determined by the U.S. Department of Labor annually, pursuant to 20 C.F.R. 641.700.

Section 13. Grievance Procedures.

(1)

(a) A participant receiving services from a contract agency of the sub-recipient may request a local resolution with the contract agency. The request shall be made within thirty (30) calendar days of receipt of denial for eligibility or termination of services.

(b) If the participant is dissatisfied with the results of the local resolution with the contract agency, the participant may request a local resolution with the sub-recipient. The request shall be made within thirty (30) calendar days of receipt of the results of the local resolution.

(c) If the participant is dissatisfied with the results of the local resolution with the sub-recipient, the participant may request an[~~a state~~] administrative hearing.

1. The hearing shall be in accordance with KRS Chapter 13B.

2. The participant shall submit a written request to the department within ten (10) business[~~thirty (30)~~] days after receipt of the results of the local resolution.

(2)

(a) A participant receiving services from a sub-recipient may have a local resolution with the sub-recipient. The local resolution

shall be made within thirty (30) calendar days of receipt of denial for eligibility or termination of services.

(b) If the participant is dissatisfied with the results of the local resolution with the sub-recipient, the participant may request an[~~a state~~] administrative hearing.

1. The hearing shall be in accordance with KRS Chapter 13B.

2. The participant shall submit a written request to the department within ten (10) business[~~thirty (30)~~] days after receipt of the results of the local resolution.

FILED WITH LRC: October 13, 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.

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 Aging and Independent Living
Division of Quality Living
(As Amended at ARRS, October 13, 2026)

910 KAR 1:260. Kentucky Family Caregiver Program.

RELATES TO: KRS Chapter 13B, Chapter 514, 199.011(4), 205.455(4), 209.030, 42 U.S.C. 601, 651, 1381, 3030s, 3030s-1

STATUTORY AUTHORITY: KRS 194A.050(1), 205.201(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 205.201(1) requires the cabinet to promote and aid in the establishment of local programs to the aging. KRS 194A.050(1) requires the secretary to promulgate all administrative regulations authorized by applicable state laws necessary to operate programs and fulfill the responsibilities vested in the cabinet. This administrative regulation establishes the Kentucky Family Caregiver Program.

Section 1. Definitions.

(1) "District" is defined by KRS 205.455(4).

(2) "Federal poverty level" means the degree to which a household's gross income matches the official poverty income guidelines published annually in the Federal Register by the U.S. Department of Health and Human Services.

(3) "Formal support system" means a service obtainable through public or private service programs.

(4) "Grandchild" means a grandparent's grandchild:

(a) Through blood, marriage, or adoption; and

(b) Who is no more than eighteen (18) years of age.

(5) "Grant" means a payment to a grandparent for services specified in Sections 6(3)(a) or 7 of this administrative regulation and based on:

(a) Need; and

(b) Actual cost.

(6) "Household" means an individual or group of individuals who are living together in a principal residence as one (1) economic unit.

(7) "Household income" means all annual gross earned and unearned income received by a household, including a:

(a) Lump sum payment; or

(b) State or federal benefit assistance payment.

(8) "Informal support system" means any care provided to an individual ***if the care[which]*** is not provided as part of a public or private formal service program.

(9) "Local resolution" means a phone conversation or meeting between a grandparent and district to resolve the grandparent's dispute against denial of eligibility.

(10) "National Family Caregiver Support Program" means the program established by 42 U.S.C. 3030s-1.

(11) " Older relative caregiver" is defined by 42 U.S.C. 3030s (a)(4).

(12)[~~(11)~~] "Primary caregiver" means a grandparent providing full time care for that person's grandchild.

(13)[~~(12)~~] "Respite services" is defined by KRS 205.455(12).

(14)[~~(13)~~] "Supplemental services" means the services that a grandparent ***could[may]*** receive in accordance with Section 7 of this administrative regulation through application and grant or voucher process.

(15)[~~(14)~~] "Support services" means the services that a grandparent ***could[may]*** receive in accordance with Section 6 of this administrative regulation through application and grant or voucher process.

(16)[~~(15)~~] "Voucher" means a payment made directly to a vendor for the services specified in Sections 6(3)(a) or 7 of this administrative regulation.

Section 2. Eligibility.

(1) To be eligible for the Kentucky Family Caregiver Program, a grandparent shall:

(a) Be a Kentucky resident;

(b) Be the primary caregiver for a grandchild;

(c) Reside with the grandchild who shall not be residing in the same household with the grandchild's parent, but may reside in a house owned by the grandchild's parent; and

(d) [~~Not receive a monthly payment for Kinship Care in accordance with 922 KAR 1:130; and~~]

[~~(e)~~] Not have household income that exceeds 150 percent of the federal poverty level.

(2) A grandparent who has adopted a grandchild shall be eligible for the Kentucky Family Caregiver Program:

(a) If the grandparent is not eligible for other state or federal adoption subsidies; and

(b) For a period not to exceed one (1) calendar year from final order of adoption.

(3) To apply or reapply for the Kentucky Family Caregiver Program, a grandparent shall complete, sign, and submit a DAIL-KFC-1 Application, ***(***electronic forms and signatures ***shall be[~~are~~]*** accepted***)[.][]***for Kentucky Family Caregiver Services:

(a) To a local district of residence; and

(b) For each voucher or grant requested.

(4) An applicant shall receive a written notice of eligibility or non-eligibility from a district within thirty (30) days of meeting the requirements of subsections (1) and (3) of this section.

(5) A payment from the Kentucky Family Caregiver Program may affect the eligibility income requirements for receipt of a federal or state benefit assistance payment.

(6) If a child receives assistance from the Kentucky Children's Health Insurance Program or the Department for Medicaid Services, the child shall not be eligible to receive the medical services specified in Section 7(1)(e) of this administrative regulation.

(7) National Family Caregiver Support Program, excluding an older relative caregiver, participation shall not exclude participation in the Kentucky Family Caregiver Program.

Section 3. District Responsibilities.

(1) A district shall review the DAIL-KFC-1 Application for Kentucky Family Caregiver Services to determine completeness of the following information:

(a) Demographics;

(b) Establishment of eligibility relationship between grandparent and grandchild;

(c) Household income verified with:

1. A federal tax form;

2. A W-2;

3. A pay stub; or

4. Other documentation of monthly gross income;

(d) Living arrangements of household;

(e) Residency;

(f) Needs[~~Need~~] per grandchild; and

(g) Formal or informal support systems.

(2) A district shall consider applications on a priority basis, with applicants that did not receive services through the program in the past fiscal year, receiving a higher priority.

(3) A district shall:

(a) Develop a policy and procedure for:

1. Grandparent outreach of the Kentucky Family Caregiver Program;

2. Assurance of a grandparent's eligibility in accordance with Section 2(1) and (2) of this administrative regulation;

3. Informing a grandparent of the grandparent's rights and responsibilities; and

4. Client confidentiality and referrals;

(b) Develop a process for use of assistance, including a grant or voucher;

(c) Develop a process for:

1. Billing a participating vendor for provided services;

2. Monitoring and evaluation of the program; and

3. The review of invoices and receipts for approved items and expenditures;

(d) Notify the cabinet in writing if the process specified in paragraph (c) of this subsection changes;

(e) Make payment for the services specified in Sections 6(3)(a) and 7 of this administrative regulation through a voucher or grant;

(f) Document and maintain a case file for a grandparent that:

1. Is kept in a locked cabinet or is digitally secure utilizing the state database system;

2. Has all documentation regarding the grandparent secured to the file; and

3. Includes at a minimum:

a. The DAIL-KFC-1 Application for Kentucky Family Caregiver Services;

b. Consent and release of information;

c. Verification of eligibility;

d. Verification that the grandparent was informed of the grandparent's rights and responsibilities;

e. Documentation showing services provided;

f. Documentation of referrals and other resources given to the grandparent;

g. Progress notes or case notes, if applicable;

h. Correspondence, if applicable;

i. Documentation of grievance, local resolution, or hearing, if applicable;

j. Documentation of service termination, if applicable; and

k. Assignment of a case number;

(g) Provide the department with documentation of services provided and the number of grandparents served through the Kentucky Family Caregiver Program in that district;

(h) [~~Verify with a local department for community based services office:~~]

[~~1.~~] [~~That a grandchild or grandparent is not receiving a monthly payment specified in Section 2(1)(e) of this administrative regulation;~~]

[~~2.~~] [~~Any type of state or federal benefit assistance payment a grandparent or grandchild is receiving; and~~]

[~~3.~~] [~~Medical services a grandchild receives through the Kentucky Children's Health Insurance Program or the Department for Medicaid Services;~~]

[~~(i)~~] Provide for appeal procedures in accordance with Section 10 of this administrative regulation;

(i)[~~(j)~~] Provide referral and assistance to access other community services needed by the grandparent or grandchild; and

(j)[~~(k)~~] Maintain a current fiscal year waiting list for prioritizing a grandparent in the following year if the grandparent:

1. Applied for the current fiscal year;

2. Was not served in the current fiscal year; and

3. Reapplies for the program the following fiscal year.

Section 4. Department Responsibilities. The department shall:

(1) Be the state-wide administrator for the Kentucky Family Caregiver Program;

(2) Monitor a district at a minimum annually for assurance of compliance with the program requirements of this administrative regulation;

(3) Allocate available funding; and

(4) Provide technical and programmatic assistance, if needed.

Section 5. Kentucky Family Caregiver Payment.

(1) To the extent funds are available, the maximum total of assistance per grandchild, including a grant or voucher, shall be up to $500 per grandchild in any one (1) fiscal year.

(2) Funds shall be allocated based on priority order as specified in Section 3(2) of this administrative regulation.

(3) A grant or voucher shall not be given for services that occur before a district's establishment of a grandparent's eligibility.

(4) Prior approval with a district for counseling and supplemental services shall be required before actual purchase.

(5) If the Kentucky Family Caregiver Program funding is at capacity, an eligible applicant shall be placed on a waiting list and as funding becomes available be accepted for services in priority order as specified in Section 3(2) of this administrative regulation.

Section 6. Support Services. Support services shall include:

(1) Information about available services;

(2) Assistance in gaining access to services; and

(3) Assistance to the grandparent in decision-making and problem-solving relating to a care giving role including:

(a) Individual counseling;

(b) Organization of a support group; and

(c) Caregiver training.

Section 7. Supplemental Services.

(1) Supplemental services specific to the grandchild shall include:

(a) Child clothing and personal care needs;

(b) Respite services provided by a caregiver or agency approved by the district, for the grandparent;

(c) Educational supplies or assistance documented by the grandchild's school of attendance;

(d) Required legal services**.** which shall:

1. Be related to the grandchild's safety and stability; and

2. Not include representation against any criminal charges;

(e) Medical and dental services, except for copays and premiums; and

(f) Furniture to be used by the grandchild [~~including a:~~]

[~~1.~~] [~~Bed; or~~]

[~~2.~~] [~~Dresser~~].

(2) Supplemental Services shall not include:

(a) Utilities;

(b) Appliances for household use***[, unless approved by the department]***;

(c) Items utilized for the entire family;

(d) Technology unless prescribed for communication due to a disability; [~~or~~]

(e) Computers unless written documentation is provided by the school requiring a home computer and then one (1) per household is allowed; or

(f) Extracurricular costs and related equipment.

Section 8. Grandparent Responsibilities. A grandparent shall:

(1) Provide a district with the information required to determine eligibility as specified in Section 2 of this administrative regulation;

(2) Comply with a district's application process as established in Section 2(3) of this administrative regulation;

(3) Sign the DAIL Attestation form***;[.]***

(4) Complete training on the reporting of fraud, abuse, neglect, and exploitation;

(5)[~~(3)~~] Comply with the district's policies for expenditures of assistance, including:

(a) A grant or voucher; or

(b) Submittal of a receipt for cost reimbursement, if applicable***;[.]***

(6)[~~(4)~~] Comply with the appeal procedures established in Section 10 of this administrative regulation if making an appeal; and

(7)[~~(5)~~] Notify the district immediately of a change in status that is in noncompliance with the eligibility requirements specified in Section 2 of this administrative regulation.

Section 9. Fraud. A grandparent's fraudulent use of a voucher or grant may result in prosecution pursuant to KRS Chapter 514.

Section 10. Appeal Procedure.

(1) A grandparent wishing to appeal denied eligibility for services shall first have a local resolution with the district of residence.

(2) If the grandparent is dissatisfied with the results of the local resolution, the grandparent may request a state administrative hearing in accordance with KRS Chapter 13B.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "DAIL-KFC-1 Application for Kentucky Family Caregiver Services", edition June 2026; and

(b) "DAIL Attestation", June 2026[~~8/2012, is incorporated by reference~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m., Eastern Time / 7 a.m. to 3:30 p.m. Central Time, or online at the agency's website at https://www.chfs.ky.gov/agencies/dail/Pages/scsep.aspx.

FILED WITH LRC: October 13, 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.

PUBLIC PROTECTION CABINET
Real Property Appraisers Board
(Amended After Comments)

201 KAR 50:040. Appraisal experience requirements for certification and licensure.

RELATES TO: KRS Chapter 324A, 12 U.S.C. § 3350
STATUTORY AUTHORITY: KRS 324A.035
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.020 and 324A.035 require the Real Property Appraisers Board to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 324A. This administrative regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. § 3331 through 12 U.S.C. § 3351), and KRS Chapter 324A. KRS 324A.035(3)(a), (b), and (d) require the board to establish by administrative regulations requirements for classifications of appraisers, certification and licensure, and standards of experience. This administrative regulation describes experience requirements for certification and licensure.

Section 1. Required appraisal experience.
(1) No appraisal experience is required for licensure as an associate real property appraiser.
(2) Licensure as a residential real property appraiser shall require 1,000 hours of appraisal experience, which shall not be acquired in a period of fewer than six (6) calendar months.
(3) Certification as a residential real property appraiser shall require 1,500 hours of appraisal experience, which shall not be acquired in a period of fewer than twelve (12) calendar months.
(4) Certification as a general real property appraiser shall require:
(a) 3,000 hours of appraisal experience, which shall not be acquired in a period of fewer than eighteen (18) calendar months; and
(b) At least 1,500 hours of appraisal experience that is nonresidential.

Section 2. How to receive credit for appraisal experience.
(1) Real property appraisal assignments submitted for appraisal experience credit shall be completed:
(a) In compliance with the requirements of USPAP as incorporated by reference in 201 KAR 050:020 and defined in KRS 324A.001(11);
(b) In compliance with the requirements for supervisors and associates set forth in 201 KAR 050:030.
(c) Under the supervision of a certified residential real property appraiser for experience of one (1) to four (4) unit residential properties; and
(d) Under the supervision of a certified general real property appraiser for experience of all property uses other than one (1) to four (4) unit residential properties.
(2) To receive credit for appraisal experience, an applicant must submit an appraisal log completed in accordance with 201 KAR 050:090 Section 5.
(3) The appraisal experience required by Section 1 may have been acquired in any calendar years, whether or not the calendar years are consecutive, except all appraisal experience must be obtained after January 30, 1989. Hours may be treated as cumulative in order to achieve the necessary hours of appraisal experience.
(4) For an appraisal to qualify for experience, there need not be a client in a traditional sense (e.g., a client hiring an appraiser for a business purpose). Experience gained for work without a traditional client can meet any portion of the total experience requirement.
(5) Up to 100 percent of the required appraisal experience may be obtained in a board-approved practicum course that requires students to:
(a) Produce credible appraisals that utilize an actual subject property;
(b) Perform market research containing sales analysis;
(c) Perform assignments that require problem solving skills for a variety of property types; and
(d) Apply and report the appraisal approaches in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), incorporated by reference in 201 KAR 050:020 and defined in KRS 324A.001(11).

Section 3. Practical Applications of Real Estate Appraisal.
(1) Practical Applications of Real Estate Appraisal (PAREA) programs approved by the AQB use simulated experience training and shall be accepted by the board as an alternative to the traditional supervisor-associate experience model for obtaining experience required for certification or licensure set forth in Sections 1 and 2.
(2) Only PAREA programs approved by the AQB shall satisfy the requirements of this administrative regulation.
(3) Participants successfully completing approved PAREA programs will receive the following experience credit toward the appraisal experience requirements set forth in Section 1:
(a) For participants completing an approved licensed residential PAREA program:
1. **[~~Up to~~]** 1,000 hours of the required experience hours for credit toward licensure as a residential real property appraiser.
2. **[~~Up to~~]** 1,000 hours of the required experience hours for credit toward certification as a certified residential real property appraiser.
3. **[~~Up to~~]** 1,000 hours of the total required residential experience hours, none of which is eligible towards the required non-residential hours, for certification as a general real property appraiser.
(b) For participants completing an approved certified residential PAREA program:
1. **[~~Up to~~]** 1,000 hours of the required experience hours for credit toward licensure as a licensed residential real property appraiser.
2. **[~~Up to~~]** 1,500 hours of the required experience hours for credit toward certification as a certified residential real property appraiser.
3. **[~~Up to~~]** 1,500 hours of the total required residential experience hours, none of which is eligible towards the required non-residential hours, for certification as a general real property appraiser.
(4) To receive credit for completion of PAREA, an applicant shall submit proof of completion of one or more PAREA courses.

201 KAR 050:040
TOM VEIT, Executive Director

APPROVED BY AGENCY: October 12, 2026
FILED WITH LRC: October 14, 2026 at 11:30 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Tom Veit, Executive Director, Kentucky Real Property Appraisers Board, Phone: (502) 564-4000, Email: Tom.Veit@ky.gov

Subject Headings: Boards and Commissions, Real Estate, Licensing, Fees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation describes experience requirements for certification and licensure.
(b) The necessity of this administrative regulation: This regulation is necessary to establish requirements for certification and licensure.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324A.035 requires the Board to

promulgate administrative regulations for certification or licensure of appraisers who perform appraisals of real property in federally related transactions, including experience requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will clarify the standards for certification and licensure of appraisers in Kentucky.

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

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

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

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

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

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation implements the following legislation enacted within the previous five years: H.B. 172, 2021 Ky. Acts ch. 21 (eff. June 29, 2021); H.B. 403, 2024 Ky. Acts ch. 182 (eff. July 15, 2024); and H.B. 355, 2026 Ky. Acts ch. 172 (eff. 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 the 1,281 appraisers, 145 associate appraisers, 2 nonfederal appraisers, and the 99 appraisal management companies ("AMCs") currently licensed by the Board, as well as 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: Prospective applicants for licensure will need to follow the requirements set forth in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This regulation will impose no new costs on licensees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Prospective applicants for licensure will be able to identify requirements for licensure.

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

(a) Initially: There will be no additional cost to the Board to implement this administrative regulation initially.

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

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding necessary to implement this administrative regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees and neither directly nor indirectly increases any fees.

(10) TIERING: Is tiering applied? No, tiering is not applied because this administrative regulation applies equally to all applicants for certification and licensure.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . KRS 324A.015, KRS 324A.020, KRS 324A.035, KRS Chapter 324A, 12 U.S.C. § 3350.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This regulation is expressly authorized by the following acts of the Kentucky General Assembly: created 1990 Ky. Acts ch. 383, secs. 2, 3, and 6, effective July 13, 1990, and subsequently amended by 1992 Ky. Acts ch. 247, secs. 2 and 4, effective April 7, 1992; 2013 Ky. Acts ch. 46, secs. 8 and 10, effective June 25, 2013; 2017 Ky. Acts ch. 178, secs. 27 and 39, effective April 11, 2017; 2021 Ky. Acts ch. 21, secs. 1 and 2, effective June 29, 2021; 2024 Ky. Acts ch. 182, secs. 10 and 11, effective July 15, 2024; and 2026 Ky. Acts ch. 172, secs. 4 and 17, effective July 15, 2026.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Real Property Appraisers Board is the promulgating agency. No other divisions of state or local government entities should be affected.

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

1. Expenditures:

For the first year: There is no cost to administer this administrative regulation for the first year.

For subsequent years: There is no cost to administer this administrative regulation for subsequent years.

2. Revenues:

For the first year: This administrative regulation is not expected to generate revenue for any state or local government agency for the first year.

For subsequent years: This administrative regulation is not expected to generate revenue for any state or local government agency for subsequent years.

3. Cost Savings:

For the first year: There are no cost savings to administer this administrative regulation for the first year.

For subsequent years: There are no cost savings to administer this administrative regulation for subsequent years.

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

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: This administrative regulation is not anticipated to have a fiscal impact.

(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Division of Real Property Boards.

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

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

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

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347

(2) State compliance standards. KRS 324A.020, KRS 324A.035

(3) Minimum or uniform standards contained in the federal mandate. 12 U.S.C. 3345, 12 U.S.C. 3347

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

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

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Behavioral Health, Developmental and Intellectual Disabilities
Division of Behavioral Health
(Amended After Comments)

908 KAR 2:220. Certified Peer Support Specialist[~~Adult peer support specialist~~].

RELATES TO: KRS Chapter 13B, KRS 17.165(3), 17.500(8), 210.005, 222.005, 309.0831

STATUTORY AUTHORITY: KRS[~~12.455, 194A.030,~~] 194A.050,[~~210.450,~~]210.010, 222.211, 222.233

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 210.010 requires the secretary to prescribe administrative regulations for the administration of the cabinet[~~protect the health of Kentucky citizens and to implement programs mandated by federal law or to qualify for the receipt of federal funds. KRS 210.450 authorizes the secretary to promulgate administrative regulations governing qualifications of personnel, standards for personnel management operations and consultation in ascertaining local needs for community programs for mental health or individuals with an intellectual disability~~]. KRS 222.211(1) authorizes the cabinet[~~secretary~~] to promulgate administrative regulations to carry out its powers and duties under KRS Chapter 222[~~assure that there is the provision of prevention, intervention, and treatment services for both juveniles and adults to address the problems of addiction to alcohol and other drug abuse within individuals, families, and communities~~]. This administrative regulation establishes the minimum eligibility, training, and supervision requirements for certified peer support specialists serving adults, youth, and families[~~an adult peer support specialist~~].

Section 1. Definitions.

(1) "Alcohol and drug peer support specialist" means an individual who:

(a) Meets the eligibility, training, and registration requirements established by KRS 309.0831 and 201 KAR Chapter 35; and

(b) Provides peer support services to individuals with a substance use disorder.

(2) "Annual renewal date" means the anniversary of the initial certification date listed on a certified peer support specialist's certificate[~~"Adult peer support" means emotional support that is provided by an adult peer support specialist to others with similar mental health, substance use, or co-occurring mental health and substance use disorders in order to achieve a desired social or personal change~~].

(3)[~~(2)~~] "Applicant" means an individual seeking to become a certified peer support specialist

(4) "Application" means the Application for Peer Support Certification that is used by individuals to apply or recertify for peer support certification[~~"Adult peer support specialist" means a self-identified consumer of mental health, substance use, or co-occurring mental health and substance use disorder services who has successfully completed the adult peer support specialist training~~].

(5)[~~(3)~~] "Approved behavioral health practitioner" is defined by 907 KAR 15:005(3)[~~"Adult peer support specialist services" means structured and scheduled non-clinical, therapeutic activities provided to a consumer by an adult peer support specialist in accordance with this administrative regulation~~].

(6) "Behavioral science" means:

(a) Psychology;

(b) Sociology;

(c) Social work;

(d) Family studies;

(e) Human services;

(f) Counseling;

(g) Nursing;

(h) Behavioral analysis;

(i) Public health;

(j) Special education;

(k) Gerontology;

(l) Recreational therapy;

(m) Education;

(n) Occupational therapy;

(o) Physical therapy;

(p) Speech-language pathology;

(q) Rehabilitation counseling; or

(r) Faith-based education.

(7) "Certification category" means a specialized category of certification for which the individual has lived experience, including:

(a) Adult peer support specialist (adult PSS);

(b) Family peer support specialist (family PSS); or

(c) Youth peer support specialist (youth PSS).

(8) "Certified peer support specialist" or "CPSS" means an individual who has met the eligibility, application, training, and certification requirements established by this administrative regulation who may provide peer support services within his or her certification category.

(9) "Certified peer support specialist training" means a training that includes:

(a) Core competencies aligned with current national standards; and

(b) Specific population education for each certification category of peer support.

(10)[~~(4)~~] "Consumer" means an individual with a mental health disorder who receives[~~adult~~] peer support services.

(11) "Co-occurring disorders" means any combination of a mental health disorder and a substance use disorder.

(12)[~~(5)~~] "Department"[~~or "DBHDID"~~] means the Department for Behavioral Health, Developmental and Intellectual Disabilities.

(13) "Face-to-face" means:

(a) In person at the same location; or

(b) Through a synchronous electronic platform that simulates an in-person encounter via real-time interactive audio and video technology.

(14) "Lived experience" means related, direct, first-hand experience in navigating mental health services and supports, including:

(a) In personal recovery from a mental health disorder for an adult PSS;

(b) Being a parent, grandparent, or other caregiver navigating services on behalf of a child prior to age twenty-one (21) with a mental health disorder for a family PSS; or

(c) In personal recovery from a mental health disorder as a child prior to age twenty-one (21) for a youth PSS.

(15) "Mental health disorder" means a mental illness as defined in KRS 210.005(5).

(16) "Non-clinical services" means services that:

(a) Support recovery, functioning, or access to care with a focus on coordination, support, or skill-building; and

(b) Do not involve diagnosis, treatment, or clinical intervention by a licensed practitioner.

(17) "Peer support services" or "PSS" means non-clinical supports and services that:

(a) Are provided to an individual consumer or group of consumers;

(b) Are delivered by a certified peer support specialist; and

(c) Utilize evidence-based and best-practice interventions.

(18)[~~(6)~~] "Recovery" means a process of change through which a consumer:

(a) Improves[~~improves~~] in health and wellness;[~~,~~]

(b) Lives[~~lives~~] a self-directed life;[~~,~~] and

(c) Strives[~~strives~~] to reach full potential through community engagement and the development of supportive relationships.

[~~(7)~~] [~~"Regional community mental health center" or "CMHC" means the board established by KRS 210.380 and governed by KRS 210.370 to 210.485.~~]

(19) "Substance use disorder" is defined by KRS 222.005(12).

(20)[~~(8)~~] **"Telehealth" means the use of an electronic platform to deliver health care services in accordance with the provisions of 900 KAR 12:005.**

(21) "Training curriculum" or "training curricula" means a comprehensive set[~~total package~~] of learning activities designed to achieve the goals of the training program[~~with:~~]

[~~(a)~~] [~~The objective that trainees will acquire the specific knowledge and skills (competencies) needed to perform the duties of an adult peer support specialist; and~~]

[~~(b)~~] [~~Four (4) primary components, including:~~]

[~~1.~~] [~~Content or information to be transmitted, including:~~]

[~~a.~~] [~~Theoretical framework;~~]

[~~b.~~] [~~Conceptual rationale;~~]

[~~c.~~] [~~Best standards of practice;~~]

[~~d.~~] [~~Application to direct practice; and~~]

[~~e.~~] [~~Congruence between and within sections;~~]

[~~2.~~] [~~Organization of the curriculum, including structure, format, and sequencing, incorporating:~~]

[~~a.~~] [~~Concordance with the natural learning process;~~]

[~~b.~~] [~~Design of each section linked to specific learning objectives, with adequate time provided for each;~~]

[~~c.~~] [~~Linkages between sections;~~]

[~~d.~~] [~~Knowledge and skills that are conceptually related, or that are performed together on the job, are taught together; and~~]

[~~e.~~] [~~Retention and understanding facilitated by principles of sequencing (from simple to complex, from the universal to the exception, and from fundamental to more refined applications) and repetition;~~]

[~~3.~~] [~~Training methods appropriate to adult learners in an applied setting, in each section or topic area, including:~~]

[~~a.~~] [~~Discussion to promote exploration and understanding of the topic;~~]

[~~b.~~] [~~Experiential exercises or simulations; and~~]

[~~c.~~] [~~Presentation of the same concepts using a variety of learning strategies (for example, hearing, seeing, modeling, and then practicing) to ensure that trainees with different learning styles can assimilate the knowledge; and~~]

[~~4.~~] [~~Evaluation methods, including:~~]

[~~a.~~] [~~Trainee knowledge assessment through testing, with achievement of a passing aggregate assessment score of at least seventy (70) percent; and~~]

[~~b.~~] [~~Trainee performance reviews of trainers~~].

(22)[~~(21)~~] "Youth" means an individual who is:

(a) An adolescent under eighteen (18) years old; or

(b) A transition-aged youth between sixteen (16) and twenty-five (25) years old.

Section 2. Applicability.

(1)

(a) Beginning July 1, 2027, an individual seeking to become a certified peer support specialist shall be certified in accordance with this administrative regulation, except if eligible and approved for a modified peer support specialist certification pathway in accordance with Section 13 of this administrative regulation.

(b) Any individual whose certification as a peer support specialist is in process on July 1, 2027, shall not be exempt from the certification process established by this administrative regulation.

(2) Pursuant to KRS 222.233(1), effective January 1, 2027, peer support services at an alcohol and other drug entity, behavioral health service organization, behavioral health multi-specialty groups, and any entity that bills for peer support services shall be provided by a peer support specialist who is credentialed as following:

(a) If providing peer support services as an alcohol and drug peer support specialist, is registered as an alcohol and drug peer support specialist in accordance with KRS 222.233 and KRS 309.0831; or

(b) If providing peer support services as an adult peer support specialist, family peer support specialist, or youth peer support specialist, is certified in accordance with this administrative regulation.

Section 3. Eligibility.

(1)

(a) To apply for certification, an applicant shall submit a completed application in the department-designated data system.

(b) The department shall notify the applicant whether or not he or she is eligible to begin trainings no later than thirty (30) business days after receiving the documentation requirements of this subsection.

(c) If an applicant is denied eligibility, he or she may request an appeal in accordance with Section 12(3) of this administrative regulation.

(2) Employers shall perform criminal record checks through the Administrative Office of the Courts or the Kentucky State Police for all applicants prior to employment, and annually on a random sample of at least twenty-five (25) percent of all certified peer support specialist personnel. Applicants and employees shall not be listed on the central registry established by 922 KAR 1:470, and shall not have a criminal conviction, guilty plea, or Alford plea of:

(a) A sex crime as specified in KRS 17.500(8);

(b) A violent crime a defined by KRS 17.165(3);

(c) A felony offense related to neglect, abuse, sexual conduct or abuse, extortion, or exploitation; or

(d) A criminal offense against a victim who is a minor as established by KRS 17.500(3) if the applicant will provide peer support services involving youth.

(3) Prior to employment, an employer shall ensure that an applicant[~~An adult peer support specialist shall~~]:

(a)[~~(1)~~] Is[~~Be~~] eighteen (18) years of age or older;

(b)[~~(2)~~] Is no older than thirty-five (35) years of age if applying with a certification category as a youth peer support specialist[~~Have a current or past diagnosis of a mental health, substance use, or co-occurring mental health and substance use disorders~~];

[~~(3)~~] [~~Have received or be receiving treatment;~~]

(c) Meets the background check requirements established by subsection (2) of this section;

(d)[~~(4)~~] Has[~~Have~~] a[~~minimum educational requirement of a~~]high school diploma or General Equivalence Diploma (GED) certificate;

(e) Demonstrates lived experience in the certification category for which the applicant is seeking certification;

(f) Attests to a current pattern of recovery for an adult PSS or youth PSS

[~~(5)~~] [~~Demonstrate a pattern of recovery from a mental health, substance use, or co-occurring mental health and substance use disorders~~];

(g)[~~(6)~~] Successfully completes the required certified peer support specialist training[~~complete adult peer support specialist training approved by the department or receive a training waiver for this requirement~~] in accordance with Section 4[~~5~~] of this administrative regulation; and

(h) Complies with the testing and certification requirements in accordance with Section 7 of this administrative regulation.

Section 4. Initial Certification Training Requirements.

(1) All trainings shall be face-to-face.

(2) Initial certification training curricula shall include at least sixty (60) hours of certified peer support specialist training that incorporates:

(a) Fifty (50) hours in the domains of:

1. Recovery and wellness;

2. Advocacy;

3. Mentoring and education; and

4. Ethical responsibilities; and

(b) Ten (10) hours on the topics of effectively working with the population of the applicant's certification category.

(3) Training shall be completed through a department-approved training provider.

(4) Upon completion of the training requirements of this section, the applicant shall complete and submit a performance evaluation of the training in the department-designated data system.

Section 5. Certification Renewal.

(1) A certified peer support specialist shall:

(a) Renew his or her certification annually no later than the certified peer support specialist's annual renewal date; and

(b) Maintain a record of all completed continuing education trainings.

(2)[(~~7~~)] **No later than 11:59 p.m. Eastern Time or 10:59 p.m. Central Time the day prior to[~~On or before~~]** certified peer support specialist's first annual renewal date, he or she shall successfully[~~Successfully~~] complete[~~, maintain,~~] and submit in[~~to~~] the department-designated data system:[~~department~~]

(a) An application;

(b) A newly signed Certified Peer Support Specialist Code of Ethics; and

(c) Documented proof of completing continuing education requirements, including:

1. A minimum of ten (10) hours of annual behavioral health related training that shall include:

a. Domestic violence training of at least three (3) hours;

b. Suicide prevention training of at least three (3) hours;

c. At least two (2) hours of human immunodeficiency virus training that covers transmission, control, treatment, and prevention; and

d. Up to two (2) hours in any behavioral health related training; and

2. Training certificates for completion of the trainings indicated in this paragraph that shall include:

a. The name of the trainee;

b. The name and date of the training;

c. The names of the sponsor and presenter of the training; and

d. The number of hours completed[~~documentation of a minimum of six (6) hours of related training or education~~].

(3) In[~~in~~] each subsequent year following the first annual renewal date, the certified peer support specialist shall successfully complete and submit in the department-designated data system **no later than 11:59 p.m. Eastern Time or 10:59 p.m. Central Time the day prior to[~~on or before~~]** his or her annual renewal date:

(a) An application;

(b) A signed Certified Peer Support Specialist Code of Ethics; and

(c) Documented proof of completing ten (10) hours of continuing education in behavioral health related training and the training certificates for completion of the trainings that shall include:

1. The name of the trainee;

2. The name and date of the training;

3. The names of the sponsor and presenter of the training; and

4. The number of hours completed.

(4) Failure to renew the peer support certification prior to the annual renewal date shall result in a lapse of certification. The individual shall not provide peer support services until the certification has been renewed.

(5) It is the responsibility of the certified peer support specialist and the employer to ensure all requirements of this subsection are met. It is the responsibility of the certified peer support specialist to timely and accurately submit the supporting documentation in the department-designated data system.

Section 6.[~~Section 3.~~] Training Provider[~~Department Responsibilities~~].

(1) A qualified trainer is an individual who shall:

(a) Be authorized by the department to present the training curricula;

(b) Have at least two (2) years' work experience in a behavioral health or human services setting;

(c) Have at least two (2) years' experience facilitating trainings and assessing participant learning; and

(d) Meet one of the following criteria:

1. Be a certified peer support specialist with an additional one (1) year of work experience in a behavioral health or human services setting; or

2. Have a bachelor's degree in a behavioral science.

(2) An entity shall apply to provide[~~The department shall, within twenty (20) business days, approve or deny at least a thirty (30) hour adult peer support specialist~~] training curricula[~~curriculum based ona nationally recognized model, which shall include modules on the following~~]by submitting a Curriculum and Qualified Trainer Submission Summary to the department that includes all individuals who shall be the qualified trainers for the curriculum. Training shall not be provided without the department's approval of the training curricula and the qualified trainers.

(3) Upon approval to provide a training curricula, the entity shall ensure for each training event that there is:

(a) A qualified trainer to oversee the training event[~~Problem solving~~]; and

(b) At least one (1) individual who is a certified peer support specialist with a current certification in good standing to assist with the training.[~~Wellness recovery action plan;~~]

[(~~c~~)] [~~Stages in the recovery process;~~]

[(~~d~~)] [~~Effective listening skills;~~]

[(~~e~~)] [~~Establishing recovery goals; and~~]

[(~~f~~)] [~~Using support groups to promote and sustain recovery.~~]

(4) The training entity or qualified trainer shall manage the following tasks for each training event to facilitate individuals' participation in the certified peer support specialist trainings:

(a) Organize and promote the training event;

(b) Establish an accessible registration process;

(c) Secure an adequate training venue;

(d) Provide necessary training materials for participants;

(e) Deliver the approved training curricula;

(f) Provide the department with a list of participants who successfully completed the training within ten (10) business days of the training event;

(g) Be present, act as a proctor, and provide the necessary technology for an individual who has successfully completed the training to complete the required certified peer support specialist training test in accordance with Section 7 of this administrative regulation;

(h) Facilitate the completion of a department-approved training evaluation; and

(i) Maintain records of the training and participants for five (5) years.

(5)[(~~2~~)] If the training entity or qualified trainer fails to complete the requirements of subsection (4) of this section, the department may revoke their approval as a qualified trainer, to provide the training curricula, or both, as applicable.

(6) The department shall maintain a record of all approved[~~adult~~] peer support training entities and qualified trainers[~~providers~~]. The department shall publish the list of approved training entities on the department's Web site.

(7) Department approved training curriculum is valid for three (3) years. Prior to the expiration of that time, an entity previously approved to provide training shall submit a Curriculum and Qualified Trainer Submission Summary to the department that includes all individuals who shall be the qualified trainers for the curriculum. Training shall not be provided after the expiration of the prior approval without the department's approval of the training curricula and the qualified trainers.

Section 7. Testing and Certification.

(1)

(a) Each applicant shall complete a test that measures the applicant's comprehension and understanding of the certified peer support specialist training. In order to pass the test, the applicant shall attain a minimum score of eighty (80) percent.

(b) If the applicant has not successfully passed the test after a maximum of three (3) attempts, the applicant shall retake the entire certified peer support specialist training, except as prescribed in paragraph (c) of this subsection.

(c) Applicants who do not successfully pass the test after a maximum of three (3) attempts, who are testing due to a modified certification pathway requirement in accordance with Section 13 of this administrative regulation, shall retake the trainings and test required by his or her modified certification pathway.

(2)

(a) Upon passing the test, the applicant shall finalize the application process by submitting the signed Certified Peer Support Specialist Code of Ethics in the department-designated data system to request certification.

(b) The department shall provide the applicant with a peer support specialist certificate that specifies the applicant's selected certification category upon verification that all requirements established in this administrative regulation are complete.

(c) The date of certification shall be included on the certificate and shall be the peer support specialist's annual renewal date.

Section 8. Department records.[~~(3) Providers of approved curricula shall notify the department within twenty (20) business days of a trainee's successful completion of an adult peer support training.~~]

[~~(4)~~] The department shall maintain a record of all:

(1) Individuals[~~individuals~~] who have[~~successfully~~] completed the certified peer support specialist[~~adult peer support specialist~~] training and test;[~~or~~]

(2) Individuals approved for[~~who have received~~] a[~~training waiver~~]modified peer support specialist certification pathway in accordance with[~~subsection (5) of this section and~~] Section 13[~~5~~] of this administrative regulation;[~~.~~]

(3) Individuals granted certification as a peer support specialist; and

(4) Documentation submitted in the department-designated data system for annual certified peer support specialist continuing education requirements.

[~~(5)~~] [~~The department shall review all requests to waive the training requirement and shall, within twenty (20) business days:~~]

[~~(a)~~] [~~Approve, in writing, the request based on the documentation provided by the individual; or~~]

[~~(b)~~] [~~Deny, in writing, the request if the individual fails to demonstrate compliance with any portion of this administrative regulation.~~]

Section 9.[~~Section 4.~~] Certified[~~Adult~~] Peer Support Specialist Responsibilities.

(1) In providing peer support services, a certified peer support specialist[~~An adult peer support specialist~~] shall:

(a)[~~(1)~~] Use relevant personal stories to assist[~~other~~] consumers through experience;

(b)[~~(2)~~] Serve as a role model to consumers and inspire hope that recovery is possible[~~a consumer~~];

(c)[~~(3)~~] Encourage consumer voice and choice during development and implementation of treatment plans;

(d)[~~(4)~~] Provide support[~~Support a consumer~~] by[~~:~~]accompanying consumers to related activities,

[~~(a)~~] [~~Attending team~~] meetings, and other events upon the consumer's[~~on behalf of the consumer at the~~] request[~~of the consumer~~];[~~or~~]

(e) Encourage consumer empowerment to build confidence and self-advocacy skills;

[~~(b)~~] [~~Accompanying the consumer to meetings upon the consumer's request;~~]

[~~(5)~~] [~~Empower a consumer to have the confidence to be a self-advocate~~];

(f)[~~(6)~~] Help providers or other individuals understand the importance of integrating consumer voice and choice in services and support within a system of care; and

(g)[~~(7)~~] Promote socialization, recovery, resiliency, self-advocacy[~~preservation~~], and enhancement of community living skills for consumers.[~~; and~~]

(2) A certified peer support specialist shall only provide peer support services:

(a) That are in person **or via telehealth**, structured, and scheduled;

(b) To the specific consumer for which the certified peer support specialist has the training, lived experience, and all other requirements established by this administrative regulation;

(c) That are coordinated with and directly contribute to the consumer's identified goals as specified in an individualized plan of care developed through a person-centered process; and

(d) That are non-clinical services within the peer support specialist's area of competence and scope of practice.

(3) **[~~Peer support services shall be provided for no more than a total of thirty (30) hours per week of direct consumer contact.~~]**If peer support services are provided in a group setting, the group shall be no more than eight (8) consumers.

[~~(8)~~] [~~Complete and maintain documentation of a minimum of six (6) hours of related training or education in each subsequent year after successful completion of the adult peer support specialist training or receipt of waiver, and shall submit a list of all trainings in which the adult peer support specialist participated, the provider or presenter of the training, and the number of hours of each training to the department every three (3) years. The submission due date shall be the last day of the month of which the adult peer support specialist's initial training was completed.~~]

[~~Section 5.~~] [~~Request to Waive the Adult Peer Support Specialist Training.~~]

[~~(1)~~] [~~An individual requesting to waive the adult peer support specialist training shall:~~]

[~~(a)~~] [~~Provide documentation to the department, on the department's Web site, of successful completion of an adult peer support specialist training sponsored by a federal entity or by another state that is comparable to the adult peer support specialist training in this administrative regulation; and~~]

[~~(b)~~] [~~Provide documentation to show that the training has occurred within five (5) years of the waiver request.~~]

[~~(2)~~] [~~The department shall review all requests to waive the training requirement and shall, within twenty (20) business days:~~]

[~~(a)~~] [~~Approve, in writing, the request based on the documentation provided by the individual; or~~]

[~~(b)~~] [~~Deny, in writing, the request if the individual fails to demonstrate compliance with any portion of this administrative regulation.~~]

[~~(3)~~] [~~If an individual is denied a training waiver, the individual may complete the adult peer support specialist training in accordance with the requirements in Section 2 of this administrative regulation.~~]

Section 10.[~~Section 6.~~] Supervision of a Certified[~~an Adult~~] Peer Support Specialist.

(1) Certified peer support specialist[~~Adult peer support specialist~~] services shall be provided under the supervision of an approved behavioral health practitioner[~~one (1) of the following professionals:~~]

[~~(a)~~] [~~Physician;~~]

[~~(b)~~] [~~Psychiatrist;~~]

[~~(c)~~] [~~Advanced practice registered nurse;~~]

[~~(d)~~] [~~Physician assistant;~~]

[~~(e)~~] [~~Licensed psychologist;~~]

[~~(f)~~] [~~Licensed psychological practitioner including a certified psychologist or a certified psychologist with autonomous functioning;~~]

[~~(g)~~] [~~Licensed clinical social worker;~~]

[~~(h)~~] [~~Licensed professional clinical counselor;~~]

[~~(i)~~] [~~Licensed marriage and family therapist;~~]

[~~(j)~~] [~~Licensed psychological associate;~~]

[~~(k)~~] [~~Marriage and family therapy associate;~~]

[(l)] [~~Certified social worker;~~]
[(m)] [~~Licensed professional counselor associate;~~]
[(n)] [~~Licensed professional art therapist;~~]
[(o)] [~~Licensed professional art therapist associate;~~]
[(p)] [~~Professional equivalent working within a CMHC;~~]
[(q)] [~~Licensed clinical alcohol and drug counselor;~~]
[(r)] [~~Licensed clinical alcohol and drug counselor associate;~~]
[(s)] [~~Certified alcohol and drug counselor; or~~]
[(t)] [~~Psychiatric nurse working in a CMHC~~].

(2) Supervision meetings between the supervising professional and a certified peer support specialist[~~adult peer support specialist~~] shall:

(a) Be conducted face-to-face;

(b) Occur no less than twice per month, at least one (1) of which shall be in one-on-one with the supervisor and the certified peer support specialist[~~individual~~]; and

(c) Be at least thirty (30) minutes in length.

(3) The supervising professional shall document and maintain a written record of supervision that:

(a) Is dated and signed by the certified peer support specialist[~~adult peer support specialist~~] and the supervisor for each meeting; and

(b) Includes a description of each supervision meeting that specifies:

1. The topic discussed;
2. Specific action to be taken;
3. An update for any issue previously discussed that required follow-up; and
4. A plan for additional training needs if any were identified.

(4)

(a) Within six (6) months of assuming supervisory duties, and annually thereafter, a supervisor shall complete six (6) hours of department-approved certified peer support supervisor training that shall include instruction in:

1. Ethics;
2. Documentation;
3. Wellness and recovery management; and
4. Purpose and role of a certified peer support specialist.

(b) Documentation of completion of the trainings required by this subsection shall be maintained in the supervisor's personnel record.

Section 11. Investigation Process.

(1) Anyone may file a written complaint concerning a certified peer support specialist who is certified under this administrative regulation if the alleged behavior occurred not more than one (1) year prior to the date the complaint is filed.

(2) Complaints shall be submitted to the department via email to DBHDIDCPSSIssues@ky.gov.

(3)

(a) A complaint shall include as much detail as available related to:

1. A description of the actions or behaviors alleged to be in violation of this administrative regulation or the Certified Peer Support Specialist Code of Ethics;
2. The facts or circumstances upon which the complaint is based;
3. The name and contact number of the complainant, unless the complaint is submitted anonymously; and
4. Any available supporting documentation or evidence.

(b) If a complaint is submitted without sufficient detail to allow for a meaningful review and there is no contact information for the complainant, the complaint shall not be reviewed.

(4) Upon receipt of a complaint, the department shall:

(a) Provide notice to the certified peer support specialist named in the complaint and allow him or her an opportunity to respond, including proposing a resolution if appropriate; and

(b) Initiate a review of the complaint to determine whether the facts substantiate a potential violation of this administrative regulation or the Certified Peer Support Code of Ethics.

(5) Within sixty (60) calendar days of receiving a complaint, the department shall:

(a) Conduct a desk review of the allegations, which may include requesting additional documentation, phone interviews, or clarification from either party;

(b) Determine whether a violation of this administrative regulation or the Certified Peer Support Code of Ethics has occurred; and

(c) Notify**:**

1. The current employer; and

2. Any[any] relevant licensure or certification agency, if the nature of the complaint or findings warrants the notification.

(6) The department may conduct an audit or compliance review of a certified peer support specialist at any time. If during an audit or compliance review the department determines that a violation of this administrative regulation or the Certified Peer Support Code of Ethics has occurred, it shall notify any relevant licensure or certifying agency, if warranted.

(7) If an investigation, audit, compliance or any other review results in a determination that a certified peer support specialist's conduct was in violation of this administrative regulation or the Certified Peer Support Code of Ethics, the department may:

(a) Require the certified peer support specialist to complete additional trainings; or

(b) Revoke the peer support specialist's certification in accordance with Section 12 of this administrative regulation.

Section 12. Denial or Revocation of Certification.

(1) The department may deny an application for certification or recertification, or revoke a certification if:

(a) An individual fails to comply with ongoing certification requirements;

(b) An individual fails to timely complete trainings the department required in accordance with Section 11(7)(a) of this administrative regulation; or

(c) A review conducted pursuant to Section 11(5) or (6) of this administrative regulation substantiates a violation of this administrative regulation.

(2) Written notice of the department's decision to deny or revoke certification shall be provided to:

(a) The certifying or licensing agency; and

(b) The individual **and current employer**, which shall include:

1. The basis for the action taken;
2. The right to appeal the decision; and
3. If applicable, the opportunity to reapply.

(3) A request to appeal the denial or revocation shall be submitted in writing to the department within ten (10) business days of the date of the written notice. The request shall include a short and plain statement of the basis for the request. Upon receipt of a timely appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. A final determination shall be sent to the appellant in accordance with KRS Chapter 13B.

(4) Unless otherwise specified by the department in its written notice:

(a) If the individual does not appeal a denial or revocation, he or she may reapply for certification after a period of one (1) year following the notice of denial or revocation; or

(b) If the individual requests an appeal of a denial or revocation and the appeal does not overturn the department's denial or revocation, the individual shall not be eligible to reapply for certification for a period of one (1) year following the final determination.

Section 13. Modified Peer Support Specialist Certification Pathway.

(1) An applicant may request a modified peer support specialist certification pathway if he or she meets the criteria of this section and has lived experience in the certification category for which he or she is seeking certification. Modification pathways include:

(a) An exemption if the applicant has a current, active Kentucky peer support specialist certification that was issued prior to July 1, 2027, and the applicant is not currently under investigation in accordance with Section 11 of this administrative regulation;

(b) Reciprocity if the applicant is a current registered alcohol and drug peer support specialist in accordance with KRS 309.0831; or

(c) A waiver if the applicant has current, active certification as a peer support specialist through a national certifying body or another state's training program with comparable training topics that was obtained within the last three (3) years.

(2) To request a modified certification pathway, the applicant shall submit to the department-designated data system:

(a) A completed application indicating the type of modification pathway requested;

(b) A signed Certified Peer Support Specialist Code of Ethics; and

(c) Modified pathway-specific documentation:

1. If an applicant is requesting an exemption, ensure all continuing education requirements are submitted to the department-designated data system;

2. If an applicant is requesting reciprocity, proof of current, active registration as an alcohol and drug peer support specialist; or

3. If an applicant is requesting a waiver, proof of:

a. Peer support certification through a national certifying body or from another state issued within the last three (3) years; and

b. Completed training topics, dates, and hours for each topic area that meet the standards reflected by this administrative regulation.

(3) The department shall review all requests for a modified certification pathway and make a determination of eligibility based on the documentation provided by the individual.

(a) If the department determines the applicant is exempt, the department shall provide the applicant with a peer support specialist certificate that specifies the applicant's selected certification category and certification date.

(b) If the department determines the applicant is eligible for reciprocity, the department shall provide the applicant with a peer support specialist certificate that specifies the applicant's selected certification category and certification date once the applicant:

1. Completes and submits to the department-designated data system twenty (20) hours of department-approved trainings, that shall include:

a. Ten (10) hours on the topic of mental health; and

b. Ten (10) hours on the topic of effectively working with the population of the applicant's certification category; and

2. Once the requirements of subparagraph 1. of this subsection are complete, the applicant shall complete the testing requirements as established in Section 7 of this administrative regulation.

(c) If the department determines the applicant is eligible for a waiver:

1. If the applicant's prior certification and training are determined to be substantially equivalent to the certification requirements of this administrative regulation, the department shall provide the applicant with a peer support specialist certificate that specifies the applicant's selected certification category and certification date; or

2. If the applicant's prior certification and training partially meet the certification requirements for this administrative regulation, applicants may be required to complete additional training hours to address any Kentucky-specific topics or content areas not included in the applicant's prior training.

(d) If the department determines the applicant is not eligible for a modified certification pathway because the individual fails to demonstrate conformance with any portion of this administrative regulation, the request for the modified certification pathway shall be denied.

(4)

(a) If an applicant is denied a modified certification pathway, the applicant may request an appeal in accordance with Section 12(3) of this administrative regulation.

(b) The applicant shall be required to meet the eligibility, training, and testing requirements to qualify as a certified peer support specialist as established by this administrative regulation if he or she:

1. Is denied the modified certification pathway, and either does not appeal or the appeal is denied; or

2. Does not provide all documentation required by subsection (2) of this section.

(c) Current certified peer support specialists who are not approved for **an exemption[~~a waiver~~]** shall complete the entire certification process no later than January 1, 2028.

(5)

(a) Peer support specialists who become certified through the modified certification pathway are required to comply with all other peer support specialist requirements in accordance with this administrative regulation, except as provided in paragraph (b) of this subsection.

(b) If the applicant uploads into the department-designated data system verification of completion of the first annual training requirements established in Section 5(2)(c) of this administrative regulation, the applicant shall not be required to re-take those trainings.

Section 14. Incorporation by reference.

(1) The following material is incorporated by reference:

(a) "Application for Peer Support Certification", May 2026;

(b) "Curriculum and Qualified Trainer Submission Summary", May 2026; and

(c) "Certified Peer Support Specialist Code of Ethics", May 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Behavioral Health, Developmental and Intellectual Disabilities, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8:00 a.m. through 4:30 p.m. Eastern Time / 7:00 a.m. through 3:30 p.m. Central Time. This material may also be viewed on the department's Web site at: https://dbhdid.ky.gov/dpi.

908 KAR 2:220
KATHERINE R. MARKS, Ph. D., Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: October 13, 2026
FILED WITH LRC: October 14, 2026 at 2:00 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jessica Beaubien, Krista Quarles, Phone Number: (502) 564-4527, (502) 564-7476, Email: jessical.beaubien@ky.gov, CHFSregs@ky.gov

Subject Headings: Behavioral Health, Mental Health, Occupations and Professions, Substance Use

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the minimum eligibility, training, and supervision requirements for certified peer support specialists serving adults, youths, and families.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide guidelines that ensure the eligibility, training, and supervision requirements for certified peer support specialists serving adults, youths, and families are in place and followed.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the authorizing statutes through fulfilling the requirements in KRS 194A.050, 210.010, 222.211, and 222.233.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists the effective administration of the statutes by establishing the minimum eligibility, training, and supervision requirements for certified peer support specialists serving adults, youths, and families. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(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 consolidates three peer support services administrative regulations (908 KAR 2:220 Kentucky adult peer support specialist, 908 KAR 2:230 Kentucky family peer support specialist, and 908 KAR 2:240 Kentucky youth peer support specialist) into one administrative regulation. This will ease the regulatory burden on providers, employers, and the Department for Behavioral Health, Developmental and Intellectual Disabilities, and make credentials, skills, training, and supervision requirements more accessible. This amendment also adds provisions about eligibility, training, and certification.

(b) The necessity of the amendment to this administrative regulation: The amendment consolidates three peer support services (908 KAR 2:220 Kentucky adult peer support specialist, 908

KAR 2:230 Kentucky family peer support specialist, and 908 KAR 2:240 Kentucky youth peer support specialist) into one administrative regulation. This amendment is necessary to ensure eligibility, training, and certification requirements for certified peer support specialists are consistent and meet quality standards. HB 505 (RS 2024) and HB 470 (RS 2026) enacted changes related to peer support services that are also addressed in the amendment.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the authorizing statutes through detailing the requirements of a peer support specialist qualifications, training, and certification. This fulfills the requirements in KRS 210.010, 222.211, and 222.233.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of statutes by establishing the minimum eligibility, training, and supervision requirements for certified peer support specialists serving adults, youths, and families.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this amendment addresses HB 505 (2024 RS) and HB 470 (RS 2026), which created and amended KRS 222.233.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 14 community mental health centers (CMHCs), 152 behavioral health services organizations (BHSOs), 694 alcohol and other drug entities (AODEs), and various behavioral health private practitioners. Approximately 14,385 individuals are currently certified as peer support specialists.

(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: Entities providing peer support specialist training will be required to ensure their training curricula is updated and approved by the department. Peer support specialists will need to ensure they maintain their certification by complying with annual renewal processes. There is no change required for consumers. In the future, individuals seeking to become certified peer support specialists will experience a streamlined process that combines the current three separate processes. These changes will ensure certified peer support specialists receive quality training that align with current national standards and provide services to the consumers.

(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 minimal to no additional costs to the identified entities. Costs include training, and lost time and billable hours while training. These are costs that already exist for the agencies/centers with the existing certification process. No other costs have been identified.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This amendment makes the peer support specialist certification process streamlined by combining the current three separate processes and adding details about the necessary requirements.

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

(a) Initially: The Department for Behavioral Health, Developmental, and Intellectual Disabilities estimates minimal costs to implement the proposed amendment.

(b) On a continuing basis: The Department for Behavioral Health, Developmental, and Intellectual Disabilities estimates it will have minimal 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: This administrative regulation and this amendment will be funded through a combination of state general funds and federal grant funds (when available).

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding as a result of the proposed amendment because there will be minimal to no additional costs to the identified entities. Current funding already covers the costs for the agencies/centers with the existing certification process and no additional costs have been identified.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no new or increased fees as a result of the proposed amendment.

(10) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation will be applied in a like manner statewide.

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.050, 210.010, 222.211, and 222.233.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Cabinet for Health and Family Services, Department for Behavioral Health, Developmental and Intellectual Disabilities.

(a) Estimate the following for the first year:

Expenditures: Minimal. Existing staff time for implementation is the only expenditure.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ for subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are 14 community mental health centers (CMHCs), 152 behavioral health services organizations (BHSOs), 694 alcohol and other drug entities (AODEs), and various behavioral health private practitioners that may be affected if they choose to train or employee certified peer support specialists.

(a) Estimate the following for the first year:

Expenditures: Minimal to no additional expenditures. Costs include training costs and lost time and billable hours while training. These are costs that already exist for the agencies/centers with the existing certification process.

Revenues: None.

Cost Savings: None. (b) How will expenditures, revenues, or cost savings differ for subsequent years: They will not differ for subsequent years.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ for subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): None.

(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?

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The overall fiscal impact of this administrative regulation is minimal.

(b) Methodology and resources used to determine the fiscal impact: The department reviewed existing training and administrative staff and compared that to the training staff it will take to implement this administrative regulation.

(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 an overall negative or adverse major economic impact to the identified entities.

(b) The methodology and resources used to reach this conclusion: The department reviewed existing training and administrative staff and compared that to the training staff it will take to implement this administrative regulation.

PROPOSED AMENDMENTS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

OFFICE OF THE GOVERNOR
Department of Veterans Affairs
Office of Veterans Services
(Amendment)

17 KAR 1:040. Application requirements for tuition waiver programs related to veterans.

RELATES TO: KRS 164.505, 164.507, 164.512, 164.515
STATUTORY AUTHORITY: KRS 164.479(2)
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 164.479(2) requires the Kentucky Department of Veterans Affairs pursuant to KRS Chapter 13A to promulgate administrative regulations concerning[~~regarding~~] the eligibility of applicants to participate in tuition waiver programs established in KRS 164.480 to 164.515. This administrative regulation establishes the eligibility requirements and application process to allow participation in this program[~~requirements for these programs~~].

Section 1. Definition. "Honorable discharge" means a discharge from service in the Kentucky National Guard or a branch of the U.S. Armed Forces that is:
(1) Classified as:
(a) Honorable; or
(b) General under honorable conditions; and
(2) Not classified as:
(a) Other than honorable;
(b) Bad conduct;
(c) Dishonorable; or
(d) Dismissed by court-martial.

Section 2. Application.
(1) An applicant for tuition waiver pursuant to KRS 164.505, 164.507, 164.512, or 164.515 shall submit the "Kentucky Department of Veterans Affairs Tuition Waiver Application" to KDVA.TuitionWaiver@ky.gov[~~the department~~].
(2) In addition to the requirements in subsection (1) of this section, an applicant for tuition waiver pursuant to KRS 164.505, 164.507, 164.512, or 164.515, who is the stepchild of a veteran, shall submit to the department the sworn "Affidavit of Membership in the Veteran's Household" to document that the stepchild is a current member of the living veteran's household or was a member of the veteran's household at the time of the veteran's death.

Section 3. Residency Requirement. As used in KRS 164.480 to 165.515, unless the context requires otherwise, "resident" means a legal resident as determined by the generally established principles of law, as may be defined, and subject to proof, according to such administrative regulations as the Kentucky Department of Veterans' Affairs may promulgate.

[~~Section 3.~~] [~~Certification.~~]
[~~(1)~~)] [~~An applicant for tuition waiver shall be issued a "Certificate of Entitlement to Waiver of Tuition" from the department if the department determines that the applicant qualifies for the tuition waiver.~~]
[~~(2)~~)] [~~If the applicant does not qualify for the tuition waiver, the department shall notify the applicant in writing of the reasons for the denial.~~]

Section 4. Definition of Residency.
(1) For purposes of this regulation residency centers on the concept of domicile which is defined as a legal residence where a person has a fixed, physical dwelling with an intention of making it his/her permanent home and requires a claimant to sever ties with their previous state of residence.

[~~Section 4.~~] [~~Extension Request.~~]
[~~(1)~~)] [~~An applicant for extension of tuition waiver benefits who is under the age of twenty-six (26) and whose tuition waiver certificate expired at age twenty-three (23) shall submit to the department the "Application for Extension of Tuition Waiver Benefit".~~]
(2) Kentucky residency may be established by completion of all of the following:
(a) Obtaining a Kentucky Driver's license.
(b) Obtaining a Kentucky vehicle registration.
(c) Registering to vote.
[~~(2)~~)] [~~An applicant for extension of tuition waiver benefits whose tuition waiver certificate expired after thirty-six (36) months of benefits shall submit to the department the "Application for Extension of Tuition Waiver Benefit".~~]

Section 5. Proof of Residency. The veteran upon whose service is based must be or have been a legal resident of Kentucky for 183 days and their residency may be confirmed by submission of the following documents. KDVA retains the right to request the submission of any of the following documents, as needed, to establish residency.
(1) Applicant birth certificate showing veteran as parent.
(2) Marriage certificate for spouse, widow, or widower.
(3) Stepchild affidavit completed and signed by veteran.
(4) Copy of veteran's DD-214 stating an Honorable discharge as defined in Section 1 of this regulation.
(5) Copy of veteran's Kentucky driver's license.
(6) Copy of veteran's Kentucky vehicle registration.
(7) Copy of veteran's Kentucky voter registration.
(8) Utility or tax bills in veteran's name showing a Kentucky address.
(9) Bank statements containing a veteran's Kentucky address or mail received from a Federal, State or Local Governmental Entity listing a Kentucky Veteran's address.
(10) VA disability award letter issued within the last thirty (30) days showing 100% permanent and total disability or VA pension award letter issued within the last thirty (30) days.
(11) If veteran is deceased, attach a copy of the VA Dependency and Indemnity Compensation (DIC) award letter.

[~~Section 5.~~] [~~Incorporation by Reference.~~]
[~~(1)~~)] [~~The following material is incorporated by reference:~~]
[~~(a)~~)] [~~"Kentucky Department of Veterans Affairs Tuition Waiver Application", KDVA Form TW 1, April 2020;~~]
[~~(b)~~)] [~~"Affidavit of Membership in the Veteran's Household", KDVA Form TW 3, September 2011;~~]
[~~(c)~~)] [~~"Certificate of Entitlement to Waiver of Tuition", KDVA Form TW 2, May 2007.~~]
[~~(2)~~)] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Veterans Affairs, Attention: Tuition Waiver Coordinator, 1111B Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

Section 6. Certification.
(1) An applicant for tuition waiver shall be issued a "Certificate of Entitlement to Waiver of Tuition" from the department if the department determines that the applicant qualifies for the tuition waiver.
(2) If the applicant does not qualify for the tuition waiver, the department shall notify the applicant in writing of the reasons for the denial.

Section 7. Extension Request.

(1) An applicant for extension of tuition waiver benefits is under the age of twenty-six (26) and whose tuition waiver certificate expired at age twenty-three (23) shall submit to the department the "Application for Extension of Tuition Waiver Benefit".

(2) An applicant for extension of tuition waiver benefits whose tuition waiver certificate expired after forty-five (45) months of benefits shall submit to the department the "Application for Extension of Tuition Waiver Benefit".

Section 8. Active-Duty Extension.

(1) If a student is called to active duty in the U.S. Armed Forces, the waiver expiration date (applicant's twenty-sixth (26th) birthdate) is extended by the total number of years served, rounded up, in order to recoup time lost while serving.

(2) General Limits. Pursuant to KRS 164.505, 164.507, 164.512, or 164.515, The waiver covers forty-five (45) months of classes or until the applicant's twenty-sixth (26th) birthdate), whichever comes first.

(3) Application process. All extension requests must be submitted through the Kentucky Department of Veterans Affairs via email at KDVA.TuitionWaiver@ky.gov.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Kentucky Department of Revenue residency requirements as described in 103 KAR 17:010.

(b) Kentucky post-secondary residency requirements as described in 13 KAR 2:045.

(c) "Kentucky Department of Veterans Affairs Tuition Waiver Application", KDAVA Form TW 1, 2022;

(d) "Affidavit of Membership in the Veteran's Household", KDVA Form TW 3, September 2011;

(e) "Certificate of Entitlement to Waiver of Tuition". KDVA Form TW 2, May 2007.

(f) "Notice Letter of Eligibility", KDVA letter sent to successful Tuition Waiver applicants.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Veterans Affairs, Attention: Tuition Waiver Coordinator, 1111 Louisville Road, Suite B, Frankfort, Kentucky 40604, Monday through Friday, 8 a.m. to 4:30 p.m.

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).
SILAS SESSION, Executive Director
WHITNEY ALLEN, Commissioner
WILLIAM BONILLA, Attorney

APPROVED BY AGENCY: October 7, 2026

FILED WITH LRC: October 8, 2026 at 9:35 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026 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 December 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Juan Renaud, Deputy Commissioner, Office of the Commissioner, or Silas Sessions, Executive Director OKVS, PHONE: (502) 564-9203, EMAIL: juan.renaud@ky.gov or silas.ssessions@ky.gov

Subject Headings: Veteran's Affairs, Education, Scholarships and Financial Aid

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation clarifies who is eligible to participate in the Kentucky Veterans Tuition Waiver Program.

(b) The necessity of this administrative regulation: The administrative regulation ensures that potential applicants understand eligibility requirements when they apply for a tuition waiver to a public college or university in the Commonwealth of Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by acknowledging KDVA's responsibility to establish eligibility requirements and an application process to allow participation in the tuition waiver program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by clarifying the eligibility requirements for participation in KDVA's tuition waiver program.

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

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

(b) The necessity of the amendment to this administrative regulation: NA

(c) How the amendment conforms to the content of the authorizing statutes: NA

(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? No

(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: (1) Most recent estimations suggest that there are approximately 281,000 students enrolled in Kentucky colleges; those who eligible to receive a tuition waiver to a Kentucky public college or university will be positively 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: KDVA does not foresee a change in the administration of the tuition waiver program.

(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 Commonwealth's college age students will have clearly defined eligibility and participation requirements for the Kentucky Veteran's Tuition Waiver program. There are no additional costs.

(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: The affected state units, parts, or divisions include the Kentucky Department of Veteran's Affairs as the promulgating agency.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: N/A

(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): NA

(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): There are no fiscal impacts.

(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: N/A

(b) Methodology and resources used to reach this conclusion: N/A as there are no major economic impacts incurred 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): There are no additional costs.

(b) The methodology and resources used to reach this conclusion: This is based upon internal costs analysis to implement the regulation.

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(Amendment)

40 KAR 11:001. Definitions for 040 KAR Chapter 11.

RELATES TO: KRS 15.802(2)[~~194A.050~~], 15.800-15.876[~~205.710-205.800~~], 403.210-403.240, 405.440, 405.520, 407.5101-407.5903, 45 C.F.R. 302.31, 302.33-302.38, 302.50-302.54, 302.56, 302.60, 302.80, 303.2-303.4, 303.6, 303.8, 303.15, 303.30-303.31, 303.70, 303.100-303.102, 42 U.S.C. 651 et seq.

STATUTORY AUTHORITY: KRS 15.802(2)[~~194A.050~~], 15.800-15.876[~~205.710-205.800~~], 405.440, 405.520, 42 U.S.C. 651 et seq.

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 15.802(2)[~~194B.050~~] requires the Office of the Attorney General (OAG), Department of Child Support Services (DCSS) within the Department of Law[~~Cabinet for Health and Family Services~~] to promulgate administrative regulations to administer the Child Support Enforcement (CSE) program [~~(CSEP)~~]. This administrative regulation establishes definitions of terms used by DCSS [~~the cabinet~~] in administrative regulations pertaining to the CSE[~~Child Support Enforcement~~] program.

Section 1. Definitions of terms utilized in administrative regulations relating to the CSE[~~Child Support Enforcement~~] program are as follows:

(1) "Administrative hearing" means the process whereby a parent's objections to administrative determinations of DCSS[~~the cabinet~~] are heard by an impartial hearing officer upon a timely request.

(2) "Arrearage" means the amount of past due child[~~total unpaid~~] support [~~obligation~~]owed by a noncustodial parent or obligor.

(3) "Assigned support obligation" means any child support, spousal support, or medical support obligation assigned to the state.

(4) "Assignment of rights" means the written transfer of rights to any child support, medical support, or spousal support obligation to the state in exchange for public assistance or IV-D services.

(5) "CSE" means Child Support Enforcement - a federal-state program that provides the following seven (7) major services on behalf of children:[~~"CSEP" means the Child Support Enforcement Program.~~]

(a) Parent location;
(b) Paternity establishment;
(c) Establishment of child support orders;
(d) Review and modification of support orders;
(e) Collection of support payments;
(f) Distribution of support payments; and
(g) Establishment and enforcement of medical support.

(6) "Custodial parent" or "custodian" means the parent or other person who is the physical custodian of the child or is the recipient of child support.[~~either a mother, father, or any other person or entity that may have standing to request services on behalf of a dependent child who is living in the home with the child.~~]

(7) "DCSS" means the Department of Child Support Services, the state agency in charge of administering the CSE program.

(8)[~~(7)~~] "Default" means the noncustodial parent's or obligor's failure to return a financial statement or to keep an appointment, and the noncustodial parent's or obligor's income and assets cannot be obtained and verified from another source to determine a support obligation based on the Kentucky child support guidelines.

(9) "Disbursement" means the process of money being sent out to the person or agency to whom the money is owed once child support has been received.

(10)[~~(8)~~] "Distribution" means the allocation of child support collected to the various types of debt within a child support case as specified in 45 C.F.R. 302.51; how the total payment is divided between all money owed under the support orders, including reimbursement for public assistance.[~~either a disbursement of a collection to the family or an allotment of various portions of the collection to the state and federal government for the reimbursement~~

of the share of the K-TAP assistance payment to the family, or money expended for a child in the custody of the state.]

(11)[(9)] "Escrow" means the difference between the amount of the assistance payment for the month in which the amount of the collection is used to redetermine eligibility and either the monthly obligation or the amount collected, whichever is less.

(12)[(10)] "Excess collections" means the amount of the collection which exceeds the monthly obligation amount.

(13)[(11)] "Income" is defined by KRS 15.800(9) and 403.212(3)(a) and includes "earnings" as defined by KRS 15.800(6) and "real and personal property" as defined by KRS 15.800(14).[means earnings or other periodic entitlements to money from any source and any other property subject to withholding for support as described in KRS 205.710(10), (11), (15) and 403.212(2).]

(14)[(12)] "Income withholding for support" means an automatic deduction from income that starts as soon as the order for support is established and an income withholding order/notice is received and put in place by the noncustodial parent's employer or income payor.[administrative order issued by the cabinet, or a judicial order to an obligor's employer to withhold an amount equal to the current obligation plus an amount to be applied toward liquidation of any arrearage, and if applicable, the employee-paid share of the cost of health insurance coverage for a dependent child.]

(15)[(13)] "Initiating tribunal" is defined by KRS 407.5101(11).[means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.]

(16)[(14)] "Intergovernmental IV-D case" means a IV-D case in which the noncustodial parent lives or works in a different jurisdiction than the custodial parent and the child or children that have been referred by an initiating tribunal to a responding state for services, including:

(a) Any combination of referrals between states, tribes and countries; or

(b) Cases in which a state agency is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

(17)[(15)] "Kentucky Transitional Assistance Program (K-TAP)" means Kentucky's Temporary Assistance for Needy Families (TANF).[money payment program for children who are deprived of parental support or care due to:]

[(a)] [Death, continued voluntary or involuntary absence, physical or mental incapacity of a parent; or]

[(b)] [Unemployment of at least one (1) parent if both parents are in the home.]

(18)[(16)] "Location" means the determination of a parent's location, income, assets, property, or debt as provided by KRS 15.814.[205.730(5).]

(19) "Medicaid Only IV-D Case" means a case where the child or children have been determined to be eligible for or are receiving Medicaid under Title XIX of the Social Security Act, but who are not current or former recipients of aid under Title IV-A or IV-E of the Act. A Medicaid-Only case is reported as a never-assistance case.

(20)[(17)] "Noncustodial parent" [or "obligor"] means the parent who does not have primary care, custody, or control of the child and who may have an obligation to pay child support.[either a mother or father of a dependent child who is not living in the home with the child as well as a description of the alleged father in a paternity case.]

(21)[(18)] "Notice of monthly support obligation" means an administrative order issued by DCSS[the cabinet] as specified in KRS 405.440 notifying the noncustodial parent, or obligor, of the child support and medical support obligation and of the noncustodial parent's, or obligor's right to request an administrative hearing.

(22) "Obligor" means the person obligated to pay child support.

(23)[(19)] "Offset" means reducing funds paid by the federal government to a noncustodial parent and applying funds toward the balance of the delinquent debt or seizing money from a noncustodial parent's state or federal income tax refund or administrative payment to satisfy a child support debt.[to set aside federal or state, or both, income tax refunds or nonexempt federal payments due a noncustodial parent, or obligor, as a means of collecting past-due child support.]

(24)[(20)] "Preoffset notice" means a letter notifying a noncustodial parent, or obligor, who owes an arrearage that the arrearage has been certified for state and federal tax refund intercept, state tax refund intercept only, passport denial or revocation, administrative offset of nonexempt federal payments, offset of lottery winnings, and to certified consumer credit reporting agencies.

(25)[(21)] "Public assistance" means money or benefits granted from the state, territory, tribal, or federal programs to a person or family for living expenses, including[the receipt of] K-TAP, [including]child care or work subsidies and vouchers, Medicaid, or foster care benefits.

(26) "Putative father" means the person alleged to be the birth father of a child but who has not yet been declared to be the legal father.

(27)[(22)] "Responding state" is defined by KRS 407.5101.[means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or foreign country.]

(28)[(23)] "Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children of that individual, even if child support is not part of the order.

(29) "SDU" means State Disbursement Unit, the single site in the state where all child support payments are sent for processing.

(30) "TANF" means the Temporary Assistance for Needy Families, a federal public assistance program designed to provide temporary financial support and services to families with children when the parent(s) or other responsible relative(s) cannot provide for the family's basic needs. The program provides job preparation, work, and support services to help promote economic stability.

40 KAR 11:001.
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026
FILED WITH LRC: October 12, 2026 at 11:20 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending 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 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 this proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone (502) 229-2088; email: stacy.byrnstaulbee@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, Phone Number: (502) 229-2088, Email: stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation transfers the responsibility for establishing definitions of terms used by DCSS in administrative regulations pertaining to the CSE program from the Cabinet for Health and Family Services (CHFS) to the Office of the Attorney General (OAG), pursuant to Senate Bill 48 of the 2023 RS.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the definition of terms utilized by DCSS in administrative regulations relating to the CSE program in accordance with 45 C.F.R. 302.31, 302.33-302.38, 302.50-302.54, 302.56, 302.60, 302.80, 303.2-303.4, 303.6, 303.8, 303.15, 303.30-303.31, 303.70, 303.100-303.102 and 42 U.S.C. 651 et seq.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is necessary as it provides terms and definitions that are used in 921 KAR 1:380, 1:390, 1:400, 1:410, 1:420 and 1:430.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth terms and definitions used throughout the regulation cited in (b).

(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 removes the Cabinet for Health and Family Services and the Department for Income Support as the entities responsible for promulgating administrative regulations for the Department of Child Support Services. It also updates statutory and regulatory citations to conform with Senate Bill 48 of the 2023 RS. Additionally, the amendment updates definitions and removes terms and definitions that are not used in other child support related regulations.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to conform with the transfer of the Child Support Enforcement Program to the Department of Child Support Services within the Department of Law and necessary to update and remove definitions and terms that are not used in other child support related regulations.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by defining terms used by DCSS pertaining to the CSE program.

(d) How the amendment will assist in the effective administration of the statutes: The authorizing statutes provide guidance for the Department of Child Support Services (DCSS); this amended regulation provides terms and definitions that allow the public to gain an understanding of the DCSS program.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 1. Administrative Office of the Courts – 868 employees, 113 district judges, 97 circuit judges, 61 family court judges 2. Private attorneys – 19,581 3. Child support attorneys and staff – 725 4. Participants in the child support program – 601,231

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each regulated entity will be informed that the Office of the Attorney General (OAG) is now the entity responsible for promulgating administrative regulations for the Department of Child Support Services. They will also be advised of the updated statutory and regulatory citations, provided with guidance on where to access this information, and notified of changes to definitions, including the removal of certain terms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment to this administrative regulation will create no new or additional costs to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment to this regulation will not accrue benefits to regulated entities.

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

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

(b) On a continuing basis: There will be no costs to the administrative body 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 sources of funding include state General Funds and Federal Funds under 42 U.S.C. 601-619, Title IV-D of the Social Security Act.

(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 amendment 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 establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or 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 15.800(2), 15.800–15.876, 403.210-403.240, 405.440, 405.520, 407.5101-407.5903, 45 C.F.R. 302.31, 302.33-302.38, 302.50-302.54, 302.56, 302.60, 302.80, 303.2-303.4, 303.6, 303.8, 303.15, 303.30-303.31, 303.70, 303.100-303.102

(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 2023 Ky Acts Ch. 124.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Attorney General, Department of Law, Department of Child Support Services

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities will not be 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): Administrative Office of the Courts, private attorneys, DCSS attorneys and staff, new and existing child support program participants.

(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 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:

(b) Methodology and resources used to reach this conclusion: There is no fiscal impact of this administrative regulation. (b) Methodology and resources used to determine the fiscal impact: 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): N/A

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 45 C.F.R. 302.31, 302.33-302.38, 303.50-302.54, 302.56. 302.60. 302.80, 303.2-303.4, 303.6, 303.8, 303.15, 303.30-303.31, 303.70, 303.100-303.102

(2) State compliance standards. KRS 15.802, 15.800-15.876, 403.210-403.240, 405.440, 405.520, 407.5101-407.5903

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 651

(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 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 will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(Amendment)

40 KAR 11:010. Department of Child Support Services[Enforcement Program]: confidentiality, program administration contracts, and agreements.

RELATES TO: KRS Chapter 45A, 69.210, 205.175, 205.177, 15.800[205.710], 15.802[205.712], 15.814[205.730], 15.818[205.735], 15.836(2)[205.7685], 15.844(4)[205.772], 15.846[205.774], 15.848[205.776], 15.874[205.800], 205.990(1), (2), (4), (6), 403.211, 405.430(9), (13), 406.021(1), 406.035, 434.845, 45 C.F.R. 302.34, 303.21, 303.70(e)(3), 303.107, 304, 307.13, [406.021(1)], 26 U.S.C. 6103(a), (b), 7213(a)(2), 31 U.S.C. 7502, 42 U.S.C. 651, 654(7), (26), 666(a)(17), (c)(1)(D)

STATUTORY AUTHORITY: KRS 15.802(2)[194A.050(1)], 405.520, 42 U.S.C. 654(26)

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 15.800 to 15.876[405.520] authorizes the Office of the Attorney General (OAG), Department of Child support Services (DCSS) within the Department of Law[cabinet] to promulgate administrative regulations to administer[implement] the Child Support Enforcement (CSE) program in accordance with federal law and regulations. This administrative regulation establishes the procedures for safeguarding information and entering into program administration contracts and cooperative agreements.

[Section 1.] [Definition. "CSEP" means the Child Support Enforcement Program.]

Section 1.[Section 2.] Safeguarding Information.

(1) Use or disclosure of information obtained exclusively for DCSS[the CSEP] shall be restricted from release to any party except the appropriate party or entity pursuant to KRS 205.175, 15.814[205.730], 15.818[205.735], 15.836(2)[205.7685 (2)], 15.844(4)[205.772(4)], and 15.848[205.776], 45 C.F.R. 303.70(e)(3) and 302.34, 26 U.S.C. 6103(a), (b), 7213(a)(2), and 42 U.S.C. 654(26).

(2) Unless an applicant for or recipient of child support services has given informed consent, information concerning the applicant or recipient of child support services shall only be released in accordance with KRS 205.177.

Section 2.[Section 3.] Program Administration Contract.

(1) A program administration contract initiated by DCSS[the cabinet] with another government entity shall comply with KRS Chapter 45A and shall:

(a) Contain a clear description of specific duties, functions, and responsibilities of the parties in administration of the CSE program[CSEP];

(b) Specify clear and definite terms and requirements of the contract;

(c) Specify financial reimbursement arrangements including:

1. Budget estimates;
2. Covered expenditures;
3. Methods of determining costs; and
4. Billing procedures for DCSS[the Child Support agency];

(d) Specify record maintenance and format requirements;

(e) Contain reporting requirements;

(f) Contain the requirements for compliance with 31 U.S.C. 7502;

(g) Provide the beginning and end dates of the program administration contract, review or renewal provisions, and termination circumstances; and

(h) Provide audit criteria.

(2) If another government entity contracts with DCSS[the cabinet], reimbursement for child support activities shall be provided when billing is submitted in accordance with procedures:

(a) Established by DCSS[the cabinet]; and

(b) Specified in the contract.

(3) The contracted government entity shall provide [to the cabinet]statistical information concerning child support related[CSEP] activities as established by DCSS[the cabinet] and specified in the contract to DCSS.

(4) If no contract is executed with a local law enforcement official, a referral for child support related activities may be made to a local law enforcement official. A referral for child support related activities made to a local law enforcement official shall be in accordance with the official's statutory obligations as established by KRS 69.210, 15.802(7)[205.712(7)], and 406.021(1), but the official shall not be eligible for reimbursement as established in subsection (2) of this section.

Section 3.[Section 4.] An Agreement with a Financial Institution.

(1) DCSS[The cabinet] shall enter into an agreement with a financial institution pursuant to KRS 15.802(14)[205.712(15)], 15.844[205.772], and 15.846[205.774] to conduct a financial data match.

(2) DCSS[The cabinet] or its agent shall implement the data exchange and shall have access to identifying information:

(a) For an obligor[obligated parent] who owes an arrearage and who DCSS[the cabinet] has identified to a financial institution through a data match for the purpose of monitoring and auditing; and

(b) Available to a financial institution if deemed necessary by DCSS[the cabinet] to provide service to a recipient of child support services.

(3) DCSS[The cabinet] shall pay a financial institution a fee not to exceed $250 per fiscal year quarter, or the actual cost to the financial institution for operating the data match, whichever is less.

(4) A financial institution shall:

(a) Exchange information by way of an automated data exchange system;

(b) Maintain security to assure that information received from DCSS[~~the cabinet~~] or its agent concerning a recipient of child support services shall:

1. Be maintained and safeguarded as confidential; and

2. Not be copied or given to any other entity without the written permission of DCSS[~~the cabinet~~] or the recipient of child support services; and

(c) Incur no liability for:

1. Disclosing a financial record to DCSS or its authorized agent[~~the cabinet~~] for the establishment, modification, or enforcement of a child support obligation of the account holder;

2. Encumbering or surrendering an asset held by a financial institution in response to an order to withhold or order to deliver issued by DCSS[~~the cabinet~~], or any other action taken by a financial institution in good faith; or

3. Providing a file to DCSS[~~the cabinet~~] or its authorized agent in accordance with an approved format as established by the Multistate Financial Institution Data Match Specifications Handbook.

(5) If a financial data match occurs, a financial institution shall:

(a) Hold, encumber, or surrender an account to DCSS[~~the cabinet~~] upon receipt of an order to withhold or order to deliver;

(b) Address and send to DCSS[~~the cabinet~~] or its authorized agent[~~, as designated~~], notices, paperwork, or other communication resulting from a financial institution data match program; and

(c) Submit data files to DCSS[~~the cabinet~~] or its authorized agent[~~, as designated~~].

(6) The match of an account holder to a delinquent obligor record provided by DCSS[~~the cabinet~~] does not constitute a levy, and an account shall not be held, encumbered, or surrendered to DCSS[~~the cabinet~~] without a financial institution having received an order to withhold or order to deliver from DCSS[~~the cabinet~~].

(7) The information provided to DCSS[~~the cabinet~~] on a quarterly basis by a financial institution shall be provided in the format established by the Multistate Financial Institution Data Match Specifications Handbook using either method one or method two outlined therein.

(a) If a financial institution agrees to provide the information according to method one, the financial institution shall:

1. Submit data files of open accounts to DCSS or DCSS's authorized agent by March 31, June 30, September 30, and December 31 of a calendar year[~~, data files of open accounts to the cabinet, or the cabinet's authorized agent, for the data match~~]; and

2. Report information requested by DCSS[~~the cabinet~~] or DCSS's[~~the cabinet's~~] authorized agent on any account maintained by a financial institution.

(b) If a financial institution agrees to provide the information according to method two, the financial institution shall:

1. Request DCSS[~~the cabinet~~] or DCSS's[~~its~~] authorized agent to send the inquiry file to the financial institution or its agent;

2. Match the inquiry file of obligors identified and provided by DCSS[~~the cabinet~~], or by DCSS's[~~the cabinet's~~] authorized agent, against open accounts maintained by a financial institution; and

3. Submit a report of matched accounts to DCSS[~~the cabinet~~] or DCSS's[~~its~~] authorized agent within thirty (30) to forty-five (45) days of receipt of the inquiry file.

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

(1) "Multistate Financial Institution Data Match Specifications Handbook", edition 12/2020, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at DCSS[~~the Department for Income Support, Child Support Enforcement~~], 730 Schenkel Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at https://ag.ky.gov/Resources/Child-Support/Pages/default.aspx.[~~https://chfs.ky.gov/agencies/dis/Pages/regs.aspx.~~]

40 KAR 11:010
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026
FILED WITH LRC: October 12, 2026 at 11:20 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending 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 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 this proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone (502) 229-2088; email: stacy.byrnstaulbee@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, Phone Number: (502) 229-2088, Email: stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation transfers the responsibility for establishing procedures for safeguarding information and entering into program administration contracts and cooperative agreements from the Cabinet for Health and Family Services (CHFS) to the Office of the Attorney General (OAG), pursuant to Senate Bill 48 of the 2023 RS.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to outline the requirements of safeguarding information, the program administration contract, and agreement with a financial institution in accordance with 45 C.F.R. 302.34, 303.21, 303.70(e)(3), 303.107, 304, 307.13, 26 U.S.C. 6103(a), (b), 7213(a)(2), 31, U.S.C. 7502, and 42 U.S.C. 651, 654(7), (26), 666(a)(17), (c)(1)(D).

(c) How this administrative regulation conforms to the content of the authorizing statutes: DCSS is required to apply for federal funds per 42 U.S.C 651 and to establish the requirements for safeguarding per 42 U.S.C. 666, KRS 205.175 and 205.990

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist with outlining the safeguards, the program administration contract, and the agreement with a financial institution.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation removes the Cabinet for Health and Family Services and the Department for Income Support as the entities responsible for promulgating administrative regulations for the Department of Child Support Services. It also updates statutory and regulatory citations to conform with Senate Bill 48 of the 2023 RS.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to conform with the transfer of the Child Support Enforcement Program to the Department of Child Support Services within the Department of Law and outline the requirements of safeguarding information, the program administration contract, and the agreement with a financial institution.

(c) How the amendment conforms to the content of the authorizing statutes: DCSS is required to apply for federal funds and to establish the requirements of safeguarding information per 42 U.S.C. 651, 666, KRS 205.175 and 205.990.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this regulation will assist with outlining the safeguards, the program administration contract, and

the agreement with a financial institution.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 1. Administrative Office of the Courts – 868 employees, 113 district judges, 97 circuit judges, 61 family court judges 2. Private attorneys – 19,581 3. Child support attorneys and staff – 725 4. Participants in the child support program – 601,231

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each regulated entity will be informed that the Office of the Attorney General (OAG) is now the entity responsible for promulgating administrative regulations for the Department of Child Support Services. They will also be advised of the updated statutory and regulatory citations and provided with guidance on where to access this information. No action is required from child support participants. Financial institutions are already participating in the Financial Institution Data Match (FIDM), and no further steps are necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment to this administrative regulation will create no new or additional costs to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment to this regulation will not accrue benefits to regulated entities.

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

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

(b) On a continuing basis: There will be no costs to the administrative body 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 sources of funding include state General Funds and Federal Funds under 42 U.S.C. 651.

(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 amendment 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 establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or 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: Chapter 45A, 69.210, 205.175, 205.177, 15.800, 15.802, 15.814, 15.818, 15.836(2), 15.844(4), 15.846, 15.848, 15.874, 205.990(1), (2), (4), (6), 403.211, 405.430(9), (13), 406.021(1), 406.035, 434.845, 45, C.F.R. 302.34, 303.21, 303.70(e)(3), 303.107, 304, 307.13, 26 U.S.C. 6103(a), (b), 7213(a)(2), 31 U.S.C. 7502, 42 U.S.C. 651, 654(7), (26), 666(a)(17), (c)(1)(D)

(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 2023 Ky Acts Ch. 124.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Attorney General, Department of Law, Department of Child Support Services

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities will not be affected. (b) Estimate the following for the first year:

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

1. Expenditures:
For the first year: 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): Administrative Office of the Courts, private attorneys, DCSS attorneys and staff, new and existing child support program participants.

(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 identified in (3)(a), (4)(a), and (5)(a):

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

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

(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): N/A

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 45, C.F.R. 302.34, 303.21, 303.70(e)(3), 303.107, 304, 307.13, 26 U.S.C. 6103(a), (b), 7213(a)(2)

(2) State compliance standards. Chapter 45A, 69.210, 205.175, 205.177, 15.800, 15.802, 15.814, 15.818, 15.836(2), 15.844(4), 15.846, 15.848, 15.874, 205.990(1), (2), (4), (6), 403.211, 406.021(1), 405.430(9), (13), 406.021(1), 406.035, 434.845

(3) Minimum or uniform standards contained in the federal mandate. 26 U.S.C. 6103(a), (b), 7213(a)(2), 31 U.S.C. 7502, 42 U.S.C. 651, 654(7), (26), 666(a)(17), (c)(1)(D)

(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 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 will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(Amendment)

40 KAR 11:020. Department of Child Support Services[Enforcement Program] application and intergovernmental process.

RELATES TO: KRS 205.705, 15.800-15.876[205.710-205.802], 205.992, 213.046(4), 403.211, 405.430(5), 405.467, 405.520, 406.021, 406.025, 407.5101-407.5903, 610.170, 45 C.F.R. 301.1, 302.30, 302.31, 302.33-302.36, 302.50, 302.65, 302.80, 303.2, 303.3-303.8, 303.15, 303.30-303.31, 303.69, 303.70, 42 U.S.C. 651-654, 657, 663, 666

STATUTORY AUTHORITY: KRS 15.802(2)[194A.050(1)], 15.866[205.795], 405.520

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 15.802(2)[194A.050(1)], 15.866[205.795], and 405.520 authorize the Office of the Attorney General (OAG), Department of Child Support Services (DCSS) within the Department of Law[secretary of the Cabinet for Health and Family Services] to promulgate administrative regulations to administer[operate] the Child Support Enforcement (CSE) program[(CSEP)] in accordance with federal law and regulations. 45 C.F.R. 303.2 requires the child support application process to be accessible to the public. This administrative regulation specifies the process by which an individual may apply for child support services, the scope of services available, and the process for an intergovernmental IV-D case.

Section 1. DCSS[Child Support Enforcement] Case Types.

(1) Kentucky Transitional Assistance Program (KTAP) or Kinship Care.

(a)

1. An applicant for or recipient of KTAP or Kinship Care shall make an assignment to the state of the right to any child support or maintenance owed up to the amount of public assistance paid to the recipient in accordance with KRS 15.808 and 921 KAR 2:006.[An applicant for, or recipient of, KTAP or Kinship Care shall make an assignment of rights to the state for support that the applicant or recipient may have from any other person in accordance with KRS 205.720(1) and 921 KAR 2:006.]

2. The assignment shall:

a. Include members of the case for whom support rights apply; and

b. Be completed when applying for KTAP or Kinship Care benefits using the application form incorporated by reference in 921 KAR 2:040.

(b) An applicant or recipient shall cooperate in all phases of child support activity that shall include, if known[, include]:

1. The name of the noncustodial parent or obligor;

2. The Social Security number of the noncustodial parent or obligor;

3. Information to assist in the:

a. Location of the noncustodial parent or obligor;

b. Enforcement of a child support order; or

c. Review or modification of a child support order;

4. Establishment of:

a. Paternity, if paternity has not been established; and

b. An assigned support obligation;

5. Enforcement of:

a. An assigned support obligation; and

b. A spousal support order if DCSS[the cabinet] is collecting for a child who resides with the spouse or former spouse; and

6. Forwarding any child support payment received to the SDU[cabinet's][centralized collection unit].

(2) Foster Care.

(a) DCSS[The CSEP] shall collect and disburse child support on behalf of a child for whom:

1. The state is making a foster care maintenance payment as required by 42 U.S.C. 657 and an assignment of rights has been made; or

2. The cabinet has custody, and there is an order for the child's parent or parents to pay child support to the person, facility, agency, or the Department of Juvenile Justice or cabinet to which the child was committed or probated[the cabinet] pursuant to KRS 610.170.

(b) The child's benefit worker with responsibility for the foster care child shall:

1. Cooperate with DCSS[the CSEP];

2. Review and approve a foster care child support referral;

3. Complete a change of status if a change occurs that relates to the child support process; and

4. Forward to DCSS[the CSEP] a copy of the child support court documents.

(c) If a child with special needs is adopted in accordance with 922 KAR 1:100 and reenters the custody of the cabinet, the cabinet shall:

1. Determine that good cause exists in accordance with Section 2(3) of this administrative regulation; or

2. Establish a child support obligation if:

a. A child with special needs adopted in accordance with 922 KAR 1:100 has reentered the custody of the cabinet due to the child's maltreatment or abandonment; and

b. The commissioner or CHFS designee recommends the establishment of child support.

(3) Medicaid only.

(a) If a Medicaid-only referral is made, DCSS[the CSEP] shall obtain the following information, if available:

1. Medicaid case number;

2. Name of the noncustodial parent or obligor;

3. Social Security number of the noncustodial parent or obligor;

4. Name and Social Security number of the child;

5. Home address of the noncustodial parent or obligor;

6. Name and address of the noncustodial parent or obligor's place of employment; and

7. Whether the noncustodial parent has a health insurance policy and, if so, the policy name, policy number, and name of any person covered.

(b) An application for Medicaid shall include an assignment of rights for medical support, pursuant to 907 KAR 20:005.

(c) Except for a custodial parent who is pregnant or in her postpartum period, [pursuant to 907 KAR 20:005,]a custodial parent shall cooperate in all phases of medical support activity, pursuant to 907 KAR 20:005.

(d) A Medicaid-only recipient desiring full child support services, in addition to the medical support services, shall complete and submit to DCSS[the CSEP] the CS-140, Assignment of Rights and Authorization to Collect Support.

(4) Nonpublic Assistance.

(a) In accordance with KRS 15.810[205.721], DCSS[the CSEP] shall make child support services available to any individual who:

1. Assigns rights for medical support only;

2. Applies for services pursuant to paragraph (c) of this subsection; or

3. Has been receiving child support services as a public assistance recipient and is no longer eligible for public assistance.

(b) DCSS[The CSEP] shall notify a[the] family no longer eligible for public assistance, within five (5) working days, that child support services shall continue unless DCSS[the][CSEP] is notified to the contrary by the family.

(c) Application Process for a Nonpublic Assistance Individual.

1. Upon the request of a nonpublic assistance applicant, DCSS[the CSEP] shall give an application packet to the applicant.

2. If the request is:

a. Made in person, the packet shall be provided the same day; or

b. Not made in person, the packet shall be sent to the applicant within five (5) working days of the request.

3. The application packet shall include the following:

a. CS-33, Application for Child Support Services;

b. CS-202, Authorization for Electronic Deposit of Child Support Payments; and

c. CS-11, Authorization and Acknowledgement of No Legal Representation.

4. In order to receive child support services, the applicant shall complete and return the following:

a. CS-33, Application for Child Support Services; and

b. CS-11, Authorization and Acknowledgement of No Legal Representation.

(d) Except for a location-only case, services provided to a nonpublic assistance client through DCSS[~~the CSEP~~] shall be those services listed in Section 2 of this administrative regulation.

(e) If a case involves a putative father, services provided shall be those identified in Section 2(1) of this administrative regulation.

(f) DCSS[~~The CSEP~~] shall obtain the following information from a nonpublic assistance applicant, if available:

1. Name, date of birth, and Social Security number of the child;

2. Name of the custodial and noncustodial parent or obligor;

3. Social Security number of the custodial and noncustodial parent or obligor;

4. Date of birth of the custodial and noncustodial parent or obligor;

5. Home address or last known address of the custodial and noncustodial parent or obligor; and

6. Name and address of the custodial and noncustodial parent's or obligor's employer or last known employer.

Section 2. General Services and Good Cause for All Case Types.

(1) DCSS[~~The CSEP~~] shall provide child support services for any case type described in this administrative regulation in accordance with 42 U.S.C. 654. The services shall include:

(a) Location of the noncustodial parent or obligor;

(b) Location of the custodial parent for establishment of paternity;

(c) Establishment of paternity based upon the receipt of either:

1. A court order; or

2. An affidavit from the Office of Vital Statistics that a signed, notarized voluntary acknowledgement of paternity has been registered;

(d) Establishment of a child support or medical support obligation by:

1. Petitioning the court or administrative authority to establish child support pursuant to the Kentucky Child Support Guidelines; and

2.

a. Petitioning the court or administrative authority to include health care coverage pursuant to 45 C.F.R. 303.31(b)(1) in new or modified court or administrative orders for support; or

b. Petitioning the court or administrative authority to include cash medical support in new or modified orders until health care coverage that is accessible and reasonable in cost, as defined by KRS 403.211(8)(a) and (b), becomes available;

(e) Enforcement of a:

1. Child support or medical support obligation; and

2. Spousal support obligation if the:

a. Custodial parent is the spouse or ex-spouse;

b. Child lives with the spouse or ex-spouse; and

c. DCSS[~~Cabinet~~] is collecting support on behalf of the child;

(f) Review and modification of an assigned support obligation in accordance with 40 KAR 11:040[~~921 KAR 1:400~~];

(g) Collection and disbursement of current and past-due support payments resulting from an assigned support obligation, less an annual fee assessed against a custodial parent who has never received assistance, as defined by 42 U.S.C. 654(6)(B)(ii) and KRS 15.810(4)[~~205.721(4)~~], during each Federal fiscal year in which $550 has been disbursed for the case; and

(h) Submission of an application to the health plan administrator to enroll the child if the parent ordered to provide health care coverage is enrolled through the insurer and has failed to enroll the child.

(2) DCSS[~~The CSEP~~] shall open a case and determine needed action and services within twenty (20) calendar days of receipt of a:

(a) Referral from the public assistance agency;

(b) Foster care referral; or

(c) Nonpublic assistance application in accordance with Section 1(4)(c) of this administrative regulation.

(3) Good cause.

(a)

1. If an applicant or client states that good cause for noncooperation exists, the applicant or client shall have the opportunity to establish a claim pursuant to 921 KAR 2:006.

2. Evidence for determination of good cause shall be pursuant to 921 KAR 2:006.

3. For a foster care child, good cause for nonenforcement of child support shall be determined to exist if evidence and criteria are met pursuant to 921 KAR 2:006 or 922 KAR 1:530.

(b) If DCSS[~~the CSEP~~] has reason to believe an allegation of child maltreatment or domestic violence, DCSS[~~pursuant to KRS 205.730(1), the CSEP~~] shall not attempt location, establishment, modification, or enforcement of an assigned support obligation, pursuant to KRS 15 814(1).

Section 3. Parent Locator Service and Associated Fee for Service.

(1) Unless DCSS[~~the cabinet~~] has reason to believe an allegation of child maltreatment or domestic violence pursuant to KRS 15.814(1)[~~205.730(1)~~] or 921 KAR 2:006, Section 19[~~25~~], location shall be attempted for a:

(a) Public assistance case referred to DCSS[~~the CSEP~~]; or

(b) Nonpublic assistance case for which child support services are being provided.

(2) DCSS[~~The CSEP~~] shall attempt to locate a noncustodial parent or obligor and the noncustodial parent's or obligor's employer, sources of income, assets, property, and debt, if necessary, for a public assistance case or nonpublic assistance case assigned to DCSS[~~the CSEP~~] pursuant to KRS 15.802[~~205.712~~], 15.814(5)[~~205.730(5)~~], and 45 C.F.R. 303.69 or 303.70.

(3) In accordance with KRS 15.814(4)[~~205.730(4)~~], location services shall be provided in a parental kidnapping case.

(4) DCSS[~~The CSEP~~] shall provide location services to a putative father in accordance with KRS 15.814(2)[~~205.730(2)~~] and (4).

Section 4. Intergovernmental Process for Child Support Enforcement Services. In accordance with KRS 15.802[~~205.712~~], 407.5101-407.5903, and 45 C.F.R. 303.70, DCSS[~~the CSEP~~] shall:

(1) Extend to an intergovernmental IV-D child support case the same services available to an intrastate case; and

(2) Provide a responding state with sufficient and accurate information and documentation on the appropriate intergovernmental transmittal forms, the:

(a) CS-98, General Testimony;

(b) CS-99, Declaration in Support of Establishing Parentage;

(c) CS-100, Uniform Support Petition;

(d) CS-103, Child Support Enforcement Transmittal #1 – Initial Request;

(e) CS-138, Child Support Locate Request;

(f) CS-153, Child Support Enforcement Transmittal #2 – Subsequent Actions;

(g) CS-154, Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery;

(h) CS-155, Notice of Determination of Controlling Order;

(i) CS-157, Letter of Transmittal Requesting Registration;

(j) CS-210, Child Support Agency Confidential Information Form;

(k) CS-211, Personal Information Form for UIFSA § 311;

(l) CS-212, Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA §319; and

(m) CS-213, Child Support Enforcement Transmittal #1 – Initial Request Acknowledgment.

Section 5. Public Awareness. Pursuant to KRS 15.802(1)(g), the effort, [~~pursuant to KRS 205.712(2)(g), ~~]to publicize the availability of DCSS's[~~the CSEP's~~] services and encourage their use may include:

(1) Public service announcements;

(2) Posters;

(3) Press releases;
(4) Videos;
(5) Annual reports;
(6) Newsletters;
(7) Mail inserts;
(8) Pamphlets;
(9) Letters; and
(10) Internet.

Section 6. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "CS-11, Authorization and Acknowledgement of No Legal Representation", 09/2026[~~04/2023~~];
(b) "CS-33, Application for Child Support Services", 09/2026[~~6/2022~~];
(c) "CS-98, General Testimony", 09/2026[~~10/2020~~];
(d) "CS-99, Declaration in Support of Establishing Parentage", 09/2026[~~04/2023~~];
(e) "CS-100, Uniform Support Petition", 09/2026[~~04/2023~~];
(f) "CS-103, Child Support Enforcement Transmittal #1 - Initial Request", 09/2026[~~04/2023~~];
(g) "CS-138, Child Support Locate Request", 09/2026[~~04/2023~~];
(h) "CS-140, Assignment of Rights and Authorization to Collect Support", 09/2026[~~6/2022~~];
(i) "CS-153, Child Support Enforcement Transmittal #2 - Subsequent Actions", 09/2026[~~04/2023~~];
(j) "CS-154, Child Support Enforcement Transmittal #3 - Request for Assistance/Discovery", 09/2026[~~04/2023~~];
(k) "CS-155, Notice of Determination of Controlling Order", 09/2026[~~04/2023~~];
(l) "CS-157, Letter of Transmittal Requesting Registration", 09/2026[~~04/2023~~];
(m) "CS-202, Authorization for Electronic Deposit of Child Support Payments", 09/2026[~~6/2022~~];
(n) "CS-210, Child Support Agency Confidential Information Form", 09/2026[~~04/2023~~];
(o) "CS-211, Personal Information Form for UIFSA § 311", 09/2026[~~04/2023~~];
(p) "CS-212, Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA §319", 09/2026[~~04/2023~~]; and
(q) "CS-213, Child Support Enforcement Transmittal #1 - Initial Request Acknowledgment", 09/2026[~~04/2023~~].
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at DCSS[~~the Department for Income Support, Child Support Enforcement~~], 730 Schenkel Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at https://ag.ky.gov/Resources/Child-Support/Pages/default.aspx[~~https://chfs.ky.gov/agencies/dis/Pages/cse.aspx~~].

40 KAR 11:020
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026
FILED WITH LRC: October 12, 2026
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending 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 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 this proposed administrative regulation. Written comments shall be accepted through December 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: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone: (502) 229-2088; email: stacy.byrnstaulbee@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, Phone Number: (502) 229-2088, Email: stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation transfers the responsibility to specify the processes by which an individual may apply for child support services, the scope of services available, and the process for an intergovernmental IV-D case from the Cabinet for Health and Family Services (CHFS) to Office of the Attorney General (OAG), pursuant to Senate Bill 48 of the 2023 RS.
(b) The necessity of this administrative regulation: This administrative regulation provides the procedures for applying for child support enforcement services, the scope of child support enforcement services available as well as the procedures for establishing an intergovernmental case in accordance with 42 U.S.C. 651-654, 657, 663, 666, and 45 C.F.R. 302 and 303.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The Office of the Attorney General is responsible under KRS 15.802(2), 15.810, 15.866, 405.520, and by virtue of applying for federal funds under 42 U.S.C. 651-654, 657, 663, and 666, to outline the application process for child support services, scope of child support enforcement services available, and the procedures for establishing an intergovernmental case.
(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 procedures and processes utilized by the Office of the Attorney General for applicants to apply for child support enforcement services, the scope of child support enforcement services available, and the procedures for establishing an intergovernmental child support case.
(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 removes the Cabinet for Health and Family Services and the Department for Income Support as the entity required to promulgate administrative regulations for the Department of Child Support Services. It also updates regulatory and statutory citations to conform with SB 48 of the 2023 RS.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to conform with the transfer of the child support enforcement program to the Department of Child Support Services within the Department of Law.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by complying with federal law requirements.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by updating statutory and regulatory citations implemented by SB 48 of the 2023 RS.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 1. Administrative Office of the Courts – 868 employees, 113 district judges, 97 circuit judges, 61 family court judges 2. Private attorneys – 19,581 3. Child support attorneys and staff – 725 4. Participants in the child support program – 601,231
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative

regulation or amendment: Each regulated entity will be advised that the Office of the Attorney General is now the entity required to promulgate administrative regulations for the Department of Child Support Services. They will also be advised on the updated statutory and regulatory citations and given guidance on where this information can be obtained.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment to this administrative regulation will create no new or additional costs to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment to this regulation will not accrue benefits to regulated entities.

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

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

(b) On a continuing basis: There will be no costs to the administrative body 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 sources of funding include state General Funds and Federal Funds under 42 U.S.C. 601-619, Title IV-D of the Social Security Act.

(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 amendment 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 establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or 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: 15.800-15.876, 205.992, 213.046(4), 403.211, 405.430(5), 405.467, 405.520, 406.021, 406.025, 407.5101-407.5903, 610.170, 45 C.F.R. 301.1, 302.30, 302.31, 302.33-302.36, 302.50, 302.65, 302.80, 303.2, 303.3-303.8, 303.15, 303.30-303.31, 303.69, 303.70, 42 U.S.C. 651-654, 657, 663, 666

(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 2023 Ky Acts Ch. 124.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Attorney General, Department of Law, Department of Child Support Services

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities will not be 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): Administrative Office of the Courts, private attorneys, DCSS attorneys and staff, new and existing child support program participants.

(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: 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): N/A

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 45 C.F.R. 301.1, 302.30, 302.31, 302.33-302.36, 302.50, 302.65, 302.80, 303.2, 303.3-303.8, 303.15, 303.30-303.31, 303.69, 303.70

(2) State compliance standards. KRS 15.800–15.876, 15.800-15.876, 205.992, 213.046(4), 403.211, 405.430(5), 405.467, 405.520, 406.021, 406.025, 407.5101-407.5903, 610.170

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 651-654, 657, 663, 666

(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 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 will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(Amendment)

40 KAR 11:030. Department of Child Support Services[~~Enforcement Program~~] paternity establishment.

RELATES TO: KRS 186.570(2), 15.800[~~205.710~~], 15.802[~~205.712~~], 15.810[~~205.721~~], 15.814[~~205.730~~], 213.036(5), 213.046(3), (4), (5), (9), (10), 213.071, 237.110(4)(g), 405.430, 406.011, 406.021, 406.025, 406.180, 45 C.F.R. 302.31, 302.33, 303.5, 304, 42 U.S.C. 651, 652, 653, 654, 666, 668

STATUTORY AUTHORITY: KRS 15.802(2)[~~194A.050(1)~~], 15.866[~~205.795~~], 405.520

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 15.802(2)[~~194A.050(1)~~] requires the Office of the Attorney General

(OAG), Department of Child Support Services (DCSS) within the Department of Law[~~secretary~~] to promulgate administrative regulations to administer the Child Support Enforcement (CSE) program in accordance with federal law and regulations.[~~necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 205.795 authorizes the secretary to promulgate administrative regulations consistent with the purpose and intent of KRS 205.710 through 205.800.~~] This administrative regulation establishes the requirements for the establishment of paternity for the CSE[~~Child Support Enforcement~~] program.

Section 1. Requirement for Paternity Establishment. DCSS[~~The cabinet~~] shall bring action, as established in KRS 406.021(1) and (3) if:

(1) The child is born out of wedlock; and

(2) An assignment of rights to the state[~~cabinet~~] is in effect or an individual not receiving public assistance applies for child support services including paternity establishment.

Section 2. DCSS[~~Cabinet~~] Action.

(1) A case requiring paternity action shall be opened upon receipt of:

(a) A public assistance case referral; or

(b) A nonpublic assistance application, in accordance with KRS 15.810[~~205.721~~].

(2) DCSS[~~The cabinet~~] shall open a case pending determination of good cause.

(a) If good cause for failure to cooperate is determined, the child support case shall be closed.

(b) Good cause shall be established in accordance with the requirements of 921 KAR 2:006, Section 13[~~18~~](4) and (5).

(3) In a case referred to DCSS[~~the cabinet~~] in which paternity has not yet been established, DCSS[~~the cabinet~~] shall, within ninety (90) days of locating the alleged father or custodial parent:

(a) Obtain a voluntary acknowledgment of paternity as established by KRS 213.036(5) and 213.046(3), (9);

(b) File for establishment of paternity;

(c) Complete service of process to establish paternity; or

(d) Document unsuccessful attempts to serve process.

(4) Paternity shall be established or the putative father excluded as a result of genetic tests or legal process within one (1) year of:

(a) Successful service of process; or

(b) The child reaching the age of six (6) months.

(5) The voluntary acknowledgment of paternity may be rescinded. Rescinded acknowledgement of paternity shall be accomplished in accordance with KRS 213.071.

(6) DCSS[~~The cabinet~~] shall request denial, suspension, or revocation of a license or certification for failure to comply with a subpoena or warrant relating to paternity pursuant to KRS 186.570(2) and 237.110(4)(g).

40 KAR 11:030
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026

FILED WITH LRC: October 12, 2026 at 11:20 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending 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 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 this proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone (502) 229-2088; email: stacy.byrnstaulbee@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, Phone Number: (502) 229-2088, Email: stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation transfers the requirements for paternity establishment and the actions taken by DCSS to establish paternity for the CSE program from the Cabinet for Health and Family Services (CHFS) to the Office of the Attorney General (OAG) pursuant to Senate Bill 48 of the 2023 RS.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement requirements for the establishment of paternity and the actions taken by DCSS to establish paternity for the CSE program in accordance with 45 C.F.R. 302.31, 302.33, 303.5, 304, and 42 U.S.C. 651, 652, 653, 654, 666, 668

(c) How this administrative regulation conforms to the content of the authorizing statutes: DCSS is required to apply for federal funds per 42 U.S.C. 651, 652, 653, 654, and 668 to establish paternity.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist with outlining the requirement for paternity establishment and the actions taken by DCSS.

(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 removes the Cabinet for Health and Family Support and the Department of Income Support as the entity required to promulgate administrative regulations for the Department of Child Support Services. It also updates regulatory and statutory citations to conform with Senate Bill 48 of the 2023 RS.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to conform with the transfer of the child support enforcement program to the Department of Child Support Services within the Department of Law.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by clarifying the requirement for paternity establishment and the actions taken by DCSS to do so.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by updating regulatory and statutory citations implemented by Senate Bill 48 of the 2023 RS.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 1. Administrative Office of the Courts – 868 employees, 113 district judges, 97 circuit judges, 61 family court judges 2. Private attorneys – 19,581 3. Child support attorneys and staff – 725 4. Participants in the child support program – 601,231

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each regulated entity will be advised that the Office of the Attorney General is now the entity required to promulgate administrative regulations for the Department of Child Support Services. They will also be advised on the updated regulatory and statutory citations and given guidance on where this information can be obtained.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment to this administrative regulation will create no new or additional costs to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment to this regulation will not accrue benefits to regulated entities.

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

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

(b) On a continuing basis: There will be no costs to the administrative body 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 sources of funding include state General Funds and Federal Funds under 42 U.S.C. 601-619, Title IV-D of the Social Security Act.

(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 amendment 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 establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or 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 186.570(2), 15.800, 15.802, 15.810, 15.814, 213.036(5), 213.046(3), (4), (5), (9), (10), 213.071, 237.110(4)(g), 405.430, 406.011, 406.021, 406.025, 406.180, 45 C.F.R. 302.31, 302.33, 303.5, 304, 42 U.S.C. 651, 652, 653, 654, 666, 668

(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 2023 Ky Acts Ch. 124.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Attorney General, Department of Law, Department of Child Support Services

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities will not be affected. (b) Estimate the following for the first year:

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

1. Expenditures:
For the first year: 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): Administrative Office of the Courts, private attorneys, DCSS attorneys and staff, new and existing child support program participants.

(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 identified in (3)(a), (4)(a), and (5)(a):

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

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

(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): N/A

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 45 C.F.R. 302.31, 302.33, 303.5, 304

(2) State compliance standards. KRS 186.570(2), 15.800, 15.802, 15.810, 15.814, 213.036(5), 213.046(3), (4), (5), (9), (10), 213.071, 237.110(4)(g), 405.430, 406.011, 406.021, 406.025, 406.180

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 651, 652, 653, 654, 666, 668

(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 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 will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(Amendment)

40 KAR 11:040. Establishment, review, and modification of child support and medical support orders.

RELATES TO: KRS 15.800-15.876[~~205.710-205.802~~], 205.990, 213.046(4)(9)[~~, (9)~~], 403.160(1), (2)(a), (b), 403.210-403.240, 405.430, 405.440, 405.450, 405.991, 406.021, 406.025, 454.220, 45 C.F.R. 302.50, 302.56, 302.80, 303.4, 303.8, 303.30-303.32, 42 U.S.C. 651-669b

STATUTORY AUTHORITY: KRS 15.802(2)[~~194A.050(1)~~], 15.866[~~205.795~~], 405.520

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 15.802(2)[~~194A.050(1)~~] requires the Office of the Attorney General (OAG), Department of Child Support Services (DCSS) within the Department of Law[~~secretary of the cabinet~~] to promulgate administrative regulations to administer the Child Support Enforcement (CSE) program in accordance with federal law and regulations[~~necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and to cooperate with~~

~~other state and federal agencies for the proper administration of the cabinet and its programs. KRS 205.795 and 405.520 authorize the secretary of the cabinet to promulgate administrative regulations to operate the Child Support Enforcement Program in accordance with federal law and regulations~~]. This administrative regulation establishes the requirements for the establishment, review, and modification of child support and medical support orders.

Section 1. Support Obligation Shall be Established.

(1) A child support and medical support obligation shall be established by:

(a) A court of competent jurisdiction; or

(b) An administrative order.

(2) The obligation shall be the amount as established administratively or judicially, as computed by the:

(a) CS-71, Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation;

(b) CS-71.1, Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation Exception; or

(c) Any other child support obligation form incorporated by reference in an administrative regulation promulgated by DCSS[~~the agency~~].

(3) The amount determined shall be the amount to be collected. Any support payment collected shall reduce the amount of the obligation dollar for dollar.

(4) For a public assistance case and a nonpublic assistance case for which child support services are being provided, DCSS[~~the cabinet~~] shall use state statutes and legal process in establishing the amount of a child support and medical support obligation, including KRS 403.211, 403.212, 403.2122, 405.430, and 454.220.

(5) In addition to the deductions established in KRS 403.212(3), the deduction for a prior-born child residing with a parent for an administratively or judicially imputed child support obligation, as established in KRS 403.212(3)(i)(3), shall be calculated by using:

(a) That parent's portion of the total support obligation as indicated on the worksheet, if:

1. There is a support order; and

2. A copy of the child support obligation worksheet is obtained; or

(b) 100 percent of the income of the parent with whom the prior born child resides, if:

1. There is no support order;

2. There is a support order, but no support obligation worksheet; or

3. A worksheet cannot be obtained.

(6) In accordance with 45 C.F.R. 303.4(d), within ninety (90) calendar days of locating a noncustodial parent[~~,~~] or obligor, DCSS[~~the cabinet~~] shall:

(a) Complete service of process; or

(b) Document an unsuccessful attempt to serve process.

(7) If service of process has been completed, DCSS[~~the cabinet~~] shall, if necessary:

(a) Establish paternity;

(b) Establish a child support or medical support obligation; or

(c) Send a copy of any legal proceeding to the obligor and obligee within fourteen (14) calendar days of issuance.

(8) If a court or administrative authority dismisses a petition for support without prejudice, DCSS[~~the cabinet~~] shall[~~,~~]promptly[~~at that time,~~] determine when to appropriately seek an order in the future.

Section 2. Administrative Establishment.

(1) DCSS[~~The cabinet~~] may administratively establish a child support obligation or medical support obligation, or both, if:

(a) Paternity is not in question;

(b) There is no existing order of support for the child;

(c) The noncustodial parent[~~,~~] or obligor[~~,~~] resides or is employed in Kentucky; and

(d) The noncustodial parent's[~~,~~] or obligor's[~~,~~] address is known.

(2) To gather necessary information for administrative establishment, as appropriate DCSS[~~the cabinet~~] shall:

(a) Send to the custodial parent or nonparent custodian forms:

1. CS-133, Custodial Parent Information Request;

2. CS-132, Child Care Expense Verification; and

3. CS-136, Health Insurance Information Request;

(b) Send to the custodial parent the CS-65, Statement of Income and Resources;

(c) Send to the noncustodial parent forms:

1. CS-64, Noncustodial Parent Appointment Letter;

2. CS-65, Statement of Income and Resources;

3. CS-132, Child Care Expense Verification; and

4. CS-136, Health Insurance Information Request;

(d) Send a CS-130, Income Information Request, to the employer of the:

1. Custodial parent; or

2. Noncustodial parent[~~,~~] or obligor[~~,~~] and

(e) Issue a CS-84 Administrative Subpoena in accordance with KRS 15.802(1)[~~205.712(2)~~](k) and (n), if appropriate.

(3) DCSS[~~The cabinet~~] shall determine the monthly support obligation in accordance with the child support guidelines as contained in KRS 403.212 and 403.2122 or subsection (4) of this section.

(4) If the noncustodial parent or obligor fails to return a financial statement or keep an appointment and the noncustodial parent's or obligor's income and assets cannot be obtained and verified from another source, DCSS[~~In a default case, the cabinet~~] shall establish the obligation based upon the needs of the child or the previous standard of living of the child, whichever is greater in accordance with KRS 403.211(5).

(5) After the monthly support obligation is determined, DCSS[~~the cabinet~~] shall serve a CS-66, Administrative Order/Notice of Monthly Support Obligation, in accordance with the requirements of KRS 405.440 and 42 U.S.C. 654(12).

(6) DCSS[~~The cabinet~~] shall not administratively modify an obligation that is established by a court of competent jurisdiction, except as provided in subsection (7) of this section.

(7) If support rights are assigned to the state[~~cabinet~~], DCSS[~~the cabinet~~] shall direct the obligor to pay to the appropriate entity by modifying the order:

(a) Administratively upon notice to the obligor or obligee; or

(b) Judicially through a court of competent jurisdiction.

Section 3. Review and Adjustment of Child Support and Medical Support Orders.

(1) In accordance with KRS 405.430(6), DCSS[~~the cabinet~~] may modify the monthly support established. Every thirty-six (36) months DCSS[~~the cabinet~~] shall notify each party subject to a child support order of the right to request a review of the order.

(2) Pursuant to 45 C.F.R. 303.8, DCSS[~~the cabinet~~] shall conduct a review upon the request of:

(a) Either parent;

(b) The state agency with assignment; or

(c) Another party with standing to request a modification.

(3) In accordance with 45 C.F.R. 303.8(e), within one hundred eighty(180) days of receiving a request for review or of locating the non-requesting parent, whichever occurs later, DCSS[~~the cabinet~~] shall:

(a) Conduct the review;

(b) Modify the order; or

(c) Determine that circumstances do not meet criteria for modification.

(4) DCSS[~~The cabinet~~] shall provide notification within fourteen (14) calendar days of modification or determination to each parent or custodian, if appropriate, and legal representatives by issuing a CS-79, Notification of Review Determination, in accordance with KRS 15.802(1)[~~205.712(2)~~](m).

(5) In accordance with subsections (2) and (3) of this section, DCSS[~~the cabinet~~] or DCSS's[~~the cabinet's~~] designee shall seek modification of an administrative or judicial support order to include medical support on behalf of the child as established in KRS 403.211(7)(a) through (d).

(6) Retroactive modification of a child support order shall occur in accordance with KRS 403.211(5) and 403.213(1).

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "CS-64, Noncustodial Parent Appointment Letter", 04/2026[~~3/10~~];

(b) "CS-65, Statement of Income and Resources", 04/2026[~~6/2021~~];

(c) "CS-66, Administrative Order/Notice of Monthly Support Obligation", 04/2026[~~3/10~~];

(d) "CS-71, Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation", 10/2024;

(e) "CS-71.1, Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation Exception", 10/2024;

(f) "CS-79, Notification of Review Determination", 04/2026[~~3/10~~];

(g) "CS-84, Administrative Subpoena", 04/2026[~~8/2024~~];

(h) "CS-130, Income Information Request", 04/2026[~~7/2022~~];

(i) "CS-132, Child Care Expense Verification", 04/2026[~~3/10~~];

(j) "CS-133, Custodial Parent Information Request", 04/2026[~~3/10~~]; and

(k) "CS-136, Health Insurance Information Request", 04/2026[~~12/15~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at DCSS[~~the Department for Income Support, Child Support Enforcement~~], 730 Schenkel Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at https://ag.ky.gov/Resources/Child-Support/Pages/default.aspx[~~https://chfs.ky.gov/agencies/dis/Pages/cse.aspx~~].

40 KAR 11:040
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026

FILED WITH LRC: October 12, 2026 at 11:20 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending 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 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 this proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone (502) 229-2088; email: stacy.byrnstaulbee@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, Phone Number: (502) 229-2088, Email: stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation transfers the responsibility that establishes the requirements for the establishment, review, and modification of child and medical support orders from the Cabinet for Health and Family Services (CHFS) to the Office of the Attorney General (OAG), pursuant to Senate Bill 48 of the 2023 RS.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement requirements for the establishment, review and modification of child and medical support orders in accordance with 45 C.F.R. 302.50, 302.56, 302.80, 303.4, 303.8, 303.30-303.32, and 42 U.S.C. 651-669b

(c) How this administrative regulation conforms to the content of the authorizing statutes: DCSS is responsible under KRS 403.211-403.213 DCSS is responsible for clarifying the criteria to determine child support obligations. This administrative regulation establishes such procedures and processes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist with establishing procedures to ensure effective administration and conforming to KRS 403.211 through 403.213.

(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 removes the Cabinet for Health and Family Services and the Department for Income Support as the entities responsible for promulgating administrative regulations for the Department of Child Support Services. It also updates regulatory and statutory citations to conform with SB 48 of the 2023 RS.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to conform with the transfer of the Child Support Enforcement Program to the Department of Child Support Services within the Department of Law and outline the establishment, review, and modification of child support and medical support orders.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by clarifying the criteria used by the cabinet in establishing, reviewing, and modifying child support and medical support orders. This amendment identifies each party that has a right to request a review or modification of the child or medical support order, conforming to 45 C.F.R. 303.8.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by updating regulatory and statutory citations implemented by SB 48 of the 2023 RS.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 1. Administrative Office of the Courts – 868 employees, 113 district judges, 97 circuit judges, 61 family court judges 2. Private attorneys – 19,581 3. Child support attorneys and staff – 725 4. Participants in the child support program – 601,231

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each regulated entity will be informed that the Office of the Attorney General (OAG) is now the entity responsible for promulgating administrative regulations for the Department of Child Support Services. They will also be advised of the updated statutory and regulatory citations and provided with guidance on where to access this information. No action is required from child support participants.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment to this administrative regulation will create no new or additional costs to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment to this regulation will not accrue benefits to regulated entities.

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

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

(b) On a continuing basis: There will be no costs to the administrative body 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 sources of funding include state General Funds and Federal Funds under 42 U.S.C. 601-609, Title IV-D of the Social Security Act.

(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 amendment 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 establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or 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 15.800-15.876, 205.990, 213.046(4)(9), 403.160(1), (2)(a), (b), 403.210-403.240, 405.430, 405.440, 405.450, 405.991, 406.021, 406.025, 454.220, 45 C.F.R. 302.50, 302.56, 302.80, 303.4, 303.8, 303.30-303.32, 42 U.S.C. 651-669b

(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 2023 Ky Acts Ch. 124.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Attorney General, Department of Law, Department of Child Support Services

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities will not be affected. (b) Estimate the following for the first year:

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

1. Expenditures:
For the first year: 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): Administrative Office of the Courts, private attorneys, DCSS attorneys and staff, new and existing child support program participants.

(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 identified in (3)(a), (4)(a), and (5)(a):

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

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

(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): N/A

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 45 C.F.R. 302.50, 302.56, 302.80, 303.4, 303.8, 303.30-303.32

(2) State compliance standards. KRS 15.800-15.876, 205.990, 213.046(4)(9), 403.160(1), (2)(a), (b), 403.210-403.240, 405.430, 405.440, 405.450, 405.991, 406.021, 406.025, 454.220

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 651-669b

(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 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 will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(Amendment)

40 KAR 11:050. Child support collection and enforcement.

RELATES TO: KRS 13B.010(2), 15.055, 131.570, 15.802(3) – 15.866[~~205.712(3)-205.795~~], 237.110(4), 405.060(2), (3), 427.005, 31 C.F.R. 285.1, 285.3, 45 C.F.R. 303.6, 15 U.S.C. 1673, 42 U.S.C. 652, 654, 664, 666(a)(1)-(4), (6)-(12), (14)- (19), (b), (c), 669a

STATUTORY AUTHORITY: KRS 15.055(2), 186.570(2), 15.802(2)[~~194A.050(1)~~], 15.802(3)[~~205.712(3)~~], 15.802(17)[~~205.712(17)~~], 15.820(9)[~~205.745(9)~~], 15.866[~~205.795~~], 405.411(2), 405.520, 42 U.S.C. 656, 659, 666(a)[~~,~~]

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.802(2)[~~194A.050(1)~~] requires the Office of the Attorney General (OAG), Department of Child Support Services (DCSS) within the Department of Law[~~secretary~~] to promulgate administrative regulations to administer the Child Support Enforcement (CSE) program in accordance with federal law and regulations[~~necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs~~]. 42 U.S.C. 666 requires states to have laws that prescribe procedures to improve effectiveness of child support enforcement. KRS 15.802(3)[~~205.712(3)~~] requires DCSS[~~the Cabinet for Health and Family Services~~] to collect and enforce child support obligations and authorizes DCSS[~~the cabinet~~] to promulgate administrative regulations to implement its duties. This administrative regulation establishes procedures for collection and enforcement of child support.

Section 1. Definition. "Lump sum payment[~~, of any kind~~]" means a lump sum payment of "earnings" as defined in KRS 427.005.

Section 2. Collection.

(1) Income withholding shall be used for the collection of a support obligation or health insurance coverage in an order being enforced by DCSS[~~the Child Support~~][~~Enforcement (CSE) program~~].

(2) DCSS[~~The cabinet~~] shall issue the CS-89, Income Withholding for Support, and CS-72, National Medical Support Notice, to an employer or other income source:

(a) Within fifteen (15) calendar days of a request for income withholding; or

(b) Within two (2) working days after entry of an obligor into the State Directory of New Hires.

(3) The employer or other income source shall:

(a) Implement income withholding no later than the first pay period that occurs after fourteen (14) working days following the date of the CS-89; and

(b) Transfer the CS-72 to the employer's health plan administrator within twenty (20) business days after receipt of the notice.

(4) The employer or other income source, in accordance with KRS 405.465(4) and (6)(a), may deduct the sum of one (1) dollar for each payment made pursuant to the order.

(5) The total amount to be withheld shall not exceed the maximum amount allowed under 15 U.S.C. 1673(b).

(6) In the case of an initial withholding, DCSS[~~the cabinet~~] shall send the obligor a copy of the CS-89 in order to notify the obligor that the income withholding:

(a) May be contested by requesting an administrative hearing pursuant to 40 KAR 11.070[~~921 KAR 1:430~~], in accordance with KRS 405.467(5); and

(b) Shall apply to the current and any subsequent employer.

(7) The health plan administrator shall notify the obligor and DCSS[~~the cabinet~~] of the health insurance coverage within forty (40) working days of receipt of the CS-72.

(8) If an obligor terminates employment, the employer or other income source shall notify DCSS[~~the cabinet~~] of the obligor's last known address and name of the new employer, if known, in accordance with KRS 405.465(5).

(9) An obligor shall inform DCSS[~~the cabinet~~] of any changes in:

(a) A current employer or source of income;

(b) Access to health insurance; and

(c) Residential or mailing address.

(10) If an obligor transfers or assigns income or income-producing property after receipt of notification of a child support obligation, DCSS[~~the cabinet~~] shall take action pursuant to KRS 405.060.

(11) If an arrearage only amount is subject to withholding, the arrearage payment and frequency of payment shall be equal to the payment and frequency last designated by court or administrative order.

(12) The employer or other income source shall forward:

(a) The support obligation payment to the SDU[~~state disbursement unit~~] in the child support agency within seven (7) working days from the date an amount is withheld; or

(b) The medical insurance premium to the health insurance carrier or notify DCSS[~~the cabinet~~] prior to payment if more than one (1) option is available under a plan within twenty (20) business days.

(13) The employer or other income source shall include on the transmittal to DCSS[~~the cabinet~~] the obligor's:

(a) Name;

(b) Social Security number; and

(c) DCSS[~~Cabinet~~]-assigned identification number.

(14) The employer or other source of income shall not be required to change payroll frequency but shall withhold:

(a) At least once monthly; and

(b) May combine withheld amounts from more than one (1) obligor's income in a single payment to the state[~~cabinet~~], if the amount attributable to each obligor is identified by:

1. Name;

2. Social Security number; and

3. DCSS[~~Cabinet~~]-assigned identification number.

(15)

(a) An employer with twenty (20) or more employees shall provide written notification of a lump sum payment of any kind of $150 or more to be made to an employee who is currently under an income withholding order, in accordance with KRS 405.465.

1. The written notice to DCSS[~~the cabinet~~] shall include the following:

a. Name of the employee;

b. Social Security number of the employee;

c. Amount of the lump sum payment; and

d. Intended payment date.

2. The notice may include multiple employees on one (1) written notification if the information in accordance with subparagraph 1 of this paragraph is provided for each employee.

(b) Upon receipt of notification of a lump sum payment, DCSS[~~Child Support Enforcement~~] shall determine if the employee owes an arrearage on a support obligation enforced by DCSS[~~the cabinet~~].

(c) If the employee owes no arrearage, DCSS[~~Child Support Enforcement~~] or its designee shall notify the employer to release the lump sum payment to the employee.

(d) If the employee owes an arrearage, pursuant to paragraph (b) of this subsection, DCSS[~~Child Support Enforcement~~] or its designee shall initiate:

1. A court order to the employer in accordance with KRS 405.465; or

2. An administrative order in accordance with KRS 405.470.

(e) If DCSS[~~Child Support Enforcement~~] or its designee does not contact the employer, the employer shall:

1. Hold the lump sum for thirty (30) calendar days, in accordance with KRS 405.465(6)(a), from the projected date of its release; and

2. Release the lump sum payment to the employee after the 30th calendar day, unless the employer has received from DCSS[~~Child Support Enforcement~~] or its designee a court order or an administrative order to withhold any portion of the lump sum payment.

(16) If an obligor receives unemployment compensation benefits, DCSS[~~the~~][~~cabinet~~] shall:

(a) Through an agreement with the Education Cabinet, Office of Employment and Training, submit a CS-76, Unemployment Insurance Notice of Withholding, to the Department of Unemployment Insurance within the Education Cabinet to collect a child support payment from an obligor receiving unemployment compensation; and

(b) Notify an obligor with a CS-73, Unemployment Insurance Letter, along with a copy of the CS-76, Unemployment Insurance Notice of Withholding that:

1. Current child support obligation or delinquency is owed;

2. DCSS[~~The cabinet~~] has completed a CS-76 to order withholding of:

a. Fifty (50) percent of the unemployment benefit; or

b. The amount of the assigned support obligation, whichever is less; and

3. The obligor may contest the withholding by requesting an administrative hearing as specified in 40 KAR 11:070[~~921 KAR 1:430~~].

Section 3. Support Collection by Methods Other than Collection through Income Withholding.

(1) Federal income tax refund offset and federal administrative offset.

(a) A public assistance case shall qualify for offset if there is:

1. A court-ordered or administratively-established support obligation;

2. An assignment of support to the state[~~cabinet~~];

3. An arrearage of at least $150; and

4. DCSS[~~Cabinet~~] verification of the accuracy of the obligor's name and Social Security number.

(b) A nonpublic assistance case, for which DCSS[~~the cabinet~~] is providing services, involving past-due child support, a specific dollar amount of medical support, or spousal support shall qualify for offset if [~~the~~]:

1. DCSS[~~Cabinet~~] is enforcing a court-ordered or administratively-established support obligation;

2. DCSS[~~Cabinet~~] verifies accuracy of the obligor's name and Social Security number;

3. Nonpublic assistance arrearage owed is equal to or greater than $500, exclusive of fees, court costs, or other non-child support debt; and

4. DCSS[~~Cabinet~~] has the following:

a. A copy of the current support order;

b. A copy of the payment record; and

c. The custodial parent's last known address.

(c)

1. If a case is submitted for federal tax refund offset, the case may be subject to federal administrative offset of nonexempt federal payments pursuant to 42 U.S.C. 664 and 31 C.F.R. 285.1 and 285.3.

2. Nonexempt federal payments shall be denied to individuals owing a child support arrearage as defined in paragraphs (a) and (b) of this subsection.

(d) An Advance Notice of Intent to Collect Past Due Support, Form CS-122, shall be sent to the obligor of the intent to intercept the tax refund and the administrative offset to be applied to the obligor's account. The notice shall inform noncustodial parents:

1. Of their right to contest the fact that past due support is owed or the amount of past due support by requesting an administrative hearing;

2. Of the procedures and timeframe for contacting DCSS[~~CSE~~] to request an administrative hearing;

3. That the hearing shall be conducted by the submitting state unless the noncustodial parent requests the hearing be conducted by the state with the order upon which the referral for offset is based; and

4. That, in the case of a joint return, the Secretary of the U.S. Treasury shall notify the noncustodial parent's spouse at the time of offset regarding the steps to take to protect the share of the refund which may be payable to that spouse.

(2) State income tax refund offset.

(a) A public assistance case and nonpublic assistance case shall qualify for offset if there is:

1. A court-ordered or administratively-established support obligation;

2. An assignment of support to the state[~~cabinet~~] or DCSS[~~the Child Support Enforcement program~~] is providing services involving past due child support, a specific dollar amount of medical support, or spousal support;

3. An arrearage of at least $150; and

4. DCSS[~~Cabinet~~] verification of the accuracy of the obligor's name and Social Security number.

(b) In accordance with KRS 131.570, an advance written notice shall be sent to the obligor that he or she may contest the accuracy of a past due amount by requesting an administrative hearing as specified in 40 KAR 11:070[~~921 KAR 1:430~~].

(3) Tort claim settlements and state administrative offset. DCSS[~~The cabinet~~] shall:

(a) Identify a child support case for state administrative offset, including tort claim settlements, if a child support case meets the criteria specified in subsection (2)(a) or (b) of this section; and

(b) Notify the Finance and Administration Cabinet to offset administrative payments, including tort claim settlements, in accordance with KRS 15.802(17)[~~205.712(18)~~], for a case identified in paragraph (a) of this subsection.

(4) Financial Institution Data Match (FIDM). DCSS[~~The cabinet~~] shall:

(a) Use the following criteria to identify a case for seizure of assets:

1.

a. Assignment of support is made to the state[~~cabinet~~]; or

b. DCSS[~~Child Support Enforcement program~~] is providing support services; and

2. The obligor owes past-due support in an amount equal to or greater than one (1) month's support obligation;

(b) Issue a CS-68, Order to Withhold and Deliver, and CS-69, Answer to Withhold and Deliver, to a financial institution holding the obligor's account or accounts;

(c) Issue a CS-68 and CS-121, Noncustodial Parent's Answer to Withhold and Deliver, to the obligor within two (2) working days:

1. After both [~~of the~~] forms specified in paragraph (b) of this subsection are issued to the financial institution; and

2. To notify the obligor that the funds in the account with the financial institution may be retained by requesting an administrative hearing to contest the Order to Withhold and Deliver in accordance with 40 KAR 11.070[~~921 KAR 1:430~~];

(d) Notify an obligor that to retain the funds in the account with the financial institution, an obligor shall take one (1) of the following actions within twenty (20) calendar days from the date of receipt of a CS-68:

1. Pay the total arrearage;

2. Request an administrative hearing to contest the CS-68; or

3. Post a bond satisfactory to DCSS[~~the cabinet~~]; and

(e) To release or amend an Order to Withhold and Deliver, send a CS-70, Release/Amendment of Order to Withhold and Deliver to:

1. The obligor; and

2. The financial institution.

(5) If a seizure of assets request is identified, as specified in subsection (4)(a) of this section, and is initiated from outside the commonwealth as a result of a FIDM, pursuant to 42 U.S.C. 666(a)(17), DCSS[~~the cabinet~~] shall comply with KRS 15.802[~~205.712~~], 407.5305, and 407.5507 to issue:

(a) A CS-68 and a CS-69 to a financial institution holding the obligor's account or accounts;

(b) A CS-68 and a CS-121, Noncustodial Parent's Answer to Withhold and Deliver, to the obligor within two (2) working days after both of the forms specified in paragraph (a) of this subsection are issued to the financial institution; and

(c) A CS-70 to the financial institution if the initiating state's request is withdrawn.

Section 4. Enforcement Actions.

(1) Liens.

(a) DCSS[~~The cabinet~~] shall file a lien on an obligor's interest in personal or real property, in accordance with KRS 15.820[~~205.745~~], if:

1. The obligor owes an arrearage equal to or greater than one (1) month's obligation;

2. The child support has been assigned to the state[~~cabinet~~];

3. The property has been identified and located; and

4. The value of the property exceeds the costs related to filing the lien.

(b) To file a lien, DCSS[~~the cabinet~~] shall:

1. Issue a CS-85, Notice of Lien, for property within or outside Kentucky in accordance with KRS 15.820[~~205.745~~] or 15.852[~~205.7785~~]; and

2. Provide a CS-119, Noncustodial Parent's Notice of Lien, along with a copy of the CS-85 to the obligor notifying him that:

a. The obligor may contest the lien as specified in 40 KAR 11.070[~~921 KAR 1:430~~];

b. A transfer of property [~~in order~~] to avoid payment shall be considered an act of fraud, in accordance with KRS 405.060(2); and

c. If the obligor makes full payment of the arrearage, including interest, penalties, and fees, a lien release shall be provided to the obligor using the CS-85, Notice of Lien.

(c) To release a lien, DCSS[~~the cabinet~~] shall provide a CS-85, Notice of Lien, to the obligor.

(2) License and certificate denial, suspension, or revocation.

(a) If an obligor owes an arrearage equal to or greater than six (6) months of an assigned support obligation or fails to comply with a subpoena or warrant relating to paternity or child support proceedings, as established in KRS 15.802(9)[~~205.712(10)~~]:

1. DCSS[~~The cabinet~~] shall forward the name of the individual to a board of licensure or board of certification for the notification of the denial, revocation, or suspension of a driver's license, professional license or certification, occupational license or certification, recreational license, or sporting license.

2. The denial or suspension shall remain in effect until:

a. The obligor makes full payment of the arrears;

b. Payments on the past due child support are made in accordance with a court order or an administrative order;

c. The obligor complies with the subpoena or a warrant relating to paternity or child support proceedings has been removed;

d. The obligor provides supporting documentation of extenuating circumstances that is accepted by DCSS[~~the cabinet~~]; or

e. The appeal of the denial or suspension is upheld and the license is reinstated.

3. DCSS[~~The cabinet~~] shall send to the obligor a CS-44, Notice of Intent to Request Denial or Suspension, which includes:

a. A section for an Answer to Notice of Intent providing the obligor with notice of the obligor's right to request an administrative

hearing contesting the action as specified in 40 KAR 11.070[~~921 KAR 1:430~~]; and

b. Notification that the CS-63, Notice to Licensing/Certification Board or Agency shall be rescinded if an action specified in paragraph (a) 2 of this subsection has been taken.

4. DCSS[~~The cabinet~~] shall send a CS-63 to the issuing agency or board of licensure or certification [~~a CS-63~~], if an action in subparagraph 2 of this paragraph has not been taken.

5. DCSS[~~The cabinet~~] shall send a CS-63 to the issuing agency or board of licensure or certification [~~a CS-63~~], within twenty (20) calendar days of the date of administrative hearing decision, if an administrative hearing results in a finding that the case qualifies for:

a. A license or certificate denial;

b. Suspension; or

c. Revocation.

6. DCSS[~~The cabinet~~] shall notify the issuing board or agency that the obligor is no longer subject to denial, suspension, or revocation, if the obligor, in accordance with KRS 15.802(11)[~~205.712(12)~~]:

a. Has eliminated the child support arrearage;

b. Is making payments on the child support arrearage in accordance with a court or administrative order; or

c. Complies with a subpoena or warrant relating to paternity or child support proceedings.

(b) If an obligor owes an arrearage equal to or greater than one (1) year's obligation, DCSS[~~the cabinet~~] shall take action against a license to carry a concealed deadly weapon as specified in KRS 237.110(4).

(3) Vehicle booting.

(a) If an obligor owes an arrearage equal to or greater than six (6) months obligation of an assigned support obligation and fails to comply with a subpoena or warrant relating to a child support proceeding, DCSS[~~the cabinet~~] may enforce a lien on a vehicle registered to the obligor by immobilization with a vehicle boot as established in KRS 15.820(9)[~~205.745(9)~~].

(b) DCSS[~~The cabinet~~] shall:

1. Verify with the Department of Vehicle Regulation that the vehicle identification number for the vehicle to be booted is registered in the obligor's name;

2. Verify the vehicle to be booted is solely owned by the obligor, co-owned by the obligor and current spouse, or owned by a business in which the obligor is the sole proprietor;

3. Send a notice of intent to the obligor, unless there is reason to believe that the obligor will leave town or hide the vehicle;

4. File a lien in the county where the vehicle is kept; and

5. Set a target date for booting the vehicle, if the obligor does not contact DCSS[~~the cabinet~~] within ten (10) days of notice to negotiate a settlement.

(c) DCSS[~~The cabinet~~] shall send a cancellation notice to the obligor and to the appropriate local law enforcement personnel to terminate the booting of the vehicle.

(4) Newspaper publication of a list of delinquent obligors. If an obligor owes an arrearage equal to or greater than six (6) months of an assigned support obligation or fails to comply with a subpoena or warrant relating to paternity or child support proceedings, as established in KRS 405.411, DCSS or its[~~a cabinet~~] designee under 15.802(6)[~~205.712(7)~~] may:

(a) Compile and furnish a list to a newspaper of general circulation in that county for publication; and

(b) Include the name, last known address, and the past due amount owed by the obligor.

(5) Passport denial, revocation, or limitation. If the obligor owes an arrearage of $2,500 or more, in accordance with 42 U.S.C. 652(k) and 654(31), DCSS[~~the cabinet~~] shall:

(a)

1. Provide the Advance Notice of Intent to Collect Past Due Support, CS-122, to the obligor of the determination to be referred for passport denial, revocation, or limitation; and

2. Include in the notice the consequences of the referral and the right to contest the action by requesting a hearing in accordance with KRS 15.802(8)[~~205.712(9)~~];

(b) Provide the U.S. Secretary of Health and Human Services the names of individuals and supporting documentation for the denial, revocation, or limitation of the obligor's passport; and

(c) Notify the Secretary of the U.S. Department of Health and Human Services that DCSS[~~the cabinet~~] requests the release of the passport of an obligor that had been denied if any of the following criteria are met:

1. There was an erroneous submittal of a Social Security number;

2. There is a case of mistaken identity and DCSS[~~the cabinet~~] has verified this information;

3. The obligor is required to pay the past due support in full;

4. The obligor provides documentation on company letterhead verifying travel for employment or business purposes and makes alternate payment arrangements acceptable to DCSS[~~the cabinet~~]; or

5. There are extenuating circumstances in which the reason for travel is a family emergency and supporting documentation is provided to and accepted by DCSS[~~the cabinet~~].

(6) Delinquent list.

(a) The [~~cabinet shall provide to the~~] Office of the Attorney General shall produce a list of names of delinquent obligors for publication on the Internet, as established in KRS 15.055 [~~and 205.712(17)~~].

(b) DCSS[~~The cabinet~~] shall send the obligor a CS-175, Notice of Intent to Place Noncustodial Parent's Name on Delinquent Listing notifying him or her of his or her right to contest by requesting a hearing.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "CS-44 Notice of Intent to Request Denial or Suspension", 09/2026[~~10/23~~];

(b) "CS-63 Notice to Licensing/Certification Board or Agency", 09/2026[~~10/23~~];

(c) "CS-68 Order to Withhold and Deliver", 09/2026[~~10/23~~];

(d) "CS-69 Answer to Withhold and Deliver", 09/2026[~~9/10~~];

(e) "CS-70 Release/Amendment of Order to Withhold and Deliver", 09/2026[~~9/16~~];

(f) "CS-72 National Medical Support Notice", 09/2026[~~04/24~~];

(g) "CS-73 Unemployment Insurance Letter", 09/2026[~~9/10~~];

(h) "CS-76 Unemployment Insurance Notice of Withholding", 09/2026[~~9/10~~];

(i) "CS-85 Notice of Lien", 09/2026[~~08/24~~];

(j) "CS-89 Income Withholding for Support", 09/2026[~~04/24~~];

(k) "CS-119 Noncustodial Parent's Notice of Lien", 09/2026[~~9/10~~];

(l) "CS-121 Noncustodial Parent's Answer to Withhold and Deliver", 09/2026[~~10/23~~];

(m) "CS-122 Advance Notice of Intent to Collect Past-Due Support", 09/2026[~~10/12~~]; and

(n) "CS-175 Notice of Intent to Place Noncustodial Parent's Name on Delinquent Listing", 09/2026[~~4/09~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at DCSS[~~the Department for Income Support, Child Support Enforcement~~], 730 Schenkel Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and available online at https://ag.ky.gov/Resources/Child-Support/Pages/default.aspx[~~https://csws.chfs.ky.gov/csws~~].

40 KAR 11:050
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026
FILED WITH LRC: October 12, 2026 at 11:20 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending 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 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 this proposed administrative regulation. Written comments shall be

accepted through December 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone (502) 229-2088; email: stacy.byrnstaulbee@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, Phone Number: (502) 229-2088, Email: stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation transfers procedures for the collection and enforcement of child support from the Cabinet for Health and Family Services (CHFS) to the Office of the Attorney General (OAG) pursuant to Senate Bill 48 of the 2023 RS.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the requirements to collect and enforce child support obligations in accordance with 31 C.F.R. 285.1, 285.3, 45 C.F.R. 303.6, 15 U.S.C. 1676, 42 U.S.C. 652, 654, 664, 666(a)(1)-(4), (6)-(12), (14)-(19), (b), and (c).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to KRS 15.802 which requires the Department of Child Support Services within the Office of the Attorney General to collect and enforce child support obligations and authorizes DCSS to promulgate administrative regulations to implement its duties. This administrative regulation establishes procedures for collection and enforcement if child support.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation will assist in establishing procedures to ensure effective administration of child support programs as mandated by federal law and in compliance with KRS 15.802.

(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 removes the Cabinet for Health and Family Services and the Department for Income Support as the entity required to promulgate administrative regulations for the Department of Child Support Services. It also updates regulatory and statutory citations to conform with Senate Bill 48 of the 2023 RS.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to conform with the transfer of the child support enforcement program to the Department of Child Support Services within the Department of Law.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by complying with federal law requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by updating statutory and regulatory citations implemented by Senate Bill 48 of the 2023 RS.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 1. Administrative Office of the Courts – 868 employees, 113 district judges, 97 circuit judges, 61 family court judges 2. Private attorneys – 19,581 3. Child support attorneys and staff – 725 4. Participants in the child support program – 601,231

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each regulated entity will be advised that the Office of the Attorney General is now the entity required to promulgate administrative regulations for the Department of Child Support Services. They will also be advised on the updated statutory and regulatory citations and given guidance on where this information can be obtained.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment to this administrative regulation will create no new or additional costs to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment to this regulation will not accrue benefits to regulated entities.

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

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

(b) On a continuing basis: There will be no costs to the administrative body 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 sources of funding include state General Funds and Federal Funds under 42 U.S.C. 601-619, Title IV-D of the Social Security Act.

(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 amendment 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 establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or 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: 13B.010(2), 15.055, 131.570, 15.802(3) – 15.866, 237.110(4), 405.060(2), (3), 427.005, 31 C.F.R. 285.1, 285.3, 45 C.F.R. 303.6, 15 U.S.C. 1673, 42 U.S.C. 652, 654, 664, 666(a)(1)-(4), (6)-(12), (14)- (19), (b), (c), 669a

(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 2023 Ky Acts Ch. 124.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Attorney General, Department of Law, Department of Child Support Services

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities will not be affected. (b) Estimate the following for the first year:

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

1. Expenditures:
For the first year: 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): Administrative Office of the Courts, private attorneys, DCSS attorneys and staff, new and existing child support program participants.

(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 identified in (3)(a), (4)(a), and (5)(a):

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

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

(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): N/A

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. : 31 C.F.R. 285.1, 285.3, 45 C.F.R. 303.6

(2) State compliance standards. 13B.010(2), 15.055, 131.570, 15.802(3) – 15.866, 237.110(4), 405.060(2), (3), 427.005

(3) Minimum or uniform standards contained in the federal mandate. 15 U.S.C. 1673, 42 U.S.C. 652, 654, 664, 666(a)(1)-(4), (6)-(12), (14)- (19), (b), (c), 669a

(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 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 will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(Amendment)

40 KAR 11:060. Child support distribution.

RELATES TO: KRS 13B.010(2), 13B.170, 15.808[~~205.720~~], 15.822[~~205.750~~], 15.826[~~205.755~~], 15.866[~~205.795~~], 405.520, 407.5101, 45 C.F.R. 302.32, 302.38, 302.51-302.54, 303.72(h)(5), 42 U.S.C. 651

STATUTORY AUTHORITY: KRS 15.802(1)[~~194A.050(1)~~], 15.826(1)[~~205.755(1)~~], 15.866[~~205.795~~]

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 15.802(2)[~~194A.050(1)~~] requires the Office of the Attorney General (OAG), Department of Child Support Services (DCSS) within the Department of Law[~~secretary~~] to promulgate administrative regulations to operate the Child Support Enforcement (CSE) program in accordance with federal law and regulations[~~necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs~~]. KRS 15.826(1)[~~205.755(1)~~] authorizes DCSS[~~the secretary~~] to prescribe the manner in which distributions of payments of support shall be made, consistent with state and federal law and administrative regulations. This administrative regulation establishes procedures for distribution of child support payments.

Section 1. Allocation of income withheld payments in IV-D and non-IV-D cases.

(1) DCSS[~~The cabinet~~] shall allocate an income withheld payment among an obligor's cases that include an income withholding order by:

(a) Totaling the obligor's current support obligations subject to income withholding;

(b) Dividing each current support obligation by the total amount from paragraph (a) of this subsection, to determine a percentage; and

(c) Multiplying the withheld payment received from the employer by the percentage from paragraph (b) of this subsection[~~,~~] to determine the portion of the payment to be applied to each current support obligation subject to income withholding.

(2) DCSS[~~The cabinet~~] shall allocate the payment amount determined in subsection (1)(c) of this section to each of the obligor's current support obligation amounts subject to income withholding.

(3) If the obligor's current support obligations subject to income withholding are satisfied for the current month, DCSS[~~the cabinet~~] shall allocate a remaining income withholding amount among the obligor's ordered arrears obligations subject to income withholding by:

(a) Totaling the obligor's ordered arrears obligations subject to income withholding;

(b) Dividing the monthly arrears obligation for each child support case by the total amount from paragraph (a) of this subsection[~~,~~] to determine a percentage; and

(c) Multiplying the remaining income withholding amount by the percentage from paragraph (b) of this subsection[~~,~~] to determine the portion of the payment to be applied to each arrears obligation subject to income withholding.

(4) DCSS[~~The Cabinet~~] shall allocate the payment amount determined in subsection (3)(c) of this section to each of the obligor's arrears obligations subject to income withholding.

(5) If the obligor's current support and arrears obligations subject to income withholding are satisfied for the current month, DCSS[~~the cabinet~~] shall allocate a remaining income withheld amount proportionately according to subsections (1) through (4) of this section.

(6) Allocation of nonwage payments in IV-D and non-IV-D cases. DCSS[~~The Cabinet~~] shall allocate nonwage payments:

(a) As designated by an obligor for a specific case; or

(b) If not designated by an obligor, by allocating a proportionate share to each of the obligor's child support cases, as determined in subsections (1) through (4) of this section.

Section 2. K-TAP and Kinship Care Accounts Distribution. A child support payment collected on behalf of a K-TAP or Kinship Care recipient shall be:

(1) Payable to the state[~~Department for Income Support, Child Support Enforcement~~].

(2) If the K-TAP or Kinship Care case becomes ineligible, DCSS[~~the child support agency~~] shall:

(a) Distribute to the family at the end of the month the amount of child support collected as specified in 40 KAR 11:060, Section 2 (2)(a); and

(b) Notify the family of continuation of child support services as specified in 40 KAR 11:020[~~921 KAR 1:380~~], Section 1(4)(b).

(3) Unless a hearing is requested or a case remains eligible for assistance, DCSS[~~the child support agency~~] shall distribute the collection as specified in Section 6 of this administrative regulation.

Section 3. Distribution of Foster Care Accounts. A child support payment collected on behalf of a foster care recipient shall be:

(1) Payable to the state[~~Department for Income Support, Child Support Enforcement~~]; and

(2) Distributed and disbursed to the foster care agency.

Section 4. Distribution of Tax Refund Intercept Amounts.

(1) A tax refund intercepted in a public assistance account shall be:

(a) Applied to assigned arrearage and forwarded to the public assistance agency within thirty (30) calendar days of the date of initial receipt; or

(b) If no assigned arrearage remains, the amount collected shall be:

1. Distributed to the family within thirty (30) calendar days, unless a joint income tax return is filed; or

2. Held by DCSS[~~the cabinet~~] for six (6) months before being distributed if a joint income tax return is filed.

(2) A tax refund intercepted for a nonpublic assistance account shall be:

(a) Applied to assigned arrearage; or

(b) If no assigned arrearage remains:

1. Held by DCSS[~~the cabinet~~] for six (6) months, if a joint income tax return is filed, before being distributed; or

2. Forwarded to the family within thirty (30) calendar days of the date of initial receipt.

(3) Within fifteen (15) calendar days of the date of resolution of an obligor's appeal contesting the accuracy of a past-due arrears, DCSS[~~the cabinet~~] shall forward the ordered amount to:

(a) The obligor, if resolution is in the obligor's favor; or

(b) The agency or family, if resolution is against the obligor.

Section 5. Interstate Case Payment Distribution. A child support payment that is collected by a responding state on behalf of an initiating state shall be forwarded to the location specified by the child support agency in the initiating state, within two (2) business days of initial receipt.

Section 6. Treatment of Escrow and Excess Payments.

(1) A child support payment shall be applied to the obligation amount for the month in which the support is received.

(2) In a K-TAP or Kinship Care case, if the obligation for current support and the collection for current support exceed the grant paid for the month in which the collection was made, the difference between the grant and the obligation or the collection, whichever is less, shall be considered escrow and distributed as follows:

(a) The portion that represents the federal share, as determined by the Medicaid match rate, shall be sent to the federal government for reimbursement of public assistance previously paid;

(b) The portion that represents the state share, as determined by the Medicaid match rate, shall be sent to the family; and

(c) An amount in excess of the current obligation shall be applied to arrearage.

Section 7. Return of Overpayment.

(1) If a child support overpayment is found to be due to the noncustodial parent, the amount shall be verified and, if legitimate, approved by DCSS Office of Administrative Services[~~the Department for Income Support, Child Support Enforcement, Processing and Distribution Branch~~].

(2) Upon approval by the Office of Administrative Services[~~Processing and Distribution Branch~~], a check writer shall be sent to the Department of Treasury within one (1) to seven (7) business days for processing.

(3) A check for the approved amount of child support overpayment shall be issued to the noncustodial parent[~~within one (1) to seven (7) days~~], unless the overpayment is due to a tax return. If the overpayment is due to a tax return, the approved amount shall be issued to the noncustodial parent:

(a) Within thirty (30) days if a single return; or

(b) Within six (6) months, if a joint return, from the date of the notification of federal tax offset or until notified that the unobligated spouse's share of the refund has been paid, whichever is earlier, in accordance with 45 C.F.R. 303.72(h)(5).

40 KAR 11:060
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026
FILED WITH LRC: October 12, 2026 at 11:20 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending 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 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 this proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone (502) 229-2088; email: stacy.byrnstaulbee@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, Phone Number: (502) 229-2088, Email: stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation transfers the requirements for the distribution of child support from the Cabinet for Health and Family Services (CHFS) to the Office of the Attorney General (OAG) pursuant to Senate Bill 48 of the 2023 RS.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement requirements for the distribution of child support in accordance with 45 C.F.R. 302.32, 302.38, 302.51-302.54, 303.72(h)(5), and 42 U.S.C. 651.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.802(2) requires the Office of the Attorney General to promulgate administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 15.826(1) authorizes the Office of the Attorney General to prescribe the manner in which distributions of payments of support shall be made, consistent with state and federal law and administrative regulations. This administrative regulation establishes procedures for distribution of child support payments.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist with further establishing procedures to ensure effective administration of and conforming to KRS 15.802(1), 15.826(1), and 15.866.

(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 removes the Cabinet for Health and Family Support and the Department of Income Support as the entity required to promulgate administrative regulations for the Department of Child Support Services. It also updates regulatory and statutory citations to conform with Senate Bill 48 of the 2023 RS.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to conform with the transfer of the child support enforcement program to the Department of Child Support Services within the Department of Law.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the

authorizing statutes by clarifying the criteria used by the KTAP or Kinship Care agency in determining ongoing eligibility for KTAP, Kinship Care and FAST programs in accordance with 45 C.F.R. 302.32, 302.38, 302.51-302.54, 303.72(h)(5), and 42 U.S.C. 651. This amendment also identifies KRS 15.802(1), 15.826(1), and 15.866 as the laws governing the distribution of child support.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by updating regulatory and statutory citations implemented by Senate Bill 48 of the 2023 RS.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 1. Child Support Enforcement attorneys and staff- 725 2. Division of Family Support attorneys and staff – 1915 3. Participants in the Child Support Program – 601,231 4. Participants in the KTAP, Kinship Care and FAST programs – 21,241

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each regulated entity will be advised that the Office of the Attorney General is now the entity required to promulgate administrative regulations for the Department of Child Support Services. They will also be advised on the updated regulatory and statutory citations and given guidance on where this information can be obtained.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment to this administrative regulation will create no new or additional costs to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment to this administrative regulation will not increase accrued benefits to regulated entities

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

(a) Initially: The amendment to this administrative regulation will be implemented with no allocated funds.

(b) On a continuing basis: The administrative regulation has no associated allocation of funding.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The sources of funding include state general funds and federal funds under 42 U.S.C. 401-419, Title IV-D of the Social Security Act.

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

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

(10) TIERING: Is tiering applied? Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or entities which elect to be 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 13B.010(2), 13B.170, 15.808, 15.822, 15.826, 15.866, 405.520, 407.5101, 45 C.F.R. 302.32, 302.38, 302.51-302.54, 303.72(h)(5), 42 U.S.C. 651

(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 2023 Ky Acts Ch. 124.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Attorney General, Department of Law, Department of Child Support Services

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities will not be affected. (b) Estimate the following for the first year:

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

1. Expenditures:
For the first year: 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): Administrative Office of the Courts, private attorneys, DCSS attorneys and staff, new and existing child support program participants.

(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 identified in (3)(a), (4)(a), and (5)(a):

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

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

(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): N/A

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 45 C.F.R. 302.32, 302.38, 302.51-302.54, 303.72(h)(5)

(2) State compliance standards. KRS 13B.010(2), 13B.170, 15.808, 15.822, 15.826, 15.866, 405.520, 407.5101

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 651

(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 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 will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(Amendment)

40 KAR 11:070. Child support administrative hearings.

RELATES TO: KRS Chapter 13B, 15.055, 154A.060(2)(g), 15.800[205.710], 15.802(9), (10), (11), (12), (13)[205.712], 15.820(7), (9)[205.745], 15.836[205.7685], 15.838[205.769], 15.850[205.778], 237.110(4)(f)(g), 341.392, 341.420, 405.411, 405.440(4), 405.450(1), (2), (5), 405.463, 405.465, 405.467, 405.470, 405.490(4)

STATUTORY AUTHORITY: KRS 13B.170, 15.802(2)[194A.050(1), 205.712], 45 C.F.R. 303.35, 42 U.S.C. 666

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 15.802(2)[194A.050(1)] requires the Office of the Attorney General (OAG), Department of Child Support Services (DCSS) within the Department of Law[secretary of the Cabinet for Health and Family Services] to promulgate administrative regulations to operate the Child Support Enforcement (CSE) program in accordance with federal law and regulations.[necessary to implement programs mandated by federal law, qualify for the receipt of federal funds, or to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs.] 42 U.S.C. 666 requires each state to have procedures in effect [procedures]to increase the effectiveness of the CSE[Child Support Enforcement] program. 45 C.F.R. 303.35 requires the agency administering the CSE[Child Support Enforcement] program to develop a procedure for administrative reviews of child support cases for individuals with complaints. KRS 13B.170 authorizes an agency to promulgate administrative regulations that are necessary to carry out the provisions of KRS Chapter 13B. This administrative regulation establishes the administrative hearing procedures used by DCSS[the cabinet] in the administration of the CSE[Child Support Enforcement] program.

Section 1. Availability of a Hearing.

[(1)] [An opportunity for an administrative hearing shall be provided to an individual aggrieved by an action or inaction:]

[(a)] [On the part of the Child Support Enforcement Program; and]

[(b)] [That affects the child support case of the individual.]

(1)[(2)] Pursuant to KRS 15.802, an aggrieved individual may request[requesting] an administrative hearing based on a mistake of fact which will be conducted by the Office of the Attorney General.[shall have the option to designate a representative to act on behalf of the aggrieved party for the hearing process, such as:]

[(a)] [Legal counsel;]

[(b)] [A relative; or]

[(c)] [Any other person.]

[(3)] [An administrative hearing shall be conducted by an administrative hearing officer assigned by the Division of Administrative Hearings, Families and Children Administrative Hearings Branch:]

[(a)] [In the county of residence for the appellant or child; or]

[(b)] [By telephone or at an alternate location, if the appellant:]

[1.] [Is unable to travel; and]

[2.] [Requests alternate hearing arrangements at least five (5) calendar days in advance of the scheduled hearing.]

[(4)] [If the appellant or authorized representative speaks a language other than English, the cabinet shall ensure that interpreter services are provided for the administrative hearing.]

[(5)] [Child support enforcement staff shall schedule and hold an informal interview or conference with an aggrieved individual:]

[(a)] [Within ten (10) calendar days of receiving the individual's hearing request;]

[(b)] [Prior to an administrative hearing being scheduled; and]

[(c)] [To attempt resolution of the dispute.]

[(6)] [If the informal conference does not resolve the issue, the hearing request shall be sent to the Families and Children Administrative Hearings Branch as specified in Section 2 of this administrative regulation for scheduling.]

[Section 2.] [Request for a Hearing.]

(2)[(1)] An aggrieved individual shall submit a request for an administrative hearing to DCSS or its designee by either[:]

[(a)] completing and submitting a CS-180, Request for Administrative Hearing or[;]

[(b)] submitting a written request[; or]

[(c)] [Making an oral request, which is then transferred into a written request] within the following timeframes:[specified in subsection (4) of this section.]

[(2)] [An administrative hearing request shall be submitted to the:]

[(a)] [Child support contracting official's office in the appellant's county of residence; or]

[(b)] [Child Support Enforcement's central office.]

[(3)] [The count of days specified in subsection (4) of this section shall begin from the date of:]

[(a)] [Issuance, if the notice is sent by first class mail; or]

[(b)] [Receipt, if the notice is personally served or sent by certified mail.]

[(4)] [A written request for an administrative hearing shall be considered timely if received by the cabinet within:]

(a) Ten (10) calendar days of:

1. An income withholding notice, issued in accordance with KRS 405.465 and KRS 405.467; or

2. A notice of intent to boot a vehicle, issued in accordance with KRS 15.820[205.745](9);

3. An advance notice of intent to request full credit report, issued in accordance with KRS 15.836;

(b) Fifteen (15) calendar days of a notice of withholding from unemployment insurance, issued in accordance with[pursuant to] KRS 341.392 and KRS 341.420;

(c) Twenty (20) calendar days of:

1. An initial notice of monthly support obligation, issued in accordance with KRS 405.440[(4)];

2. An order to withhold assets, issued in accordance with KRS 405.470 and KRS 405.490(4);

3. A request for denial or suspension of a license or certificate;

4. A lien notice[,]issued in accordance with KRS 15.820[205.745](7); or

5. A notice to place the obligor's name on the delinquent listing issued in accordance with KRS 15.055; or

(d) Thirty (30) calendar days of a:

1. Modified notice of monthly support obligation, in accordance with KRS 405.450(5);

2. Notice that an obligation amount was reviewed without change, in accordance with KRS 405.450(5); or

3. Notice regarding the collection of past-due support issued in accordance with KRS 154A.060(2)(g), [205.712(17), and]KRS 15.838,[205.769.] and KRS 405.463.

4. The count of days outlined in this subsection shall begin from the date of:

(a) Issuance, if the notice is sent by first class mail; or

(b) Receipt, if the notice is personally served or sent by certified mail.

(3) An administrative hearing request shall be submitted to the:

(a) Child support contracting official's office in the appellant's county of residence; or

(b) DCSS Administrative Enforcement Section.

(4) Prior to an administrative hearing being scheduled, DCSS staff shall schedule and hold an informal interview or conference with an aggrieved individual within ten (10) calendar days of receiving the individual's hearing request to attempt to resolve the dispute. If the informal conference does not resolve the issue, the hearing request shall be sent to the Office of the Administrative Hearings within the Department of Law.

(5) Pursuant to KRS 405.450, an administrative hearing shall be scheduled within sixty (60) days of the hearing request by an administrative hearing officer assigned by the Office of Administrative Hearings within the Department of Law:

(a) In the county of residence for the parent or child or any other location acceptable to the parent;

(b) At an alternate location, if agreed by the parties; or

(c) By telephone, television, or other electronic means as outlined in KRS 13B.080(7).

(6) A notice of an administrative hearing shall comply with the requirements of KRS 13B050. The administrative hearing shall be conducted in accordance with KRS Chapter 13B.

(7) If the aggrieved individual speaks a language other than English, DCSS shall ensure that interpreter services are provided for the administrative hearing.

[(5)] [In accordance with KRS 205.712(13), an individual shall be granted an administrative hearing based upon a mistake in fact, such as an incorrect:]

[(a)] [Person identified as an obligor; or]

[(b)] [Current or past due support obligation.]

(8)[(6)] An appellant or authorized representative may withdraw an administrative hearing request by submitting a [written] request to the:

(a) Office of Administrative Hearings within the Department of Law[Families and Children Administrative Hearings Branch, as specified in Section 3 of this administrative regulation]; or

(b) The child support enforcement office that accepted the original request for an administrative hearing.

[Section 3.] [Hearing Notification.]

[(1)] [The Division of Administrative Hearings, Families and Children Administrative Hearings Branch shall acknowledge an administrative hearing request.]

[(2)] [A notice of an administrative hearing shall:]

[(a)] [Comply with the requirements of KRS 13B.050(3);]

[(b)] [Specify the name, address, and phone number of the person to notify if an appellant is unable to attend the scheduled hearing; and]

[(c)] [Specify that the hearing request shall be dismissed if an appellant or the authorized representative fails to appear for an administrative hearing without good cause as specified in Section 4(3) of this administrative regulation.]

[(3)] [Pursuant to KRS 405.450(1), the cabinet shall schedule an administrative hearing within sixty (60) calendar days of an individual's hearing request.]

[(4)] [An administrative hearing shall be conducted in accordance with KRS Chapter 13B.]

[(5)] [An individual that fails to appear for a scheduled hearing shall receive notification to provide good cause within ten (10) calendar days.]

Section 2.[Section 4.] Denial or Dismissal of an Administrative Hearing Request.

(1) A hearing request shall be denied or dismissed if the:

(a) Request is not based on a mistake of fact as specified in Section 1(1)[2(5)] of this administrative regulation and KRS 15.802;

(b) Request is to modify or contest a support obligation established in an existing court order;

(c)[(b)] Request is untimely and good cause[, as defined in subsection (3) of this section,] is:

1. Not claimed; or

2. Found not to exist;

(d)[(c)] Appellant submits a [written] request to withdraw the administrative hearing request; or

(e)[(d)] Appellant or an authorized representative fails to appear for the scheduled hearing without:

1. Notifying DCSS or DCSS's designee[the cabinet] prior to the hearing; or

2. Establishing good cause for failure to appear[, as defined in subsection (3) of this section].

(2) The burden of proof under this subsection shall rest solely with the party seeking relief to advance a claim of good cause.

[(2)] [A claim of good cause for an untimely hearing request or failure to appear at an administrative hearing shall be established within ten (10) calendar days of receipt of a notice to provide good cause.]

(3) Upon receipt of a good cause claim, a hearing officer shall determine if the appellant has shown good cause or summarily deny the request without a hearing if the submission does not establish a prima facie showing of good cause.[:]

[(a)] [Was away from home during the entire filing period;]

[(b)] [Is unable to read or comprehend the right to request an administrative hearing on the notice received;]

[(c)] [Moved, resulting in a delay in receiving or failure to receive the notice in the required time period;]

[(d)] [Was suffering from a serious illness;]

[(e)] [Was caring for an immediate household member who had a serious illness; or]

[(f)] [Was not at fault for the delay of the request, as determined by the hearing officer.]

(4) DCSS[The cabinet] shall notify an appellant of the dismissal of an administrative hearing request by sending a recommended order of dismissal.

Section 3.[Section 5.] Appellant's Rights.

(1) An appellant or an appellant's [legal] representative shall have the right to examine and copy case material pertinent to the dispute before or during the hearing process in accordance with KRS 13B.090(3) and 13B.140.

(2) DCSS[The cabinet] shall release case information as specified in subsection (1) of this section to the appellant's authorized representative if the appellant provides written authorization that is:

(a) Signed in the presence of child support enforcement staff who shall also sign as a witness; or

(b) Notarized.

[(3)] [An appellant or representatives shall have the right to:]

[(a)] [Examine, prior to the hearing:]

[1.] [The list of witnesses to be called during the hearing;]

[2.] [Evidence to be presented at the hearing; and]

[3.] [Other information in the cabinet's possession that pertains to the hearing;]

[(b)] [Present witnesses or documents to support the appellant's claim; and]

[(c)] [Appeal the decision of the final order of the hearing to Circuit Court in accordance with KRS 13B.140.]

Section 4.[Section 6.] Obligation Pending a Hearing or Appeal.

(1) If a hearing request is based on the dispute of:

(a) An initial notice of monthly support obligation, the obligation shall be stayed until a final order of the Attorney General[secretary] is issued, in accordance with KRS 405.450(2); or

(b) The findings of a modification review of an administratively established obligation, the amount of the existing obligation shall be:

1. Enforceable; and

2. Paid by the obligor pending receipt of the final order.

(2) If the action taken on behalf of DCSS[the Child Support Enforcement Program] is:

(a) Upheld, the obligation amount shall be retroactive to the effective date on the notice of monthly support obligation; or

(b) Found to be incorrect, DCSS[the cabinet] shall return to the obligor any overpayment made since the date the administrative hearing was requested.

(3) If an appellant files an appeal of the final order with the Circuit Court, the appellant shall be obligated to pay the amount listed on the notice of monthly support obligation while the appeal is pending.

Section 5.[Section 7.] Recommended Order.

[(1)] After the hearing has concluded, the hearing officer shall submit a recommended order to the Attorney General and each party in the hearing[to the secretary of the Cabinet for Health and Family Services a recommended order] in accordance with KRS 13B.110.[that:]

[(a)] [Summarizes the facts of the case;]

[(b)] [Specifies the address where a party to the hearing may send an exception to the recommended order; and]

[(c)] [Identifies the:]

[1.] [Findings of fact;]

[2.] [Conclusions of law;]

[3.] [Supporting evidence; and]

[4.] [Applicable state and federal laws and administrative regulations.]

[(2)] [A copy of the recommended order shall be sent to the:]

[(a)] [Appellant or representative;]

[~~(b)~~] [~~The secretary; and~~]

[~~(c)~~] [~~Designated staff of the Child Support Enforcement's central office.~~]

Section 6.[~~Section 8.~~] Written Exceptions. Any[~~If a~~] party may file written exceptions to the [~~hearing disagrees with the~~] recommended order[~~,~~] within fifteen (15) days from the date of the [~~recommended~~] order pursuant to[~~is mailed, the party may file with the secretary written exceptions in accordance with~~] KRS 13B.110(4).

Section 7.[~~Section 9.~~] Final Order. A final order shall be issued in accordance with KRS 13B.120.

[~~(1)~~] [~~Within ninety (90) days from the date the recommended order is mailed, A final order shall be issued by the secretary in accordance with KRS 13B.120.~~]

[~~(2)~~] [~~If the final order differs from the recommended order, the final order shall comply with KRS 13B.120(3).~~]

Section 8.[~~Section 10.~~] Incorporation by Reference.

(1) "CS-180, Request for Administrative Hearing", 09/2026[~~7/14~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at DCSS[~~the Cabinet for Health and Family Services, Department for Income Support, Child Support Enforcement~~], 730 Schenkel Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at https://ag.ky.gov/Resources/Child-Support/Pages/default.aspx.

40 KAR 11:070
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026
FILED WITH LRC: October 12, 2026 at 11:20 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending 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 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 this proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone (502) 229-2088; email: stacy.byrnstaulbee@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, Phone Number: (502) 229-2088, Email: stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation transfers administrative hearing procedures for an individual that is aggrieved by an action or inaction of the CSE program from the Cabinet for Health and Family Services (CHFS) to the Office of the Attorney General (OAG) pursuant to Senate Bill 48 of the 2023 RS.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement administrative hearing procedures in accordance with 45 C.F.R. 303.35 and 42 U.S.C. 666.

(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 complying with the administrative hearing process as outline in KRS Chapter 13B.

(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 administrative hearing procedures within DCSS.

(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 removes the Cabinet for Health and Family Support and the Department of Income Support as the entity required to promulgate administrative regulations for the Department of Child Support Services. It also updates regulatory and statutory citations to conform with Senate Bill 48 of the 2023 RS.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to conform with the transfer of the child support enforcement program to the Department of Child Support Services within the Department of Law.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by complying with federal law requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by updating statutory and regulatory citations implemented by Senate Bill 48 of the 2023 RS.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 1. Administrative Office of the Courts – 868 employees, 113 district judges, 97 circuit judges, 61 family court judges 2. Private attorneys – 19,581 3. Child support attorneys and staff – 725 4. Participants in the child support program – 601,231

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Each regulated entity will be advised that the Office of the Attorney General is now the entity required to promulgate administrative regulations for the Department of Child Support Services. They will also be advised on the updated statutory and regulatory citations and given guidance on where this information can be obtained.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment to this administrative regulation will create no new or additional costs to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment to this regulation will not accrue benefits to regulated entities.

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

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

(b) On a continuing basis: There will be no costs to the administrative body 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 sources of funding include state General Funds and Federal Funds under 42 U.S.C. 601-619, Title IV-D of the Social Security Act.

(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 amendment 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 establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or 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 Chapter 13B, 154A.060(2)(g), 15.800, 15.802(9) (10), (11), (12), (13), 15.80 (7) (9), 15.836, 15.838, 237.110(4)(f)(g), 341.392, 341.420, 405.411, 405.440(4), 405.450(1), (2), (5), 405.463, 405.465, 405.467, 405.470, 405.490(4), 45 C.F.R. 303.35, 42 U.S.C. 666

(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 2023 Ky Acts Ch. 124.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Attorney General, Department of Law, Department of Child Support Services

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities will not be affected. (b) Estimate the following for the first year:

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

1. Expenditures:
For the first year: 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): Administrative Office of the Courts, private attorneys, DCSS attorneys and staff, new and existing child support program participants.

(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 identified in (3)(a), (4)(a), and (5)(a):

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

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

(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): N/A

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 45 C.F.R. 302.35

(2) State compliance standards. KRS Chapter 13B, 154A.060(2)(g), 15.800, 15.802(9) (10), (11), (12), (13), 15.80 (7) (9), 15.836, 15.838, 237.110(4)(f)(g), 341.392, 341.420, 405.411, 405.440(4), 405.450(1), (2), (5), 405.463, 405.465, 405.467, 405.470, 405.490(4)

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 666

(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 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 will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

FINANCE AND ADMINISTRATION CABINET
Public Pensions Authority
(Amendment)

105 KAR 1:365. Hybrid cash balance plan.

RELATES TO: KRS 16.505, 16.543, 16.577, 16.578, 16.583, 61.505, 61.510, 61.542, 61.543, 61.552, 61.559, 61.565, 61.592, 61.5955, 61.597, 61.615, 61.625, 61.637, 61.640, 61.680, 61.702, 78.510, 78.545, 78.5510, 78.5512, 78.5514, 78.5516, 78.5520, 78.5528, 78.5532, 78.5536, 78.5540, 78.5542, 78.615, 78.635, 38 U.S.C. 4301-4335, 26 U.S.C. 414(u)

STATUTORY AUTHORITY: KRS 61.505(1)(g)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary and proper to carry out the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. KRS 16.583, 61.597, 78.5512, and 78.5516 create a hybrid cash balance plan tier for members of the State Police Retirement System, Kentucky Employees Retirement System, and County Employees Retirement System with participation dates on or after January 1, 2014, or members making an election pursuant to KRS 61.5955 and 78.545. This administrative regulation establishes the procedures and requirements for the administration of the hybrid cash balance plan tier.

Section 1. Definitions.

(1) "Decompression service" means service purchased by a member for a period of time not to exceed ninety (90) days between the member's discharge from active-duty military service and the member's return to employment with a participating employer, if the member returned from military leave and did not immediately return to work, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301-4333.

(2) "Military omitted service" means service purchased by a member with a participation date on or after January 1, 2014, who was called to active-duty military in accordance with KRS 61.552(1) and 78.545.

(3)[(1)] "Nonvested member" means a member of the Systems who has less than five (5) years of service credited under KRS 16.543, 61.543, and 78.615 and who participates in the hybrid cash balance plan tier based on:

(a) A participation date on or after January 1, 2014, or

(b) Opting into the hybrid cash balance plan with a participation date between September 1, 2008 and December 31, 2013.

(4)[(2)] "Vested member" means a member of the Systems who has five (5) or more years of service credited under KRS 16.543, 61.543, and 78.615 and who participates in the hybrid cash balance plan tier based on:

(a) A participation date on or after January 1, 2014, or

(b) Opting into the hybrid cash balance plan with a participation date between September 1, 2008 and December 31, 2013.

Section 2. Military Service Credit.

(1)

[(a)] [Decompression service shall mean service purchased by a member for a period of time not to exceed ninety (90) days between the member's discharge from active-duty military service and the member's return to employment with a participating employer, if the member returned from military leave and did not immediately return to work, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301-4333.]

(a)[(b)] Decompression service shall be credited to the member's account after the member has paid the employee contributions that would have been paid by the member for this period of time in accordance with KRS 16.543, 61.543, and 78.615.

(b)[(c)] The employer shall pay the employer contributions for the period of decompression service in accordance with KRS 61.565 and 78.635.

(2)

[(a)] [Military omitted service shall mean service purchased by a member with a participation date on or after January 1, 2014, who was called to active-duty military in accordance with KRS 61.552(1) and 78.545.]

(a)[(b)] Military omitted service shall be credited to the member's account only if the member has paid the employee contributions that would have been paid by the member for this period of time in accordance with KRS 16.543, 61.543, and 78.615.

(b)[(c)] The employer shall pay the employer contributions for the period of military omitted service in accordance with KRS 61.565 and 78.635.

Section 3. Application.

(1) Systems. This administrative regulation shall apply to:

(a) The[the] hybrid cash balance plan tier within each of the Systems; and[.]

(b)[(2)] [Members.] Except as provided in subsections (2) and (3)[and (4)] of this section,[this administrative regulation shall apply] solely to members who begin participating in the Systems on or after January 1, 2014, and who do not have a participation date in any other state-administered retirement system that is prior to January 1, 2014.

(2)[(3)] Irrevocable Election. This subsection shall apply only to members with a participation date in the Systems between September 1, 2008 and December 31, 2013, who have not received a retirement benefit from the Systems.

(a) Pursuant to KRS 61.5955 and 78.545, a member with a participation date in the Systems between September 1, 2008 and December 31, 2013, may make a one-time, irrevocable election to receive the benefits and rights provided under the hybrid cash balance plan tier as established[defined] in KRS 16.583, 61.597, 78.5512, and 78.5516 in lieu of benefits he or she is currently eligible to receive from the Systems.

1. A member with a participation date[based on service in the Systems or service] in another state-administered retirement system prior to September 1, 2008 shall not be eligible to make the[this] one-time, irrevocable election established in paragraph (a) of this subsection upon separation of accounts in accordance with KRS 61.680, 78.5542, and 105 KAR 1:020.

2. A member with a participation date in the Systems between September 1, 2008 and December 31, 2013 who also has service in another state-administered retirement system between September 1, 2008 and December 31, 2013 shall be eligible to make the[this] one-time, irrevocable election established in paragraph (a) of this subsection only upon separation of the member's account in the Systems from the member's account in the other state-administered retirement system as established in Section 6(6) of this administrative regulation and in accordance with KRS 61.680, 78.5542, and 105 KAR 1:020.

(b)

1. Eligible members who make the one-time, irrevocable election established[as described] in paragraph (a) of this subsection shall only be entitled to retain purchased service that is recontribution of a refund, omitted, omitted with interest, decompression, or service purchased in accordance with the USERRA.[Uniformed Services Employment and Reemployment Rights Act (USERRA);] The[the] agency shall remove any other purchased service from total months of service credit and refund the cost of that service[back], plus interest, to the source of the purchase.

2. Eligible members who make the one-time, irrevocable election established[as described] in paragraph (a) of this subsection shall not retain any active duty military service pursuant to KRS 61.552(1) and 78.545, unless the eligible member is currently participating in one (1) of the systems and pays the military omitted service.

(c) Members eligible to make the one-time, irrevocable election established[as described] in paragraph (a) of this subsection shall be provided information detailing the potential results of that election via Member Self Service on the agency's website[Web site maintained by the agency], which shall reflect service credit purchases retained and refunded as established[described] in paragraph (b) of this subsection, and may receive additional information from the agency[agency's counselors] upon request.

(d) The agency shall provide Form 2013, Hybrid Cash Balance Plan Opt-In Election, on which the member can make a one-time, irrevocable election as established[described] in paragraph (a) of this subsection, on the agency's website[available to the member via Member Self Service on the Web site maintained by the agency].

(e) The agency shall not process an eligible member's one-time, irrevocable election as established[described] in paragraph (a) of this subsection until a valid[complete and correct] Form 2013[, Hybrid Cash Balance Plan Opt-In Election,] is filed at the agency[on file at the retirement office].

(f) The effective date of the eligible member's one-time, irrevocable election as established[described] in paragraph (a) of this subsection shall be the date on which the completed Form 2013[, Hybrid Cash Balance Plan Opt-In Election,] is filed[received] at the agency[retirement office].

(3)[(4)] Prior Participation that has been refunded. This subsection shall apply to a member with a participation date with the Systems prior to January 1, 2014, who terminates employment, and who takes a refund of accumulated contributions pursuant to KRS 61.625 and 78.545.

(a) If the member[that person] is reemployed on or after January 1, 2014, in a regular full-time position required to participate in one of the Systems and does not have a participation date with any other state-administered retirement plan prior to January 1, 2014, he or she[the person] shall become a member of the hybrid cash balance plan tier.

(b) If the[that] member purchases[his or her] previously refunded service in accordance with KRS 61.552(3) and 78.545(7), the purchased service shall only be used to determine the member's years of service credited and shall not be used to determine the member's participation date.

(4) The agency shall not process an accumulated account balance refund application made pursuant to this administrative regulation for a vested member who has been charged with a felony related to his or her employment until a final, appealable judgment has been entered by a court of competent jurisdiction.

Section 4. Construction of Administrative Regulation. KRS 16.505 to 16.652, KRS 61.510 to 61.705, KRS 78.510 to 78.852, and KAR Title 105 shall apply to the hybrid cash balance plan tier except if required by or as necessary for the administration of the hybrid cash balance plan tier pursuant to[under] KRS 16.583, 61.597, 78.5512, and 78.5516.

Section 5. Trust Assets. All contributions made with respect to each System's[~~Systems'~~] hybrid cash balance plan tier shall be held in the trust for the respective System. Assets for the hybrid cash balance plan tier shall not be segregated from the assets for other tiers for the respective System.

Section 6. Reciprocity.

(1) All service credit with other state-administered retirement systems, including the Judicial and Legislators' Plan and the Teachers' Retirement System, shall be used to determine[~~for determining~~] a member's years of service credited for purposes of eligibility for annuitization, unless the member:

(a) Has[~~The member has~~] separated the member's account with another state-administered retirement systems by filing a complete Form 2022, Separation of Accounts, incorporated by reference in 105 KAR 1:020; or

(b) Previously[~~The member previously~~] retired based on the service with the other state-administered retirement system.

(2) Service credit in another state-administered retirement system shall not be used to determine[~~for determining~~] whether a member who is not eligible to retire in the hybrid cash balance plan tier has the five (5) years of service required in order to receive a full accumulated account balance refund pursuant to[~~of his or her accumulated account balance under~~] KRS 16.583(5)(b), 61.597(5)(b), 78.5512(5)(b), and 78.5516(5)(b).

(3) Service credit in the cash balance plan tier shall be counted as service for the other state-administered retirement systems and as service for hospital and medical insurance and managed care plan coverage pursuant to KRS 61.702 and 78.5536.

(4) The same service credit shall not be counted for benefit calculation purposes for more than one state-administered retirement system or tier under any circumstances.

(5) A member who is participating in the hybrid cash balance tier in more than one of the Systems shall[~~have to~~] retire at the same time and elect the same retirement benefit option in all applicable Systems, unless the member has requested that his or her accounts be separated in accordance with 105 KAR 1:020.

(6)

(a) A member with a participation date in the Systems between September 1, 2008 and December 31, 2013 may make a one-time, irrevocable election to have each system treat[~~his or her~~] service credit in that system without regard to any other service credit, by filing a Form 2022, Separation of Accounts, incorporated by reference in 105 KAR 1:020, requesting that his or her accounts be separated in accordance with KRS 61.680 and 78.5542.[~~If so requested, "final compensation" shall be based on the creditable compensation earned under each system separately.~~]

(b) Notwithstanding any restriction established in 105 KAR 1:020 regarding when a member may file a Form 2022, a member eligible to elect a separation of accounts as established in paragraph (a) of this subsection:

1. May do so at any time after his or her membership date;

2. No later than the first day of the month in which the member receives his or her first retirement allowance payment; and

3. "Final compensation" shall then be based on the creditable compensation earned under each system separately.

(c) The agency shall:

1.[~~(a)~~] Provide members[~~Members~~] who are eligible and seeking to make the one-time, irrevocable election to separate accounts with[~~shall be provided~~] information detailing the potential results of that election;[~~from the agency's counselors.~~]

2.[~~(b)~~] Provide[~~The agency shall provide~~] Form 2022, incorporated by reference in 105 KAR 1:020[~~Separation of Accounts~~], on which the member can make the one-time, irrevocable election to separate accounts; and[~~.~~]

3.[~~(c)~~] Not[~~The agency shall not~~] process an eligible member's one-time, irrevocable election to separate accounts until the member has received the information required by subparagraph 1. of this paragraph[~~(a) of this subsection~~] and a valid[~~complete and correct~~] Form 2022[~~, Separation of Accounts,~~] is on file at the agency[~~retirement office~~].

(d) The effective date of the eligible member's one-time, irrevocable election to separate accounts shall be the date on which the valid[~~completed~~] Form 2022[~~, Separation of Accounts,~~] is received at the agency[~~retirement office~~].

Section 7. Lump-sum Distributions upon Termination of Employment or Death for Nonvested Members.

(1) Termination of Employment. A nonvested member eligible for a refund pursuant to KRS 61.625 and 78.545 shall only be refunded his or her accumulated contributions, and shall forfeit any accumulated employer credit.

(2) Death before Retirement. Upon the death of a nonvested member, the beneficiary designated by the member pursuant to KRS 61.542(1)-(2) and 78.545(2), or[~~or~~] if no designated beneficiary, the member's estate,[~~)~~] shall only be entitled to receive a lump-sum payment of the nonvested member's accumulated contributions, and shall not be entitled to receive payment of any accumulated employer credits.

(3) Rollovers. A nonvested member or the designated beneficiary of a nonvested member who receives a refund of accumulated contributions may elect to have the refunded accumulated contributions paid directly to an eligible retirement plan in accordance with 105 KAR 002:270 and 105 KAR 002:345.

Section 8. Lump-sum Distributions upon Termination or Distributions upon Death of Vested Members.

(1) Termination of Employment.

(a) Upon termination of employment with all employers participating in the same Systems in which the member has service credit, a vested member who is not otherwise eligible to retire may elect to take a refund of his or her accumulated account balance.

(b)

1. Upon termination of employment with all employers participating in one or more of the Systems, a vested member who is eligible for retirement may elect to take a refund of his or her accumulated account balance, in lieu of other retirement payment options established[~~provided~~] in KRS 16.583(7), 61.597(7), 78.5512(7), and 78.5516(7).

2.

a. The member's election to take an[~~a refund of his or her~~] accumulated account balance refund pursuant to[~~as described in~~] subparagraph 1 of this paragraph shall be treated as a retirement and the member shall be a retired member ineligible to participate or accrue additional benefits in the Systems upon subsequent reemployment with any participating employer pursuant to KRS 61.637 and 78.5540.

b. A[~~Additionally, the~~] member who has made the election established[~~described~~] in subparagraph 1 of this paragraph shall be subject to all requirements and restrictions for reemploying with a participating employer in KRS 61.637, 78.5540 and 105 KAR 5:390.

(2) Death before Retirement.

(a) Upon the death of a vested member participating in the Systems, the vested member's designated beneficiary, or[~~or~~] if no designated beneficiary, the member's estate,[~~)~~] shall be entitled to a lump-sum distribution of the vested member's accumulated account balance in accordance with KRS 61.625(1)(a) and 78.545(5). The designated beneficiary may also be entitled to the other payment options available for a death before retirement pursuant to KRS 16.578, 61.640, and 78.5532.

(b) Upon the death of a vested member who is not participating in the Systems at the time of death and who has not taken a refund or retirement benefit, if the vested member has:

1. Fewer[~~fewer~~] than twelve (12) years of service credited, the vested member's designated beneficiary, or[~~or~~] if no designated beneficiary the member's estate,[~~)~~] shall be entitled to a lump-sum distribution of the member's accumulated account balance in accordance with KRS 61.625(1)(a) and 78.545(5); or[~~.~~]

2. Twelve[~~If the vested member has twelve~~] (12) or more years of service credited, the designated beneficiary may also be entitled to other payment options available for a death before retirement pursuant to KRS 16.578, 61.640, and 78.5532.

(3) Rollover. A vested member or the designated beneficiary of a vested member who takes a lump-sum distribution of the vested member's accumulated account balance under this section may elect to have the lump-sum distribution paid directly to an eligible

retirement plan in accordance with 105 KAR 002:270 and 105 KAR 002:345.

Section 9. Eligibility for an Annuity.

(1) At Normal Retirement Age. Subject to Section 6 of this administrative regulation, a vested member who reaches normal retirement age under the applicable System's statutory provisions and who terminates employment with all participating employers shall be eligible to retire and may elect to annuitize[~~his or her accumulated account balance~~] or take a lump-sum distribution of his or her accumulated account balance as established[~~provided~~] in Section 8(1)(b) of this administrative regulation.

(2) Additional Eligibility for Annuitization for Members with Hazardous position Service. A member who has hazardous position service as established[~~provided~~] in KRS 16.505-16.652, 61.592 and 78.5520, who has twenty-five (25)[~~25~~] or more years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1) or any other Kentucky state-administered system, and who terminates employment with all employers participating in the Systems shall be eligible to retire and may elect to annuitize[~~his or her accumulated account balance~~] or take a lump-sum distribution of his or her accumulated account balance as established[~~provided~~] in Section 8(1)(b) of this administrative regulation.

(3) Additional Eligibility for Annuitization for Members with Service Only in a Nonhazardous Position. A member with exclusively nonhazardous position service who is at least age fifty-seven (57), who has an age plus years of service total of at least eighty-seven (87) years, and who terminates employment with all employers participating in the Systems shall be eligible to retire and may elect to annuitize[~~his or her accumulated account balance~~] or take a lump-sum distribution of his or her accumulated account balance as established[~~provided~~] in Section 8(1)(b) of this administrative regulation.

(4) Annuitization. A member who elects to annuitize his or her accumulated account balance may receive a retirement benefit determined in accordance with actuarial assumptions and actuarial methods adopted under subsection (6) of this section and in effect on the member's retirement date.

(5) Return of Contributions. If the retirement benefit payment option selected by the vested member includes a guaranteed return of contributions, the[~~that retirement benefit payment option shall be interpreted to mean that~~] guarantee shall apply[~~applies~~] to the accumulated account balance.

(6) Board Action with respect to Annuitization. The Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System shall adopt actuarial assumptions and methods that will apply to a specific fiscal year prior to the start of that fiscal year.

(7) Eligibility for Retiree Hospital and Medical Benefit. Only members who are[~~a member who is~~] receiving a monthly annuitized benefit shall be eligible for hospital and medical insurance and managed care plan coverage. Members who take[~~A member who takes~~] a lump-sum refund or lump-sum retirement benefit shall not be eligible for hospital and medical insurance and managed care plan coverage.

Section 10. Disability retirement. A member participating in the hybrid cash balance plan tier in one or more of the Systems and whose disability retirement allowance is discontinued pursuant to KRS 61.615 or[~~and~~] 78.5528 shall begin receiving retirement benefits, if eligible, pursuant to[~~under~~] KRS 16.583(6), 61.597(6), 78.5512(6), or 78.5516(6), but shall not be eligible for early retirement benefits pursuant to[~~under~~] KRS 61.559, 78.5510, 78.5514, or 16.577.

Section 11. Purchase of Service Credit.

(1) Members participating in the hybrid cash balance plan tier shall only be eligible to purchase service credit that is recontribution of a refund, omitted service, omitted service with interest, military omitted service, decompression service, or service pursuant to[~~under~~] the Uniformed Services Employment and Reemployment Rights Act[~~(USERRA)~~], and shall not be eligible to make any other types of service purchases.

(2) Uniformed Services Employment and Reemployment Rights Act (USERRA) Service.

(a) Years of service credited shall be determined as established in[~~required by~~] USERRA.

(b) In order to receive service credit for military omitted service, decompression service, or service pursuant to USERRA[~~under the Uniformed Services Employment and Reemployment Rights Act (USERRA)~~], the member shall file the documentation established in 105 KAR 1:330 Section 5(2) and pay the member contributions in accordance with KRS 16.543, 61.543, and 78.615, as though the member was employed during the period of[~~his or her~~] active military duty or decompression.

(c) The employer shall pay all employer contributions owed in accordance with KRS 61.552, 61.565, 78.545, and 78.635.

(3) Repayment of Refunded Contributions Plus Interest Credits or Accumulated Account Balance.

(a) Upon reemployment with a participating employer in a regular full-time position required to participate in the Systems or participation in another state-administered retirement system, a nonvested member who took a refund of his or her member contributions plus interest credits may regain the refunded service credit by repaying, with interest at a rate determined by the board of the respective retirement system, the amount refunded with post-tax employee contributions or a rollover or transfer allowed under the Internal Revenue Code. The[~~Although the~~] repayments of refunded contributions plus interest credit shall be used to determine the member's service credited, but the repayment of the amount refunded shall not be used to determine a member's participation date.

(b) Upon reemployment with a participating employer in a regular full-time position required to participate in the Systems or participation in another state-administered retirement system, a vested member who was not eligible to retire and who took an accumulated account balance[~~a~~] refund[~~of his or her accumulated account balance~~] may regain the refunded service credit by repaying, with interest at a rate determined by the board of the respective retirement system, the amount refunded with post-tax employee contributions or a rollover or transfer allowed under the Internal Revenue Code. The[~~Although the~~] repayments of the refunded accumulated account balance shall be used to determine the member's service credited, but the repayment of the amount refunded shall not be used to determine a member's participation date.

(4) Omitted Service. Any person who is entitled to service credit in the hybrid cash balance plan tier that was not reported in accordance with KRS 16.543, 61.543, or 78.615 may pay the amount of member contributions that would have been due for[~~on~~] that service[~~in order~~] to receive credit for the service in the hybrid cash balance plan tier. The[~~However, the~~] service shall not be credited to the member's account until employer contributions for the service are received by the Systems. Once member and employer contributions have been received, accumulated employer credits shall be reflected in the member's account.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

[~~(a)~~] Form 2013, "Hybrid Cash Balance Plan Opt-In Election", September 2026, is incorporated by reference[~~February 2021; and~~]

[~~(b)~~] [~~Form 2022, "Separation of Accounts", September 2022~~].

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

105 KAR 1:365 Hybrid cash plan balance is approved for filing.
RYAN BARROW, Executive Director

APPROVED BY AGENCY: September 25, 2026
FILED WITH LRC: September 29, 2026 at 8:50 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions

Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo, Phone: (502) 696-8679, Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings: Boards and Commissions, Retirement and Pensions, State Employees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures and requirements for the administration of the hybrid cash balance plan tier for members with participation dates on or after January 1, 2014, or members who elect the hybrid cash balance plan pursuant to KRS 61.5955 and 78.545.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures and requirements for the administration of the hybrid cash balance plan tier for members with participation dates on or after January 1, 2014, or members who elect the hybrid cash balance plan pursuant to KRS 61.5955 and 78.545.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary and proper to carry out the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. KRS 16.583, 61.597, 78.5512, and 78.5516 create a hybrid cash balance plan tier for members of the State Police Retirement System, Kentucky Employees Retirement System, and County Employees Retirement System with participation dates on or after January 1, 2014, or members making an election pursuant to KRS 61.5955 and 78.545.

(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 procedures and requirements for the administration of the hybrid cash balance plan tier for members with participation dates on or after January 1, 2014, or members who elect the hybrid cash balance plan pursuant to KRS 61.5955 and 78.545.

(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 regulations moves language defining "decompression service" and "military omitted service" to the Definitions section, adds language clarifying that an accumulated account balance refund application from a member charged with an employment-related felony will not be processed until a final, appealable court judgement is entered, removes Form 2022 (Separation of Accounts) from Materials Incorporated by Reference in favor of a citation to the regulation where the form is located, updates Form 2013 (Hybrid Cash Balance Plan Opt-In Election), and updates language to comply with the drafting requirements of KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to move language that defines terms to the Definitions section, add language that delays processing refund applications for members charged with an employment-related felony until a court judgement is entered, remove Form 2022 from Materials Incorporated by Reference in favor of a citation to the regulation where the form is "housed" and update Form 2013, and to bring language into compliance with the drafting requirements of KRS Chapter 13A. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary and proper to carry out the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. KRS 16.583, 61.597, 78.5512, and 78.5516 create a hybrid cash balance plan tier for members of the State Police Retirement System, Kentucky Employees Retirement System, and County Employees Retirement System with participation dates on or after January 1, 2014, or members making an election pursuant to KRS 61.5955 and 78.545.

(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 clarifying terms, adding language that delays processing refund applications for members charged with an employment-related felony until a court order is entered, reducing the number of documents incorporated by reference, and clarifying the procedures and requirements for the administration of the hybrid cash balance plan tier for members with participation dates on or after January 1, 2014, or members who elect the hybrid cash balance plan pursuant to KRS 61.5955 and 78.545.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes. KRS 61.505 - Amended 2024 Ky. Acts ch. 55, sec. 1, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 28, sec. 1, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 216, sec. 2, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 102, sec. 76, effective April 1, 2021. -- Created 2020 Ky. Acts ch. 79, sec. 2, effective April 1, 2021. KRS 61.5955 - Repealed and reenacted 2021 Ky. Acts ch. 102, sec. 44, effective April 1, 2021. KRS 78.545 - Amended 2021 Ky. Acts ch. 102, sec. 20, effective April 1, 2021. -- Amended 2020 Ky. Acts ch. 79, sec. 40, effective April 1, 2021.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 161,168 members with participation dates on or after January 1, 2014, and those eligible members who elect the hybrid cash balance plan pursuant to KRS 61.5955 and 78.545.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will be minimally impacted because the administrative regulation is already being implemented as written. The amendments are primarily technical in nature.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment because it is already being implemented as written. The amendment is primarily technical in nature.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from clarified definitions, notice regarding the delay of a refund application if the member has been charged with an employment-

related felony, and a reduced number of materials incorporated by reference.

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

(a) Initially: There will be no additional costs because the regulation is already being implemented as written.

(b) On a continuing basis: There will be no additional costs because the regulation is already being implemented as written.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? No, tiering is not applied. The processes and procedures related to the hybrid cash balance plan are the same for all members who are Tier 3 state employees or those eligible members who elect the hybrid cash balance plan pursuant to KRS 61.5955 and 78.545.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.505(g), 26 U.S.C. 414(u), 38 U.S.C. 4301-4335

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 61.505(g)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions.

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

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

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact. It is being implemented as written.

(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for administering the hybrid cash balance plan for state employees.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency analyzed its costs and procedures for administering the hybrid cash balance plan for state employees.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 26 U.S.C. 414(u), 38 U.S.C. 4301-4335

(2) State compliance standards. KRS 61.505(g), 61.5955, and 78.545

(3) Minimum or uniform standards contained in the federal mandate. 26 U.S.C. 414(u) establishes special rules relating to veterans' reemployment rights under the Uniformed Services Employment and Reemployment Right Act of 1994 (USERRA). 38 U.S.C. 4301-4335 encourage military and uniformed service by minimizing disadvantages to civilian careers and employment which can result from military service.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose stricter standards, or additional or different responsibilities or requirements than those required by the federal mandate.

FINANCE AND ADMINISTRATION CABINET
Public Pensions Authority
(Amendment)

105 KAR 2:270. Federal tax withholding or direct rollover of eligible distributions.

RELATES TO: KRS 16.505, 16.578, 16.601, 16.645, 61.505(1)(g), 61.510, 61.542, 61.621, 61.625, 61.635, 61.640, 61.685, 61.690, 61.705, 78.510, 78.545, 78.5534, 78.5538, 395.455, 26 U.S.C. 72(t), 401(a), 402, 3405

STATUTORY AUTHORITY: KRS 61.505(1)(g)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with and necessary or proper to carry out the provisions of KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. 26 U.S.C. 402 establishes the federal taxation requirements regarding direct rollovers of distributions and the withholding of federal income tax on distributions that are not rolled over to an IRA or other qualified plan. 26 U.S.C. 3405 establishes requirements for federal tax withholding for periodic payments and

distributions. This administrative regulation establishes the procedure for informing affected members, beneficiaries, and alternate payees of their rights with regard to federal taxation rules and provides forms for members, beneficiaries, and alternate payees to indicate their preference for federal tax withholding or direct rollover of eligible distributions. This administrative regulation also establishes a procedure to issue a check to an alternate payee of a qualified domestic relations order if the alternate payee does not file the form required for federal income tax purposes within a reasonable time, and a procedure if an alternate payee cannot be located.

Section 1. Definitions.

(1) [~~"Beneficiary" means:~~]

[~~(a)~~] [~~A person designated by the member in accordance with KRS 61.542 and 78.545 to receive any available benefits in the event of the member's death; or~~]

[~~(b)~~] [~~A person to whom the member's assets are ordered to be transferred pursuant to KRS 395.455.~~]

[~~(2)~~] "Death benefit beneficiary" means:

(a) A beneficiary[~~person~~] designated by the retired member pursuant to[~~in accordance with~~] KRS 61.705 and 78.5538 to receive the $5,000 death benefit in the event of the retired member's death; or

(b) A person to whom the member's assets are ordered to be transferred pursuant to KRS 395.455.

(2)[~~(3)~~] "Eligible beneficiary" means a person who:

(a) Meets the eligibility qualifications for in-line-of-duty death benefits pursuant to[~~as provided by~~] KRS 16.601(1)-(3) and 78.5534(1)-(3) or duty-related death benefits pursuant to[~~as provided by~~] KRS 61.621(3) and 78.545; and

(b) Elects, or has a parent or guardian elect[~~who elects~~] on his or her behalf, the payment option for benefits that includes the one-time payment of $10,000 pursuant to[~~in accordance with~~]:

1. KRS 16.601(1)(b) or (3) and 78.5534(1)(b) or (3); or

2. KRS 61.621(3)(b) and 78.545.

Section 2. Application for Refund of Accumulated Account Balance.

(1)

(a) To apply for[~~a refund of~~] an accumulated account balance refund in accordance with KRS 61.625 and 78.545, a member shall complete and file a valid Form 4525, Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection, incorporated by reference in 105 KAR 1:170, selecting the option for payment.

(b) If the member intends to have the funds from the refund of an accumulated account balance rolled over directly into an IRA or other qualified plan, the member shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 4525[~~, Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection,~~] certifying that the rollover will be accepted.

(c) The employer or employers may complete the applicable portion of the Form 4525[~~, Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection,~~] verifying termination of employment.

(2) Upon request by the member, the agency shall provide the Form 4525[~~, Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection,~~] and[~~a copy of~~] the special tax notice regarding payments required by 26 U.S.C. 402(f)[~~Special Tax Notice Regarding Payments,~~] to the member.

(3)

[~~(a)~~] The[~~refund of the~~] accumulated account balance refund shall not be processed:

(a) Unless[~~unless~~] the member is eligible to receive a refund pursuant to KRS 61.625 and 78.545 and the valid Form 4525[~~, Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection,~~] is filed;[~~.~~]

(b) Earlier[~~The refund of the accumulated account balance shall not be processed earlier~~] than forty-five (45) calendar days from the date of the member's termination of employment with the participating employer or employers that previously employed the member; or[~~.~~]

(c)

1. If,[~~The member's refund of the accumulated account balance shall not be processed if~~] within forty-five (45) calendar days of the date of the member's termination of employment with the employer or employers, the member:

a. Reemploys[~~The member reemploys~~] in any position, including a full-time, part-time, seasonal, temporary, emergency, interim, probationary, or intermittent position with one (1) or more employers through which he or she has participated; or

b. Participates[~~The member participates~~] in the system or systems from which his or her accumulated account balance refund has been requested.

2. A member whose accumulated account balance refund is not processed pursuant to subparagraph 1. of this paragraph may reapply for a refund in accordance with subsection (1) of this section if the member again becomes eligible for an[~~to receive a refund of his or her~~] accumulated account balance refund pursuant to KRS 61.625 and 78.545.

(4) The member shall be required to repay the accumulated account balance refund to the systems in compliance with KRS 61.685(1) and 78.545 if, at the time of the member's receipt of the accumulated account balance refund, the member is:

(a) Reemployed in any position, including a full-time, part-time, seasonal, temporary, emergency, interim, probationary, or intermittent position, with one (1) or more employers through which he or she participated; or

(b) Participating in the system from which the accumulated account balance refund has been requested.

Section 3. Required Form for Member Selection of an Actuarial Refund Retirement Payment Option, Lump-sum Refund of the Accumulated Account Balance[~~accumulated account balance~~], or Partial Lump-sum Retirement Payment Option.

(1) Along with each Form 6010, Estimated Retirement Allowance, incorporated by reference in 105 KAR 5:200, the agency shall provide the member with the Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, incorporated by reference in 105 KAR 5:200, and the special tax notice regarding payments required by 26 U.S.C. 402(f)[~~Special Tax Notice Regarding Payments~~].

(2)

(a) If the member files a valid Form 6010[~~, Estimated Retirement Allowance,~~] on which an actuarial refund retirement payment option, lump-sum refund of the accumulated account balance, or partial lump-sum retirement payment option is selected, the member shall also file a valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, selecting the option for payment~~].

(b) If the member intends to have the funds rolled over directly into an IRA or other qualified plan, the member shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] certifying that the rollover will be accepted.

(3) The agency shall not process payment of an actuarial refund retirement payment option, lump-sum refund of the accumulated account balance, or partial lump-sum retirement payment option to the member unless it has[~~the following are~~] on file:

(a) A valid Form 6010[~~, Estimated Retirement Allowance,~~] with the actuarial refund retirement payment option, lump-sum refund of the accumulated account balance, or partial lump-sum retirement option for payment selected; and

(b) A valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution~~].

Section 4. Required Form for Beneficiary Selection of Lump-sum Payment Option or Sixty (60) Months Certain Payment Option, or if Beneficiary Eligible for Lump-sum Refund of the Accumulated Account Balance Only. This section solely establishes the forms and requirements for beneficiaries related to direct rollovers of distributions and the withholding of federal income tax on

distributions that are not rolled over to an IRA or other qualified plan. Beneficiaries subject to this section may also be subject to additional requirements pursuant to 105 KAR 3:180 and 105 KAR 3:240.

(1) Single beneficiary.

(a)

1. With[~~Along with~~] each Form 6010, Estimated Retirement Allowance, the agency shall provide the beneficiary with the Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, and the special tax notice regarding payments required by 26 U.S.C. 402(f)[~~Special Tax Notice Regarding Payments~~].

2. If the beneficiary is only eligible for a lump-sum refund of the deceased member's accumulated account balance, the agency shall provide the Form 6025[~~, Direct Rollover, Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding Eligible Rollover Distribution, and the Special Tax Notice Regarding Payments,~~] to the beneficiary.

(b)

1. If the beneficiary files a valid Form 6010[~~, Estimated Retirement Allowance,~~] on which a lump-sum actuarial refund, lump-sum refund of the deceased member's accumulated account balance, or sixty (60) months certain payment option is selected, or if the beneficiary is only eligible for a lump-sum refund of the deceased member's accumulated account balance, the beneficiary shall also file a valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, selecting the option for payment~~].

2. If the beneficiary intends to have the funds rolled over directly into an IRA or other qualified plan, the beneficiary shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] certifying that the rollover will be accepted.

(c) The agency shall not process payment to the beneficiary of a lump-sum actuarial refund, lump-sum refund of the deceased member's accumulated account balance, or sixty (60) months certain payment option unless it has[~~the following are~~] on file a valid:

1. [~~A valid~~] Form 6010[~~, Estimated Retirement Allowance,~~] with the actuarial refund retirement payment option, lump-sum refund of the accumulated account balance, or partial lump-sum retirement payment option selected; and

2. [~~A valid~~] Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution~~].

(2) Multiple beneficiaries.

(a) If[~~there are~~] multiple beneficiaries[~~and the beneficiaries~~] have elected a lump-sum actuarial refund, lump-sum refund of the deceased member's accumulated account balance, or sixty (60) months certain payment option, all beneficiaries shall indicate his or her agreement[~~agree~~] to the payment option, sign,[~~for payment selected~~] and file a single valid Form 6010[~~, Estimated Retirement Allowance, indicating the selection agreed upon, and signed by all beneficiaries~~]. Each beneficiary shall also file a valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution~~].

(b) If[~~there are~~] multiple beneficiaries[~~and the beneficiaries~~] are only eligible for a lump-sum refund of the deceased member's accumulated account balance, each beneficiary shall file a valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution~~].

(c) Any beneficiary who[~~that~~] intends to have[~~his or her portion of the~~] funds rolled over directly into an IRA or other qualified plan shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] certifying that the rollover will be accepted.

(d) The agency shall not process payment of a lump-sum actuarial refund, lump-sum refund of the deceased member's accumulated account balance, or sixty (60) months certain payment option to a beneficiary unless it has[~~the following are~~] on file for all beneficiaries:

1. A single valid Form 6010[~~, Estimated Retirement Allowance,~~] completed in accordance with paragraph (a) of this subsection, if applicable; and

2. A valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] for each beneficiary completed in accordance with paragraphs (b) and (c) of this subsection.

[~~(3)~~] [~~This section solely establishes the forms and requirements for beneficiaries related to direct rollovers of distributions and the withholding of federal income tax on distributions that are not rolled over to an IRA or other qualified plan. Beneficiaries subject to this section may also be subject to additional requirements under 105 KAR 4:180 and 105 KAR 3:240.~~]

Section 5. Required Form for Death Benefit Beneficiaries. This section solely establishes the forms and requirements for death benefit beneficiaries related to direct rollovers of distributions and the withholding of federal income tax on distributions that are not rolled over to an IRA or other qualified plan. Death benefit beneficiaries subject to this section may also be subject to additional requirements under 105 KAR 3:240.

(1) Upon a member's death, the agency shall provide the Form 6025, Direct Rollover, Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding Eligible Rollover Distribution, and the special tax notice regarding payments required by 26 U.S.C. 402(f)[~~Special Tax Notice Regarding Payments~~], to the death benefit beneficiary who shall file a valid Form 6025 with the agency.

(2)

[~~(a)~~] [~~The death benefit beneficiary shall file a valid Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution.~~]

[~~(b)~~] A[~~If the~~] death benefit beneficiary who intends to have the funds rolled over directly into an IRA or other qualified plan[~~, the death benefit beneficiary~~] shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] certifying that the rollover will be accepted.

(3) Payment to the death benefit beneficiary shall not be processed unless the member is deceased and the valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] is filed.

[~~(4)~~] [~~This section solely establishes the forms and requirements for death benefit beneficiaries related to direct rollovers of distributions and the withholding of federal income tax on distributions that are not rolled over to an IRA or other qualified plan. Death benefit beneficiaries subject to this section may also be subject to additional requirements under 105 KAR 3:240.~~]

Section 6. Required Form for Eligible Beneficiaries. This section solely establishes the forms and requirements for eligible beneficiaries related to direct rollovers of distributions and the withholding of federal income tax on distributions that are not rolled over to an IRA or other qualified plan. Eligible beneficiaries subject to this section may also be subject to additional requirements under 105 KAR 3:457.

(1) The agency shall provide the Form 6025, Direct Rollover, Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding Eligible Rollover Distribution, and the special tax notice regarding payments required by 26 U.S.C. 402(f)[~~Special Tax Notice Regarding Payments~~], to the eligible beneficiary who shall file a valid Form 6025 with the agency.

(2)

[~~(a)~~] [~~The eligible beneficiary shall file a valid Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution.~~]

[~~(b)~~] If the eligible beneficiary intends to have the funds rolled over directly into an IRA or other qualified plan, the eligible

beneficiary shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] certifying that the rollover will be accepted.

(3) Payment to the eligible beneficiary shall not be processed unless the member is deceased and the valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] is filed.

[~~(4)~~] [~~This section solely establishes the forms and requirements for eligible beneficiaries related to direct rollovers of distributions and the withholding of federal income tax on distributions that are not rolled over to an IRA or other qualified plan. Eligible beneficiaries subject to this section may also be subject to additional requirements under 105 KAR 3:457.~~]

Section 7. Required Form for Alternate Payee who is Eligible for Actuarial Refund or Partial Lump-sum Payment Option, or Eligible for a Portion of the Lump-sum Refund, Partial Lump-sum, or Actuarial Refund Retirement Payment Option selected by the Member.

(1) If the alternate payee is eligible for a lump-sum portion of the member's accumulated account balance, actuarial refund, or partial lump-sum payment option pursuant to a qualified domestic relations order (QDRO), or an actuarial refund or partial lump-sum payment option pursuant to a QDRO[~~qualified domestic relations order~~], the agency shall provide the Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, and the special tax notice regarding payments required by 26 U.S.C. 402(f)[~~Special Tax Notice Regarding Payments~~], to the alternate payee.

(2)

(a) To receive a lump-sum portion of the member's accumulated account balance, actuarial refund, or partial lump-sum payment option pursuant to a QDRO[~~qualified domestic relations order~~], or to receive an actuarial refund or partial lump-sum payment pursuant to a QDRO[~~qualified domestic relations order~~], the alternate payee shall file a valid Form 6025[~~, Direct Rollov~~][~~er/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution~~].

(b) If the alternate payee intends to have the funds described in paragraph (a) of this subsection rolled over directly into an IRA or other qualified plan, the alternate payee shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] certifying that the rollover will be accepted.

(3) The payment to an alternate payee of an actuarial refund or lump-sum refund pursuant to a QDRO[~~qualified domestic relations order~~], or a portion of the member's accumulated account balance, actuarial refund, or partial lump-sum payment option pursuant to the QDRO[~~qualified domestic relations order~~] shall not be processed until the valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] is filed.

(4)

(a) If the alternate payee does not file the valid Form 6025[~~, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution,~~] by the end of the thirtieth (30th) calendar day[~~thirty (30) calendar days~~] from the date the form and the special tax notice regarding payments[~~Special Tax Notice Regarding Payments~~] were provided to the alternate payee, the alternate payee's payment shall be processed and treated for federal income tax purposes as if the alternate payee had made an election to directly receive the funds instead of rolling over the payment to an IRA or other qualified plan.

(b)

1. The agency shall:

a. Hold[~~hold~~] the amount payable to the alternate payee under this section for at least 180 calendar days after the payment becomes payable;[~~.~~]

b.[~~2.~~] Make[~~The agency shall make~~] all reasonable efforts to locate the alternate payee during the 180 calendar days;[~~,~~] and

c. Shall pay[~~shall make payment to~~] the alternate payee if he or she is located within the 180 day[~~that~~] period.

2.[~~3.~~] If the alternate payee has not been located during the time period established[~~described~~] in subparagraph 1. of this paragraph and the agency has exhausted all reasonable efforts to locate the alternate payee:[~~,~~]

a. The[~~the~~] agency shall pay the payment held to the member and shall assign the federal tax liability for the[~~this~~] payment to the member;[~~.~~]

b. Interest shall not accrue on the[~~this~~] lump-sum payment during the 180 calendar day period or thereafter; and[~~.~~]

c. If the alternate payee is subsequently located, any amounts already paid to the member shall no longer be payable to the alternate payee.

Section 8. Optional Form for Qualified Public Safety Employee Electing[~~electing~~] to Receive[~~receive~~] an Actuarial Refund Retirement Payment Option, Lump-sum Refund, Partial Lump-sum Refund, or Ten (10) Year Certain Retirement Payment Option.

[~~(1)~~] A member who was last employed as a "qualified public safety employee" as defined by[~~in~~] 26 U.S.C.[~~Internal Revenue Code,~~] Section 72(t), and who elects[~~is electing~~] to receive an actuarial refund, lump-sum refund of the accumulated account balance, partial lump-sum refund, or the ten (10) years certain option, shall not be subject to the ten (10) percent early distribution tax penalty if the member files a valid[~~the following valid forms:~~]

[~~(a)~~] [~~The~~] Form 4527, Certification by a "Qualified Public Safety Employee" and Request for an Exception to the 10% Early Distribution Penalty in IRC 72(t) which the agency shall provide upon request[~~; and~~]

[~~(b)~~] [~~The Form 4525, Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection, or the Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution.~~]

[~~(2)~~] [~~Upon request by the member, the agency shall provide the Form 4527, Certification by a "Qualified Public Safety Employee" and Request for an Exception to the 10% Early Distribution Penalty in IRC 72(t), to the member~~].

Section 9. Optional Form for Greater Federal Tax Withholding.

(1)

(a) If the member does not elect to have the refund of the accumulated account balance rolled over directly into an IRA or other qualified plan, except as established[~~provided~~] in paragraph (b) of this subsection, twenty (20) percent for federal taxes shall be withheld from funds paid to a member who files a valid Form 4525, Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection, in accordance with Section 2 of this administrative regulation.

(b) If the member wants to withhold more than the mandatory twenty (20) percent of the funds for federal taxes, the member shall file a valid withholding certificate for the applicable tax year required by 26 U.S.C. Section 3405[~~Form 6028, Withholding Certificate for Nonperiodic Payments and Eligible Rollover Distributions~~].

(2)

(a) If the member, beneficiary, death benefit beneficiary, eligible beneficiary, or alternate payee does not elect to have the funds rolled over directly into an IRA or other qualified plan, except as provided in paragraph (b) of this subsection, twenty (20) percent for federal taxes shall be withheld from funds paid to the member, beneficiary, or alternate payee who files a valid Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, in accordance with Sections 3 through 7 of this administrative regulation.

(b) If the member, beneficiary, death benefit beneficiary, eligible beneficiary, or alternate payee wants to withhold more than the mandatory twenty (20) percent of the funds for federal taxes, the member, beneficiary, or alternate payee shall file a valid withholding certificate for the applicable tax year as required by 26 U.S.C.

Section 3405[~~Form 6028, Withholding Certificate for Nonperiodic Payments and Eligible Rollover Distributions~~].

(c) The[~~If an invalid, incomplete, or incorrect Form 6028, Withholding Certificate for Nonperiodic Payments and Eligible Rollover Distributions, is filed, the~~] agency shall notify a[~~the~~] person who files an[~~filed the~~] incomplete or incorrect withholding certificate[~~Form 6028~~] that he or she has until the end of the forty-fifth (45th) calendar day[~~forty-five (45) calendar days~~] from the date of notification to file a corrected valid withholding certificate[~~Form 6028,~~] or the funds will be paid with the regular twenty (20) percent withholding for federal taxes.

Section 10. Incorporation by Reference.

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

[~~(a)~~] ["~~Special Tax Notice Regarding Payments", July 2023;~~]

[~~(b)~~] [~~Form 4525, "Application for Refund of Member Contributions and Direct Rollover/Direct Payment Selection", April 2021;~~]

[~~(c)~~] Form 4527, "Certification by a "Qualified Public Safety Employee" and Request for an Exception to the 10% Early Distribution Penalty in IRC 72(t)", September 2023, is incorporated by reference[;]

[~~(d)~~] [~~Form 6010, "Estimated Retirement Allowance", April 2021;~~]

[~~(e)~~] [~~Form 6025, "Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution", June 2023; and~~]

[~~(f)~~] [~~Form 6028, "Withholding Certificate for Nonperiodic Payments and Eligible Rollover Distributions", November 2022~~].

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

105 KAR 2:270 Federal tax withholding or direct rollover of eligible distributions is approved for filing.
RYAN BARROW, Executive Director

APPROVED BY AGENCY: September 25, 2026
FILED WITH LRC: September 29, 2026 at 8:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo, Phone: (502) 696-8679, Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings: Retirement and Pensions, State Employees, Taxation

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure for informing affected members, beneficiaries, and alternate payees of their rights with regard to federal taxation rules and provides forms for members, beneficiaries, and alternate payees to indicate their preference for federal tax withholding or direct rollover of eligible distributions. This administrative regulation also establishes a procedure to issue a check to an alternate payee of a qualified domestic relations order (QDRO) if the alternate payee does not file the form required for federal income tax purposes within a reasonable time, and a procedure if an alternate payee cannot be located.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedure for informing affected members, beneficiaries, and alternate payees of their rights with regard to federal taxation rules and provide forms for members, beneficiaries, and alternate payees to indicate their preference for federal tax withholding or direct rollover of eligible distributions. This administrative regulation is also necessary to establish a procedure to issue a check to an alternate payee of a QDRO if the alternate payee does not file the form required for federal income tax purposes within a reasonable time, and a procedure if an alternate payee cannot be located.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with and necessary or proper to carry out the provisions of KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. 26 U.S.C. 402 establishes the federal taxation requirements regarding direct rollovers of distributions and the withholding of federal income tax on distributions that are not rolled over to an IRA or other qualified plan.

(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 procedure for informing affected members, beneficiaries, and alternate payees of their rights with regard to federal taxation rules and provide forms for members, beneficiaries, and alternate payees to indicate their preference for federal tax withholding or direct rollover of eligible distributions. This administrative regulation also assists in the administration of the statutes by establishing a procedure to issue a check to an alternate payee of a qualified domestic relations order if the alternate payee does not file the form required for federal income tax purposes within a reasonable time, and a procedure if an alternate payee cannot be located.

(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 definitions for "beneficiary" and "death benefit beneficiary" to include non-persons (such as trusts) as beneficiaries and to clarify that only beneficiaries of retired members are eligible to receive the death benefit; removes Forms 4525, 6010, and 6025 from being incorporated by reference in favor of a citation to 105 KAR 5:200 where the forms are "housed" for efficiency; removes the Special Tax Notice required by, and inserts a citation to, 26 U.S.C. 402(f) from being incorporated by reference because it is already governed by the federal Internal Revenue Code and enables the KPPA to revise the notice when required by the federal government; and streamlines and revises language to comply with the drafting requirements of KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to update definitions for "beneficiary" and "death benefit beneficiary" to include non-persons, such as trusts, as beneficiaries and to clarify that only beneficiaries of retired members are eligible to receive the death benefit; remove Forms 4525, 6010, and 6025 from

being incorporated by reference in favor of a citation to 105 KAR 5:200 where the forms are "housed" for efficiency; removes the Special Tax Notice required by, and inserts a citation to, 26 U.S.C. 402(f), from being incorporated by reference because it is already governed by the federal Internal Revenue Code and enables the KPPA to revise the notice when required by the federal government; and to streamline and revise language to comply with the drafting requirements of KRS Chapter 13A. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with and necessary or proper to carry out the provisions of KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. 26 U.S.C. 402 establishes the federal taxation requirements regarding direct rollovers of distributions and the withholding of federal income tax on distributions that are not rolled over to an IRA or other qualified plan.

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist in the effective administration of the statutes by updating and clarifying definitions, streamlining materials incorporated by reference, and revising and clarifying language that also complies with KRS Chapter 13A.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes. KRS 61.505(1)(g). Amended 2024 Ky. Acts ch. 55, sec. 1, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 28, sec. 1, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 216, sec. 2, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 102, sec. 76, effective April 1, 2021. -- Created 2020 Ky. Acts ch. 79, sec. 2, effective April 1, 2021.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those members, of approximately 433,461 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System, who are affected by the federal taxation requirements regarding direct rollovers of distributions and withholding of federal income tax on distributions that are not rolled over to an IRA or other qualified plan.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will be minimally impacted because the administrative regulation is already being implemented as written. The amendments are primarily technical in nature.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment because it is already being implemented as written. The amendment is primarily technical in nature.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will have the benefit of updated and clarified definitions for "beneficiary" and "death benefit beneficiary", fewer incorporated forms in favor of citing to 105 KAR 5:200 where the forms are "housed" for efficiency; up-to-date Special Tax Notice information; and streamlined language that should make the regulation easier to read and use.

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

(a) Initially: There will be no additional costs because the regulation is already being implemented as written.

(b) On a continuing basis: There will be no additional costs because the regulation is already being implemented as written.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Yes, tiering is applied to the extent that different forms and processes are required for different beneficiaries and whether they choose federal tax withholding or direct rollover of eligible distributions.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.505(1)(g), 26 U.S.C. 402)f)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 61.505(1)(g)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions. (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

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

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact. It is being implemented as written.

(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for its processes and procedures for informing affected members, beneficiaries, and alternate payees of their rights regarding federal tax withholding and

direct rollover of eligible distributions, issuing checks to alternate payees of a QDRO if the payee does not file the federal income tax form within a reasonable time, and when an alternate payee cannot be located.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for its processes and procedures for informing affected members, beneficiaries, and alternate payees of their rights regarding federal tax withholding and direct rollover of eligible distributions, issuing checks to alternate payees of a QDRO if the payee does not file the federal income tax form within a reasonable time, and when an alternate payee cannot be located.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 26 U.S.C. 402(f)

(2) State compliance standards. KRS 61.505(1)(g)

(3) Minimum or uniform standards contained in the federal mandate. 26 U.S.C. 402(f) requires plan administrators to provide recipients of eligible rollover distributions with written "Special Tax Notice" information that explains direct rollovers, mandatory withholding for cash payments, 60-day rollover rules, and tax treatment of non-rolled over amounts, which must be provided 30–180 days before distribution.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements, than the federal mandate.

FINANCE AND ADMINISTRATION CABINET
Public Pensions Authority
(Amendment)

105 KAR 2:420. 401(h) account established under 26 U.S.C. 401(h).

RELATES TO: KRS 16.510, 16.555, 61.505(1)(g), 61.515, 61.701, 61.702, 78.520, 78.5536(3), 78.630, 78.782, 26 U.S.C. 401(h)[61.645(9)(e)]

STATUTORY AUTHORITY: KRS 61.505, 61.702, 61.645(9)(e)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority on behalf of Kentucky Retirement Systems and County Employees Retirement System[61.645(9)(e) requires the Board of Trustees of Kentucky Retirement Systems] to promulgate[all] administrative regulations that are consistent with and necessary or proper[in order] to carry out the provisions of KRS 61.505[61.510] to 61.705, 16.505 to 16.652, and 78.510 to 78.852 and to conform to federal statutes and regulations. Pursuant to KRS 61.701, 61.702(3) and (4),[the provisions of KRS 61.702(2)(b)(5), as amended by 2008 Extra Sess. Ky. Acts ch. 1, sec. 24 and of KRS] 61.645, and 78.5536, this administrative regulation establishes[, effective September 1, 2008,] a separate 401(h) account under 26 U.S.C. 401(h) within[each of the following:] the Kentucky Employees Retirement System Trust Fund, the State Police Retirement System Trust Fund, and the County Employees Retirement Trust Fund.

Section 1. Definitions.

(1) "Dependent" is defined by[the Internal Revenue Code,] 26 U.S.C. 152, excluding subsections (b)(1), (b)(2), and (d)(1)(B).

(2) "Insurance trust" means the Kentucky Retirement Systems insurance trust established in KRS 61.701 or a County Employees Retirement System Trust established in KRS Chapter 78.

(3)[(2)] "Medical expense" means expense for medical care as defined by 26 U.S.C. Section 213(d)(1)[213(e)(1) of the Internal Revenue Code].

(4)[(3)] "Retired", for purposes of eligibility to receive the medical benefits established[described] in 26 U.S.C. 401(h), means an employee who:

(a) Is[An employee is] eligible to receive benefits under the Kentucky Retirement Systems or County Employee Retirement Systems;

(b) Is[The employee is] not still employed by the employer; and

(c) Has separated from employment[A separation from employment has occurred].

[(4)] ["Systems" means the retirement systems administered by Kentucky Retirement Systems.]

Section 2. The purpose of the 401(h) account established pursuant to 26 U.S.C. 401(h) in each of the systems shall be to pay part of the subsidy for health benefits that are otherwise payable from the insurance trust. The 401(h) account shall be used only to the extent that funds are not available from the insurance trust or if the Board determines that an employer's participation in the insurance trust conflicts with federal statute or regulations and risks disqualification of a plan or the insurance trust pursuant to 26 U.S.C. 115 or 401(a).[The purpose of the 401(h) account established under 26 U.S.C. 401(h) in each of the systems shall be to pay part of the subsidy for health benefits that are otherwise payable from the health insurance fund. The 401(h) account shall be used only to the extent that funds are not available from the health insurance fund.]

Section 3.

(1) The[one (1) percent] mandatory contribution established in KRS 61.702(3) and KRS 78.5536(3)[by KRS 61.702(2)(b)] shall be deposited in the insurance trust if the employer is eligible to participate in the insurance trust[separate account of each system trust fund, respectively].

(2) The mandatory contribution established in KRS 61.702(3) or 78.5536(3) shall be deposited in the 401(h) account of the respective system trust fund if the employer is not eligible to participate in the insurance trust.

(3) These contributions are[reasonable] to pay medical expenses as required by 26 C.F.R. 1.401-14(c)(3).

Section 4. The health benefits shall be subordinate to the retirement benefits provided by the systems.[(No life insurance protection is provided by any system.)] This requirement shall not be satisfied unless the actual contributions to the 401(h) accounts established under 26 U.S.C. 401(h) do not exceed twenty-five (25) percent of the total actual contributions to the systems excluding contributions to fund past service credit[(other than contributions to fund past service credits),] determined on an aggregate basis since the inception of the 401(h) accounts established under 26 U.S.C. 401(h).

Section 5. Amounts in the 401(h) accounts established under 26 U.S.C. 401(h) shall:

(1) Be[be] for the exclusive purpose of paying medical expenses for retirees, their spouses, and dependents;

(2) Not[. Amounts in the 401(h) accounts established under 26 U.S.C. shall not] be diverted for other purposes; and

(3) Upon dissolution of the 401(h) account[.]

[Section 6.] [Any amounts in the 401(h) accounts established under 26 U.S.C. 401(h) shall] revert to the employers upon satisfaction of all liabilities for medical benefits.

Section 6.[~~Section 7.~~] Employees shall not have an individual interest in the 401(h) accounts established under 26 U.S.C. 401(h).

Section 7.[~~Section 8.~~] The 401(h) accounts established under 26 U.S.C. 401(h) may be commingled with the pension assets of the trust funds for investment purposes. Investment earnings shall be credited to the 401(h) accounts established under 26 U.S.C. 401(h) on a reasonable basis.

Section 8.[~~Section 9.~~] Administrative and other expenses shall be charged to the 401(h) accounts established under 26 U.S.C. 401(h) on a reasonable basis.

105 KAR 2:420 401(h) account established under 26 U.S.C. 401(h. Is approved for filing.
RYAN BARROW, Executive Director

APPROVED BY AGENCY: September 25, 2026
FILED WITH LRC: September 29, 2026 at 8:50 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.
CONTACT PERSON: Carole J. Catalfo, Policy Specialist, Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Phone (502) 696-8679, Fax (502) 696-8615, Email: Legal.Non-Advocacy@kyret.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo, Phone: (502) 696-8679, Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings: Retirement and Pensions, State Employees
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes an account pursuant to 26 U.S.C. Section 401(h) (i.e., a "401(h)" account) for receipt of mandatory employee contributions made by members of the Kentucky Retirement Systems and the County Employees Retirement System if the employer is not eligible to participate in the insurance trust.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish and maintain the 401h) account for receipt of a mandatory employee contribution made by members of the Kentucky Retirement Systems and members of the County Employees Retirement System to pay part of the health benefit subsidy if the Board determines an employer's participation in the insurance trust conflicts with federal statute or regulations, and risks disqualification of a plan or the insurance trust pursuant to 26 U.S.C. 115 or 26 U.S.C. 401(a).
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.645(9)(e) authorizes the Kentucky Public Pensions Authority on behalf of Kentucky Retirement Systems and County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary or proper to carry out the provisions of KRS 61.505 to 61.705, 16.505 to 16.652, and 78.510 to 78.852 and to conform to federal statutes and regulations. Pursuant to KRS 61.701, 61.702(3) and (4), 61.645, and 78.5536, this administrative regulation establishes a separate 401(h) account under 26 U.S.C. 401(h) within the Kentucky Employees Retirement System Trust Fund, the State Police Retirement System Trust Fund, and the County Employees Retirement Trust Fund for receipt of mandatory employee contributions if the employer's participation in the insurance trust conflicts with federal statutes or regulations.
(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 and maintaining a separate 401(h) account within the KERS, SPRS, and CERS Trust Funds for receipt of mandatory employee contributions if the employer's participation in the insurance trust conflicts with federal statutes or 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 includes the addition of a definition for "insurance trust", clarifying the use and purpose of mandatory contributions for health insurance benefits to the 401(h) account (if the employer's participation in the insurance trust conflicts with federal statutes or regulations) versus the insurance trust (if the employer's participation does not conflict with federal statutes or regulations), removes the one (1) percent mandatory contribution to comply with SB 10 of the 2025 legislative session, corrects statutory references, and revises language to conform to drafting requirements.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to add a definition for "insurance trust", clarify the use and purpose of mandatory contributions for health insurance benefits to the 401(h) account (if the employer's participation in the insurance trust conflicts with federal statutes or regulations) versus the insurance trust (if the employer's participation does not conflict with federal statutes or regulations), remove the one (1) percent mandatory contribution to comply with SB 10 of the 2025 legislative session, correct statutory references, and revise language to conform to drafting requirements. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.645(9)(e) authorizes the Kentucky Public Pensions Authority on behalf of Kentucky Retirement Systems and County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary or proper to carry out the provisions of KRS 61.505 to 61.705, 16.505 to 16.652, and 78.510 to 78.852 and to conform to federal statutes and regulations. Pursuant to KRS 61.701, 61.702(3) and (4), 61.645, and 78.5536, this administrative regulation establishes a separate 401(h) account under 26 U.S.C. 401(h) within the Kentucky Employees Retirement System Trust Fund, the State Police Retirement System Trust Fund, and the County Employees Retirement Trust Fund for receipt of mandatory employee contributions if the employer's participation in the insurance trust conflicts with federal statutes or 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: The amendment will assist in the effective administration of the statutes by adding a definition for "insurance trust", clarifying the use and purpose of mandatory contributions for health insurance benefits to the 401(h) account for receipt of mandatory employee contributions if the employer's participation in the insurance trust conflicts with federal statutes or regulations, removing the one (1) percent mandatory contribution to comply with SB 10 of the 2025 legislative session, correcting statutory references, and revising language to conform to drafting requirements.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes. Senate Bill 10 of the 2025 regular

legislative session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 444,293 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will be minimally impacted and will not have to take any additional actions because the administrative regulation is already being implemented as written. The amendments are primarily technical in nature.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment because it is already being implemented as written. The amendment is primarily technical in nature.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from health benefit contributions being properly allocated between the insurance trust and 401(h) account, and the addition of a definition for "insurance trust".

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

(a) Initially: There will be no additional costs because the regulation is already being implemented as written.

(b) On a continuing basis: There will be no additional costs because the regulation is already being implemented as written.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Yes, tiering is applied only to the extent that mandatory member contributions will be directed to the 401(h) account if the employer’s participation in the insurance trust would conflict with federal law.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.702, 61.645(9)(e).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 61.702, 61.645(9)(e); SB 10 of the 2025 regular legislative session.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions. (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact. It is being implemented as written.

(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for collecting and allocating mandatory member contributions to the insurance trust and the 401(h) account.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for collecting and allocating mandatory member contributions to the insurance trust and the 401(h) account.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 26 U.S.C. 401(h)

(2) State compliance standards. KRS 61.645, 61.701, 61.702, 78.5536

(3) Minimum or uniform standards contained in the federal mandate. 26 U.S.C. 401(h) requires a separate, exclusive account to fund medical benefits for retired employees and their spouses and dependents under certain circumstances.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements or additional or different responsibilities or requirements than those in 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 standards or 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.

FINANCE AND ADMINISTRATION CABINET
Public Pensions Authority
(Amendment)

105 KAR 5:200. Retirement procedures.

RELATES TO: KRS 16.505-16.652, 61.505–61.705[~~61.505, 61.510-61.705~~], 78.510-78.852

STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.590(1), 78.545

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505[~~61.505, 61.510~~] to 61.705, and 78.510 to 78.852. KRS 61.590(1) and 78.545 require that all forms and information required by the board are on file to receive retirement benefits. This administrative regulation establishes the procedures and forms required to apply for and receive retirement benefits.

Section 1. Definitions.

(1) "Applicant" means a participant who has:

(a) Applied or is applying for retirement in accordance with KRS 61.590 and 78.545; or

(b) Been approved for retirement but has not yet received a retirement allowance.

(2) "Disability retirement" means a retirement allowance a member is eligible to receive based on an incapacity as established in KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, and 78.5524.

[~~(3)~~] [~~"Early Retirement date" means a retirement date prior to a member's normal retirement date that is not a disability retirement.~~]

(3)[~~(4)~~] "Effective retirement date" means the date upon which a member's service retirement allowance or disability retirement allowance began or will begin, which might be a different date than the date the payments are initiated.

(4)[~~(5)~~] "Service retirement" means a retirement allowance a participant is eligible to receive as established in[~~prescribed by~~] KRS 16.576, 16.577, 16.583(6), 61.559, 61.595(2), 61.597(6), 78.5510(2) through (3), 78.5512(6), 78.5514, and 78.5516(6).

(5)[~~(6)~~] "Termination Date" means the date on which the member has ceased or will cease[~~his or her~~] employment[~~relationship~~] with all participating employers.

(6)[~~(7)~~] "Unsubstantiated service" means:

(a) For school board employees, that:

1. The actual days worked averaged or is expected to average less than eighty (80) hours per month in a fiscal year; or

2. Service is incomplete; or

(b) For non-school board employees, that:

1. The actual[~~worked~~] time worked averaged or is expected to average less than 100 hours per month in a fiscal or calendar year; or

2. Service is incomplete.

Section 2. Retirement Eligibility Requirements.

(1) Service retirement eligibility shall be determined in accordance with:

(a) For applicants with a participation date prior to September 1, 2008, KRS 16.576(1)(a), 16.577, 61.559(1) and (2), 61.592(4), 78.5510(2), and 78.5514(2);

(b) For applicants with a participation date on or after September 1, 2008, but prior to January 1, 2014, KRS 16.576(1)(b), 16.577, 61.559(3), 61.592(4), 78.5510(3), and 78.5514(3); and

(c) For applicants with a participation date on or after January 1, 2014, KRS 16.583(6), 61.592(4), 61.597(6), 78.5512(6), and 78.5516(6).

(2) Disability retirement eligibility shall be determined in accordance with KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 3:210.

Section 3. Application for Retirement.

(1) The applicant shall file a valid Form 6000, Notification of Retirement, incorporated by reference in 105 KAR 5:202, no earlier than six (6) months prior to his or her desired effective retirement date.

(2)

(a) The agency shall not process an invalid Form 6000 which[~~, Notification of Retirement. The Form 6000~~] shall be invalid if it:

1. Is incomplete;

2. Does not include all indicated required documentation;

3. Is not signed by the applicant and a spouse or other witness on the indicated place in the Certification of Bona Fide Separation from Service and Notification of Retirement Section unless submitted through the Self-service website with a PIN; or

4. Is not signed by the applicant and a witness on the indicated place in the Member's Statement of Disability section if the applicant is applying for disability retirement unless submitted through the Self-service website with a PIN.

(b) If the agency finds the Form 6000 to be invalid, the agency shall provide notification to the applicant of the actions necessary for completion or correction.

(3) If the applicant indicates on the Form 6000[~~, Notification of Retirement,~~] that he or she is simultaneously retiring with reciprocity and he or she fails to retire from all state administered retirement systems indicated on the Form 6000, either simultaneously or with an effective retirement date within one (1) month of the applicant's effective retirement date with the systems, the applicant shall not be eligible to retire with reciprocity.

(4)

(a) If the applicant fails to designate a federal tax withholding preference, the agency shall withhold federal tax based on the default withholding provided by the Internal Revenue Service.

(b) Once the applicant begins receiving a retirement allowance, he or she may establish or change his or her federal tax withholding preference through the Self-service website[~~Self Service Web site~~] or by filing a valid tax withholding certificate as established in 26 U.S.C. 3405[~~Form 6017, Withholding Certificate for Periodic Pension or Annuity Payments~~].

(5)

(a) The applicant's estate shall be the beneficiary of the $5,000 death benefit if the applicant fails to:

1. Designate a beneficiary of the $5,000 death benefit; or

2. Accurately fill out the $5,000 Death Benefit Section of the Form 6000[~~, Notification of Retirement,~~] designating a single beneficiary.

(b) Once the applicant begins receiving a retirement allowance, he or she may designate or change the beneficiary of the $5,000 death benefit through the Self-service website[~~Self Service Web site~~] or by filing a valid Form 6030, Death Benefit Designation.

(6) The applicant shall authorize the direct deposit of his or her retirement allowance on the Form 6000[~~, Notification of Retirement~~].

(7)

(a) If the applicant does not have an account with a financial institution or the applicant's financial institution does not participate in the electronic funds transfer program, the applicant shall file a valid Form 6135, Request for Payment by Check, simultaneously with the Form 6000[~~, Notification of Retirement~~].

(b) Once a member begins receiving a retirement allowance, he or she may change the designated financial institution or account through the Self-service website[~~Self Service Web site~~] or by filing a valid Form 6130, Authorization for Deposit of Retirement Payment.

(8)

(a) Only applicants applying for disability retirement shall complete the Member's Statement of Disability section of the Form 6000 and[~~, Notification of Retirement. These applicants~~] shall also comply with the requirements of 105 KAR 3:210.

(b) Applicants not applying for disability retirement shall not complete the Member's Statement of Disability section of the Form 6000[~~, Notification of Retirement~~].

(9)

(a) The applicant's current employer shall complete the Employer Certification of Leave Balances and Final Salary section of the Form 6000[~~, Notification of Retirement,~~] as provided in 105 KAR 4:140, Section 15. If the employer does not comply with the requirements of 105 KAR 4:140, Section 15(1), the agency shall utilize the information previously reported to the agency by the applicant's employer and former employers in accordance with KRS 61.675 and 78.625 and shall not include sick leave, compensatory time, projected salary, projected service, or unsubstantiated service in the agency's initial calculations of the applicant's retirement allowance or eligibility to retire, except as provided in paragraph (b) of this subsection.

(b) If the application is for disability retirement, the employer shall comply with the requirements of 105 KAR 3:210.

(c) The Employer Certification of Leave Balances and Final Salary section of the Form 6000[~~, Notification of Retirement,~~] shall be signed by a person designated by the employer on file at the retirement office.

Section 4. Verification of Date of Birth.

(1)

(a) The applicant shall file verification of his or her date of birth and verification of the date of birth of the beneficiary named on the applicant's Form 6000, Notification of Retirement:

1. Prior to the agency processing the application; and

2. For disability retirement or retirement at an early retirement date, by the end of the day six (6) months following the date the valid Form 6000 was filed, or the Form 6000 shall be invalid.

(b) The agency shall accept one (1) or more of the documents established in this paragraph[~~following~~] as verification of date of birth of the applicant or beneficiary:

1. Age record from the Social Security Administration;
2. Immigration and naturalization service records;
3. Birth certificate;
4. Military ID or discharge;
5. U.S. passport;
6. Driver's license or state-issued identification that requires birth verification; or
7. Other reliable proof of date of birth that may be used by a court of competent jurisdiction[~~the courts~~] to verify the person's date of birth.

(2) If the applicant's or beneficiary's name does not match[~~is no longer the same as~~] the name listed on the verification of date of birth, the applicant or beneficiary shall file a social security card, driver's license, marriage certificate, court order, passport, or legally binding documentation verifying the name change.

Section 5. Additional Requirements.

(1) Based on the salary reported to the agency and information provided by the applicant's employer, the agency shall provide an estimate of the applicant's retirement allowance on the Form 6010, Estimated Retirement Allowance, which shall include:

(a) The payment options and amounts available to the applicant;

(b) A place to designate the applicant's choice of payment option;

(c) A place for the applicant to sign and date; and

(d) A place for the spouse or other witness' signature.

(2)

(a)

1. The applicant shall complete and file a valid Form 6010[~~, Estimated Retirement Allowance~~]:

a. For disability retirement, in accordance with 105 KAR 3:210; or

b. For retirement at an early retirement date, by the end of the day six (6) months following his or her effective retirement date.

2. A Form 6010[~~, Estimated Retirement Allowance,~~] shall not be valid if not completed in its entirety and signed by the applicant, and:

a. Signed by a spouse or other witness; or

b. Submitted through the Self-service website with a PIN.

(b)

1. If the applicant for retirement at an early retirement date fails to comply with paragraph (2)(a)2. of this subsection, the Form 6000, shall be void.

2. The applicant may file a new valid Form 6000 to re-apply for retirement benefits and[~~. If the applicant files a new valid Form 6000, he or she~~] shall select a new effective retirement date that shall not be prior to the date the new Form 6000 is filed.

(3) If an applicant is approved for disability retirement, he or she shall comply with the requirements of 105 KAR 3:210 prior to receiving the approved disability retirement allowance.

(4) If the applicant selects a monthly retirement allowance or a partial lump-sum payment option and is eligible for hospital and medical insurance in accordance with KRS 16.645, 61.702, and 78.5536, he or she shall be provided with information on how to apply for hospital and medical insurance in accordance with 105 KAR 5:411.

(5)

(a) If the applicant selects an actuarial equivalent refund, lump-sum refund, or partial lump-sum payment option, he or she shall complete and file a valid Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, selecting the option for payment.

(b) If the applicant intends to have the funds rolled over directly into an IRA or other qualified plan, the applicant shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025 certifying that the rollover shall be accepted.

Section 6. Voiding the Form 6000.

(1) The Form 6000, Notification of Retirement, shall be void if the:

(a) [~~The~~] Form 6000 is invalid, and the applicant fails to comply with Section 3(2) and Section 4 of this administrative regulation;

(b) [~~The~~] Form 6000 is withdrawn;

(c) Applicant:[~~The applicant~~]

1. Is[~~is~~] applying for disability retirement;

2.[~~(d)~~] Is[~~The applicant is~~] approved for retirement but fails to complete the requirements of Section 5 of this administrative regulation;

3.[~~(e)~~] Died[~~The applicant died~~] while the application is being processed and the beneficiary, representative of the deceased applicant's estate, or trustee fails to complete the requirements of Section 9 of this administrative regulation; or

4.[~~(f)~~] Did[~~The applicant did~~] not indicate on the Form 6000 that he or she was applying for disability retirement and the applicant is not eligible for service retirement.

(2)

(a) If an applicant's Form 6000[~~, Notification of Retirement,~~] is void, the beneficiary or beneficiaries and contingent beneficiary or beneficiaries designated on the most recently filed valid Form 2035, Beneficiary Designation, incorporated by reference in 105 KAR 1:170, shall remain in full force and effect, except as provided in paragraph (b) of this subsection.

(b) This subsection shall not apply to a retirement account from which the applicant was already receiving a retirement allowance.

Section 7. Administration of the Retirement Allowance.

(1)

(a) The agency shall not process a monthly retirement allowance until the applicant has completed and filed all requirements of this administrative regulation.

(b) If an applicant is retiring from any other state-administered retirement system with reciprocity, the agency shall hold the retirement allowance payment until the other state-administered retirement system finalizes the applicant's retirement from its retirement system in accordance with KRS 61.680(8) and 78.5542.

(2) The agency shall not process an actuarial equivalent refund or lump sum refund until the applicant has complied with all requirements of this administrative regulation, the applicant's employer has submitted proof of the applicant's employment termination, and the applicant's employer has reported all creditable compensation and accumulated sick leave.

(3)

(a) The agency shall not process the first retirement allowance payment earlier than the month of the applicant's effective retirement date as indicated on the Form 6010, Estimated Retirement Allowance.

(b) The agency shall process the first service retirement allowance payment the month following the month:

1. Of the applicant's last termination date; and

2. That all applicable forms and documents as established by this administrative regulation are on file.

(c) The agency shall process the disability retirement allowance payment in accordance with 105 KAR 3:210.

Section 8. Subsequent Application for Retirement While a Prior Application is Pending. If a valid subsequent application for retirement that complies with Section 3 of this administrative regulation is filed while a prior application is pending and is filed:

(1) By[~~If the subsequent application is filed by~~] 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall supersede the prior application on file; or

(2) After[~~If the subsequent application is filed after~~] 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall not be valid.

Section 9. Death During the Retirement Application Process.

(1) Except as provided in subsection (2) of this section, if the applicant dies prior to the first day of the month in which the applicant would have received his or her first retirement payment, any benefits payable to a beneficiary or estate shall be determined pursuant to KRS 16.578, 61.621, 61.640, 78.5532, and 105 KAR 3:180.[~~105 KAR 4:180.~~]

(2) If an applicant for disability retirement dies prior to receiving his or her first retirement payment, eligibility for a disability retirement allowance that might be payable to a beneficiary, surviving spouse, dependent child, or estate shall be determined pursuant to KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 3:210.

Section 10. Exceptions to Changing the Beneficiary After Retirement.

(1) Except as provided in this section, the beneficiary indicated on the Form 6000 shall not be changed on or after the first day of the month in which a recipient receives his or her first retirement allowance payment.

(2)

(a) In accordance with KRS 61.542(5)(a) and 78.545, a beneficiary may be changed at any time by a recipient receiving a monthly retirement allowance under:

1. The basic payment option;

2. A period certain option as provided by KRS 61.635(5) through (7) and 78.545; or

3. The Social Security adjustment option without survivor rights as provided by KRS 61.635(8)(a) and 78.545.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6036, Beneficiary Designation Change, which shall become[~~. The newly designated beneficiary shall be~~] effective the date the valid form[~~Form 6036~~] is on file.

(c) The recipient shall not change the payment option selected at retirement.

(3)

(a) In accordance with KRS 61.542(5)(b) and 78.545, a beneficiary may be changed only once by the end of the 120th calendar day[~~120 calendar days~~] following the date of a recipient's marriage or remarriage.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6035, Beneficiary and Payment Option Change, by the end of the 120th calendar day[~~100 calendar days~~] following the date of a recipient's marriage or remarriage that includes:

1. Verification of the date of birth of the new beneficiary as provided in Section 4 of this administrative regulation;

2. The recipient and new beneficiary's marriage certificate; and

3. If a prior spouse was the beneficiary, a divorce decree or death certificate.

(c) Once a valid Form 6035[~~, Beneficiary and Payment Option Change,~~] is on file, the agency shall provide the recipient with a Form 6050 Payment Option Change Designation. The recipient shall complete and file a valid Form 6050 selecting his or her new payment option as established in KRS 61.542(5)(b)2. and 78.545 by the end of the 120th calendar day[~~120 calendar days~~] following the date of his or her marriage or remarriage.

(d) A change in payment option pursuant to this subsection shall not affect payments to an alternate payee under a Qualified Domestic Relations Order.

(e)

1. If the recipient fails to timely complete all requirements of this subsection, the beneficiary previously on file will remain the beneficiary.

2. If no beneficiary was previously on file, the beneficiary shall be the estate.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

[~~(a)~~] [~~Form 2035, "Beneficiary Designation", December 2024;~~]

(a)[~~(b)~~] Form 6010, "Estimated Retirement Allowance", April 2024;

[~~(c)~~] [~~Form 6017, "Tax Withholding Certificate for Periodic Pension or Annuity Payments", January 2024;~~]

(b)[~~(d)~~] Form 6025, "Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution ", June 2023;

(c)[~~(e)~~] Form 6030, "Death Benefit Designation", September 2026[~~November 2024~~];

(d)[~~(f)~~] Form 6035, "Beneficiary and Payment Option Change", September 2026[~~April 2024~~];

(e)[~~(g)~~] Form 6036, "Beneficiary Designation Change", April 2024;

(f)[~~(h)~~] Form 6050 "Payment Option Change Designation", April 2022;

(g)[~~(i)~~] Form 6130, "Authorization for Deposit of Retirement Payment", November 2024; and

(h)[~~(j)~~] Form 6135, "Request for Payment by Check", April 2024.

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

105 KAR 5:200 Retirement procedures. Is approved for filing.
RYAN BARROW, Executive Director

APPROVED BY AGENCY: September 25, 2026

FILED WITH LRC: September 29, 2026 at 8:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon

filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo, Phone: (502) 696-8679, Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures and forms required to apply for and receive retirement benefits.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures and forms required to apply for and receive retirement benefits.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. KRS 61.590(1) and 78.545 require that all forms and information required by the board are on file to receive retirement benefits.

(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 procedures and forms required to apply for and receive retirement benefits.

(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: To comply with SB 85 of the 2026 legislative session, this amendment adds "special needs trust" as an optional beneficiary for members to choose on the Form 6030, "Death Benefit Designation", September 2026, which is incorporated by reference. This amendment also removes a redundant definition, removes Form 2035 which is incorporated into a separate regulation, removes Form 6017 which is actually IRS Form W-4P form developed, controlled, and regulated by the IRS, in favor of a citation to the U.S. Code that requires it, revises Form 6035 and the regulation to clarify the 120-day deadline related to beneficiary changes, adds Military IDs as a valid form of birthdate verification, and revises regulatory language to comply with drafting requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to comply with SB 85 of the 2026 legislative session, by adding "special needs trust" as an optional beneficiary for members to choose on the Form 6030, "Death Benefit Designation", September 2026, which is incorporated by reference. This amendment is also necessary to remove a redundant definition, remove Form 2035 which is incorporated into a separate regulation, revise Form 6035 and the regulation to clarify the 120-day deadline related to beneficiary changes, add Military IDs as a valid form of birthdate verification and revise regulatory language to comply with drafting requirements. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. KRS 61.590(1) and 78.545 require that all forms and information required by the board are on file to receive retirement benefits. This administrative regulation establishes the procedures and forms required to apply for and receive retirement benefits.

(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 will assist in the effective administration of the statutes, and comply with SB 85 of the 2026 legislative session, by adding "special needs trust" as an optional beneficiary for members to choose on the Form 6030, "Death Benefit Designation", September 2026, which is incorporated by reference. This amendment will also assist in administration of the statutes by removing a redundant definition, removing Form 2035 which is incorporated into another regulation, and removing Form 6017 which is actually IRS Form W-4P, in favor of a citation to the applicable U.S. Code that requires it, which will enable the agency to send or link to the most recent federal form whenever it is published, and by revising Form 6035 and the regulation to clarify the 120-day deadline related to beneficiary changes, and adding Military IDs as a valid form of birthdate verification.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes, this amendment implements SB 85 of the 2026 regular legislative session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 444,293 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will be minimally impacted because only those members who wish to choose a special needs trust for their beneficiary will need to check the appropriate box on the amended form and provide certain information to implement their choice.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from the ability to choose a special needs trust as a beneficiary, or present a military ID for birthdate verification.

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

(a) Initially: There will be no additional costs because the amendment primarily revises a form allowing the selection of a special needs trust as a beneficiary and the remainder of the regulation is already being implemented as written.

(b) On a continuing basis: There will be no additional costs because the amendment primarily revises a form allowing the selection of a special needs trust as a beneficiary and the remainder of the regulation is already being implemented as written.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Yes, tiering is applied only to the extent that the processes and procedures to implement a member’s choice of beneficiary may require different information.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.505(1)(g), 61.590(1), and 78.545, and Senate Bill 85 of the 2026 regular legislative session.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 61.505(1)(g), 61.590(1), and 78.545, and Senate Bill 85 of the 2026 regular legislative session.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions.

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

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

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact because the amendment primarily revises a form to allow members to choose a special needs trust as a beneficiary to comply with SB 85 of the 2026 regular legislative session.

(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for beneficiary selection and implementation.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for beneficiary selection and implementation.

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
Public Pensions Authority
(Amendment)

105 KAR 5:202. Notification of Retirement.

RELATES TO: KRS 16.505 - 16.652, 61.505[~~, 61.610~~] - 61.705, 78.510 - 78.852

STATUTORY AUTHORITY: KRS 61.505

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505[~~, 61.510~~] to 61.705, and 78.510 to 78.852. This administrative regulation establishes the use of the Form 6000, Notification of Retirement.

Section 1. Uses.

[~~(1)~~] The Form 6000, Notification of Retirement, shall be used by participants to apply for:

(1)[~~(a)~~] Retirement based on service as established in KRS 16.576, 16.577, 16.583, 61.559, 61.595(2), 61.597(6), 78.5510(2) through (3), 78.5512(6), 78.5514, and 78.5516; or

(2)[~~(b)~~] Disability retirement as established in KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, and 78.5524.

[~~(2)~~] [~~The Form 6000, Notification of Retirement, shall be used as established by:~~]

[~~(a)~~] [~~105 KAR 1:020;~~]
[~~(b)~~] [~~105 KAR 5:202;~~]
[~~(c)~~] [~~105 KAR 3:210;~~]
[~~(d)~~] [~~105 KAR 3:310;~~]
[~~(e)~~] [~~105 KAR 5:390; and~~]
[~~(f)~~] [~~105 KAR 3:455;~~]

Section 2. Incorporation by Reference.

(1) The Form 6000, "Notification of Retirement", September 2026[~~November 2024~~], is incorporated by reference.

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

105 KAR 5:202. Notification of Retirement. Is approved for filing.
RYAN BARROW, Executive Director

APPROVED BY AGENCY: September 25, 2026
FILED WITH LRC: September 29, 2026 at 8:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, December 21, 2026 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written

comments shall be accepted through December 31, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo, Phone: (502) 696-8679, Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the use of Form 6000 which is required to apply for and receive retirement benefits.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the use of Form 6000, "Notification of Retirement", which is required to apply for and receive retirement benefits.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. This administrative regulation establishes the use of the Form 6000, Notification of Retirement.

(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 use of Form 6000 which is required to apply for and receive retirement benefits.

(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: To comply with SB 85 of the 2026 regular legislative session, this amendment adds "special needs trust" as an optional beneficiary for members to choose on the Form 6000, "Notification of Retirement", which is incorporated by reference. The amendment to this administrative regulation also removes unnecessary citations to specific regulations and accommodates recent recodification and ease of developing or revising related regulations.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to comply with SB 85 of the 2026 regular legislative session by adding "special needs trust" as an optional beneficiary for members to choose on the Form 6000, to remove unnecessary citations to specific regulations that cite to this administrative regulation, and to accommodate recent recodification and ease of developing or revising related regulations. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. This administrative regulation establishes the use of the Form 6000, Notification of Retirement.

(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 administration of the statutes, and comply with SB 85 of the 2026 regular legislative session, by adding "special needs trust" as an optional beneficiary for members to choose on the Form 6000, by removing unnecessary citations to specific regulations that cite to this administrative regulation, and by accommodating recent recodification and ease of developing or revising related regulations.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes, this amendment is to comply with SB 85 of the 2026 regular legislative session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 433,461 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will be minimally impacted because only those members who wish to choose a special needs trust for their beneficiary will need to check the appropriate box on the amended form and provide certain information to implement their choice.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from the ability to choose a special needs trust as a beneficiary.

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

(a) Initially: There will be no additional costs because the amendment primarily revises a form allowing the selection of a special needs trust as a beneficiary.

(b) On a continuing basis: There will be no additional costs because the amendment primarily revises a form allowing the selection of a special needs trust as a beneficiary.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Yes, tiering is applied only to the extent that the processes and procedures to implement a member's choice of beneficiary may require different information.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.505; Senate Bill 85 of the 2026 regular legislative session.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, Senate Bill 85 of the 2026 regular legislative session.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions. (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

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

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact because the amendment primarily revises a form to allow members to choose a special needs trust as a beneficiary to comply with SB 85 of the 2026 regular legislative session.

(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for beneficiary selection and implementation.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for beneficiary selection and implementation.

FINANCE AND ADMINISTRATION CABINET
Public Pensions Authority
(Amendment)

105 KAR 5:390. Employment after retirement.

RELATES TO: KRS 15.420(2)(a), 16.010, 16.505, 61.505, 61.510, 61.565, 61.590, 61.637, 61.675, 61.702, 70.291 - 70.293, 78.510, 78.545, 78.5540, 78.625, 78.635, 95.022, 158.441, 164.952, 26 U.S.C. 401(a), 26 C.F.R. 1.401-1, 1.401(a)-1

STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.590, 61.637(18), 78.5540(5)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. KRS 61.637(18) and 78.5540(5) require[~~requires~~] the Kentucky Public Pensions Authority to promulgate administrative regulations to implement[~~the requirements of~~] KRS 61.637 and 78.5540. This administrative regulation concerns the administration of KRS 61.637 and 78.5540 in conjunction with federal law regarding bona fide separation from service and changes in employment relationship if a retired member returns to employment with a participating employer in a retirement system operated by the Kentucky Public Pensions Authority. 26 C.F.R. 1.401-1(a)(2) requires that a qualified plan expressly provide in its statutes and administrative regulations (plan documents) how it shall administer its plan in accordance with federal law in order to maintain the tax qualified status of the plan. This administrative regulation is necessary to maintain the tax qualified status of the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System under 26 U.S.C. 401(a), and to comply with the provisions established in 26 C.F.R. 1.401-1(b)(1)(i) and 1.401(a)-1.

Section 1. Definitions. The definitions established in this section apply only for the purposes of this administrative regulation.

(1) "Bona fide separation from service" means:

(a) A cessation of the employment relationship between the member and the member's employer; and

(b) There is no prearranged agreement.

(2) "Employee" means a retired member who is performing services for any[~~an~~] employer participating in the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System in a manner that demonstrates an employment relationship under the common law factors used by the Internal Revenue Service (IRS) established in Section 4(3)(d)1. of this administrative regulation.

(3) [~~"Non-participating position" means any position of employment with a participating employer other than a regular full-time position or a regular full-time officer position.~~]

[~~(4)~~] [~~"Participating position" means a regular full-time position or a regular full-time officer position.~~]

[~~(5)~~] "Prearranged agreement" means a verbal or written, explicit or implicit agreement:

(a) That occurred prior to the retired member's effective retirement date;

(b) Between the retired member and:

1. His[~~his~~] or her former employer regarding any position with the former employer; or

2. Any participating employer other than a former employer regarding a regular full-time position; and

(c) That[~~for~~] the retired member would[~~to~~] reemploy[~~with the employer~~] within twelve (12) months after the retired member's effective retirement date[~~; and~~]

[~~(b)~~] [~~That occurred prior to the retired member's effective retirement date.~~]

[~~(6)~~] [~~"Retirement date" means the member's effective retirement date as described in KRS 61.590(5) and 78.545(4)~~].

(4) "Statutory officer" means:

(a) An elected officer or appointed board member other than a regular full-time employee who receives no compensation for services other than a per diem not to exceed five hundred dollars ($500) per month and reimbursement of actual expenses; or

(b) A precinct election officer appointed pursuant to KRS 117.045.

Section 2. Form 6000 Certification.

(1) In order to retire with the systems, an eligible member shall complete and file a valid Form 6000, Notification of Retirement, incorporated by reference in 105 KAR 5:202, which shall comply with the requirements of KRS 61.590, KRS 78.545, and 105 KAR 5:200.

(2) The agency shall not process a Form 6000[~~, Notification of Retirement,~~] until the member certifies on the Form 6000 that there

is no prearranged agreement for reemployment with any[a] participating employer after the member's retirement date.

Section 3. Employment After Retirement.

(1) A retired member who is reemployed with a participating employer in any position, including participating positions and non-participating positions, shall have a:

(a) Bona[A bona] fide separation from service as defined in Section 1 of this administrative regulation; and

(b) Break[A break] in service as provided in subsection (3) of this section.

(2)

(a) [A retired member who is reemployed with a participating employer in any position, including participating positions and non-participating positions shall not have a prearranged agreement.]

[(b)] An elected official who is reelected and takes office in the same elected position that[as] he or she held prior to retirement within twelve (12) months after his or her effective retirement date shall be deemed to have a prearranged agreement.

(b) A candidate for an elected office who retires between the date of the regular or special election at which he or she is the successful candidate and the beginning of the term of office to which he or she has been elected shall be deemed to have a prearranged agreement.

(3) "Break in service" as provided in this section shall require that:

(a) For effective retirement dates prior to January 1, 2024:

1. A member who retired from a hazardous position shall have a one (1) month break in service before returning to work with any participating employer in a regular full-time hazardous participating position.

2. Except as provided in subparagraph 1. of this paragraph, a member who retired from a hazardous or nonhazardous position shall have a three (3) month break in service before returning to work with any participating employer in a participating or nonparticipating position.

(b) For effective retirement dates beginning January 1, 2024, a member who retired from a hazardous or nonhazardous position shall have a one (1) month break in service before returning to work with any participating employer in a participating or nonparticipating position.

(4) A[If a] retired member who seeks reemployment with a participating employer within twelve (12) months of his or her retirement date shall have on file prior to the beginning of his or her reemployment[, then the following shall be filed]:

(a) A valid Form 6751, Employer Certification Regarding Reemployment, completed by the participating employer, which shall certify that there was no prearranged agreement;

(b) A valid Form 6754, Member Reemployment Certification, completed by the retired member; and

(c) Any other information requested by the agency from the participating employer and the retired member pursuant to KRS 61.637(8) and 78.5540(2)(a).

(d) If a retired member or his or her employer fail to submit information requested by the agency or valid forms required by this administrative regulation within thirty (30) days of an agency request or notice that a form is invalid, the agency shall notify the retired member that the member's request was not approved without prejudice to the retired member's ability to resubmit a valid request for approval of the reemployment.

(5)

(a) The agency shall issue a final determination to the retired member no later than thirty (30) calendar days after receipt of all required forms and additional requested information.

(b) If the agency determines that the retired member failed to comply with any of the requirements of this section or federal law, the retired member's retirement shall be voided and he or she shall repay all retirement allowances, dependent child payments, and hospital and medical insurance plan premiums paid by the systems.

Section 4. Independent Contractors and Leased Employees.

(1) A[If a] retired member who seeks to provide services to a participating employer as an independent contractor, under a professional services contract, or as a leased employee within twelve (12) months of the retired member's retirement date shall have on file[, then the following shall be filed]:

(a) A valid Form 6752, Employer Certification of Independent Contractor/Leased Employee, completed by the participating employer;

(b) A valid Form 6754, Member Reemployment Certification, completed by the retired member;

(c) A complete copy of any contract under which services are provided by the retired member to the participating employer; and

(d) Any other information requested by the agency from the participating employer and the retired member pursuant to KRS 61.637(9) and 78.5540(2)(b).

(2) The agency shall apply common law factors used by the IRS[Internal Revenue Service (IRS),] in accordance with IRS Publication 1779, Independent Contractor or Employee and Revenue Ruling 87-41, established in Section 4(3)(d)1. of this administrative regulation, to determine whether a retired member is an employee or an independent contractor of the participating employer[or an independent contractor of the participating employer]. The agency may also consider rules issued by the United States Department of Labor for determining whether a worker is an employee or an independent contractor under federal wage and hour law.

(3)

(a) The agency shall issue a final determination to the retired member no later than thirty (30) calendar days after receiving[receipt of] all required forms and requested information.

(b) If the agency determines that the retired member is an employee of the participating employer and not[, rather than] an independent contractor or leased employee through a leasing company, staffing agency, or other entity:

1. The retired member shall comply with[be subject to the provisions of] Section 3 of this administrative regulation and shall have a "bona fide separation from service" and "break in service"; and

2. The employer shall:

a. Report the retired member as required by KRS 61.675, 78.625, and 105 KAR 4:140;

b. Pay employer contributions for the retired member as established in[specified by] KRS 61.565, 61.702, and 78.635; and

c. Reimburse the systems for the cost of hospital and medical insurance plan premiums paid by the systems for the retired member.

(c) If the agency determines that the retired member is an independent contractor or leased employee through a leasing company, staffing agency, or other entity, the retired member shall[may still] be required to observe a break in[bona fide separation from] service to the extent required by federal law if the change in the employment relationship is merely superficial in nature.

(d) To determine whether the change in the employment relationship is superficial, the agency shall consider:

1. The common law factors established in federal Revenue Ruling 87-41 to determine if a person is an independent contractor or leased employee, including the extent to which the employer maintains any behavioral or financial control, and the actual change to the relationship of the parties;

2. Any change in duties between the retired member's last employed position and the proposed duties as a contractor or leased employee, including the extent to which the employee continued providing services to the participating employer; and

3. The relationship between the participating employer and the leasing company, staffing agency, or other entity.

Section 5. Volunteers.

(1) A[If a] retired member who seeks to volunteer with a participating employer within twelve (12) months of the retired member's retirement date shall have on file[, then the following shall be filed]:

(a) A valid Form 6753, Employer Certification of Volunteer, completed by the participating employer;

(b) A valid Form 6754, Member Reemployment Certification, completed by the retired member; and

(c) Any other information requested by the agency from the participating employer and retired member pursuant to KRS 61.637(8) and 78.5540(2)(a).

(2)

(a) The agency shall issue a final determination to the retired member no later than thirty (30) calendar days after receipt of all required forms and requested information.

(b) If the agency[~~Agency~~] determines that the retired member is an employee of the participating employer, rather than a volunteer:

1. The retired member shall comply with[~~be subject to the provisions of~~] Section 3 of this administrative regulation and shall have a "bona fide separation from service" and "break in service"; and

2. The employer shall:

a. Report the retired member as required by KRS 61.675, 78.625, and 105 KAR 4:140;

b. Pay employer contributions for the retired member as specified by KRS 61.565, 61.702, and 78.635; and

c. Reimburse the systems for the cost of hospital and medical insurance plan premiums paid by the systems for the retired member.

(c) If the agency determines that the retired member is a volunteer, the retired member shall[~~may still~~] be required to observe a break in[~~bona fide separation from~~] service to the extent required by federal law if, prior to the member's retirement date, the retired member:

1. Received creditable compensation from the employer;

2. Received any reimbursement or nominal fee from the employer that was credited as creditable compensation to the member's account; or

3. Purchased or received service credit for service from the participating employer for which the retired member is performing volunteer services.

(3) The agency shall determine the need for a statutory officer to have a bona fide separation from his or her position as a statutory officer or the ability to reemploy as a statutory officer pursuant to the criteria established in this section unless the retired member elects to be deemed an employee for the purposes of this administrative regulation.

Section 6. Hospital and Medical Insurance Plan Premium Reimbursements for Retired Members Reemployed by Multiple Participating Employers.

(1) This section shall only apply to a retired member who is reemployed by a participating employer on or after September 1, 2008 in accordance with KRS 61.637(17) and 78.5540(4).

(2) When[~~If~~] a retired member is reemployed by multiple participating employers in a month in two (2) or more regular full-time positions, one (1) regular full-time position and one (1) or more part-time positions pursuant to KRS 61.680(6) and 78.545, or multiple part-time positions pursuant to KRS 61.680(6) and 78.545, each[~~, then~~]:

[~~(a)~~] [~~Each~~] participating employer shall reimburse[~~be responsible for reimbursing~~] the systems for a portion of the hospital and medical insurance plan premium paid by the systems to provide coverage for the retired member for that month[~~; and~~]

[~~(b)~~] [~~The portion shall be~~] equal to the cost of the premium divided by the number of participating employers that are not exempt from reimbursement of hospital and medical insurance plan premiums.

(3) Participating employers that are exempt from reimbursement of hospital and medical insurance plan premiums pursuant to[~~under~~] Section 7 of this administrative regulation, or[~~by virtue of being~~] a school board employing the retired member for eighty (80) calendar days or less during the fiscal year, shall not be[~~are not~~] responsible for hospital and medical insurance plan premiums under this section.

Section 7. Exemption for Payment of[~~Of~~] Employer Contributions and Reimbursement of Hospital and Medical Insurance Plan Premiums for Retired Members Reemployed as Police Officers and School Resource Officers.

(1) This section shall only apply to a retired member who is reemployed by a participating employer on or after September 1, 2008 in accordance with KRS 61.637(17) and 78.5540(4).

(2) A participating employer shall be exempt from paying employer contributions and from reimbursing the systems for the cost of hospital and medical insurance plan premiums for a retired member reemployed in the positions established in this section if the applicable valid form and supporting documentation established in subsections 4 through of this section are:

(a) On file prior to the start of the retired member's term of employment, the employer exemption shall be for a term of appointment of no more than one (1) year; or

(b) Not on file prior to the start of the retired member's term of employment, the employer exemption shall be effective in the month after the applicable valid form and supporting documentation are on file.

(3) A participating employer shall not be exempt from paying employer contributions and reimbursement of hospital and medical insurance plan premiums if the forms established in subsection 4 of this section are not on file with the agency.

(4) The employer shall file valid forms established in this section for a:

(a) Police officer pursuant to KRS 70.921 to 70.293:

1. Form 6770, Certification and Appointment of Retired Law Enforcement Officer, for initial appointment; and

2. Form 6774, Recertification of Retired Law Enforcement Officer, for each subsequent term of reappointment.

(b) School resource officer pursuant to KRS 158.441, Form 6755, Appointment of Retired School Resource Officer.

(c) Kentucky State Police school resource officer pursuant to KRS 158.441, Form 6767, Appointment of Retired Postsecondary Institution or School Resource Officer.

(d) Police officer employed by a postsecondary institution pursuant to KRS 164.952, Form 6767.

(e) Police officer pursuant to KRS 95.022:

1. Form 6770; and

2. Form 6774, for each subsequent term of reappointment.

Section 8. Ceased Employers.

(1) Employees of a voluntarily ceased employer shall comply with 105 KAR 4:145, Sections 8 and 9.

(2) Employees of an involuntarily ceased employer shall comply with 105 KAR 4:147.

[~~(2)~~]

[~~(a)~~] [~~A participating employer shall be exempt from paying employer contributions and from reimbursing the systems for the cost of the hospital and medical insurance plan premiums paid by the systems for a retired member reemployed as a police officer pursuant to KRS 70.291 to 70.293 for a term of appointment of no more than one (1) year if a valid Form 6760, County Police or Sheriff Appointment of Retired Police Officer, and the supporting documentation required by the Form 6760 are on file prior to the start of the retired member's term of appointment.~~]

[~~(b)~~] [~~If a valid Form 6760, County Police or Sheriff Appointment of Retired Police Officer, and the supporting documentation required by the Form 6760 are not on file prior to the start of the retired member's term of appointment as a police officer pursuant to KRS 70.291 to 70.293, then the participating employer shall be exempt from paying employer contributions and reimbursements of hospital and medical insurance plan premiums for a retired member reemployed as a police officer pursuant to KRS 70.291 to 70.293 effective in the month after a valid Form 6760 and supporting documentation are on file.~~]

[~~(3)~~]

[~~(a)~~] [~~For each subsequent term of reappointment after the initial term of appointment listed on the valid Form 6760, County Police or Sheriff Appointment of Retired Police Officer, described in subsection (1) of this section, the participating employer shall be exempt from paying employer contributions and from reimbursing the systems for the cost of the hospital and medical insurance plan premiums paid by the systems for a retired member reemployed as a police officer pursuant to KRS 70.291 to 70.293 for a term of reappointment of no more than one (1) year if a valid Form 6764, Recertification of Retired Police Officer, is on file prior to the start of the retired member's term of reappointment.~~]

[~~(b)~~] [~~If a valid Form 6764, Recertification of Retired Police Officer, is not on file prior to the start of the retired member's term of~~

reappointment as a police officer pursuant to KRS 70.291 to 70.293, then the participating employer shall be exempt from paying employer contributions and reimbursements of hospital and medical insurance plan premiums for a retired member reemployed as a police officer pursuant to KRS 70.291 to 70.293 effective in the month after a valid Form 6764 and supporting documentation are on file.]

[(4)]

[(a)] [A participating employer shall be exempt from paying employer contributions and from reimbursing the systems for the cost of the hospital and medical insurance plan premiums paid by the systems to provide coverage for a retired member reemployed as a school resource officer pursuant to KRS 158.441 for a term of appointment of no more than one (1) year if a valid Form 6766, Appointment of Retired School Resource Officer, and the supporting documentation required by the Form 6766 are on file prior to the start of the retired member's term of appointment.]

[(b)] [If a valid Form 6766, Appointment of Retired School Resource Officer, and the supporting documentation required by the Form 6766 are not on file prior to the start of the retired member's term of appointment, then the participating employer shall be exempt from paying employer contributions and reimbursements of hospital and medical insurance plan premiums for a retired member reemployed as a school resource officer pursuant to KRS 158.441 effective in the month after a valid Form 6766 and supporting documentation are on file.]

[(5)]

[(a)] [A participating employer shall be exempt from paying employer contributions and from reimbursing the systems for the cost of the hospital and medical insurance plan premiums paid by the systems for a retired member reemployed as a Kentucky State Police school resource officer pursuant to KRS 158.441 for a term of appointment of no more than one (1) year if a valid Form 6767, Appointment of Kentucky State Police School Resource Officer, and the supporting documentation required by the Form 6767 are on file prior to the start of the retired member's term of appointment.]

[(b)] [If a valid Form 6767, Appointment of Kentucky State Police School Resource Officer, and the supporting documentation required by the Form 6767 are not on file prior to the start of the retired member's term of appointment, then the participating employer shall be exempt from paying employer contributions and reimbursements of hospital and medical insurance plan premiums for a retired member reemployed as a Kentucky State Police school resource officer pursuant to KRS 158.441 effective in the month after a valid Form 6767 and supporting documentation are on file.]

[(6)]

[(a)] [A participating employer shall be exempt from paying employer contributions and from reimbursing the systems for the cost of the hospital and medical insurance plan premiums paid by the systems for a retired member reemployed as a police officer by a postsecondary institution pursuant to KRS 164.952 for a term of appointment of no more than one (1) year if a valid Form 6768, Postsecondary Institution Appointment of Retired Police Officer, and the supporting documentation required by the Form 6768 are on file prior to the start of the retired member's term of appointment.]

[(b)] [If a valid Form 6768, Postsecondary Institution Appointment of Retired Police Officer, and the supporting documentation required by the Form 6768 are not on file prior to the start of the retired member's term of appointment, then the participating employer shall be exempt from paying employer contributions and reimbursements of hospital and medical insurance plan premiums for a retired member reemployed as a police officer by a postsecondary institution pursuant to KRS 164.952 in the month after a valid Form 6768 and supporting documentation are on file.]

[(7)] [A participating employer shall not be eligible for exemption from payment of employer contributions or from reimbursing the systems for the costs of hospital and medical insurance plan premiums for any retired members reemployed as a police officer pursuant to KRS 95.022 unless a valid Form 6769, Certification of Employed Police Officers Calendar Year 2015, is on file.]

[(8)]

[(a)] [A participating employer with a valid Form 6769, Certification of Employed Police Officers Calendar Year 2015, on file shall be exempt from paying employer contributions and from reimbursing the systems for the costs of hospital and medical insurance plan premiums for a retired member reemployed as a police officer pursuant to KRS 95.022 for a term of appointment of no more than one (1) year if a valid Form 6770, City Appointment of Retired Police Officer, and the supporting documentation required by the Form 6770 are on file prior to the start of the retired member's term of appointment.]

[(b)] [If a valid Form 6770, City Appointment of Retired Police Officer, and the supporting documentation required by the Form 6770 are not on file prior to the start of the retired member's term of appointment, then the participating employer with a valid Form 6769, Certification of Employed Police Officers Calendar Year 2015, on file shall be exempt from paying employer contributions and reimbursements of hospital and medical insurance plan premiums for a retired member reemployed as a police officer pursuant to KRS 95.022 effective in the month after a valid Form 6770 and supporting documentation are on file.]

[(9)]

[(a)] [For each subsequent term of reappointment after the initial term of appointment listed on the valid Form 6770, City Appointment of Retired Police Officer, described in subsection (7) of this section, the participating employer with a valid Form 6769, Certification of Employed Police Officers Calendar Year 2015, on file shall be exempt from paying employer contributions and hospital and medical insurance plan premiums paid by the systems for a retired member reemployed as a police officer pursuant to KRS 95.022 for a term of reappointment of no more than one (1) year if a valid Form 6774, City Recertification of Retired Police Officer, is on file prior to the start of the retired member's term of reappointment.]

[(b)] [If a valid Form 6774, City Recertification of Retired Police Officer, is not on file prior to the start of the retired member's term of reappointment, then the participating employer shall be exempt from paying employer contributions and reimbursements of hospital and medical insurance plan premiums for retired member reemployed as a police officer pursuant to KRS 95.022 in the month after a valid Form 6774 is on file.]

[(10)] [If the appropriate form as required by this section is not on file, then the employer shall not be exempt from paying employer contributions and reimbursement of hospital and medical insurance plan premiums.]

Section 9. Exemptions. Reemployment pursuant to KRS 61.637 or 71.5540 shall not apply, and agency preapproval shall not be required, if a retired member:

(1) Who has had a break in service as established in Section 3 of this administrative regulation is deposed or otherwise provides testimony relating to the retired member's prior employment and accepts a witness fee and reimbursement of expenses for testimony and preparation; or

(2) Is employed during the retired member's break in service established in Section 3 of this administrative regulation by a business entity that has a contract with a participating employer, if:

(a) The retired member has no ownership interest in the business entity;

(b) Less than fifty percent (50%) of the retired member's working time will be spent providing services for participating employers; and

(c) The business entity was not created by and does not share ownership or management with a participating employer; or

(3) Is employed by an individual who is receiving Social Security Act, Section 1915(c) Medicaid waiver services through a participant-directed services program administered by the Cabinet for Health and Family Services.

Section 10.[Section 8.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) [Form 6000, "Notification of Retirement", June 2023;]

[(b)] Form 6751, "Employer Certification Regarding Reemployment", December 2023;

(b)[(c)] Form 6752, "Employer Certification of Independent Contractor/Leased Employee", September 2026[December 2023];

(c)[(d)] Form 6753, "Employer Certification of Volunteer", December 2023;

(d)[(e)] Form 6754, "Member Reemployment Certification", December 2023;

[(f)] [Form 6760, "County Police or Sheriff Appointment of Retired Police Officer", December 2023;]

[(g)] [Form 6764, "Recertification of Retired Police Officer", December 2023;]

[(h)] [Form 6766, "Appointment of Retired School Resource Officer", December 2023];

(e)[(i)] Form 6767, "Appointment of Retired Postsecondary Institution or[Kentucky State Police] School Resource Officer", September 2026[December 2023];

[(j)] [Form 6768, "Postsecondary Institution Appointment of Retired Police Officer", December 2023;]

[(k)] [Form 6769, "Certification of Employed Police Officers Calendar Year 2015", December 2023];

(f)[(l)] Form 6770, "Certification and[City] Appointment of Retired Law Enforcement[Police] Officer", September 2026[December 2023];

(g)[(m)] Form 6774, "[City] Recertification of Retired Law Enforcement[Police] Officer", September 2026;[December 2023; and]

(h)[(n)] Internal Revenue Service Publication 1779, "Independent Contractor or Employee", March 2023; and

(i) Internal Revenue Service Ruling 87-41, January 1987.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, from 8:00 a.m. to 4:30 p.m. This material is also available on the agency's website[Authority's Web site] at kyret.ky.gov.

(3) Internal Revenue Service Publication 1779, "Independent Contractor or Employee", March 2023, is also available at https://www.irs.gov/pub/irs-pdf/p1779.pdf.

(4) Internal Revenue Service Ruling 87-41, January 1987, is also available at https://bradfordtaxinstitute.com/Endnotes/Rev_Rul_87-41.pdf.

105 KAR 5:390 Employment after retirement. Is approved for filing.
RYAN BARROW, Executive Director

APPROVED BY AGENCY: September 25, 2026
FILED WITH LRC: September 29, 2026 at 8:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person. KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Carole J. Catalfo, Phone: (502) 696-8679, Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation administers KRS 61.637 and 78.5540 in conjunction with federal law by establishing criteria, requirements, and procedures for bona fide separation from service and changes in employment relationship if a retired member returns to employment with a participating employer in a retirement system operated by the Kentucky Public Pensions Authority.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to administer KRS 61.637 and 78.5540 in conjunction with federal law by establishing criteria, requirements, and procedures for bona fide separation from service and changes in employment relationship if a retired member returns to employment with a participating employer in a retirement system operated by the Kentucky Public Pensions Authority. This regulation is also necessary to maintain the tax qualified status of plans administered by KPPA pursuant to federal law.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.637(18) and 78.5540(5) require the Kentucky Public Pensions Authority to promulgate administrative regulations to implement KRS 61.637 and 78.5540. This administrative regulation administers KRS 61.637 and 78.5540 in conjunction with federal law by establishing criteria, requirements, and procedures for bona fide separation from service and changes in employment relationship if a retired member returns to employment with a participating employer in a retirement system operated by the Kentucky Public Pensions Authority. 26 C.F.R. 1.401-1(a)(2) requires that a qualified plan expressly provide documents addressing how it shall administer its plan in accordance with federal law in order to maintain the tax qualified status of the plan. This administrative regulation is necessary to maintain the tax qualified status of the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System under 26 U.S.C. 401(a), and to comply with the provisions established in 26 C.F.R. 1.401-1(b)(1)(i) and 1.401(a)-1.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of KRS 61.637 and 78.5540 in conjunction with federal law by establishing criteria, requirements, and procedures for bona fide separation from service and changes in employment relationship if a retired member returns to employment with a participating employer in a retirement system operated by the Kentucky Public Pensions Authority, and maintaining the tax qualified status of the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System under 26 U.S.C. 401(a), and complying with the provisions established in 26 C.F.R. 1.401-1(b)(1)(i) and 1.401(a)-1.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation refines definitions for "employee" and "prearranged agreement"; adds a definition for "statutory officer"; includes statutory language regarding prearranged agreements for elected officials and candidates for office; clarifies deadlines for information submission and that failing to submit valid forms or agency requests for information will not prejudice a member's ability to resubmit a valid request for approval of reemployment; added a section establishing employer exemptions from paying employer contributions; adds ceased employer procedures; establishes employment relationships to which the administrative regulation will not apply; streamlines and revises language to comply with drafting requirements; and condenses materials incorporated by reference to eliminate five related forms.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify definitions, incorporate statutory language regarding elected officials and candidates for office, clarify deadlines for information submission and criteria the agency will consider in determining independent contractor, leased employee, and volunteer status, clarify employer exemptions from employer contributions, establish employment relationships to which the administrative regulation will not apply, streamline and revise language to comply with drafting requirements, and condense materials incorporated by reference to eliminate five related forms. (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.637(18) and 78.5540(5) require the Kentucky Public Pensions Authority to promulgate administrative regulations to implement KRS 61.637 and 78.5540. This administrative regulation administers KRS 61.637 and 78.5540 in conjunction with federal law by establishing criteria, requirements, and procedures for bona fide separation from service and changes in employment relationship if a retired member returns to employment with a participating employer in a retirement system operated by the Kentucky Public Pensions Authority. 26 C.F.R. 1.401-1(a)(2) requires that a qualified plan expressly provide in its plan documents how it shall administer its plan in accordance with federal law in order to maintain the tax qualified status of the plan. This administrative regulation is necessary to maintain the tax qualified status of the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System under 26 U.S.C. 401(a), and to comply with the provisions established in 26 C.F.R. 1.401-1(b)(1)(i) and 1.401(a)-1.

(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 clarifying definitions, incorporating statutory language regarding elected officials and candidates for office, clarifying deadlines for information submission and criteria the agency will consider in determining independent contractor, leased employee, and volunteer status, clarifying employer exemptions from employer contributions, establishing employment relationships to which the administrative regulation will not apply, streamlining and revising language to comply with drafting requirements, and condensing materials incorporated by reference by eliminating five related forms.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or Kentucky Acts chapter number being implemented). Yes. KRS 61.592 - Amended 2024 Ky. Acts ch. 55, sec. 12, effective July 15, 2024; ch. 165, sec. 13, effective July 15, 2024; and ch. 214, sec. 1, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 71, sec. 2, effective January 1, 2024. -- Amended 2022 Ky. Acts ch. 56, sec. 1, effective July 14, 2022; and ch. 216, sec. 11, effective April 14, 2022. KRS 78.5540 - Amended 2024 Ky. Acts ch. 55, sec. 24, effective July 15, 2024; ch. 165, sec. 14, effective July 15, 2024; and ch. 214, sec. 2, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 71, sec. 3, effective January 1, 2024. -- Amended 2022 Ky. Acts ch. 56, sec. 2, effective July 14, 2022; and ch. 216, sec. 24, effective April 14, 2022.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Of approximately 444,293 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System, this administrative regulation affects only those who reemploy with a participating employer after they retire.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will be minimally impacted because the administrative regulation is already being implemented as written.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment because it is already being implemented as written.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from clarified definitions and deadlines for information submission and criteria the agency will consider in determining independent contractor, leased employee, and volunteer status, clarified employment relationships to which the administrative regulation will not apply, and fewer forms required for information submission.

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

(a) Initially: There will be no additional costs because the regulation is already being implemented as written.

(b) On a continuing basis: There will be no additional costs because the regulation is already being implemented as written.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Yes, tiering is applied to the extent that retirement from hazardous and non-hazardous positions, and particularly law enforcement positions, may require different forms and procedures when reemploying with a participating employer as required by the governing statutes.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 61.505(1)(g), 61.590, 61.637(18), 78.5540(5).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 61.637(18) and 78.5540(5).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions.

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

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

1. Expenditures:

For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

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

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact. It is being implemented as written.

(b) Methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for collecting information and determining whether reemployment of a retired member complies with statutory and regulatory requirements.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency analyzed costs and procedures for collecting information and determining whether reemployment of a retired member complies with statutory and regulatory requirements.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 26 U.S.C. 401(a), 26 C.F.R. 1.401-1, 1.401(a)-1

(2) State compliance standards. KRS 61.637, 78.5540.

(3) Minimum or uniform standards contained in the federal mandate. 26 U.S.C. 401(a), and 26 C.F.R. 1.401-1 and 1.401(a)-1 establishes the requirements for pensions, profit-sharing, and stock bonus plans to qualify for certain tax-exempt benefits.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements than 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 requirements, or additional or different responsibilities or requirements than the federal mandate.

FINANCE AND ADMINISTRATION CABINET
(Amendment)

200 KAR 5:021. Manual of policies and procedures.

RELATES TO: KRS 45A.045(2)
STATUTORY AUTHORITY: KRS 45A.045(2)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, as this amended administrative regulation will not have a major economic impact, as defined by KRS 13A.010(13). The Governor's signature is included after the body of the regulation to indicate his acknowledgement of this certification.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.045(2) requires the Finance and Administration Cabinet to publish a manual of policies and procedures, which is to be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates the Finance and Administration Cabinet Manual of Policies and Procedures.

Section 1. A state agency shall follow the procurement requirements in the Finance and Administration Cabinet Manual of Policies and Procedures.

Section 2. Incorporation by Reference.
(1) "Finance and Administration Cabinet Manual of Policies and Procedures", Revised October 2026,[~~May 2026~~] is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Finance and Administration Cabinet, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:00 p.m. This material may also be obtained at the Finance and Administration Cabinet's website, https://finance.ky.gov/office-of-the-secretary/office-of-policy-and-audit/Pages/Finance-Policies.aspx.

HOLLY M. JOHNSON, Secretary

APPROVED BY AGENCY: September 30, 2026
FILED WITH LRC: September 30, 2026 at 2:40 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 10:00 a.m. at the Kentucky Finance and Administration Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.
CONTACT PERSON: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622. Phone: (502)564-6660, Fax: (502)564-9875. Email: cary.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622. Phone: (502)564-6660 Email: cary.bishop@ky.gov

Subject Headings: (1) Capital Construction, (2) Finance and Administration, (3) Infrastructure, (4) Purchasing and Procurement
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation publishes a manual of procedures that clarify and explain detailed processes necessary for daily administration of purchase-related activities.
(b) The necessity of this administrative regulation: This regulation fulfills the requirement of KRS 45A.045(2) for the Secretary to publish a manual of procedures which shall be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation incorporates by reference the policies and procedures manual required by KRS 45A.045(2).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides guidance to vendors, prospective bidders, Finance and Administration Cabinet (“FAC”) staff and other state employees in the administration of Kentucky’s Model Procurement Code (KRS Chapter 45A).

(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 contains updates and clarifications to the existing Finance and Administration Cabinet procedures manual, as detailed in the attached summary of changes. In addition to technical, grammatical, and formatting updates, the updated manual brings the manual into alignment with the requirements of 26RS HB 480, in regard to vendor payment documents and disputes; updates small purchase amounts; and clarifies application of administrative oversight requirements.

(b) The necessity of the amendment to this administrative regulation: Aside from the recent changes required by 26RS HB 480, after a 2025 major update, the first since a prior comprehensive review and update in 2016, Finance has become aware of the need for clarification and update of portions of the manual, both in language revised in 2025 as well as older language.

(c) How the amendment conforms to the content of the authorizing statutes: The manual is required by KRS 45A.045(2).

(d) How the amendment will assist in the effective administration of the statutes: Updates will simplify and clarify the Finance and Administration Cabinet's Manual of Policies and Procedures for all users and eliminate confusion as to procedures to be followed in KRS 45A procurement matters.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. The update's primary purpose is to align with the requirements of 26RS HB 480.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Affected state units, parts, or divisions consist of all state agencies subject to the KRS 45A.045 procurement authority of the Finance and Administration Cabinet. Excluded from this scope would be any postsecondary educational institution that has opted-out pursuant to KRS 164A.560, or any state government entity exempted by act of the legislature from the KRS 45A.045 central procurement authority of the Finance and Administration Cabinet. No local entity will be affected, except to the extent they independently elect to adopt regulations, pursuant to KRS 45A.360, modeled on the Manual of Policies and 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: The primary action required of regulated entities is that their procurement staff will be required to review and be aware of the updates in the amended manual. The most notable action required will be for agencies to be aware of the increased need for timely processing and payment of contractor invoices and to exercise due diligence to avoid application of late payment penalties.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Agencies will have more detailed and clear guidance regarding the steps to be taken to procure goods and services for their agency in a manner that complies with Commonwealth law.

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

(a) Initially: No additional cost.

(b) On a continuing basis: No additional cost.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: No additional funding is necessary for implementation of this regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased.

(10) TIERING: Is tiering applied? Yes, the Manual of Policies and Procedures contains tiering primarily regarding tiered levels of general and small purchase procurement authority for different executive branch entities. That said, the focus of changes in this amendment are generally updates to policies and procedures that affect all state agencies subject to Finance's KRS 45A.045 authority in a similar manner.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: No federal statute or regulation at issue. While the Commonwealth's Model Procurement Code is modeled on the federal model, the statute authorizing this regulation is a state statute, KRS 45A.045.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 45A.045(2) expressly requires the Finance and Administration to publish, and periodically revise, a manual of procedures incorporated by reference within an administrative regulation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Finance and Administration Cabinet. Affected state units, parts, or divisions consist of all state agencies subject to the KRS 45A.045 procurement authority of the Finance and Administration Cabinet. Excluded from this scope would be any postsecondary educational institution that has opted-out pursuant to KRS 164A.560, or any state government entity exempted by act of the legislature from the KRS 45A.045 central procurement authority of the Finance and Administration Cabinet.

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

1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entity will be affected, except to the extent they independently elect to adopt regulations, pursuant to KRS 45A.360, modeled on the Manual of Policies and Procedures.

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

1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0

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

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

1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0

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

(a) Fiscal impact of this administrative regulation: No fiscal impact is expected from this amendment. The nature of the changes in the

amendment are primarily intended to clarify application of existing procurement statutes and regulations and eliminate potential confusion.

(b) Methodology and resources used to reach this conclusion: Review by the Office of Procurement Services and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are limited to procedural clarifications not expected to have a significant fiscal impact.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, the revisions to the incorporated manual of procedures are intended to primarily update and clarify existing procedures without imposing any new significant costs on affected entities.

(b) The methodology and resources used to reach this conclusion: Review by the Office of Procurement Services and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are limited to procedural clarifications not expected to have a major economic impact.

BOARDS AND COMMISSIONS
Board of Medical Licensure
(Amendment)

201 KAR 9:025. Interpretation and application of KRS 311.571(14)[~~(10)~~].

RELATES TO: KRS 311.530-311.620, 311.990

STATUTORY AUTHORITY: KRS 311.565, 311.571(14)[~~(10)~~]

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the administrative regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. KRS 311.571(14)[~~(10)~~] authorizes the board to waive licensure requirements in extraordinary circumstances if the applicant's practice would benefit the public welfare based on the applicant's exceptional education, training, and practice credentials. This administrative regulation establishes application procedures and limitations for licensure under KRS 311.571(14)[~~(10)~~].

Section 1. Definitions.

(1) "Extraordinary circumstances" means that either one (1) of the Commonwealth's medical schools or an area or group of patients will be specially benefited by the board's granting of licensure to an applicant who has completed qualified education and training comparable in nature to the requirements of KRS 311.571(1) or (2) and is qualified to competently and safely practice medicine or osteopathy within the Commonwealth of Kentucky.

(2) "Exceptional education, training, and practice credentials" means credentials of a character demonstrably comparable to or far beyond those generally presented by applicants seeking licensure, including, at a minimum, verifiable proof that the applicant:

(a) Is a graduate of a medical or osteopathic school of proven quality or has received advanced degrees from reputable graduate study programs in medicine;[:]

(b) Has completed at least three (3) years of postgraduate training recognized by the board to be of high quality; and

(c) Has proven his or her abilities through practice experience.

Section 2. Application.

(1) In extraordinary circumstances, the board may grant licensure to an applicant upon proof that the applicant possesses exceptional education, training, and practice credentials and that their[~~the applicant's~~]practice would be beneficial to the public welfare.

(2) If an applicant requests that the executive director present his or her application for the board's review under KRS 311.571(14)[~~(10)~~], the executive director may, based upon his or her evaluation of the applicant's credentials and the circumstances involved, refuse to present the application to the board. The executive director shall require the applicant to provide written documentation and other verifiable evidence to aid his or her evaluation.

Section 3. Limitation Upon Licensure if Granted. The board may, in its discretion, grant regular or limited licensure or may place restrictions upon the licensure of anyone who is granted licensure pursuant to KRS 311.571(14)[~~(10)~~]. The board shall only grant licensure to physicians of whose competency and fitness the board is assured, and, in any circumstance, to only grant licensure sufficient to satisfy the extraordinary circumstances that are present.

WILLIAM C. THORNBURY, M.D., President

APPROVED BY AGENCY: September 17, 2026

FILED WITH LRC: October 12, 2026 at 4:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, December 21, 2026, at 9:00 a.m., using the Kentucky Board of Medical Licensure Zoom meeting room. A Zoom link will be posted on the agency's web site, kbml.ky.gov, prior to the meeting. Individuals interested in being heard at this hearing shall notify this agency in writing no less than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received at least five (5) workdays prior to the hearing, the hearing may be cancelled. 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. Written comments previously submitted will be considered and new comments shall be accepted through December 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: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502)764-2613, fax (502) 429-7118, email leanne.diakov@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov, Phone: (502) 764-2613, Email: leanne.diakov@ky.gov

Subject Headings: Occupations and Professions, Physicians and Practitioners, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the circumstances in which the board may waive education and training requirements in order to grant licensure to an otherwise qualified applicant.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the circumstances in which the board may waive education and training requirements in order to grant licensure to an otherwise qualified applicant.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311.565(1)(a) which authorizes the Board to promulgate regulations to prevent empiricism and regulate the practice of medicine/osteopathy in the Commonwealth of Kentucky and to KRS 311.571(14) which authorizes the Board to waive requirements for licensure in extraordinary circumstances.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specifically to establish the circumstances in which the board may waive education and training requirements in order to grant licensure to an otherwise qualified

applicant.

(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 cites to the newly-assigned statutory subsection, KRS 311.571(14), formerly KRS 311.571(10).

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to cite to the newly-assigned statutory subsection, KRS 311.571(14), formerly KRS 311.571(10).

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311.565(1)(a) which authorizes the Board to promulgate regulations to prevent empiricism and regulate the practice of medicine/osteopathy in the Commonwealth of Kentucky and to KRS 311.571(14) which authorizes the Board to waive requirements for licensure in extraordinary circumstances.

(d) How the amendment will assist in the effective administration of the statutes: This amendment acts specifically to establish the circumstances in which the board may waive education and training requirements in order to grant licensure to an otherwise qualified applicant.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This administrative regulation implements 2026 Kentucky Laws Ch. 89 (SB 137).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect applicants who seek a license to practice medicine or osteopathy in the Commonwealth of Kentucky but do not otherwise meet qualifications.

(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 who seek a license to practice medicine or osteopathy in the Commonwealth of Kentucky but do not qualify for licensure under KRS 311.571(1) or (2), must possess credentials of a character demonstrably comparable to or beyond those generally presented by applicants seeking licensure, including that the applicant is a graduate of a medical or osteopathic school of proven quality or has received advanced degrees from reputable graduate study programs in medicine, has completed at least three (3) years of postgraduate training recognized by the board to be of high quality and has proven his or her abilities through verifiable practice experience.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Other than the existent application fee, there is no cost associated with the requirements of this administrative regulation known to the board.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants who seek a license to practice medicine or osteopathy in the Commonwealth of Kentucky but do not qualify for licensure under KRS 311.571(1) or (2), may be granted licensure in Kentucky.

(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: The agency is self-funded through application and licensure fees.

(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 of fees or funding will be necessary.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees nor does it directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311.565 and KRS 311.571(14)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2026 Kentucky Laws Ch. 89 (SB 137)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Licensure

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

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

1. Expenditures:
For the first year: $300.00 per application.
For subsequent years: $300.00 per application.
2. Revenues:
For the first year: $300.00 per application.
For subsequent years: $300.00 per application.
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Prospective licensed physicians.

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

1. Expenditures:
For the first year: $300.00 per application
For subsequent years: $300.00 per application
2. Revenues:
For the first year: Incalculable. Each individual will have benefit of potential income of practicing a profession for which a license is required by this agency.
For subsequent years: Incalculable. Each individual will have benefit of potential income of practicing a profession for which a license is required by this agency.
3. Cost Savings:
For the first year: Incalculable. Each individual could benefit from avoiding unnecessary costs of undertaking extensive training and education toward a profession for which they may already be qualified to practice.
For subsequent years: Incalculable. Each individual could benefit from avoiding unnecessary costs of undertaking extensive training and education toward a profession for which they may already be qualified to practice.

(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 promulgation of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) Methodology and resources used to reach this conclusion: This conclusion was reached by estimating that the administrative costs of processing a waiver application would be equal to or less than the cost of processing a full regular license application and that number of waiver applications submitted on an annual basis is likely to be approximately ten (10).

(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 of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. : N/A

(2) State compliance standards. : KRS 311.565 and KRS 311.571(14)

(3) Minimum or uniform standards contained in the federal mandate. N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

BOARDS AND COMMISSIONS
Board of Medical Licensure
(Amendment)

201 KAR 9:041. Fee Schedule.

RELATES TO: KRS 311.565(1)(a), (u)

STATUTORY AUTHORITY: KRS 311.565(1)(a), (u)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565(1)(t) authorizes the board to prescribe and collect reasonable fees and charges for an examination, directory, or the issuance or renewal of a license or permit. KRS 311.565(1)(a) authorizes the board to promulgate administrative regulations necessary to regulate the conduct of a licensee. This administrative regulation establishes a schedule of fees for services rendered by the board.

Section 1. Fee Schedule.

(1) Fee for initial issuance of regular license or provisional license - $300.

(2) Fee for initial issuance of limited license - seventy-five (75) dollars.

(3) Fee for annual registration or renewal of regular license or provisional license - $150.

(4) Fee for annual registration or renewal of limited license - sixty-five (65) dollars.

(5) Penalty for late annual registration or renewal:

(a) March 1 - April 1 - fifty (50) dollars.

(b) After April 1 - $100.

(6) Fee for reregistration of inactive license - $250.

(7) Endorsement of licensee to licensing agency of another jurisdiction - fifty (50) dollars.

(8) Certification of licensee's examination grades to licensing agency of another jurisdiction - ten (10) dollars.

(9) Fee for temporary permit (credited to fee for regular license if subsequently issued) - fifty (50) dollars.

(10) Fee for emergency permit - twenty-five (25) dollars.

[~~(11)~~] [~~Fee for duplicate license certificate - ten (10) dollars.~~]

(11)[~~(12)~~] Fee for use of paper renewal application - ten (10) dollars.

[~~(13)~~] [~~Fee for one (1) year subscription to Newsletter (fee waived for licensees) - ten (10) dollars.~~]

[~~(14)~~] [~~Fee for sitting for competency examination administered by board - $275.~~]

(12)[~~(15)~~] Fee for initial issuance of regular license for a graduate of a Kentucky medical school who remains in this state for postgraduate training - $175[~~$150~~].

(13)[~~(16)~~] Fee for Federal Bureau of Investigation (FBI) Fingerprint Card as determined by the FBI and the Kentucky State Police[~~- eighteen (18) dollars~~].

(14)[~~(17)~~] Fee for application for extension of time for completion of continuing medical education requirements - $100.

(15)[~~(18)~~] Verification of licensure to licensing agency of another jurisdiction - ten (10) dollars.

WILLIAM C. THORNBURY, M.D., President

APPROVED BY AGENCY: September 17, 2026

FILED WITH LRC: October 12, 2026 at 4:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, December 21, 2026, at 9:00 a.m., using the Kentucky Board of Medical Licensure Zoom meeting room. A Zoom link will be posted on the agency's web site, kbml.ky.gov, prior to the meeting. Individuals interested in being heard at this hearing shall notify this agency in writing no less than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received at least five (5) workdays prior to the hearing, the hearing may be cancelled. 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. Written comments previously submitted will be considered and new comments shall be accepted through December 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: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502)764-2613, fax (502) 429-7118, email leanne.diakov@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov, Phone: (502) 764-2613, Email: leanne.diakov@ky.gov

Subject Headings: Occupations and Professions, Physicians and Practitioners, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: The amendment of this administrative regulation establishes the application and renewal fees for the newly-created provisional license; updates the currently-applied discounted fee for issuance of licenses to graduates of Kentucky medical schools who remain in Kentucky for postgraduate training; and deletes fees for services no longer provided or no longer within the discretion of the board.

(b) The necessity of this administrative regulation: Amendment of this regulation is necessary to establish the application and renewal fees for the newly-created provisional license; updates the currently-applied discounted fee for issuance of licenses to graduates of Kentucky medical schools who remain in Kentucky for postgraduate training; and deletes fees for services no longer provided or no longer within the discretion of the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311.565(1)(t) which authorizes the Board to prescribe and collect reasonable fees and charges related to licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment establishes the application and renewal fees for the newly-created provisional license; updates the currently-applied discounted fee for issuance of licenses to graduates of Kentucky medical schools who remain in Kentucky for postgraduate training; and deletes fees for services no longer provided or no longer within the discretion of 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: This amendment establishes the application and renewal fees for the newly-created provisional license; updates the currently-applied discounted fee for issuance of licenses to graduates of Kentucky medical schools who remain in Kentucky for postgraduate training; and deletes fees for services no longer provided or no longer within the discretion of the board.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to establish the application and renewal fees for the newly-created provisional license; updates the currently-applied discounted fee for issuance of licenses to graduates of Kentucky medical schools who remain in Kentucky for postgraduate training; and deletes fees for services no longer provided or no longer within the discretion of the board.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311.565(1)(t) which authorizes the Board to prescribe and collect reasonable fees and charges related to licensure.

(d) How the amendment will assist in the effective administration of the statutes: This amendment acts specifically to establish the application and renewal fees for the newly-created provisional license; updates the currently-applied discounted fee for issuance of licenses to graduates of Kentucky medical schools who remain in Kentucky for postgraduate training; and deletes fees for services no longer provided or no longer within the discretion of the board.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, in part. This administrative regulation implements fees associated with the newly-created provisional license established in 2026 Kentucky Laws Ch. 89 (SB 137).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect applicants who seek a provisional license to practice medicine or osteopathy 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: Applicants who seek a provisional license to practice medicine/osteopathy in Kentucky will be charged the same application and renewal fees as regular applicants/licensees; graduates of Kentucky medical schools who remain in Kentucky for postgraduate training will be charged a discounted application fee, but have correct notice of current amount charged; and fees for services no longer provided or no longer within the discretion of the board will be deleted and cannot be charged for.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants for new provisional licenses will be charged same fee as applicants for a regular license, $300; provisional licensees will be charged same renewal fee as regular licensees, $150; graduates of Kentucky medical schools who remain in Kentucky for postgraduate training will be charged a discounted application fee of $175; and fees for services no longer provided or no longer within the discretion of the board will be deleted.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants and licensees will benefit by having correct and adequate notice of application and renewal costs.

(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: The agency is self-funded through application and licensure fees.

(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 of fees or funding will be necessary.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Applicants for newly-created provisional licenses will be charged same fee as applicants for a regular license, $300; provisional licensees will be charged same renewal fee as regular licensees, $150; graduates of Kentucky medical schools who remain in Kentucky for postgraduate training will be charged a discounted application fee of $175; and fees for services no longer provided or no longer within the discretion of the board will be deleted.

(10) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311.565(1)(a), (t) and (u)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2026 Kentucky Laws Ch. 89 (SB 137)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Licensure.

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

1. Expenditures:

For the first year: $300.00 per initial application and $175 per discounted postgraduate training application.

For subsequent years: $300.00 per initial application; $150 per renewal application; and $175 per discounted postgraduate training application.

2. Revenues:

For the first year: $300.00 per initial application; $150 per renewal application; and $175 per discounted postgraduate training application.

For subsequent years: $300.00 per initial application; $150 per renewal application; and $175 per discounted postgraduate training application.

3. Cost Savings:

For the first year: $10 per licensee for otherwise requested duplicate license certificate; $10 per licensee for newsletter subscription; and $275 per applicant for otherwise board-administered competency examination.

For subsequent years: $10 per licensee for otherwise requested duplicate license certificate; $10 per licensee for newsletter subscription; and $275 per applicant for otherwise board-administered competency examination.

(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): Prospective and licensed physicians.

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

1. Expenditures:

For the first year: $300.00 per initial application and $175 per discounted postgraduate training application.

For subsequent years: $300.00 per initial application; $150 per renewal application; and $175 per discounted postgraduate training application.

2. Revenues:

For the first year: Incalculable. Each individual will have benefit of potential income of practicing a profession for which a license is

required by this agency.

For subsequent years: Incalculable. Each individual will have benefit of potential income of practicing a profession for which a license is required by this agency.

3. Cost Savings:

For the first year: $10 per licensee for otherwise requested duplicate license certificate; $10 per licensee for newsletter subscription; and $275 per applicant for otherwise board-administered competency examination.

For subsequent years: $10 per licensee for otherwise requested duplicate license certificate; $10 per licensee for newsletter subscription; and $275 per applicant for otherwise board-administered competency examination.

(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 promulgation of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) Methodology and resources used to reach this conclusion: This conclusion was reached by estimating that the administrative costs of processing applications submitted on an annual basis.

(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 of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. : N/A

(2) State compliance standards. : KRS 311.565(a), (t) and (u)

(3) Minimum or uniform standards contained in the federal mandate. N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

BOARDS AND COMMISSIONS
Board of Medical Licensure
(Amendment)

201 KAR 9:310. Continuing medical education.

RELATES TO: KRS 214.610, 214.620, 218A.205, 311.565(1)(b), 311.601, 620.020

STATUTORY AUTHORITY: KRS 311.565(1)(a), (b), 311.601(1), (2)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.601(1) authorizes the board to promulgate an administrative regulation that establishes requirements to ensure the continuing professional competency of licensees. This administrative regulation establishes continuing medical education requirements for physicians in Kentucky, including education[~~requirements for courses~~] relating to the use of KASPER, pain management, [~~and~~] addiction disorders and the recognition and prevention of pediatric ingestion or inhalation of controlled substances required for physicians who prescribe or dispense controlled substances in the Commonwealth of Kentucky pursuant to KRS 218A.205.

Section 1. Continuing Medical Education. Except as provided in Section 4 of this administrative regulation, at the time a licensee seeks to renew his or her license, the licensee shall submit verification of satisfactory completion of a program of continuing medical education using the Continuing Medical Education Certification Form by the renewal deadline established in 201 KAR 9:051.

Section 2. In order to meet the continuing medical education requirements, a licensee shall:

(1) Submit evidence that thirty (30) of the sixty (60) hours were certified in Category I by an organization accredited by the:

(a) Accreditation Council on Continuing Medical Education; or

(b) The American Osteopathic Association;

(2) Submit evidence that:

(a) The licensee has received the American Medical Association's "physician recognition award", or the American Osteopathic Association's "osteopathic physicians' recognition award"; and

(b) The award is in effect at the time the license is renewed;

(3) Submit verification that the:

(a) Licensee has completed continuing medical education requirements of any specialty organization which is recognized by the American Medical Association or American Osteopathic Association as at least equivalent to their recognition awards; and

(b) Certification is in effect at the time a license is renewed; or

(4) Submit verification that the licensee is in, or has been in, an approved postgraduate training program. Each year of postgraduate training shall be equivalent to fifty (50) hours of continuing medical education.

Section 3. Required Hours of Continuing Education.

(1)

(a) For each three (3) year continuing education cycle, a licensee shall complete a total of sixty (60) hours of continuing medical education, if his or her license has been renewed for each year of a continuing medical education cycle.

(b) If the license has not been renewed for each year of a continuing medical education cycle, a licensee shall complete twenty (20) hours of continuing medical education for each year for which the license has been renewed.

(c) A licensee whose initial licensure was granted the first year of the continuing education cycle for which verification is submitted shall complete sixty (60) hours of continuing medical education before the end of the cycle.

(d) A licensee whose initial licensure was granted the second year of the continuing education cycle for which verification is submitted shall complete forty (40) hours of continuing medical education before the end of the cycle.

(e) A licensee whose initial licensure was granted the third year of the continuing education cycle for which verification is submitted shall complete twenty (20) hours of continuing medical education before the end of the cycle.

(2) Upon renewal of licensure following the end of a three (3) year continuing education cycle, a licensee shall certify that he or she has met the continuing medical education requirements for the cycle as provided by this section.

(3) Verification of completion of continuing medical education requirements shall be submitted upon request by the board.

Section 4. Extensions of Time.

(1) To request an extension of time, the licensee shall submit:

(a) A completed Request for Extension to Complete Required CME Hours; and

(b) The fee required by 201 KAR 9:041[~~, Section 1(17)~~].

(2) The board may grant an extension of time to a physician who for sufficient cause has not yet received continuing medical education certification, following the submission of the items required by subsection (1) of this section. For the purposes of this subsection, sufficient cause includes situations such as the following:

(a) An illness;

(b) Any event meeting the Family Medical Leave Act (FMLA) of 1993, 29 U.S.C. 2601 et seq., Pub.L. 103-3 criteria, and the federal regulations implementing the act, 29 C.F.R. Part 825;

(c) Financial exigencies; or

(d) Practice circumstances making it prohibitive to attend the courses.

Section 5.

(1) For each three (3) year continuing education cycle beginning on January 1, 2015, a licensee who is authorized to prescribe or dispense controlled substances within the commonwealth at any time during that cycle shall complete:

(a) At[at] least three[four] and one-half (3.5[4.5]) hours of approved continuing education hours relating to the use of KASPER, pain management, addiction disorders, or a combination of two (2) or more of those subjects; and[.]

(b) At least one (1) hour on the recognition and prevention of pediatric ingestion or inhalation of controlled substances.

(2) A licensee may satisfy this requirement by completing a single approved program of four and one-half (4.5) hours or longer or by completing multiple approved programs for a total of four and one-half (4.5) hours or longer for that cycle.

[(2)] [Each physician licensed to practice medicine or osteopathy within the Commonwealth of Kentucky who is authorized to prescribe or dispense controlled substances within the commonwealth from July 20, 2012 through the end of the three (3) year continuing education cycle beginning on January 1, 2012 and ending on December 31, 2014 shall complete at least four and one-half (4.5) hours of approved Category I Credit continuing medical education hours relating to the use of KASPER, pain management, addiction disorders, or a combination of two (2) or more of those subjects on or before December 31, 2014. The licensee may satisfy this requirement by completing a single approved program of four and one-half (4.5) hours or longer or by completing multiple approved programs for a total of four and one-half (4.5) hours or longer for this cycle.]

[(3)] [Each physician licensed to practice medicine or osteopathy within the Commonwealth of Kentucky who is authorized to prescribe or dispense controlled substances during the calendar years 2013 and 2014, but not during any portion of 2012, shall complete at least three (3) hours of approved Category I Credit continuing medical education hours relating to the use of KASPER, pain management, addiction disorders, or a combination of two (2) or more of those subjects on or before December 31, 2014. The licensee may satisfy this requirement by completing a single approved program of three (3) hours or longer or by completing multiple approved programs for a total of three (3) hours or longer for those two (2) years.]

[(4)] [Each physician licensed to practice medicine or osteopathy within the Commonwealth of Kentucky who is authorized to prescribe or dispense controlled substances during calendar year 2014, but not during any portion of 2012 or 2013, shall complete at least one and one-half (1.5) hours of approved Category I Credit continuing medical education hours relating to the use of KASPER, pain management, addiction disorders, or a combination of two (2) or more of those subjects on or before December 31, 2014. The licensee may satisfy this requirement by completing a single approved program of one and one-half (1.5) hours or longer or by completing multiple approved programs for a total of one and one-half (1.5) hours or longer for that calendar year.]

(3)[(5)]

(a) To qualify as approved continuing education under this section, the educational program shall have been approved in advance for the specified number of continuing education hours by the board.

(b) The board may approve an educational program that:

1. Consists of a live presentation;

2. Is presented by a live or recorded webinar; or

3. Is presented through an online module.

(c) The board shall maintain a current listing of approved continuing education programs on its official Web site, www.kbml.ky.gov.

(4)[(6)]

(a) In order to lawfully prescribe or dispense controlled substances within the Commonwealth of Kentucky, a licensee shall complete the required number of continuing education hours for each period designated in this section.

(b) Failure to complete the required number of continuing education hours for the required period or to submit the required written verification within the time specified shall constitute a violation of KRS 311.595(9) and (12), which shall constitute an immediate danger to the public health, safety, or welfare, for the purposes of KRS 311.592 and 13B.125.

(c) If the board determines that a licensee has failed to complete the required continuing education hours within the time specified or has failed to provide the written verification of completion within the time specified, the appropriate inquiry panel or its chair shall promptly issue an emergency order restricting that licensee from prescribing or dispensing controlled substances within the Commonwealth of Kentucky until the licensee has completed the required continuing education hours for that period and has provided written verification of completion to the board.

(d) An emergency order restricting a licensee from prescribing or dispensing controlled substances within the Commonwealth of Kentucky issued pursuant to paragraph (c) of this subsection shall remain valid and in effect until the board has received written verification that the licensee has successfully completed the required continuing education hours for the time period specified. Upon receipt of the written verification, the panel or its chair shall immediately issue an order terminating the emergency order issued pursuant to this section.

(e) If a licensee who is affected by an emergency order issued pursuant to this section requests an emergency hearing pursuant to KRS 13B.125(3), the hearing officer conducting the emergency hearing shall affirm the emergency order if presented with written notification on board letterhead stating that the board has not received the required written verification that the licensee completed the required continuing education hours for the continuing medical education cycle by the deadline date for the cycle.

(5)[(7)] If a licensee prescribes or dispenses a controlled substance within the Commonwealth of Kentucky during any period after the licensee has failed to complete the required continuing education hours within the time specified or has failed to provide written verification of completion within the time specified, each instance of prescribing or dispensing of a controlled substance shall constitute a separate violation of KRS 311.595(12) and (9), as illustrated by KRS 311.597(1)(b), and shall serve as the basis for disciplinary sanctions pursuant to KRS 311.595.

Section 6. Each licensee practicing in the specialty of pediatrics, radiology, family medicine, or emergency medicine and each licensee practicing in an urgent care practice environment shall complete at least one (1) hour of continuing medical education regarding the recognition and prevention of pediatric abusive head trauma in a course approved by the board pursuant to KRS 620.020, prior to December 31, 2017, or within five (5) years of initial licensure.

Section 7. A licensee may obtain Category I continuing medical education credit for documented service to the board as a medical or osteopathic consultant. The service shall be credited at the rate of one (1) hour of continuing medical education per two (2) hours of service as a consultant, not to exceed twenty (20) hours continuing medical education credit in a three (3) year continuing education cycle.

Section 8. The board may randomly require physicians submitting certification of continuing medical education to demonstrate satisfactory completion of the continuing medical education requirements stated in the certification.

Section 9.

(1) A licensee shall be fined $200 or more, if he or she fails to:

(a) Certify timely completion of the continuing medical education requirements; or

(b) Obtain an extension of time for completion of the continuing medical education requirements.

(2)

(a) A licensee who obtains an extension of time shall be granted an extension of six (6) months to come into compliance.

(b) If a licensee has not completed the continuing medical education requirements within the six (6) month extension established by this subsection, his or her license shall:

1. Be immediately suspended; and

2. Remain suspended until the licensee has submitted verifiable evidence that he or she has completed the continuing education requirements.

Section 10. A waiver of the requirements established by the provisions of this administrative regulation shall not be granted.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Continuing Medical Education Certification Form", 092026[~~January 2013~~]; and

(b) "Request for Extension to Complete Required CME Hours", 092026[~~January 2013~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

WILLIAM C. THORNBURY, M.D., President

APPROVED BY AGENCY: September 17, 2026

FILED WITH LRC: October 12, 2026 at 4:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, December 21, 2026, at 9:00 a.m., using the Kentucky Board of Medical Licensure Zoom meeting room. A Zoom link will be posted on the agency's web site, kbml.ky.gov, prior to the meeting. Individuals interested in being heard at this hearing shall notify this agency in writing no less than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received at least five (5) workdays prior to the hearing, the hearing may be cancelled. 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. Written comments previously submitted will be considered and new comments shall be accepted through December 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: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502)764-2613, fax (502) 429-7118, email leanne.diakov@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov, Phone: (502) 764-2613, Email: leanne.diakov@ky.gov

Subject Headings: Occupations and Professions, Physicians and Practitioners, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for obtaining continuing medical education hours for physicians in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation: It is necessary to promulgate this regulation to establish the requirements for obtaining continuing medical education hours for physicians in the Commonwealth of Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation acts specifically to establish the requirements for obtaining continuing medical education hours for physicians practicing in the Commonwealth of Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specifically to establish the requirements for obtaining continuing medical education hours for physicians practicing in the Commonwealth of Kentucky.

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

(a) How the amendment will change this existing administrative regulation: This amendment implements the legislative mandate that at least one (1) hour of the required 7.5% of required education hours per continuing education cycle be specific to the recognition and prevention of pediatric ingestion or inhalation of controlled substances for physician licensees who are authorized to prescribe or dispense controlled substances. In addition, it deletes sections that are outdated since several continuing education cycles have passed since December 2014.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to implement the legislative mandate set forth in 2026 Kentucky Laws Ch. 38 (HB 388), requiring that at least one (1) hour of the required 7.5% of required education hours per continuing education cycle be specific to the recognition and prevention of pediatric ingestion or inhalation of controlled substances for physician licensees who are authorized to prescribe or dispense controlled substances.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311.565(1)(a) which authorizes the Board to promulgate regulations to prevent empiricism and regulate the practice of medicine/osteopathy in the Commonwealth of Kentucky and to KRS 311.601(1) which authorizes the Board to establish requirements to ensure the continuing professional competency of licensees.

(d) How the amendment will assist in the effective administration of the statutes: This amendment acts specifically to implement the legislative mandate set forth in 2026 Kentucky Laws Ch. 38 (HB 388), requiring that at least one (1) hour of the required 7.5% of required education hours per continuing education cycle be specific to the recognition and prevention of pediatric ingestion or inhalation of controlled substances for physician licensees who are authorized to prescribe or dispense controlled substances.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This administrative regulation implements 2026 Kentucky Laws Ch. 38 (HB 388).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect physician licensees who are authorized to prescribe or dispense controlled substances.

(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: Physician licensees who are authorized to prescribe or dispense controlled substances will be required to complete at least one (1) hour of continuing education specific to the recognition and prevention of pediatric ingestion or inhalation of controlled substances per each three-year continuing education cycle.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost will vary, depending on the fee charged by the education provider.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Physician licensees who are authorized to prescribe or dispense controlled substances will be better educated to recognize and prevent pediatric ingestion or inhalation of controlled substances.

(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: The agency is self-funded through application and licensure fees.

(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 of fees or funding will be necessary.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees nor does it directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311.565(1), KRS 311.601(1) and KRS 218A.205(3)(i).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2026 Kentucky Laws Ch. 38 (HB 388)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Licensure

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Physician licensees who are authorized to prescribe or dispense controlled substances(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: None.
For subsequent years: The cost of one (1) hour of continuing medical education (every three years).
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

(a) Fiscal impact of this administrative regulation: The promulgation of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(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): The amendment of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. : N/A

(2) State compliance standards. : KRS 311.565(1), KRS 311.601(1) and KRS 218A.205(3)(i)

(3) Minimum or uniform standards contained in the federal mandate. N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

BOARDS AND COMMISSIONS
Board of Medical Licensure
(Amendment)

201 KAR 9:360. Continuing education requirements for physician assistants.

RELATES TO: KRS 13B.125(3), 214.610, 214.620, 218A.205, 311.565(1)(b), 311.601, 311.842(1), 311.844, 311.850(1)(p), (s), 311.852, 620.020

STATUTORY AUTHORITY: KRS 218A.205(3)(i), 311.565(1)(a), (b), 311.601(1), (2), 311.842(1)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.601(1) authorizes the board to promulgate an administrative regulation that establishes requirements to ensure the continuing professional competency of licensees. KRS 311.842(1) requires the board to promulgate administrative regulations relating to the licensing and regulation of physician assistants. This administrative regulation establishes continuing medical education requirements for physician assistant licensees in Kentucky, including requirements for courses relating to the use of KASPER, pain management, [~~and~~]addiction disorders and the recognition and prevention of pediatric ingestion or inhalation of controlled substances required for licensees who prescribe or dispense controlled substances in the Commonwealth of Kentucky, pursuant to KRS 218A.205, and pediatric abusive head trauma, and Alzheimer's and other forms of dementia pursuant to KRS 311.844.

Section 1. Continuing Medical Education.

(1) At the time a licensee seeks to renew his or her license, the licensee shall certify that he or she has met the continuing education requirements for the two (2) year continuing education cycle using the Continuing Education Certification Form provided by the board and submitting it by the renewal deadline.

(2) The board may randomly require licensees submitting certification of continuing education to demonstrate satisfactory completion of the continuing education hours stated in the certification by providing verification documentation. If requested, the licensee shall provide verification within ten (10) days of receiving the request from the board.

Section 2. Required Hours of Continuing Education.

(1) For each two (2) year renewal period and continuing education cycle, a licensee shall complete a minimum of 100 hours of continuing education approved by the following:

(a) The American Medical Association;
(b) The American Osteopathic Association;
(c) The American Academy of Family Physicians;
(d) The American Academy of Physician Assistants; or
(e) Another entity approved by the board.

(2) If the licensee is authorized to prescribe or administer controlled substances, for each two (2) year continuing education cycle, the licensee shall complete, as part of the required 100 continuing education hours,

(a) A[a] minimum of six[seven] and one-half (6.5)[(7.5)] hours of board-approved continuing education relating to:

1.[(a)] Controlled substance diversion;

2.[(b)] Pain management;

3.[(c)] Addiction disorders;

4.[(d)] The use of KASPER; or

5.[(e)] Any combination of two (2) or more of these subjects; and[.]

(b) A minimum of one (1) hour on the recognition and prevention of pediatric ingestion or inhalation of controlled substances.

(3) If the licensee is authorized to prescribe or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the licensee shall complete, as part of the required 100 continuing education hours, a minimum of twelve (12) hours of board-approved continuing education relating to addiction medicine for each two (2) year continuing education cycle.

(4) A licensee shall not be granted authorization for prescriptive authority of controlled substances or Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone until he or she submits to the board proof of completion of the minimum hours of continuing education in subsections (2) and (3) of this section within the prior two (2) years.

(5)

(a) To qualify as board-approved continuing education under subsections (2) and (3) of this section, the educational program shall have been approved in advance for the specified number of continuing education hours by the board.

(b) The board may approve an educational program that:

1. Consists of a live presentation;

2. Is presented by a live or recorded webinar; or

3. Is presented through an online module.

(c) The board shall maintain a current listing of approved continuing education programs on its official website, www.kbml.ky.gov.

Section 3. Continuing education related to pediatric abusive head trauma.

(1) Each licensee shall complete at least one and one-half (1.5) hours of continuing education regarding the recognition and prevention of pediatric abusive head trauma in a course approved by the board pursuant to KRS 620.020, within the first two (2) years of initial licensure or prior to the expiration of first renewal cycle after the promulgation of this administrative regulation. These hours shall be counted toward the 100 continuing education hours required in Section 2 of this administrative regulation.

(2) Licensees may submit pediatric abusive head trauma course curriculum taught in their physician assistant graduate education to count toward the required one and one-half (1.5) hours for approval.

Section 4. Continuing education related to Alzheimer's and other forms of dementia.

(1) Each licensee shall complete at least one (1) hour of continuing education regarding Alzheimer's and other forms of dementia as set forth in subsection (2) of this section within the first two (2) years of initial licensure or prior to the expiration of first renewal cycle after the promulgation of this administrative regulation. These hours shall be counted toward the 100 continuing education hours required in Section 2 of this administrative regulation.

(2) The course topics shall include but not be limited to:

(a) The warning signs and symptoms of Alzheimer's disease and other forms of dementia;

(b) The importance of early detection, diagnosis, and appropriate communication techniques for the discussion of memory concerns with the patient and his or her caregiver;

(c) Cognitive assessment and care planning billing codes;

(d) The variety of tools used to assess a patient's cognition; and

(e) Current treatments that may be available to the patient.

(3) Licensees may submit Alzheimer's disease and other forms of dementia course curriculum taught in their physician assistant graduate education to count towards the required one (1) hour for approval.

Section 5. Sanctions.

(1) Failure to complete the required number of continuing education hours for the required period or to submit the required written verification within the time specified within this administrative regulation shall constitute a violation of KRS 311.850(1)(p) and (s), which shall constitute an immediate danger to the public health, safety, or welfare, for the purposes of KRS 311.852 and 13B.125.

(2) If the board determines that a licensee has failed to complete the required continuing education hours within the time specified or has failed to provide the written verification of completion within the time specified, the appropriate inquiry panel or its chair shall promptly issue an emergency order suspending the licensee from practice or restricting that licensee from prescribing or administering controlled substances within the Commonwealth of Kentucky until the licensee has completed the required continuing education hours for that period and has provided written verification of completion to the board.

(3) An emergency order issued pursuant to subsection (2) of this section shall remain valid and in effect until the board has received written verification that the licensee has successfully completed the required continuing education hours for the time period specified. Upon receipt of the written verification, the panel or its chair shall immediately issue an order terminating the emergency order issued pursuant to this section.

(4) If a licensee who is affected by an emergency order issued pursuant to this section requests an emergency hearing pursuant to KRS 13B.125(3), the hearing officer conducting the emergency hearing shall affirm the emergency order if presented with written notification on board letterhead stating that the board has not received the required written verification that the licensee completed the required continuing education hours for the continuing medical education cycle by the deadline date for the cycle.

Section 6. Extensions of Time.

(1) To request an extension of time, the licensee shall submit:

(a) A completed Request for Extension to Complete Required CE Hours; and

(b) The fee established in 201 KAR 9:041, Section 1(17).

(2) The board may grant an extension of time to a licensee who for sufficient cause has not yet received continuing education certification, following the submission of the items required by subsection (1) of this section. For the purposes of this subsection, sufficient cause shall include situations such as:

(a) An illness;

(b) Any event meeting the Family Medical Leave Act (FMLA) of 1993, 29 U.S.C. 2601 et seq., Pub.L. 103-3 criteria, and the federal regulations implementing the act, 29 C.F.R. Part 825;

(c) Financial exigencies; or

(d) Practice circumstances making it prohibitive to attend the courses.

(3)

(a) A licensee who obtains an extension of time shall be granted an extension of six (6) months to come into compliance.

(b) If a licensee has not completed the continuing education requirements within the six (6) month extension established by this subsection, his or her license shall:

1. Be immediately suspended; and

2. Remain suspended until the licensee has submitted verifiable evidence that he or she has completed the continuing education requirements.

Section 7. A waiver of the requirements established by this administrative regulation shall not be granted.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Continuing Education Certification Form", 092026[112025]; and

(b) "Request for Extension to Complete Required CE Hours", 072020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky

40222, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's website at: http://kbml.ky.gov.

WILLIAM C. THORNBURY, M.D., President

APPROVED BY AGENCY: September 17, 2026
FILED WITH LRC: October 12, 2026 at 4:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, December 21, 2026, at 9:00 a.m., using the Kentucky Board of Medical Licensure Zoom meeting room. A Zoom link will be posted on the agency's web site, kbml.ky.gov, prior to the meeting. Individuals interested in being heard at this hearing shall notify this agency in writing no less than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received at least five (5) workdays prior to the hearing, the hearing may be cancelled. 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. Written comments previously submitted will be considered and new comments shall be accepted through December 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: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502)764-2613, fax (502) 429-7118, email leanne.diakov@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov, Phone: (502) 764-2613, Email: leanne.diakov@ky.gov

Subject Headings: Occupations and Professions, Physicians and Practitioners, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for obtaining continuing education hours for physician assistants in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation: It is necessary to promulgate this regulation to establish the requirements for obtaining continuing education hours for physician assistants in the Commonwealth of Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation acts specifically to establish the requirements for obtaining continuing education hours for physician assistants practicing in the Commonwealth of Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specifically to establish the requirements for obtaining continuing education hours for physician assistants practicing in the Commonwealth of Kentucky.

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

(a) How the amendment will change this existing administrative regulation: This amendment implements the legislative mandate that at least one (1) hour of the required 7.5% of required education hours per continuing education cycle be specific to the recognition and prevention of pediatric ingestion or inhalation of controlled substances for physician assistant licensees who are authorized to prescribe or dispense controlled substances.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to implement the legislative mandate set forth in 2026 Kentucky Laws Ch. 38 (HB 388), requiring that at least one (1) hour of the required 7.5% of required education hours per continuing education cycle be specific to the recognition and prevention of pediatric ingestion or inhalation of controlled substances for physician assistant licensees who are authorized to prescribe or dispense controlled substances.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 218A.205 which requires that at least one (1) hour of the required 7.5% of required education hours per continuing education cycle be specific to the recognition and prevention of pediatric ingestion or inhalation of controlled substances for physician assistant licensees who are authorized to prescribe or dispense controlled substances

(d) How the amendment will assist in the effective administration of the statutes: This amendment acts specifically to implement the legislative mandate set forth in 2026 Kentucky Laws Ch. 38 (HB 388), requiring that at least one (1) hour of the required 7.5% of required education hours per continuing education cycle be specific to the recognition and prevention of pediatric ingestion or inhalation of controlled substances for physician assistant licensees who are authorized to prescribe or dispense controlled substances.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This administrative regulation implements 2026 Kentucky Laws Ch. 38 (HB 388).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect physician assistant licensees who are authorized to prescribe or dispense controlled substances.

(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: Physician assistant licensees who are authorized to prescribe or dispense controlled substances will be required to complete at least one (1) hour of continuing education specific to the recognition and prevention of pediatric ingestion or inhalation of controlled substances per each continuing education cycle.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost will vary, depending on the fee charged by the education provider.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Physician assistant licensees who are authorized to prescribe or dispense controlled substances will be better educated to recognize and prevent pediatric ingestion or inhalation of controlled substances.

(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: The agency is self-funded through application and licensure fees.

(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 of fees or funding will be necessary.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees nor does it directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311.565(1)(a) and (b), KRS 311.601(1) and (2), KRS 311.842(1) and KRS 218A.205(3)(i).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the

act: 2026 Kentucky Laws Ch. 38 (HB 388)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Licensure

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Physician assistant licensees who are authorized to prescribe or dispense controlled substances.

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

1. Expenditures:
For the first year: None.
For subsequent years: The cost of one (1) hour of continuing education (every three years).
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

(a) Fiscal impact of this administrative regulation: The promulgation of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(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): The amendment of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. : N/A

(2) State compliance standards. : KRS 311.565(1), KRS 311.601(1), KRS 311.842(1) and KRS 218A.205(3)(i)

(3) Minimum or uniform standards contained in the federal mandate. N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

BOARDS AND COMMISSIONS
Board of Social Work
(Amendment)

201 KAR 23:025. Application for licensure.

RELATES TO: KRS 335.010-335.160, 335.990, Chapter 335B, 335B.032, 26 U.S.C. 501(c)(3), 42 U.S.C. 666(a)(13)

STATUTORY AUTHORITY: KRS 335.070(1), (2), (4) [(3)], 335.080(1), 335.090(1), 335.100(1), 335.135, Section 17 A.

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(1) requires the Board to administer and enforce KRS 335.010 to 335.160 and 335.990. KRS 335.070(2) requires the Board to evaluate applications and issue licenses to qualified applicants. KRS 335.070(4) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and 335.990. KRS 335.075 requires the board to conduct a national and state criminal background investigation by fingerprint check of every applicant for an initial license and to promulgate administrative regulations to implement that requirement. KRS 335B.020 and 335B.030 establish the standards and procedures the board shall apply when considering an applicant's prior conviction. KRS 335.135, the Social Work Licensure Compact, authorizes the board to implement the compact and requires the board, as the home state licensing authority, to determine eligibility for and issue multistate licenses. KRS 335.080 sets forth licensing requirements for a certified social worker. KRS 335.090 sets forth licensing requirements for a licensed social worker. KRS 335.100 sets forth the licensing requirements for a licensed clinical social worker. This administrative regulation establishes requirements and procedures for the licensing of a certified social worker, a licensed social worker and a licensed clinical social worker, including the criminal background investigation required for an initial license and the application for a multistate license.[KRS 335.070(1) requires the Board to issue licenses to qualified applicants. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and 335.990, including evaluating applications and issuing licenses. KRS 335.080 sets forth licensing requirements for a certified social worker. KRS 335.090 sets forth licensing requirements for a licensed social worker. KRS 335.100 sets forth the licensing requirements for a licensed clinical social worker. This administrative regulation establishes requirements and procedures for the licensing of a certified social worker, a licensed social worker, and a licensed clinical social worker.]

Section 1. Definitions.

(1) "Additional supervisor" is defined by 201 KAR 23:070, Section 1(2)[(1)].

(2) "Board" is defined by KRS 335.020(1).

(3) "Conviction" means a judgment of guilt entered by a court upon a verdict, a plea of guilty, a plea of no contest, or an Alford plea, but shall not include:

(a) A conviction that has been expunged, sealed, vacated, or pardoned;

(b) A juvenile adjudication; or

(c) A violation as defined by KRS 500.080.["Social worker" is defined by KRS 335.158(4)(b).]

(4) "Domicile" is defined by KRS 335.135, Section 2.I.["Supervisor of record" is defined by 201 KAR 23:070, Section 1(6).]

(5) "Home state" is defined by KRS 335.135, Section 2.L.

(6) "Multistate license" is defined by KRS 335.020(4).

(7) "Preliminary determination" is defined by 201 KAR 23:027, Section 1(4).

(8) "Social Worker" is defined by KRS 335.020(7).

(9) "Supervisor of record" is defined by 201 KAR 23:070, Section 1(17).

Section 2. Application for licensure.

(1) An applicant for licensure as a social worker shall submit the Licensure Application Form or use the electronic portal established by the Board for application purposes. The application for licensure and electronic portal shall include:

(a) The full legal name of the applicant, including any suffix, along with any other name used by the applicant;

(b) The social security number of the applicant, which shall be used to comply with 42 U.S.C. 666(a)(13), as a unique identifier, and to match the results of the criminal background investigation required by Section 3 of this administrative regulation;

(c) The date of birth of the applicant[~~The mailing address of the applicant~~];

(d) The mailing address of the applicant and the address of the primary residence of the applicant[~~A telephone number for the applicant~~];

(e) The applicant's state of primary residence and, for a Kentucky resident, the county of residence[~~The email address of the applicant~~];

(f) A telephone number for the applicant[~~A statement of whether the applicant is currently employed~~];

(g) The email address of the applicant[~~If employed, the name of the applicant's current employer along with the street address, telephone number, and email address of the agency where the applicant is employed~~];

(h) A statement of the applicant's military status[~~If employed, the applicant's official job description signed by the head of the employing agency~~];

(i) A statement of whether the applicant holds a multistate license issued by another state and, if so, the issuing home state;[~~If employed, a statement of whether the employer is a 26 U.S.C. Section 501(c)(3) tax-exempt agency under the Internal Revenue Code and, if so, a copy of the Internal Revenue Service determination letter approving the tax-exempt status of the agency;~~]

(j) A statement of whether the applicant is currently employed[~~or has ever been licensed to practice social work in Kentucky~~];

(k) If employed, the name of the applicant's current employer along with the street address, telephone number, and email address of the agency where the applicant is employed;[~~A statement of whether the applicant is or has ever been licensed to practice social work in any other jurisdiction and, if so, a listing of the jurisdiction license category and license number associated with the license;~~]

(l) If employed, the applicant's official job description signed by the head of the employing agency[~~An official verification of each license the applicant holds or has ever held in a jurisdiction other than Kentucky. A licensed clinical social worker (LCSW) applicant licensed as a certified social worker (CSW) in Kentucky need not provide official license verification~~];

(m) If employed, a statement of whether the employer is a 26 U.S.C. Section 501(c)(3) tax-exempt agency under the Internal Revenue Code and, if so, a copy of the Internal Revenue Service determination letter approving the tax-exempt status of the agency[~~A statement of whether the applicant has taken and passed a social work licensure exam through the Association of Social Work Boards (ASWB) and, if so, a statement of which exam was taken. An applicant for CSW licensure who is licensed in a jurisdiction other than Kentucky shall provide an ASWB Exam Official Score Transfer Report. An applicant for an LCSW license who is not licensed as a CSW in Kentucky shall provide an ASWB Exam Official Score Transfer Report~~];

(n) A statement of whether the applicant is or has ever been licensed to practice social work in Kentucky[~~has ever applied for and failed to receive a license in social work or any other profession in Kentucky or another jurisdiction and, if so, an explanation of why the application for licensure was denied~~];

(o) A statement of whether the applicant is or has ever been licensed to practice social work in any other jurisdiction and, if so, a listing of the jurisdiction license category and license number associated with the license;[~~A statement of whether the applicant has ever had a social work or other professional license suspended, revoked, or otherwise disciplined in Kentucky or another jurisdiction and, if so, an explanation and certified copies of the final order of the licensure entity from a jurisdiction other than Kentucky;~~]

(p) An official verification of each license the applicant holds or has ever held in a jurisdiction other than Kentucky. A licensed clinical social worker (LCSW) applicant licensed as a certified social worker (CSW) in Kentucky need not provide official license verification; [~~A statement of whether the applicant has ever been convicted of, or entered a plea of no contest to, a felony and, if so, a statement of the offense along with certified copies of the police report or grand jury indictment, judgment of conviction, and the judgment or sentencing order. If the sentence was probated, diverted, or paroled the applicant shall include a signed release authorizing the probation or parole officer to provide a written statement or report to the Board that confirms the probation, diversion, or parole was successfully completed. An applicant convicted of a felony shall provide proof that any fines, fees, or court costs were paid in full~~];

(q) A statement of whether the applicant has taken and passed a social work licensure exam through the Association of Social Work Boards (ASWB) and, if so, a statement of which exam was taken. An applicant for CSW licensure who is licensed in a jurisdiction other than Kentucky shall provide an ASWB Exam Official Score Transfer Report. An applicant for an LCSW license who is not licensed as a CSW in Kentucky shall provide an ASWB Exam Official Score Transfer Report;[~~A statement of the undergraduate and graduate education the applicant has completed, including the name and location of the school, dates attended, month and year of graduation, number of credits or hours completed, and degrees obtained;~~]

(r) A statement of whether the applicant has ever applied for and failed to receive a license in social work or any other profession in Kentucky or another jurisdiction and, if so, an explanation of why the application for licensure was denied[~~Copies of official transcripts with the degree conferred or awarded. A CSW applicant shall not be required to submit undergraduate transcripts. An LCSW applicant who holds a CSW license in Kentucky shall not be required to submit a master's degree transcript~~];

(s) A statement of whether the applicant has ever had a social work or other professional license suspended, revoked, or otherwise disciplined in Kentucky or another jurisdiction, or has a complaint, investigation, or disciplinary action pending against a social work or other professional license, and, if so, an explanation and certified copies of the final order or pending complaint of the licensure entity from a jurisdiction other than Kentucky;[~~A list of three (3) individuals qualified to document the applicant's professional competency including the name, address, email address, and telephone number of each individual;~~]

(t) A statement of whether the applicant has ever been convicted of a misdemeanor or felony, or has criminal charges pending, and, if so, a statement of each offense. An applicant reporting a:

1. Misdemeanor conviction shall provide a certified copy of the court record of final disposition; and

2. Felony conviction shall submit the Felony Conviction Documentation form with certified court records of the charge, final disposition, and judgment or sentencing order; proof of successful completion of any probation, parole, diversion, or other supervision; proof that all fines, fees, and court costs were paid in full and proof of payment or the current payment status of any restitution; and a personal statement[~~that the applicant has read KRS 335.010 to 335.160 and 201 KAR Chapter 23, including 201 KAR 23:080, the Kentucky Code of Ethical Conduct~~];

(u) A statement of whether the applicant has received a preliminary determination from the board pursuant to 201 KAR 23:027[~~that the applicant affirms the application is true and correct to the best of the applicant's knowledge and belief~~];

(v) Completion of the national and state criminal background investigation required by Section 3 of this administrative regulation[~~A statement that the applicant voluntarily consents to a thorough investigation of the applicant's present and past employment and other activities for the purpose of verifying the applicant's qualifications for licensing~~];

(w) A statement of the undergraduate and graduate education the applicant has completed, including the name and location of the school, dates attended, month and year of graduation, number of credits or hours completed, and degrees obtained[~~A statement~~][~~that the applicant agrees to furnish to the Board any information that may subsequently be requested for the purpose of verifying the applicant's qualifications~~];

(x) Official transcripts with the degree conferred or awarded, sent directly to the board by the educational institution or the National Student Clearinghouse. A CSW applicant shall not be required to submit undergraduate transcripts. An LCSW applicant who holds a CSW license in Kentucky shall not be required to submit a master's degree transcript. An applicant within six (6) weeks of completing a degree program may submit an unofficial transcript with the application, but a license shall not be issued until the official transcript is received. An LSW applicant qualifying under KRS 335.090(1)(b)2. shall submit documentation of completion of courses equivalent to a social work or social welfare program;[Payment of the required twenty-five (25) dollar nonrefundable application fee that is in addition to any fees as established in 201 KAR 23:020;]

(y) A list of three (3) individuals qualified to document the applicant's professional competency including the name, address, email address, and telephone number of each individual[A statement of the license for which the applicant is applying; and]

(z) A statement that the applicant has read KRS 335.010 to 335.160 and 201 KAR Chapter 23, including 201 KAR 23:080, the Kentucky Code of Ethical Conduct; [The signature of the applicant.]

(aa) A statement that the applicant affirms the application is true and correct to the best of the applicant's knowledge and belief;

(bb) A statement that the applicant voluntarily consents to a thorough investigation of the applicant's present and past employment and other activities for the purpose of verifying the applicant's qualifications for licensing;

(cc) A statement that the applicant agrees to furnish to the Board any information that may subsequently be requested for the purpose of verifying the applicant's qualifications;

(dd) A statement that the applicant consents to the criminal background investigation required by KRS 335.075 and has received the notice required by 201 KAR 23:XXX, Section 8;

(ee) Payment of the required twenty-five (25) dollar nonrefundable application fee that is in addition to any fees as established in 201 KAR 23:020;

(ff) A statement of the license for which the applicant is applying and, for a CSW applicant, whether the applicant intends to practice clinical social work; and

(gg) The signature of the applicant.

(2) Denial. The Board may disapprove an application for licensure for the following reasons:

(a) The applicant's failure to comply with KRS 335.010-335.160 or 201 KAR Chapter 23;

(b) Any information required by KRS 335.010-335.160 or this administrative regulation is missing, inaccurate, incomplete, or cannot be independently verified;

(c) A fraudulent, dishonest, or deceitful misstatement or omission of fact in the submitted application;

(d) A finding against, or admission of liability by, the applicant in any legal proceeding or disciplinary action involving a violation of KRS 335.010-335.160 or 201 KAR Chapter 23; [or]

(e) The denial, discipline of, refusal to renew, revocation, or suspension of the applicant's professional licensure in any jurisdiction;[.]

(f) A conviction that the board determines directly relates to the practice of social work in accordance with KRS 335B.020; or

(g) Failure to complete the criminal background investigation required by Section 3 of this administrative regulation.

(3) If the board determines that an applicant's prior conviction may disqualify the applicant, the board shall proceed in accordance with KRS 335B.030 before making a final decision on the application.

(4) Approval. If the applicant has complied with the provisions of KRS 335.010-335.160 and this administrative regulation, and the board has received and reviewed the results of the criminal background investigation, the application may be approved.

Section 3. Criminal Background Investigation[Additional requirements for LCSW licensure].

(1) Each applicant for an initial license, a multistate license, or reissuance of a multistate license shall submit a complete and legible set of fingerprints to the Department of Kentucky State Police for a state criminal background check and submission to the Federal Bureau of Investigation for a national criminal background check, in accordance with KRS 335.075(2) and the instructions on the Licensure Application Form or Multistate License Application. An applicant who submits both applications at the same time shall submit one (1) set of fingerprints.[An in-state applicant for licensure as an LCSW shall provide documentation of two (2) years of post-master's degree supervised clinical social work experience, including 150 hours documented on the Supervised Experience Documentation Form as confirmed by the applicant's supervisor of record and each LCSW additional supervisor].

(2) The applicant shall pay any fee charged by the Department of Kentucky State Police, the Federal Bureau of Investigation, or an authorized fingerprinting vendor directly to that entity.[An LCSW applicant licensed in another jurisdiction shall, if licensed for less than two (2) years, document two (2) years of post-master's supervised clinical practice experience and 150 hours of clinical supervision provided by a licensed social worker who:]

[(a)] [Was licensed as an LCSW, or the equivalent, for a minimum of two (2) years at the][time supervision was provided as documented by official verification of the supervisor's license and a copy of a resume for each LCSW supervisor;]

[(b)] [Documents the supervision on the Kentucky Supervised Experience Documentation Form; or]

[(c)] [Documents the supervision on an out-of-state form which provides necessary details about qualifications of hours of supervision, names and credentials of supervisors, clinical practice, and time period of supervision.]

(3) The results of the criminal background investigation shall be sent directly to the board. Results submitted by the applicant shall not be accepted.[An LCSW applicant licensed in another jurisdiction shall, if licensed for two (2) years or more, document the two (2) year period by providing:]

[(a)] [An official job description on agency letterhead signed and dated by the head of the employing agency; or]

[(b)] [Standard employment forms including documentation of Federal civilian employment on the Standard Form 50 for Federal civilian employees as available at https://www.opm.gov/forms/pdfimage/sf50.pdf or documentation of active duty as a member of the U.S. Armed Services.]

(4) The board shall not issue a license or multistate license until it has received and reviewed the results of the criminal background investigation.

(5) The results shall not be distributed or released except as provided by KRS 335.075(2)(c). An applicant may request a copy of his or her results in writing.

(6) The board shall review each conviction disclosed by the applicant or identified in the results in accordance with KRS 335B.020 and 335B.030. A preliminary determination that the applicant is not disqualified shall be binding on the board as provided by 201 KAR 23:027, Section 7.

(7) The board shall provide each applicant the notice required by 201 KAR 23:027, Section 8, within fourteen (14) days of receipt of the application.

Section 4. Multistate Licensure.[Incorporation by Reference.]

(1) An individual whose home state is Kentucky may apply for a multistate license by submitting the Multistate License Application. An individual who does not hold a Kentucky license shall also submit the Licensure Application Form.

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

[(a)] ["Licensure Application Form", 7/2025; and]

[(b)] ["Supervised Experience Documentation Form", 7/2025.]

(2) The Multistate License Application shall include:

(a) The information required by Section 2(1)(a) through (i) of this administrative regulation;

(b) A statement that Kentucky is the applicant's home state and proof of Kentucky residency or, for an active military member or the spouse of an active military member, a designation of Kentucky as the applicant's home state pursuant to KRS 335.135, Section 8, and a copy of current military orders;

(c) The category and number of the applicant's Kentucky license, or a statement that an application for a Kentucky license is pending;

(d) The category of multistate license requested;

(e) For a CSW, a statement of whether the applicant is practicing clinical social work under a Contract for Clinical Social Work Supervision pursuant to 201 KAR 23:070;

(f) Evidence that the applicant meets the competency requirement for the category requested pursuant to KRS 335.135, Section 4;

(g) Evidence that the applicant holds a degree in social work that meets the requirements of KRS 335.135, Section 4, for the category requested;

(h) For the clinical category, evidence that the applicant meets the practice requirement of KRS 335.135, Section 4.B.3.;

(i) A list of each social work license the applicant holds or has held in any state, and any adverse action or encumbrance on any professional license;

(j) The statements required by Section 2(1)(r) through (u) of this administrative regulation and any documentation required by Section 2(1)(s) and (t) of this administrative regulation that the board does not already have;

(k) Completion of the criminal background investigation required by KRS 335.075(1)(c) and Section 3 of this administrative regulation;

(l) A statement that the applicant agrees to comply with KRS 335.135, Section 4.A.4. through 6.;

(m) Payment of the multistate license fee established in 201 KAR 23:020; and

(n) The signature of the applicant.

[~~(2)~~] [~~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., or online at bsw.ky.gov.~~]

(3) The board shall designate a multistate license in the category that corresponds to the applicant's Kentucky license as follows:

(a) Licensed clinical social worker, clinical category;

(b) Certified social worker, master's category; and

(c) Licensed social worker, bachelor's category.

(4) In accordance with the rules of the Social Work Licensure Compact Commission, the board shall not issue a multistate license unless the Kentucky license on which it is based is active and unencumbered, is not provisional or temporary, authorizes independent practice, and any required supervision has been completed. The following individuals shall not be eligible for a multistate license issued by the board:

(a) An individual whose home state is not Kentucky, except an active military member or the spouse of an active military member who designates Kentucky as the home state pursuant to KRS 335.135, Section 8;

(b) A CSW practicing clinical social work under a Contract for Clinical Social Work Supervision pursuant to 201 KAR 23:070; and

(c) A holder of a temporary permit issued pursuant to 201 KAR 23:160.

(5) A licensee who holds a multistate license issued by another member state and establishes domicile in Kentucky shall apply for reissuance of the multistate license no later than thirty (30) calendar days after establishing domicile by submitting the Multistate License Application, the Licensure Application Form if the licensee does not hold a Kentucky license, and the reissuance application required by the rules of the Social Work Licensure Compact Commission. Before reissuance, the board shall:

(a) Verify through the compact data system that the multistate license is active, unencumbered, and eligible for reissuance; and

(b) Receive and review the results of the criminal background investigation required by Section 3 of this administrative regulation.

(6) The board shall not issue or reissue a multistate license until it has received proof of Kentucky residency and the results of the criminal background investigation. The board shall determine eligibility for a multistate license in accordance with KRS 335.075(3) and KRS 335.135, Sections 4 and 5. An applicant who does not meet the requirements for a multistate license may hold a Kentucky license if the applicant meets the requirements of this administrative regulation.

(7) The results of the criminal background investigation shall not be shared with another member state or the Social Work Licensure Compact Commission except as permitted by KRS 335.075(2)(c).

Section 5. Additional requirements for LCSW licensure. An applicant for licensure as an LCSW shall document supervised clinical practice experience and supervision in accordance with 201 KAR 23:070, Sections 9 through 11.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Licensure Application Form", 10/2026;

(b) "Felony Conviction Documentation", 10/2026; and

(c) "Multistate License Application", 10/2026.

(2) 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., or online at bsw.ky.gov.

HANK CECIL, LCSW, Board Chair

APPROVED BY AGENCY: October 14, 2026

FILED WITH LRC: October 15, 2026 at 11:35 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 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 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 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 December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marc 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: Boards and Commissions, Licensing, and Social Work.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements and procedures for the application and licensing of a certified social worker, a licensed social worker and a licensed clinical social worker, including the criminal background investigation required for an initial license and the application for a multistate license.

(b) The necessity of this administrative regulation: This regulation is necessary to establish uniform and specified application requirements for licensure, including associated criminal background investigations and review thereof.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.070(1) requires the Board to administer and enforce KRS 335.010 to 335.160 and 335.99. KRS 335.070(2)(3) requires the Board to evaluate applications and issue licenses to qualified applicants. KRS 335.070(4) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and 335.990. KRS 335.075 requires the board to conduct a national and state criminal background investigation by fingerprint check of every applicant for an initial license and to promulgate administrative regulations to implement that requirement. KRS 335B.020 and 335B.030 establish the standards and procedures the board shall apply when considering an applicant's prior conviction. KRS 335.135, the Social Work Licensure Compact, authorizes the board to implement the compact and requires the board, as the home state licensing authority, to determine eligibility for and issue multistate licenses. KRS 335.080 sets forth licensing requirements for a certified social worker. KRS 335.090 sets forth licensing requirements for a licensed

social worker, KRS 335.100 sets forth the licensing requirements for a licensed clinical social worker.

(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 by establishing uniform application requirements, including conducting and evaluating criminal background investigations.

(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 defines additional terms for purposes of this administrative regulation, provides for mandatory background investigations, provides requirements for application for multistate licensure, provides for submission of uniform data to the Compact Commission, and establishes additional forms.

(b) The necessity of the amendment to this administrative regulation: Changes are necessary to implement the multistate licensure provisions of KRS 335.135 and to comply with the provisions of KRS 335.075 related to criminal background investigations.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by establishing uniform requirements for mandatory background investigations, requirements for multistate licensure application, and providing data to the Compact Commission.

(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 implementing the provisions of KRS 335.135 and KRS 335.075.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 335.135 and 2026 RS HB 185.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Current and future applicants for licensure are affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants will have to comply with application provisions, criminal background provisions and requirements for multistate licensure eligibility.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants will have to pay for criminal background checks with state and federal authorities, which should be less than $100.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Regulated entities will benefit by being eligible for a multistate license and by the effective regulation of the practice of social work through criminal background investigations.

(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: This administrative regulation does not establish new fees. Funding for the KBSW comes from licensure and certification fees; the Board does not receive any 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: There is no anticipation of an increase in fees or funding needed to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.

(10) TIERING: Is tiering applied? No. All regulated entities have the same requirements by license type.

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, KRS 335.135, KRS 335.075

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 335.070 and 335.135. 2026 RS HB 185.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Social Work.

(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): Applicants for licensure.

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

1. Expenditures:
For the first year: Minimal
For subsequent years: Minimal
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), n(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: Minimal for Applicants.

(b) Methodology and resources used to reach this conclusion: The Board analyzed costs associated with obtaining state and federal criminal background checks and potential additional costs to 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 administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: This administrative regulation imposes minimal costs on applicants and has no revenues or associated cost savings to the board.

BOARDS AND COMMISSIONS
Board of Respiratory Care
(Amendment)

201 KAR 29:015. Fees.

RELATES TO: KRS 314A.110, 314A.112, 314A.215, 314A.220, and KRS Chapter 335B

STATUTORY AUTHORITY: KRS 314A.205, 314A.220, 335B.032

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, now codified at KRS 13A.105(2), because the amendments to this administrative regulation will not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS 314A.205(6) and 314A.220(2) require the board to establish appropriate and reasonable fees for mandatory certification and to periodically review and modify those fees. This administrative regulation establishes all fees charged by the board.

Section 1. Application and Certification Fees Schedule.

(1) The application and certification fee for mandatory certification shall be $150.

(2) The application and certification fee for temporary mandatory certification shall be $102.

(3) The application and certification fee for limited mandatory certification shall be sixty (60) dollars.

Section 2. Renewal Fees.

(1) A person holding a mandatory certificate wishing to renew the mandatory certificate shall submit:

(a) A completed Application for Renewal; and

(b) The appropriate renewal fee:

1. For active mandatory certification, $135.

2. For inactive mandatory certification, fifty (50) dollars.

(2) All mandatory certificates not renewed by January 30 shall be deemed expired. For certificates that expire if not renewed on or before January 30 of even numbered years, the renewal period shall begin on November 1 of each odd numbered calendar year and shall end on January 30 of the next year. For certificates that expire if not renewed on or before January 30 of odd numbered years, the renewal period shall begin on November 1 of each even numbered calendar year and shall end on January 30 of the next year.

(3) Temporary mandatory certificates and limited mandatory certificates shall be ineligible for renewal.

(4) For any active duty military personnel, or the spouse of any active duty military personnel, the board waives the application fee for an initial mandatory certificate to practice respiratory care in the Commonwealth of Kentucky so long as said[~~the~~] application is made pursuant to KRS 314A.110(4), and the applicant is duly authorized to practice in another state, is in good standing in that state, and holds an RRT or CRT credential issued by the National Board for Respiratory Care, or its equivalent.

Section 3. Reactivation and Reinstatement.

(1) A certificate holder wishing to reactivate an inactive certificate shall submit:

(a) A completed Application for Reactivation; and

(b) The $135 reactivation fee.

(2) A certificate holder wishing to reinstate an expired certificate shall submit:

(a) A completed Application for Reinstatement; and

(b) The $200 reinstatement fee.

Section 4. An individual seeing a predetermination regarding criminal history pursuant to KRS Chapter 335B and 201 KAR 29:025 shall submit:

(1) A completed Application for Predetermination; and

(2) The $25 predetermination fee.

Section 5.[~~Section 4.~~] All fees shall be nonrefundable.

Section 6.[~~Section 5.~~] Fees set forth in this administrative regulation shall not be prorated based upon the date of receipt or processing of the application; however, if approval of an application for reactivation or reinstatement occurs during a certificate holder's renewal period, the reactivation or reinstatement shall satisfy renewal requirements for that renewal period.

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

(1) The following material is incorporated by reference:

(a) "Application for Reactivation", 4/17/2025;

(b) "Application for Reinstatement", 4/17/2025;[~~and~~]

(c) "Application for Renewal",4/17/2025; and[~~.~~]

(d) "Application for Predetermination, 8/20/2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Respiratory Care, 1714 Perryville Road, Suite 200, Danville, Kentucky 40422, Monday through Friday, 8:00 a.m. to 4:30 p.m. EST. This material is also available at https://kbrc.ky.gov/Pages/Applications-and-Forms.aspx#apps.

MARLENE MCKINLEY, RRT, Board Chair

APPROVED BY AGENCY: August 20, 2026

FILED WITH LRC: October 9, 2026 at 1:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 31, 2026 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by December 21, 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 December 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: Morgan G. Ransdell, Board Attorney , Kentucky Board of Respiratory Care 1712 Perryville Rd, Suite 200 , Danville, Kentucky 40422 Phone: (502) 665-9600 Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Morgan G. Ransdell Phone: (502) 665-9600 Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes all fees charged by the board.

(b) The necessity of this administrative regulation: KRS 314A.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS 314A.205(6) and 314A.220(2) require the board to establish appropriate and reasonable fees for mandatory certification and to periodically review and modify those fees.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By establishing all fees charged by the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By establishing all fees charged 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 implements a fee of twenty-five (25) dollars for an Application for Predetermination.

(b) The necessity of the amendment to this administrative regulation: KRS 335B.032 mandates the adoption of a predetermination application process, and an application fee of $25 is needed to defray the cost of implementation and ongoing administration of the predetermination process.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by adopting a predetermination application process, and an application fee of $25 to defray the cost of implementation and ongoing administration of the predetermination process.

(d) How the amendment will assist in the effective administration of the statutes: The amendment assists in the effective administration of the authorizing statutes by adopting a predetermination application process, and an application fee of $25 to defray the cost of implementation and ongoing administration of the predetermination process.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements KRS 335B.020-034.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The regulation affects all individuals with criminal convictions who may wish to apply for a respiratory care license in Kentucky at any time in the future; however, the precise number of such persons is incalculable.

(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 as a consequence of this new regulation; however, the individuals identified in the response to question (4) will have the voluntary option of submitting an application for predetermination of licensure eligibility upon payment of a twenty-five (25) dollar fee.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): An application fee of $25 must be paid in conjunction with an application for a predetermination.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Recipients of a predetermination application will have the benefit of knowing whether a criminal conviction would constitute an absolute bar to future licensure before they undertake to obtain training and education in the field of respiratory care.

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

(a) Initially: The monetary costs associated with the implementation of the amendment arise from staff time, hearing officer charges pursuant to KRS 13B.030(2), and the cost of stenographic services regard the preparation of a hearing transcript; however, the precise amount of such costs is incalculable.

(b) On a continuing basis: The monetary costs associated with the implementation of the amendment arise from staff time, hearing officer charges pursuant to KRS 13B.030(2), and the cost of stenographic services regard the preparation of a hearing transcript; however, the precise amount of such costs is incalculable.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Agency funds, defrayed in part from the implementation of a $25 fee that must be paid in conjunction with an application for a predetermination.

(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: As this regulation implements a new statutory predetermination process, an application fee of $25 is needed to defray the cost of implementation and ongoing administration of the predetermination process.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The promulgation of this regulation imposes an application fee of $25.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the 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 13B, Chapter 335B, 314A.225(1)(a) and (h), 314A.205.

(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 implements 2026 RS HB 185, which is now codified at KRS 335B.020-034.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

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

1. Expenditures:

For the first year: less than $500.

For subsequent years: less than $500.

2. Revenues:

For the first year: less than $500.

For subsequent years: less than $500 annually.

3. Cost Savings:

For the first year: The amendment will not impact cost savings.

For subsequent years: The amendment will not impact cost savings.

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

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Prospective licensure applicants.

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

1. Expenditures:

For the first year: An application fee of $25 must be paid.

For subsequent years: An application fee of $25 must be paid.

2. Revenues:

For the first year: The application fee will nominally increase revenues.

For subsequent years: The application fee will nominally increase revenues.

3. Cost Savings:

For the first year: No cost savings for regulated entities.

For subsequent years: No cost savings for 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 board anticipates fewer than 20 predetermination applications annually, with an anticipated maximum collective annual impact of less than $500, and a fiscal impact per application of only $25.

(b) Methodology and resources used to reach this conclusion: The foregoing estimate is based upon relative infrequency with which the board receives applications for licensure from persons with criminal convictions that are relevant to the practice of respiratory care.

(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 it relates to the entities identified in (3)(a), (4)(a), and (5)(a).

(b) The methodology and resources used to reach this conclusion: None.

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 Pastoral Counselors
(Amendment)

201 KAR 38:040. Fees.

RELATES TO: KRS 335.620(1)
STATUTORY AUTHORITY: KRS 335.615(6); 335.620(1), (8)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.615(6) and 335.620(1) require the board to establish an initial fee for licensure. KRS 335.620(8) requires an applicant who has not received certification before July 1, 1999, to pass a written examination approved by the board. This administrative regulation establishes the initial fee for licensure and the fee for taking the written examination.

Section 1. Initial Licensure Fee.
(1) An applicant for licensure shall submit a nonrefundable application fee of $50, plus an initial licensure fee of $300.[~~The initial fee for licensure as a licensed pastoral counselor shall be $400.~~]
(2) If an application for licensure is denied, the board shall refund [~~$250 of~~]the $300 initial licensure fee.

Section 2. Written Examination Fee. The fee for taking the written examination of the Kentucky Board of Licensure for Pastoral Counselors, the Kentucky Pastoral Counselors Examination, shall be $200[~~$150~~].

201 KAR 38:040

MARGARET BROOKS, Chair
APPROVED BY AGENCY: August 31, 2026
FILED WITH LRC: October 13, 2026 at 11:13 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026 at 11:00 a.m. EST 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 December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person by using the PPC public comment portal at the address listed below.
CONTACT PERSON: Name: 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, Mental Health, Occupations and Professions
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the applicable fees for both the initial application for licensure and taking the required licensing examination administered by the Board.
(b) The necessity of this administrative regulation: This administrative regulation is necessary because it sets forth the amount of fees required to be paid by applicants for 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 335.615(6) to promulgate administrative regulations to implement the purposes of KRS 335.600 through .699; KRS 335.620(1)(a), which requires applicants to pay an initial fee for licensure as established by the Board through promulgation of administrative regulation; and KRS 335.615(2), which requires the Board to administer and grade the exam, and provide for other matters relating to licensure through promulgation of administrative regulations.
(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 amounts payable for initial licensure and examination.
(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 raises the fee for exam administration by $50, but lowers the fee for application and initial licensure by $50, and lowers the amount of the initial licensure fee that is non-refundable should the application not be approved.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to identify the fees payable to the Board for initial licensure applicants.
(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.615(6) to promulgate administrative regulations to implement the purposes of KRS 335.600 through .699; KRS 335.620(1)(a), which requires applicants to pay an initial fee for licensure as established by the Board through promulgation of administrative regulation; and KRS 335.615(2), which requires the Board to administer and grade the exam, and provide for other matters relating to licensure through promulgation of administrative regulations. There is no new fee that the Board does not have statutory authority to charge applicants, and there is no provision in KRS 335.600 through .699 that sets forth the amount of said fees.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will set forth the amount of fees, and it will increase the amount of the initial licensing fee that is refunded to the applicant, if their application is not approved.
(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 any potential applicants for licensure; there would in all likelihood not be any more than 10 to 15 applicants in a given year affected by this amendment.
(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants will have to pay different amounts than previously allotted for the i) application and initial licensure fee, and ii) the examination, but the overall amount of total fees required for becoming licensed will neither increase nor decrease.
(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 by applicants.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants will have a greater amount of the initial licensing fees refunded to them, should their

application not be approved.

(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 establish 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 335.615(6) requires the Board to promulgate administrative regulations to implement the purposes of KRS 335.600-.699. KRS 355.620(1)(a) requires the Board to promulgate an administrative regulation that establishes the required fee for an initial application for licensure. KRS 355.615(2) also requires the Board to provide for the administration of the licensing examination, which is to be approved by the Board per KRS 335.620(1)(h).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 335.620(1)(a) requires the Board to establish an initial fee for licensure by promulgation of an administrative regulation. The other portions of this administrative regulation are not expressly authorized by any act of the General Assembly, aside from the general enabling statute, see KRS 335.615(6).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Pastoral Counselors 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: No more than $500 greater than prior to promulgation.

For subsequent years: No more than $500 in any given year, than prior to promulgation.

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 a very limited fiscal impact on the entity identified in (3)(a). There is no fiscal impact relative to (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 Pastoral Counselors
(Amendment)

201 KAR 38:060. Code of ethics.

RELATES TO: KRS 335.615(5)

STATUTORY AUTHORITY: KRS 335.615(5), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.615(5) requires the board to promulgate a code of ethics for Kentucky Licensed Pastoral Counselors[~~pastoral counselors~~]. This administrative regulation establishes the required code of ethics.

Section 1. Identification of a Client.

(1) A client shall be a person who receives a counseling, psychotherapeutic, or other professional service from a Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~].

(2) A person identified as a client pursuant to subsection (1) of this section shall be deemed to continue to be a client for a period of two (2) years following the last date of service rendered to that client.

Section 2. Responsibility to Clients.

(1) A Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~] shall:

(a) Advance and protect the welfare of their[~~his~~] client;

(b) Respect the rights of persons seeking their[~~his~~] assistance;[~~and~~]

(c) Make reasonable efforts to ensure that their[~~his~~] services are used appropriately; and[~~.~~]

(d) Retain a client's counseling records, treatment notes, and all related materials for a minimum of six (6) years following the last date of service rendered to that client.

(2) A Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~] shall not:

(a) Exploit the trust and dependency of a client;

(b)

1. Except as provided by subparagraph 2 of this paragraph, engage in a dual relationship with a client, including a social, business, or personal relationship, that may:

a. Impair professional judgment;

b. Incur a risk of exploitation of the client; or

c. Otherwise violate a provision of this administrative regulation.

2. If a dual relationship cannot be avoided, and a determination is made that the relationship does not impair professional judgment after consultation with another Kentucky Licensed Pastoral Counselor or other similarly credentialed clinical counselor licensed in Kentucky, incur a risk of exploitation of the client, or otherwise violate a provision of this administrative regulation, a Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall take appropriate professional precautions to ensure that judgment is not impaired and exploitation of the client does not occur.[~~;~~]

3. The consultation described in subparagraph 2., supra, shall not be required where the existence of the dual relationship is substantially attributable to the licensee's vocation or profession aside from pastoral counseling;

(c) Engage in a sexual relationship with a current client or with a former client for seven (7)[~~two (2)~~] years following the termination of pastoral counseling;

(d) Use their[~~his~~] professional relationship with a client to further their[~~his~~] own interests;

(e) Continue a pastoral counseling relationship unless it is reasonably clear that the client is benefiting from the relationship;

(f) Fail to assist a person in obtaining other pastoral counseling services if the Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] is unable or unwilling, for appropriate reasons, to provide professional help;

(g) Abandon or neglect a client in treatment without making reasonable arrangements for the continuation of treatment;

(h) Videotape, record, or permit third-party observation of a pastoral counseling session without having first obtained written informed consent from the client;

(i) Engage in sexual or other harassment or exploitation of a client, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in an investigation or a disciplinary investigation or proceeding by the board; or

(j) Diagnose, treat, or advise on problems[~~problem~~] outside the recognized boundaries of their[~~his~~] competence.

Section 3. Confidentiality.

(1) A Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~] shall respect and guard the confidences of each individual client.

(2) A Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~] shall not disclose a client confidence except:

(a) As mandated, or permitted by law;

(b) To prevent a clear and immediate danger to a person;

(c) If the Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] is a defendant in a civil, criminal, or disciplinary action arising from the pastoral counseling, confidences may be disclosed only in the course of that action; or

(d) If a waiver has been obtained in writing, confidential information shall be revealed only in accordance with the terms of the waiver. If more than one (1) person in a family receives pastoral counseling, unless a waiver is executed by each family member receiving pastoral counseling, who is legally competent to execute a waiver, a pastoral counselor shall not disclose information received from any family member.

(3) A Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] may use client or clinical materials in teaching, writing, and public presentations if:

(a) A written waiver has been obtained in accordance with subsection (2)(d) of this section; or

(b) Appropriate steps have been taken to protect client identity and confidentiality.

(4) A Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall store or dispose of client records so as to maintain confidentiality.

Section 4. Responsibility to a Student or Supervisee.

(1) A Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~] shall not exploit the trust and dependency of a student or supervisee.

(2) A Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~] shall:

(a) Be aware of their[~~his~~] influential position with respect to a student or supervisee; and

(b) Avoid exploiting the trust and dependency of these persons.

1. A Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall make every effort to avoid a dual relationship, including a social, business, or personal relationship, with a student or supervisee that may impair professional judgment or increase the risk of exploitation.

2. If a dual relationship cannot be avoided, and a determination is made that the relationship does not impair professional judgment after consultation with another Kentucky Licensed Pastoral Counselor or other similarly credentialed clinical counselor licensed in Kentucky, incur a risk of exploitation of the student or supervisee, or otherwise violate a provision of this administrative regulation, a Kentucky Licensed Pastoral Counselor shall take appropriate professional precautions to ensure that judgment is not impaired and exploitation of the student or supervisee does not occur.[~~If a dual relationship cannot be avoided, a pastoral counselor shall take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs.~~]

3. The consultation described in subparagraph 2., supra, shall not be required where the existence of the dual relationship is substantially attributable to the licensee's vocation or profession aside from pastoral counseling.

4.[~~3.~~] A Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall not provide pastoral counseling to a student, employee or supervisee.

5.[~~4.~~] A Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall not engage in a sexual[~~intimacy~~]relationship with, or have any intimate contact of a sexual nature with, a student or supervisee.

(3) A Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall not knowingly permit a student or supervisee to perform or to hold themselves[~~himself~~] out as competent to perform professional services beyond their[~~his~~] level of training, experience, and competence.

(4) A Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall not disclose a student's or supervisee's confidence except:

(a) As mandated, or permitted by law;

(b) To prevent a clear and immediate danger to a person or persons;

(c) If the pastoral counselor is a defendant in a civil, criminal, or disciplinary action arising from the supervision, the student's or supervisee's confidence may be disclosed only in the course of that action;

(d) In an educational or training setting if there are multiple supervisors, to other professional colleagues who share responsibility for the training of the supervisee if such disclosure is reasonably necessary for the purpose of supervision; or

(e) If there is a waiver previously obtained in writing, information shall be revealed only in accordance with the terms of the waiver.

Section 5. Financial Arrangements.

(1) A Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall make financial arrangements with a client, third-party payer, or supervisee that are reasonably understandable and conform to accepted professional practices.

(2) A pastoral counselor shall:

(a) Not offer or accept payment for referrals;

(b) Not charge excessive fees for services;

(c) Disclose their[~~his~~] fees to clients and supervisees at the beginning of services; and

(d) Represent facts truthfully to clients, third-party payers, and supervisees regarding services rendered.

Section 6. Advertising.

(1) A Kentucky Licensed Pastoral Counselor[~~licensed pastoral counselor~~] shall:

(a) Accurately represent their[~~his~~] education, training, and experience relevant to their[~~his~~] practice of pastoral counseling; and

(b) Not use professional identification, including a business card, office sign, letterhead, or telephone or association directory listing if it includes a statement or claim that is false, fraudulent, misleading, or deceptive pursuant to subsection (2) of this section.

(2) A statement shall be false, fraudulent, misleading, or deceptive if it:

(a) Contains a material misrepresentation of fact;

(b) Fails to state a material fact necessary to make the statement, in light of all circumstances, not misleading; or

(c) Is intended to or is likely to create an unjustified expectation.

Section 7. Professional Competence and Integrity. A Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~] shall maintain standards of professional competence and integrity and shall be subject to disciplinary action as provided in KRS 335.635, for any of the following:

(1) Upon conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor related to their[~~his~~] practice as a Kentucky Licensed Pastoral Counselor[~~pastoral counselor~~]. The foregoing term "conviction"[~~Conviction~~] shall also include outcomes[~~conviction~~] based on:

(a) A plea of no contest or an "Alford Plea"; or

(b) The suspension or deferral of a sentence or conditional discharge;

(2) If their[~~his~~] license or certificate to practice in a mental health profession issued by another state's regulatory agency has been suspended or revoked;[~~disciplined, or had a license or certificate to practice denied, by that state's regulatory agency;~~]

(3) If their[~~his~~] license or certificate to practice in a mental health profession issued by another Kentucky regulatory agency has been suspended or revoked;[~~disciplined or had a license or certificate to practice denied, by that Kentucky regulatory agency;~~]

(4) Upon a showing of impairment due to mental or physical incapacity, or the abuse of alcohol or other substances which may negatively impact the practice of pastoral counseling;

(5) If they[~~he~~] misrepresented or concealed a material fact in obtaining a license,[~~or~~] seeking reinstatement of a license, or seeking renewal of a license;

(6) If they[~~he~~]have[~~has~~] refused to comply with an order issued by the board;[~~ or~~]

(7) If they[~~he~~]have[~~has~~] failed to cooperate with the board by not:

(a) Furnishing in writing a complete explanation to an initiating complaint filed with the board;

(b) Complying with the board's requests for additional documentation or supporting materials when such requests are made;

(c)[~~(b)~~] Appearing before the board or a designated representative of the board at the time and place designated; or

(d)[~~(c)~~] Properly responding to a subpoena issued by the board; or[~~.~~]

(8) If they have violated[~~Violated~~] any provision[~~statutory or regulatory section~~] of KRS Chapter 335.600 through .699[~~335.~~], or any administrative regulation promulgated by the board.

Section 8. Telehealth. A Kentucky Licensed Pastoral Counselor providing services via telehealth or other technology-assisted means shall:

(1) Verify the physical location of the client at the outset of each telehealth encounter and ensure that the provision of services is consistent with the licensure and practice requirements of the jurisdiction in which the client is located;

(2) Obtain informed consent specific to telehealth service delivery, including disclosure of the platform's security and confidentiality limitations, potential risks unique to remote service provision, and the client's right to decline telehealth in favor of in-person services where available;

(3) Maintain a documented protocol for responding to emergencies or crises arising during a telehealth encounter, appropriate to the counselor's inability to provide immediate physical presence, and communicate the substance of this protocol to the client during the informed consent process; and

(4) Utilize technology platforms that meet applicable confidentiality and security standards, including compliance with the Health Insurance Portability and Accountability Act (HIPAA) where applicable.

201 KAR 38:060
MARGARET BROOKS, Chair

APPROVED BY AGENCY: August 31, 2026

FILED WITH LRC: October 13, 2026 at 11:13 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 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 December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Name: 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, Mental Health, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a code of ethics applicable to all Kentucky Licensed Pastoral Counselors.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because it provides a clear understanding of certain actions which can subject the licensee to discipline pursuant to KRS 335.635.

(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 335.615(5) specifically to establish a code of ethics by promulgation of administrative regulation; and KRS 335.615(6), which empowers the Board to promulgate administrative regulations to carry out the provisions of KRS 335.600 through .699.

(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 a code of ethics applicable to licensees, which is a duty imposed on the Board via statute.

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

(a) How the amendment will change this existing administrative regulation: This amendment adds a record retention period; lengthens the amount of time after which any sexual relationship between a licensee and former client is forbidden; imposes a consultation requirement in certain circumstances involving dual relationships, in order to ensure that the licensee's professional judgment is not impaired by the relationship; enlarges the scope of prohibited sexual or intimate contact between a licensee and someone under their supervision; makes it unethical for a licensee to fail to respond to any request from the Board; and

establishes a new code of ethics for telehealth in the conduct of the profession.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to strengthen the ethical conduct required of licensees, including specifically those licensees who are engaged in telehealth.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation amendment conforms with the Board's authority in KRS 335.615(5) specifically to establish a code of ethics by promulgation of administrative regulation; and KRS 335.615(6), which empowers the Board to promulgate administrative regulations to carry out the provisions of KRS 335.600 through .699. Nothing about the subject matter of this amendment falls outside the scope of the foregoing.

(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 licensees with specific ethical requirements and expectations regarding their professional services.

(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 approximately 40-45 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: Licensees will need to ensure that their conduct conforms with the provisions 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): There is not expected to be any cost for compliance with this amendment, although licensees may elect to incur storage costs for former client records which are now subject to a specific retention period.

(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 their ethical requirements.

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

(a) Initially: There will be no 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 335.615(6) requires the Board to promulgate administrative regulations to implement the purposes of KRS 335.600-.699. KRS 335.615(5) requires the Board to promulgate an administrative regulation that sets forth a code of ethics for licensees.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 335.615(5) requires the Board to adopt a code of ethics for licensees via promulgation of an administrative regulation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Pastoral Counselors 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 in the first year.

For subsequent years: There are no revenues anticipated in subsequent years.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): 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 anticipated to any entity in (3)(a), (4)(a), or (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 Private Investigators
(Amendment)

201 KAR 41:040. Fees.

RELATES TO: KRS 329A.025, 329A.040(1)(b), 329A.045(4), 329A.070(9)

STATUTORY AUTHORITY: KRS 329A.025(2)(b), 329A.040(1)(b), 329A.045(4), 329A.070(9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 329A.025(2)(b) requires the board to establish fees associated with the licensure of private investigators and private investigating companies. 329A.040(1)(b) requires the board to establish an application fee for licensure and for state criminal history background checks. KRS 329A.045(4) requires the board to establish a license renewal fee and late fee. This administrative regulation establishes the application and related fees, the licensure renewal and late fees, and the fee procedure for the licensure examination.

Section 1. Private Investigator Application Fees. An individual applicant for licensure as a private investigator shall submit an initial licensure fee of $400.[the following fees:]

(1)

[(a)] [The initial application fee for licensure as a private investigator shall be $400.]

[(b)] The fee shall be submitted to the board as follows:

(a)[1.] $100 shall be due within thirty (30) days of submission of the application. This fee shall be non-refundable; and

(b)[2.] $300 shall be due at the time the applicant submits proof of a passing examination score. This fee shall be refunded if the applicant is denied a license.

(2)

[(a)] The fee for the criminal history, background check, and fingerprinting shall be remitted to the Kentucky State Treasurer in an amount pursuant to 502 KAR 30:060 and 28 C.F.R. 16.33.

[(b)] [Contact the Department of Professional Licensing for the current fee amount or check the board's Web site at http://kpi.ky.gov/Pages/default.aspx.]

Section 2. Private Investigator Company Application Fees.

(1) In addition to the individual licensure fees established above, the [The] initial application fee for licensure as a private investigator company shall be:

(a) $100 for a sole proprietorship; or

(b) $400 for a firm, association, partnership, corporation, nonprofit organization, or institution.

(2) The initial application fee shall be submitted within thirty (30) days of the application.

Section 3. Examination Fee.

(1) The examination fee shall be the actual amount charged by the examination service for the examination pursuant to a contractual agreement with the board.

(2) The examination fee shall be paid directly to the examination service.

Section 4. Biennial Renewal License Fee.

(1) The fee for renewal of a private investigator license shall be $250.

(2) The fee for renewal of a private investigating company license shall be $250.

Section 5. Late Renewal Fee.

(1) Late renewal fees shall be in addition to license renewal fees established in Section 4 of this administrative regulation.

(2) The fee for late renewal of a private investigator license, submitted for renewal between July 1 and September 1[August 31], shall be $100[$250].

(3) The fee for late renewal of a private investigating company license, submitted for renewal between July 1 and September 1[August 31], shall be $100[$250].

Section 6. Reinstatement Fee.

(1) Reinstatement fees shall be in addition to license renewal fees established in Section 4 of this administrative regulation and late renewal fees established in Section 5 of this administrative regulation.

(2) The fee for reinstatement of a private investigator's license terminated pursuant to KRS 329A.045(8) shall be $250[$100].

(3) The fee for reinstatement of a private investigating company license terminated pursuant to KRS 329A.045(8) shall be $250[$100].

Section 7. Inactive Status Fee.

(1) The fee for placing a license in inactive status shall be $100.

(2) The fee for renewal of a license in inactive status shall be $100.

(3) The fee to reactivate an inactive license pursuant to 201 KAR 41:065 shall be $250.

Section 8. Duplicate License Fee. The fee for a duplicate license or certificate shall be twenty-five (25) dollars.

Section 9. Continuing Education Program Application Fee.

(1) The annual fee for an application for approval of a continuing education program shall be fifty (50) dollars.

(2) The fee shall be applicable to all continuing education providers except those who do not require board approval pursuant to 201 KAR 41:070, Section 3.

Section 10. Temporary Employee Registration Fee. A private investigator or private investigating firm employing a person for less than 240 hours per year pursuant to 201 KAR 41:100 shall pay a fee of twenty (20) dollars per temporary employee at the time of registration.

LESA WATSON, Chair

APPROVED BY AGENCY: October 1, 2026

FILED WITH LRC: October 1, 2026 at 3:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 9:00 a.m., eastern time, in the Kentucky Board of Licensure for Private Investigators, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026, at 11:59 p.m., eastern time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Jennifer Wolsing, Attorney, Kentucky Board of Licensure for Private Investigators 500 Mero Street, 2nd Floor Frankfort, Kentucky 40601Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

Subject Headings: Licensing, Occupations and Professions,

Private Investigations

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the necessary application, renewal, and reactivation fees for private investigators' licenses.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because the Board relies on fees to carry out its statutory mandates.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 329A.025(2)(b) expressly authorizes the board to promulgate administrative regulations establishing fees for the purposes of carrying out its statutory mandate.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes fees to carry out the board's statutory mandate, which is authorized by KRS 329A.025.

(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 reduces the late application fee from $250 to $100. The amendment increases the reinstatement fee from $100 to $250.

(b) The necessity of the amendment to this administrative regulation: This proposed amendment is necessary to ensure that Kentucky's private investigation licensure fees conform with similar fees in neighboring states.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 319A.025 authorizes the board to promulgate administrative regulations establishing fees in order to carry out its statutory mandates. This proposed amendment adjusts those fees to conform to fees in neighboring states.

(d) How the amendment will assist in the effective administration of the statutes: This proposed amendment will help the board carry out its statutory mandates by establishing fair licensure fees.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect an unknown number of applicants for licensure as private investigators. This regulation will also affect 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: Licensure applicants will pay less if they submit a late application. Licensure applicants will pay slightly more if they seek to reinstate their licenses.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Licensure applicants already had to pay certain fees. This amendment reduces the late application fee from $250 to $100. The amendment increases the reinstatement fee from $100 to $250.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will keep Kentucky in line with private investigator licensing fees in neighboring jurisdictions.

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

(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.

(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Any department costs of implementation will be met with existing agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Licensure applicants already had to pay certain fees. This amendment reduces the late application fee from $250 to $100. The amendment increases the reinstatement fee from $100 to $250.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees increased by this amendment.

(10) TIERING: Is tiering applied? No, tiering is not applied because all licensees are impacted equally by this regulatory amendment.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 329A.025(2)(b).

(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 Licensure for Private Investigators.

(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.

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Prospective licensees will be impacted by this proposed regulatory amendment.

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

1. Expenditures:
For the first year: Licensees seeking reinstatement will expend $150 more in order to reinstate their licenses.
For subsequent years: Licensees seeking reinstatement will expend $150 more in order to reinstate their licenses.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: Late license applicants will save $150 when applying late.
For subsequent years: Late license applicants will save $150 when applying late.

(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 reduces the late application fee from $250 to $100. The amendment increases the reinstatement fee from $100 to $250. It is anticipated that the cost savings and expenditures for licensees will cancel one another out.

(b) Methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.

(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

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

BOARDS AND COMMISSIONS
Board of Licensure for Private Investigators
(Amendment)

201 KAR 41:100. Verification of limited employees.

RELATES TO: KRS 329A.025, 329A.070
STATUTORY AUTHORITY: KRS 329A.025(2), 329A.070(9)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 329A.025(2) and 329A.070(9) require the board to establish a fee and a method of verification of the number of hours worked by a limited employee who works under the direction of a private investigator or private investigating firm licensed by the board. This administrative regulation establishes a fee and method for this verification.

Section 1. Definitions.
(1) "Limited employee" means a person who engages in private investigating for a licensed private investigator or licensed private investigating firm for less than 240 hours per year.
(2) "Private investigating" is defined by KRS 329A.010(4).

Section 2. Registration of Limited Employees.
(1) Within five (5) business days of hiring, a licensee of the board shall file with the board a Limited Employee Registration form for each limited employee who works for that licensee under the exemption in KRS 329A.070(9). The Limited Employee Registration form shall be accompanied by payment of a twenty (20) dollar fee per limited employee registered and documentation providing the results of a national background check on the limited employee.
(2) The board shall assign the limited employee a tracking number that the licensee shall use on all reporting forms.
(3) A licensee shall file a Limited Employee Registration form with the Board to update a limited employee's information, if changed, or upon termination of employment.
(4)
(a) Each licensee shall maintain a daily log listing the dates and hours worked for each limited employee.
(b) Within five (5) business days of the board's request, the licensee shall provide the daily log to the board.
(5) A limited employee may work for more than one (1) licensee during a one (1) year period. Each licensee employing that person shall comply with the requirements of this administrative regulation.

Section 3. Annual Reports. Between December 1st and December 31st each year, the licensee shall submit to the board an Annual Limited Employee Report listing each registered limited employee and the number of hours each limited employee worked during that year.

Section 4. Registration Renewal.
(1) Limited employee registration shall expire one (1) year from the date of issuance. To renew, a licensee shall submit a Limited Employee Registration form listing each registered limited employee to be renewed and payment of the twenty (20) dollar fee per limited employee registered no later than forty-five (45) days prior to the expiration date.
(2) Failure to timely submit the fee payment or the Limited Employee Registration form shall automatically suspend the limited employee's licensure exemption under KRS 329A.070(9) until the board receives and processes the payment and completed Limited Employee Registration form.

Section 5. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Limited Employee Registration", 5/2018; and
(b) "Annual Limited Employee Report", 5/2018.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Private Investigators, 500 Mero Street,[~~911 Leawood Drive,~~] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.201 KAR 41:100

LESA WATSON, Chair

APPROVED BY AGENCY: October 1, 2026
FILED WITH LRC: October 1, 2026 at 3:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 9:00 a.m., eastern time, in the Kentucky Board of Licensure for Private Investigators, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026, at 11:59 p.m., eastern time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:
CONTACT PERSON: Jennifer Wolsing, Attorney, Kentucky Board of Licensure for Private Investigators 500 Mero Street, 2nd Floor Frankfort, Kentucky 40601Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing Phone: (502) 401-7617 Email: jennifer.wolsing@ky.gov

Subject Headings: Licensing, Occupations and Professions, Private Investigations
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the process for verification of the number of hours worked by an employee under the direction of a licensee, pursuant to KRS 329A.070(9),
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish a verification process as required by KRS 329A.070(9).
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes a process for licensees to register employees working under their direction pursuant to KRS 329A.070(9) and for the board to verify the number of hours each registered employs works on an annual basis.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 319A.025 authorizes the board to promulgate administrative regulations establishing fees in order to carry out its statutory mandates. This administrative regulation sets fees, which are used to carry out the board's statutory mandates.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment requires licensees to conduct background checks on temporary or limited employees.
(b) The necessity of the amendment to this administrative regulation: This proposed amendment is necessary to ensure that Kentucky's limited private investigators are properly vetted prior to employment.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 319A.025 authorizes the board to promulgate administrative regulations establishing fees in order to carry out its statutory mandates. This proposed amendment adjusts those fees to conform to fees in neighboring states.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation is necessary to establish a verification process as required by KRS 329A.070(9).

(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 estimated 105 private investigation businesses, if those businesses choose to hire limited employees. This could also affect the board's 415 individual licensures. With an individual license, one could work for someone's PI company or have his or her own business as a self-proprietor.

(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: Private investigation businesses will need to conduct a background check in order to verify the backgrounds of any limited employees that the businesses choose to hire.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): A national background check costs approximately $100 per person.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will ensure that all private investigators are properly checked before hire.

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

(a) Initially: There are no anticipated initial costs to administer this regulatory amendment.

(b) On a continuing basis: There are no anticipated continuing costs to administer this regulatory amendment.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Any department costs of implementation will be met with existing agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding from the agency for implementation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees increased by this amendment.

(10) TIERING: Is tiering applied? Tiering is not applied because all licensees are treated equally by the proposed amendment.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 329A.025(2)(b).

(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 Licensure for Private Investigators

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This proposed regulatory amendment will not affect local entities.

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Private investigation businesses will be impacted by this regulation if they choose to hire limited or temporary employees.

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

1. Expenditures:
For the first year: $100 per limited employee.
For subsequent years: $100 per limited employee.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

(a) Fiscal impact of this administrative regulation: This amendment may cost certain businesses an additional fee of $100 per limited employee.

(b) Methodology and resources used to reach this conclusion: The text of the proposed amendment states that each limited employee must undergo a background check. Background checks are, on average, $100 per person.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No.

(b) The methodology and resources used to reach this conclusion: Please see the answer to (5)(a).

INDEPENDENT ADMINISTRATIVE BODIES
Lottery Corporation
(Amendment)

202 KAR 3:030. Retailers.

RELATES TO: KRS Chapter 154A

STATUTORY AUTHORITY: KRS 154A.050(1)(d), 154A.400(1)(b)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 154A.400(1) requires the Kentucky Lottery Corporation to develop and maintain a statewide network of lottery retailers that will serve the public convenience to promote the sale of lottery products, while ensuring[~~insuring~~] the integrity of the lottery. To govern the selection of lottery retailers, KRS 154A.400(1)(b) requires the Board of Directors of the Kentucky Lottery Corporation to develop a list of objective criteria upon which the selection of lottery retailers shall be based. This administrative regulation lists the objective criteria upon which the selection of lottery retailers shall be based.

Section 1. Definitions.

(1) "Applicant" means the individual or entity applying for a license to sell lottery products.

(2) "Board" means the Board of Directors of the KLC as established by KRS 154A.030(1).

(3) "Cashing agent" means a retailer who has signed a "Retailer License Agreement Addendum for Cashing Agents" and who is authorized [~~and required~~] to cash lottery products of a value authorized by the KLC, up to and including $25,000[~~, during KLC's business hours (8:00 a.m. EST to 5:00 p.m. EST)~~].

(4) "Draw-based product" means:

(a) Any KLC ticket or product in which the player may determine if the player has won or lost after the drawing in which the prize was won; or

(b) Any other KLC ticket or product generated by the retailer terminal.

(5) "Draw-based retailer" means a retailer that only sells [~~one (1) or more~~] draw-based products.

(6) "Instant product" means any KLC ticket or product in which the player may determine instantly if the player has won or lost and which is not generated by the retailer terminal, including a "Scratch-off" product.

(7) "KLC" means the Kentucky Lottery Corporation.

(8) "Licensing documents" means the:

(a) Application for Retailer License;

(b) Retailer License Agreement;

(c) Retailer License Agreement Addendum for Cashing Agents; and

(d) Retailer License Certificate.

(9) "Lottery equipment and supplies" means all lottery devices and materials provided to retailers by the KLC or its vendors: including terminals, monitors, ticket checkers, communication devices, advertising materials, play slips, play centers, vending machines, signage, ticket stock, and ticket dispensers.

(10) "Lottery product" means any KLC draw-based product, instant product, or a coupon issued by the KLC for a draw-based or instant product sold or distributed at a retail outlet or directly by the KLC.

(11) "Owner" means:

(a) An individual or sole proprietor;

(b) A partner;

(c) A member of a limited liability company;

(d) An officer;

(e) A director; or

(f) A shareholder of a corporation, except that, in the case of owners of equity securities of a publicly-traded corporation, only the names and addresses of those known to the corporation to own beneficially five (5) percent or more of the securities.

(12) "Retailer" is defined by KRS 154A.010(7) and includes the following:

(a) An individual or sole proprietorship;

(b) A limited or general partnership, including a registered limited partnership;

(c) A limited liability company;

(d) A corporation;

(e) A trust;

(f) Other entity, business, or enterprise; or

(g) The owner of a retailer.

(13) "Retailer handbook" means the handbook made available to retailers by the KLC, which describes KLC's billing, ticket validation and ordering procedures, payments to retailers, lottery products, and the operation and maintenance of lottery equipment and supplies.

(14) "Retailer License" means the ability to sell lottery products to the public and is identified through the issuance of a Retailer License Certificate.

(15) "Retailer License Agreement" means the agreement executed by the retailer and the KLC, setting forth the terms and conditions under which the Retailer License is issued.

(16) "Scratch-off product" means a preprinted ticket on which the game play area is uncovered by removing the scratch-off material to reveal whether the player won a prize.

Section 2. Conditions of Licensing. As a condition to be licensed to sell lottery products and to act as a retailer, each applicant shall be deemed to have agreed to the following conditions:

(1) Compliance with law. To fully comply with applicable laws, rules and regulations of the United States, including the Americans with Disabilities Act (ADA) (42 U.S.C. 12101 et seq.), the Commonwealth of Kentucky and its political subdivisions, including KRS Chapter 154A and 202 KAR Chapter 3, and with all policies, procedures, rules, directives, and instructions of the KLC, including applicable licensing documents and the Retailer Handbook, all as may be amended.

(2) Sale and cashing of lottery products.

(a) To offer for sale throughout the retailer's business hours in a manner convenient and accessible to the public, and to actively promote the sale of, in a manner consistent with the directives of the KLC (including the display of KLC point-of-sale materials, signs or other displays,) all lottery products the retailer is authorized to sell, and to abide by all promotional guidelines promulgated by the KLC;

(b) To sell all lottery products at the price established by the KLC, unless authorized by the KLC in writing, and to neither charge nor attempt to charge a lottery player more for the purchase of a lottery product than the price established by the KLC, including a fee for the use of a debit or credit card to purchase a lottery product unless the retailer applies the same fee to all purchases, lottery and non-lottery.

(c)[~~(b)~~] To only use ticket stock issued to the specific retail outlet, unless otherwise authorized by the KLC;

(d)[~~(c)~~] To cash valid winning lottery products sold or issued by retailer or by another retailer up to the limit set for the retailer by Sections 3(3) and 7 of this administrative regulation, or in an amount as otherwise authorized by the KLC in a manner consistent with the directives of the KLC throughout the retailer's business hours, by making a cash payment, or by issuing a check or money order;

(e)[~~(d)~~] To neither charge nor ask for a fee, tip, tax, or anything of value for cashing a lottery product pursuant to subsection 2(b) above[~~or for cashing a check or money order issued by retailer's retail outlet for payment of a prize~~];

(f)[~~(e)~~] Upon request by a lottery player and when the lottery product is validated, to provide a lottery player with a copy of the validation slip for the lottery product presented; and

(g)[~~(f)~~] To accept all valid coupons or promotional credits issued by the KLC and give the bearer of the coupons or promotional credits lottery products or merchandise in accordance with the terms of the lottery coupons or promotional credits.

(3) Training of retailer personnel. To require its employees to attend all training sessions and review training materials offered by the KLC or its vendors, as needed, to effectively perform its responsibilities as a KLC retailer.

(4) Accounting records. To maintain for the prior and current fiscal year (July 1 through June 30) current, accurate, and detailed accounting records of every operation and transaction relating to the sale, cashing, or maintenance of lottery products in conformance with the directives of the KLC, and as otherwise required by law. The records shall be made available to KLC representatives or agents, the Commonwealth of Kentucky's Auditor of Public Accounts, and to any other person as otherwise required by law.

Section 3. Licensing.

(1) In general.

(a) An applicant for a Retailer License shall complete, sign, and submit:

1. An application for Retailer License, including an acknowledgement that the KLC may conduct the criminal, financial, and other background investigations required by Section 5 of this administrative regulation at any time during any term of the Retailer License Agreement with or without notice to the retailer;

2. A Retailer License Agreement; and

3. If a cashing agent, a Retailer License Agreement Addendum for Cashing Agents.

(b) Upon submission of an application for Retailer License, applicants who have met the licensing criteria established in the criminal, financial, and other background investigations in Section 5[~~an applicant~~] shall be charged[~~tender~~] a $250 fee, which shall be nonrefundable, except as provided in Section 5(5)(a)2 and (b)3 of this administrative regulation. This fee shall be included with the applicant's first billing statement and collected through the applicant's first retailer payment sweep from the account established in Section 8(1) of this administrative regulation.

(c) There shall be a $100 fee per new retail outlet for an existing chain retailer, which shall be collected through the applicant's first

billing statement and collected through the applicant's first retailer payment sweep from the account established in Section 8(1) of this administrative regulation.

(d) Criminal, financial, and other background investigations shall be conducted in accordance with Section 5 of this administrative regulation for the applicant and each owner of the applicant. If the KLC determines that the applicant or an owner of the applicant does not meet the criteria established in KRS Chapter 154A and in this administrative regulation for the issuance of a Retailer License, the applicant shall be notified in writing, and the Retailer License shall be denied.

(e) Upon satisfactory completion of the criminal, financial, and other background investigations pursuant to paragraph (d) of this subsection, the KLC may:

1. Sign a Retailer License Agreement with the successful applicant; and

2. Issue a Retailer License Certificate for the successful applicant.

(f) Unless earlier terminated by the terms of the Retailer License Agreement in accordance with KRS Chapter 154A or Section 9 of this administrative regulation, the Retailer License Agreement shall be in effect for an initial one (1) year term from the date it is signed by the KLC. At the end of the initial one (1) year term, the Retailer License Agreement shall automatically renew for additional successive one (1) year terms, not to exceed four (4) years from the date the Retailer License Agreement was signed by the KLC. At the expiration of the four (4) years, unless the Retailer License Agreement was earlier terminated, the retailer shall seek relicensing pursuant to subsection (4) of this section.

(2) Special rules relating to chain retailers. More than one (1) retail outlet with identical owners may be treated as one (1) chain retailer. Each retail outlet shall be issued a separate retailer number and a Retailer License. The KLC may issue one (1) billing statement for all retail outlets or separate billing statements for each retail outlet. If the chain retailer wishes to add a new retail outlet, the chain retailer shall not be required to undergo a new background investigation.

(3) Special rules relating to cashing agent privileges[~~agents~~].

(a) The KLC may designate one (1) or more retailers as cashing agents. A cashing agent shall sign a Retailer License Agreement Addendum for Cashing Agents for cashing lottery products of a value up to an amount authorized by the KLC, not to exceed $25,000. If[~~internet is available and if~~] the KLC determines internet is necessary and in the best interest of the KLC to complete the claim process, the retailer may be required to maintain internet access during KLC's business hours.

(b) All cashing agents shall:

1. During the KLC's business hours, cash validated winning lottery products by making a cash payment, [~~or by~~] issuing a check or money order;

2. Follow all KLC practices and procedures; and

3. Take all reasonable steps necessary to protect a player's private information, including address, telephone number, Social Security number, [~~and~~] birth date, and any other information provided on a claim form from public disclosure or any disclosure beyond that which is necessary for awarding the prize to the player. If any private information is disclosed, the KLC shall be immediately notified.

(c) Employees and owners of a retailer with cashing agent privileges shall not cash their own winning lottery products at any retailer location with cashing agent privileges if they are an owner or employee of that retailer.

(d) The KLC may terminate a retailer's [~~status as a~~] cashing agent privileges with or without revocation of the retailer's Retailer License in its discretion, with or without cause.

(4) Relicensing.

(a) At least ninety (90) days prior to the expiration of the Retailer License Agreement as established in subsection (1)(f) of this section, each retailer shall seek relicensing by completing the application process in subsection (1) of this section, except the retailer shall not be required to tender the fees required by subsection (1)(b) and (c) of this section. If the retailer is a cashing agent, the retailer shall also complete the process in subsection (3) of this section.

(b) If a retailer continues to sell lottery products beyond the term of the Retailer License Agreement, the retailer shall be deemed in violation of the Retailer License Agreement and continue to be liable to the KLC for all products sold.

(5) Change in Information. A retailer shall promptly notify the KLC of a change in information previously given to the KLC. For a complete or partial change in ownership, the retailer shall comply with Section 4 of this administrative regulation.

Section 4. Rules for Change in Ownership.

(1) Special rules relating to transfer of ownership of existing retailers.

(a) A Retailer License shall not be sold, transferred, assigned, pledged, or otherwise conveyed.

(b) A retailer shall give thirty (30) days prior written notice to the KLC of its intent to vacate or convey its retail outlet or business, change its location, or change the form of the business of the retailer. Retailer acknowledges that a complete change in ownership shall be accomplished by tendering to the KLC:

1. The document required in section 3(1)(2) and (3) of this administrative regulation[~~An application for Retailer License~~];

[~~2.~~] [~~A Retailer License Agreement;~~]

[~~3.~~] [~~If a cashing agent, a Retailer License Agreement Addendum for Cashing Agents;~~]

2.[~~4.~~] The fees required by Section 3(1)(b) and (c) of this administrative regulation; and

3.[~~5.~~] Proof of conveyance documentation acceptable to the KLC.

(c) The KLC may, for a period not to exceed sixty (60) days, temporarily license an owner or applicant who has acquired the retail outlet or business of an existing retailer, so that the sale of lottery products will not be interrupted during the application process. The temporary licensing of an owner or applicant to sell lottery products shall not limit the KLC's right to exercise its discretion regarding issuance of a Retailer License to the owner or applicant. If the retail outlet or business of a retailer is conveyed and the sale of lottery products continues without issuance of a temporary or new Retailer License to the acquiring owner, the conveying retailer and the acquiring owner shall be jointly and severally liable for all debts and other obligations incurred to the KLC prior to and after the conveyance, and shall remain liable for all debts and other obligations until paid.

(d) In addition to other grounds for denial of a Retailer License or termination of a Retailer License Agreement, the KLC may deny issuance of a Retailer License to an owner or applicant acquiring or seeking to acquire the retail outlet or business of a retailer, until all debts and other obligations of the conveying retailer to the KLC are paid in full. The KLC may consider in its determination of the financial responsibility of the acquiring owner, the connection of the owner or related entity with any retailer whose Retailer License was suspended or canceled due to a default in its obligations to the KLC.

(2) Special rules relating to a partial change in ownership of a retailer.

(a) To the extent possible, retailers shall provide the KLC with thirty (30) days prior written notice of any partial change in owners, and in any event, shall provide the KLC with written notice within fifteen (15) days after any partial change in owners. Failure to do so may result in termination of the [~~retailer's~~] Retailer License. Written notice of a partial change shall be accomplished by tendering to the KLC a new application for Retailer License and a fee in the amount of fifty (50) dollars.

(b) The KLC shall conduct background and financial investigations of and make inquiries of the Kentucky Revenue Cabinet regarding a new owner of retailers in accordance with Section 5 of this administrative regulation.

Section 5. Requirements and selection criteria for applicants, retailers, and owners.

(1) Criminal and other background investigations. The KLC may investigate, at any time and during any license term, the criminal and other background history of, and existence of any statutory or regulatory violations by, an applicant, an owner, a retailer seeking relicensing, a retailer seeking licensing due to a complete change in ownership, an applicant seeking licensing due to the prior

termination of a retailer license at the same location, or a retailer reporting a partial change in ownership.

(a) The KLC may, unless required by statute, deny the application of an applicant, and suspend or revoke the license of an existing retailer:

1. For any reason established in KRS 154A.400 for denying the issuance of a Retailer License;

2. For any reason established in KRS 154A.410(1) for terminating an existing Retailer License Agreement;

3. For a conviction[~~If the applicant, owner, or retailer has been convicted~~] of any offense that relates to or may adversely impact the security or integrity of, or public confidence in, the KLC or its retailers. The KLC shall consider:

a. The physical and fiscal security of the KLC and its retailers and the integrity of the KLC's games;

b. Public perception of and public confidence in the KLC and its retailers; and

c. Other relevant factors;

4. If an applicant, owner, or retailer has been found by the Chief Financial Officer or their[~~his~~] designee to have made a statement of material fact to the KLC while the person was serving as a previous owner or related entity, and the person knew or should have known that the statement was false or untrue in any respect, unless at least ten (10) years have passed since the statement was made;

5. If an applicant, owner, or retailer has been found by the Chief Financial Officer or their[~~his~~] designee to have provided false or misleading information, or failed to provide material information the failure of which to provide is false or misleading, to the KLC or to a law enforcement agency with respect to obtaining or retaining a Retailer License;

6. If an applicant, owner, or retailer provides products, services, or entertainment that may have an adverse effect upon the credibility, integrity, and reputation of the KLC;

7. If an applicant, owner, or retailer sells products, services, or entertainment that constitutes products or services deceptively similar to or in competition with the KLC's products or services; or

8. If an applicant, owner, or retailer does not demonstrate the ability to sell and continue to sell an acceptable level of lottery products.

(b) The KLC may permit the applicant or retailer a period of time, not to exceed thirty (30) days, to remove the person as owner or to correct the situation resulting in an unsatisfactory criminal, financial, or other background check.

(c) If an existing retailer is requesting a relicensing, seeking to open a new retail outlet, or is an entity related to an existing retailer, or who shares one (1) or more owners with an existing retailer, and facts are disclosed that would cause the KLC to deny an application for licensing or a relicensing if tendered by the existing retailer, the KLC may:

1. Immediately revoke or suspend all existing Retailer Licenses of the retailer in accordance with KRS Chapter 154A; or

2. Notify all the retailers that their licenses will be revoked within thirty (30) days if the conditions justifying revocation are not corrected.

(d) . The KLC may consider an applicant's previous application and retailer history, if applicable, when a new application is submitted by the same applicant of a previously denied application and there is no proof of a material change in the new application.

(2) Financial investigations.

(a) The KLC shall conduct a financial investigation of each applicant applying for a Retailer License, and of each retailer under consideration for licensing due to a change of ownership. In addition to information available from other sources, the KLC shall maintain, and shall review during each financial investigation, a database regarding existing, suspended, and canceled retailers and their owners. The KLC may consider in its determination regarding the financial responsibility of an applicant or retailer undergoing relicensing, the connection of the owner or related entity with any retailer whose Retailer License was suspended or canceled due to a default in its obligations to the KLC.

(b) If, as a result of financial investigation of the applicant or retailer and its owners, the KLC determines that a prospective or existing retailer poses a financial risk, the KLC may:

1. Deny the application or revoke the Retailer License in accordance with KRS 154A.410(2); or

2. License an applicant or permit an existing retailer to retain its Retailer License upon receipt of the letters of credit, bonds, personal guaranty agreements, or other security or assurances of payment as the KLC may deem satisfactory, in an amount based upon actual or potential sales.

(3) Kentucky Department of Revenue inquiries.

(a) Except as provided in Section 4(1)(c) of this administrative regulation, a Retailer License shall not be issued to an applicant which is not, or has an owner which is not, and a retailer shall not be permitted to retain a Retailer License which is not, or has an owner which is not, current in the payment of taxes, interest and penalties owed to, and current in filing of applicable tax returns with, the Commonwealth of Kentucky.

(b) A Retailer License shall not be issued to an applicant which has not previously been issued a federal employment tax identification number, or if the applicant is an individual, a Social Security number, and, if applicable, a Kentucky sales tax license number. The KLC shall confirm with the Kentucky Department of Revenue that an applicant for a Retailer License, and an existing retailer seeking relicensing, complies with this paragraph. The KLC shall rely upon information received from the Kentucky Department of Revenue. The KLC may permit an existing retailer a period of time not to exceed thirty (30) days within which to meet or cause the owner in question to meet its obligations with the Kentucky Department of Revenue prior to revocation of the [~~retailer's~~] Retailer License or prior to final denial of issuance of a relicensing of the Retailer License.

(4) Kentucky Secretary of State Inquiries. An applicant shall be registered and in good standing with the Kentucky Secretary of State if the applicant is a corporation or limited liability company.

(5) Selection criteria.

(a) In order to sell draw-based products, an applicant shall meet the following criteria:

1. Whether, based on historic traffic patterns in the geographic area of the proposed retail outlet, the applicant is likely to have sufficient sales of[~~equal to or in excess of $100 per week in~~] draw-based product; and

2. If the KLC determines that the applicant is not likely to have the expected draw-based product sales, the KLC may deny the applicant's application for a Retailer License[~~ and refund any license fee previously paid by the applicant~~].

(b) In order to sell instant products, an applicant shall meet the following criteria:

1. Whether, based on historic traffic patterns in the geographic area of the proposed retail outlet, the applicant is likely to have sufficient sales of[~~equal to or in excess of $300 per week in~~] draw-based and instant products;

2. Whether the applicant will agree to and has the physical space to carry a minimum of six (6) unique Scratch-off[~~instant~~] products at its retail outlet at all times; and

3. If the KLC determines that the applicant is not likely to have the expected draw-based and instant product sales, the KLC may deny the applicant's application for a Retailer License[~~ and refund any license fee previously paid by the applicant~~].

(c) Retailers shall sell both draw-based products and instant products unless specifically authorized by the KLC to sell [~~one (1) or more~~]draw-based products only based on the retailer's type of business.

(6) Storage of unsold products. A retailer shall store unsold lottery products and ticket stock in a safe and secure place to minimize the risk of loss, theft, damage, or destruction. The KLC may inspect, and require alteration or relocation of, the storage place.

(7) Reasonable access to lottery products, equipment, and supplies. A retailer shall provide the KLC with reasonable access to lottery products, equipment, and supplies upon reasonable notice.

(8) Game launch dates. A retailer shall adhere to the KLC's directive and policies on game launch dates and game activation dates for lottery products.

(9) Game end dates. A retailer shall adhere to the KLC's directives and policies on game end dates and return dates for lottery products. A retailer shall adhere to the KLC's directives on

return of unsold lottery products upon the announcement of game end dates.

(10)[(9)] Loss, destruction, or theft of lottery products, equipment, or supplies.

(a) A retailer shall promptly report to the Security Division of the KLC and to the appropriate local law enforcement agency, a loss, destruction, or theft of lottery products, equipment, or supplies and cooperate, and cause its employees to cooperate, fully with the investigations of the KLC's Security Division and law enforcement officials.

(b) The retailer shall be liable to the KLC for payment in full for all lottery products allegedly lost, destroyed, or stolen after activation of the relevant pack of products.

(c) Retailers shall receive reimbursement for activated products stolen during a robbery or burglary, if the Security Division and law enforcement each receive accurate game, pack, and ticket number ranges in a timely manner, followed-up by a copy of the police offense report submitted to the Security Division within ten (10) business days.

(11)[(10)] Security Review[Inspection] and Investigations. The KLC Security Division may review[inspect] the retail outlet to ensure that lottery products, equipment, and supplies are maintained in an environment that will minimize the risk of loss, theft, damage, or destruction. The KLC may require alteration of the environment or relocation of lottery products, equipment, or supplies if a security risk is evident. The retailer shall cooperate, and cause its[it] employees to cooperate, fully with all investigations of the KLC's Security Division and law enforcement officials.

Section 6. Lottery equipment and supplies.

(1) Criteria for allocation of lottery equipment and supplies.

(a) Installation and retention of lottery equipment and supplies at a retail outlet shall be determined by the KLC, based upon the following criteria, as appropriate:

1. The probable future or actual historic sales at the retail outlet relative to the installation costs of any lottery equipment and supplies and ongoing communications charges associated with any lottery equipment and supplies;

2. The retailer's and the retailer's owners' and related entities' history with the KLC;

3. The number of games carried by the retailer; and

4. The retailer's retail outlet, including business, location, size, and hours.

(b) In calculating the probable future or actual historic sales, the KLC shall consider:

1. Actual historic sales of the lottery products sought to be sold by similarly situated retailers; and

2. Total actual historic sales by the retailer in question.

(c) The KLC may establish initial fees and periodic charges with respect to installation or maintenance of lottery equipment and supplies.

(2) Title, placement, and removal of lottery equipment and supplies.

(a) Lottery equipment and supplies provided to retailers are and shall remain the property of the KLC or its vendors, and shall not be or become property of a retailer or person claiming an interest in lottery equipment and supplies through a retailer including, without limitation, the holder of any lien.

(b) Before placement of lottery equipment and supplies within a retailer's retail outlet, the retailer shall obtain KLC approval of the proposed location for the lottery equipment and supplies. The retailer shall not move, modify, or alter the equipment or supplies.

(c) The KLC shall have the right to enter a then-present or former retail outlet, during normal business hours, or at any other time with the consent of the holder of any interest in the real property on which the retail outlet is situated, to remove lottery products, equipment, and supplies.

Section 7. Prize Payments.

(1) Prize payments up to the applicable reporting threshold set forth in 26 U.S. Code Section 6041[and including $600]. During its business hours, a retailer may[shall] pay the nonminor holder of a validated winning lottery product the amount of the prize to which the winner is entitled, up to the sum that the KLC has authorized the retailer to pay, but the retailer shall not pay a prize greater than the amount which is above the applicable reporting threshold set forth in 26 U.S. Code Section 6041 which amount KLC is required to file a Form W-2G or a substantially equivalent form with the United States Internal Revenue Service[and including the sum of $600,]The retailer may pay the prize by making a cash payment, or by issuing a check or money order.

(2) Prize payments up to $25,000. The KLC may establish a network of cashing agents. [During the KLC's business hours,]Authorized[authorized] cashing agents may[shall] pay the nonminor holder of a validated winning lottery product the amount of the prize to which the winner is entitled, up to and including any sum that the KLC has authorized the cashing agent to pay, not to exceed the sum of $25,000, by making a cash payment, or by issuing a check or money order.

Section 8. Retailer Accounting.

(1) Lottery product purchases, billings, and payment. The KLC shall make available to all retailers detailed accounting procedures regarding purchases of and billings for lottery products, which procedures shall be deemed to be a part of the Retailer License Agreement. The KLC may establish payment terms, such as payment on demand, with individual retailers to address situations unique to those retailers. All proceeds from the sale of lottery products shall be deposited not later than the close of the next banking day after the date of their collection by the retailer and shall be held in an account designated, in writing, by the retailer to the KLC in the application for Retailer License. The account shall be in an institution insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation, or their successors. All proceeds of the sale of lottery products, net of credits for compensation due to retailers and for prizes paid by retailers, are the property of the KLC and shall be held by retailers in trust and in a fiduciary capacity for the benefit of the KLC.

(2) Credits. Retailers' accounts with the KLC shall be credited by the KLC in accordance with its retailer compensation policies, as established by the KLC pursuant to KRS 154A.050(1)(d)8.

(3) Delinquent accounts. In addition to all other rights and remedies available to the KLC at law or in equity, including the rights and remedies provided in KRS Chapter 154A, the KLC shall have the following rights and remedies:

(a) The right to set off against and recoup from sums due by the KLC to a delinquent retailer or owner any sums due the KLC by the delinquent retailer or owner, or by any other retailer in which the delinquent retailer or owner is an owner;

(b) The right to request the Commonwealth of Kentucky to set off against and recoup from sums due any delinquent retailer, owner, or other retailer which is in part owned by an owner of the delinquent retailer by the Kentucky Department of Revenue, any sums due to the KLC by the delinquent retailer;

(c) The right to require payment of all sums due the KLC by a retailer prior to issuance of a Retailer License to a new retailer at the same retail outlet; and

(d) The right to write off a retailer's obligations to the KLC, without releasing any retailer from its obligations for repayment of sums owed the KLC[, and reimburse its operating accounts in the amount of the write-off from a segregated account that may be established from all licensing fees received by the KLC, including any additional sums authorized for that purpose by the board. The board may increase or reduce the amount held in the segregated account].

Section 9. Termination or Suspension.

(1) Termination for cause. Unless required by statute, the KLC may terminate or suspend a retailer's Retailer License and Retailer License Agreement at any time, for good cause, upon a finding that:

(a) The retailer or an owner has committed any act or omission established in KRS 154A.410(1) for termination of a Retailer License Agreement;

(b) The retailer or an owner has committed any act or omission that would prevent the issuance of a Retailer License for any reason in this administrative regulation;

(c) The retailer or an owner has committed a material breach of any provision of its Retailer License Agreement with the KLC;

(d) The retailer or an owner has provided false or misleading information in obtaining or attempting to obtain a Retailer License and Retailer License Agreement;

(e) The retailer or an owner has been convicted of, or has entered a plea of guilty or nolo contendere, regardless of adjudication, to an offense punishable as a felony, or to any gambling-related offense, unless the time established in KRS 154A.400(1)(b)(3) has expired;

(f) The retailer or an owner has outstanding tax delinquencies owed to the federal government or any taxing authority within the Commonwealth of Kentucky;

(g) The retailer or an owner has jeopardized the integrity, security or efficient operation of the KLC;

(h) The ownership or location of the business has changed without providing prior notice to the KLC as provided in this administrative regulation;

(i) The retailer has failed to accurately account for lottery tickets, revenues, or prizes as required by the KLC;

(j) The retailer has failed to remit or is delinquent in remitting money owed to the KLC;

(k) The retailer or owner has committed any fraud, deceit, or misrepresentation to the KLC or to any individual purchasing a lottery ticket or tickets from retailer;

(l) The retailer has sold a lottery ticket or paid a prize to any person under eighteen (18) years of age;

(m) The retailer has sold a lottery ticket at any place other than the place authorized in its Retailer License;

(n) If required by statute, the retailer has not prominently displayed its Retailer License Certificate at the approved sales location;

(o) The retailer has not prominently displayed and maintained ticket and vending displays/dispensers and points-of sale materials provided by the Lottery;

(p) The retailer has not made point-of-sale information for lottery products accessible to the public;

(q) The retailer has sold tickets at a price other than established by the KLC;

(r) The retailer has cashed a ticket and paid a player less than the validated amount of the prize;

(s) The retailer or an owner has committed a material violation of any rule or administrative regulation promulgated by the KLC;

(t)[~~(s)~~] The retailer has violated any directive or instruction issued by the KLC;

(u)[~~(t)~~] The retailer or an owner has committed a material violation of KRS Chapter 154A;

(v)[~~(u)~~] The retailer's reputation is no longer consistent with the protection of the public interest;

(w)[~~(v)~~] The retailer has materially changed any factor considered by the KLC in selecting the retailer;

(x)[~~(w)~~] The retailer or an owner has engaged in conduct prejudicial to public confidence in the lottery;

(y) The retailer or an owner has failed to cooperate with an investigation of the Security Department;

(z)[~~(x)~~] The retailer has charged a fee or tip to redeem a lottery ticket or has required a customer to purchase another item in order to purchase a lottery ticket;

(aa)[~~(y)~~] The retailer has paid a prize valued greater than the retailer is authorized to cash by the KLC,[~~or the retailer has refused to cash a winning lottery prize, properly validated, up to the amount authorized by the KLC;~~] or

(bb)[~~(z)~~] The retailer has insufficient sales of lottery products.

(2) Termination without cause. The KLC may terminate a[~~retailer's~~] Retailer License and Retailer License Agreement without cause, upon thirty (30) days prior written notice.

(3) Termination by retailer. A retailer may terminate its Retailer License and Retailer License Agreement upon thirty (30) days prior written notice. The KLC may, at its option, elect to terminate a[~~the retailer's~~] Retailer License and Retailer License Agreement prior to the end of the thirty (30) day period.

(4) Effect of termination or suspension. If a retailer possesses multiple retail outlets, suspension or termination of one (1) outlet is grounds for suspension or termination of the others. Every obligation of a retailer to the KLC shall survive termination or suspension of the Retailer License and Retailer License Agreement. Upon termination or suspension of a Retailer License and Retailer License Agreement, the retailer shall immediately pay to the KLC all sums owed to the KLC and shall surrender to the KLC the[~~retailer's~~] Retailer License Certificate and all lottery products, equipment and supplies.

(5) Other remedies. In addition to the remedies of termination or suspension, the KLC may avail itself of any other remedies available to it at law or in equity, including, without limitation, injunctive relief.

Section 10. Retailer Remedies.

(1) Right to protest. An applicant for a Retailer License or a retailer aggrieved in connection with an action taken by the KLC pursuant to KRS Chapter 154A or this administrative regulation may protest, in writing, to the president of the KLC. The protest shall be submitted within thirty (30) calendar days after the aggrieved applicant or retailer knows or should have known of the facts giving rise to the protest. An applicant or retailer shall be deemed to have knowledge of the facts giving rise to the protest within thirty (30) days of the KLC's issuance of a written notification to the retailer or applicant for a Retailer License regarding the action or decision of the KLC.

(2) Effect of protest. If a timely protest is filed under this section and the action protested is the termination of a Retailer License, the Retailer License shall be temporarily suspended rather than terminated until all administrative and judicial remedies have been exhausted. In all other circumstances, the KLC's action or decision shall stand unless and until reversed or revised as a result of the protest.

(3) Action by President and Right to Appeal. The decision of the president shall be promptly issued in writing and shall be immediately furnished to the protesting person by hand-delivery, telecopier (with a hard copy sent by certified mail, return receipt requested,) certified mail (return receipt requested), or by appropriate electronic means. A notice shall be deemed received on the date hand-delivered or sent by telecopier, three (3) business days after deposit of the notice in the United States Mail, postage prepaid, if sent by certified mail, return receipt requested and upon receipt, if sent electronically. The decision shall recite the grounds relied upon by the president in reaching the decision and shall inform the protesting party of its further appellate rights under subsections (4) and (5) of this section. The president's decision shall be final and conclusive, unless within ten (10) calendar days from the date of receipt of the decision, the protesting party delivers a written appeal to the board, by hand, by telecopier (with a hard copy sent by certified mail, return receipt requested) or by certified mail, return receipt requested, all pursuant to KRS Chapter 154. The address is: Board of Directors, Kentucky Lottery Corporation, 1011 West Main Street, Louisville, Kentucky 40202, Telecopier No. (502) 560-1532.

(4) Board appeal.

(a) After receipt of an appeal, the board shall schedule a hearing for the protesting party which shall be scheduled as soon as practicable; and

1. The hearing shall be conducted in accordance with KRS Chapter 13B; or

2. The chairman of the board may determine that the hearing will be conducted by a hearing officer. The chairman shall determine whether the hearing officer will conduct the hearing in the presence of a quorum of the board, who renders a decision without the recommended order of the hearing officer, or whether the hearing officer will conduct the hearing outside of the presence of the board and will complete and submit to the board a written recommended order, which shall include findings of fact, conclusions of law, and recommended disposition, as provided in KRS 13B.110. The decision of the board shall be made by a majority of the board members present at the meeting in which the appeal is decided.

(b) The decision of the board shall be final unless the decision is appealed as provided by subsection (5) of this section and other applicable law.

(5) Access to state courts. A person aggrieved by a decision of the board under this section may appeal the decision[~~,~~] within thirty (30) calendar days of its date of issuance[~~,~~] to a court of competent jurisdiction, in accordance with KRS Chapter 154A.

Section 11. Sales of Lottery Products by KLC. Nothing in 202 KAR Chapter 3, licensing documents, or any other document shall limit the right of the KLC to sell lottery products directly to the public, in person, electronically, by mail, by subscription, or otherwise.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Retailer License", 09/18/2026[~~12/8/17~~];

(b) "Retailer License Agreement", 09/18/2026[~~12/8/17~~];

(c) "Retailer License Agreement Addendum for Cashing Agents", 09/18/2026[~~12/8/17~~]; and

(d) "Retailer License Certificate", 09/18/2026[~~12/8/17~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Lottery Corporation, 1011 West Main Street, Louisville, Kentucky 40202-2623, Monday through Friday, 8:00 a.m. through 5:00 p.m. EST.

CAMMIE GRANT, Chair

APPROVED BY AGENCY: September 18, 2026

FILED WITH LRC: September 25, 206 at 11:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 10:00 A.M., at Kentucky Lottery Headquarters, 1011 West Main Street, Louisville, Kentucky 40202. 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 December 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: Jennifer Luhrs, Chief Administrative & Legal Officer, & Corporate Secretary, Kentucky Lottery Corporation, 1011 West Main Street, Louisville, Kentucky 40202, phone: (502) 560-1579, fax: (502) 560-1532, jennifer.luhrs@kylottery.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Luhrs, Chief Administrative & Legal Officer, & Corporate Secretary. Phone: (502) 560-1579 Email: jennifer.luhrs@kylottery.com

Subject Headings: Lottery, Licensing, and Retail and Sales

(1) Provide a brief summary of:

(a) What this administrative regulation does: Pursuant to KRS 154A.400(1), the Kentucky Lottery Corporation is required to develop and maintain a statewide network of lottery retailers that will serve the public convenience and promote the sale of lottery tickets, while ensuring the integrity of the lottery. This administrative regulation contains regulations by which lottery retailers are governed.

(b) The necessity of this administrative regulation: To govern the selection of lottery retailers. In accordance with KRS 154A.400(1)(b), the Board of Directors of the Kentucky Lottery Corporation shall, by administrative regulation, develop a list of objective criteria upon which the selection of lottery retailers shall be based.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation lists the objective criteria upon which the selection of lottery retailers is based as required by KRS 154A.400(1)(b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation lists the objective criteria upon which the selection of lottery retailers is based as required by KRS 154A.400(1)(b).

(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: Section 1. Definitions. Amendments were made to the definitions for “Cashing agent”, “Draw-based retailers”, “Instant product”, and “Lottery equipment and supplies”. A definition for “Scratch-off products” was added. Section 2. Conditions of Licensing. Amendments were made to Section 2 to allow retailers to sell and cash lottery products during the entirety of their business hours, to prohibit retailers from charging a fee for the purchase of lottery products that is not applied to all non-lottery purchases, and to require retailers to accept all valid promotional credits. Section 3. Licensing. Amendments were made to Section 3 to remove the application fee for applicants for a lottery retailer license who do not meet the established retailer criteria, to expand the definition of private player information to include all information provided on a claim form, to authorize KLC to terminate a retailer’s cashing agent privileges with or without cause, and other amendments to reflect updated business processes. Section 4. Rules for Change in Ownership. The amendments to Section 4 were made to allow KLC to consider an acquiring owner’s connection to a retailer whose license has been suspended or terminated when KLC is assessing financial responsibility of an acquiring owner, in addition to minor revisions to reflect the requirements of current business practices. Section 5. Requirements and selection criteria for applicants, retailers and owners. The amendments made to Section 5 were to expand KLC’s investigative rights for individuals and entities re-applying for a retailer license due in various circumstances, to update sales thresholds for certain lottery products, to require retailers to adhere to KLC directives and policies on game launch and activation dates, in addition to minor grammatical revisions and revisions to reflect the requirements of current business practices. Section 7. Prize Payments. Amendments were made to Section 7 to increase the prize payment amount retailers may pay on valid claims to align with the reporting threshold set forth in 26 U.S. Code Section 6041 and expand the hours during which cashing agents are permitted to pay valid claims to all hours during which the cashing agent is open for business. Section 8. Retailer Accounting. Amendments to Section 8 were made to include additional payment on demand by a retailer as a potential remedy to certain accounting situations, as well other minor revisions to reflect updated business practices. Section 9. Termination or Suspension. Amendments to Section 9 were made to include instances of a retailer paying a claim for less than the validated prize amount and failure to comply with a KLC Security Department investigation as additional reasons for a retailer license to be terminated with cause. Section 12. Incorporation by Reference. All four (4) materials incorporated by reference, specifically, the “Application for Retailer License”, “Retailer License Agreement”, “Retail License Agreement Addendum for Cashing Agents”, and “Retail License Certificate” were amended from previous 12/8/2017 editions to 09/18/2026 editions.

(b) The necessity of the amendment to this administrative regulation: The amendments align the regulation with current operating procedures of the KLC, updates, simplifies, and streamlines the retailer licensing process, and updates the regulation to conform to current business and industry practices.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation lists the objective criteria upon which the selection of lottery retailers is based as required by KRS 154A.400(1)(b).

(d) How the amendment will assist in the effective administration of the statutes: The amended regulation would simplify and streamline the retailers licensing process to conform to current business and industry practices.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, this amended administrative regulation does not implement legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the approximately 3,500 currently active licensed lottery retailers, as well as applicants seeking a retailer license. KLC receives an average of 315 Applications for Retailer License each 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: The regulations, both existing and amended, require all retailers to take a number of actions in order to obtain and maintain a lottery license, including: take the steps required

to apply for a retailer license; comply with the conditions of licensing; pay the application fee; requirements for retailers that apply to be cashing agents; the criteria for installation of lottery equipment; follow the steps required to pay prizes and for the handling and storage of tickets; and follow requirements for addressing security matters and training personnel.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The regulation establishes a flat $250 application fee for all retailer applicants who are awarded a license, and a $100 fee for each additional chain outlet. It is unknown whether a retailer would incur other costs over and above that fee to comply with the regulation, such as adequate space to accommodate a lottery terminal or training of personnel.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The licensed retailer may sell lottery products and be entitled to a selling and cashing commission and other incentives.

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

(a) Initially: This regulation will be implemented with existing agency resources and add no additional implementation costs. The applications fees will cover the costs of the required background and financial investigations.

(b) On a continuing basis: This regulation will be implemented with existing resources and will add no additional implementation costs. The application fees will cover the costs of the required background and financial investigations.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The administrative regulation will be implemented and enforced with agency funds. The application fees will cover the costs for the required background and financial investigations.

(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 the amendment to this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The existing regulation requires a $250 application fee for all lottery retailer applicants and additional $100 for chain retailers for each additional outlet. The administrative regulation as amended does not establish any new fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Generally, the administrative regulation will apply equally to all retailers and prospective retailers; therefore, no tiering is applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 154A.400 is the statute which authorizes the action taken by this administrative regulation.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 154A.400 is the statute which authorizes the action taken by this administrative regulation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Lottery Corporation.

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

1. Expenditures:

For the first year: No additional cost will be incurred in association with the requested amendment to the existing administrative regulation.

For subsequent years: No additional cost will be incurred in association with the requested amendment to the existing administrative regulation.

2. Revenues:

For the first year: No additional revenue will be received in association with the requested amendment to the existing administrative regulation.

For subsequent years: No additional revenue will be received in association with the requested amendment to the existing administrative regulation.

3. Cost Savings:

For the first year: No cost savings will be gained in association with the requested amendment to the existing administrative regulation.

For subsequent years: No cost savings will be gained in association with the requested amendment to the existing administrative regulation.

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: No impact.

(b) Methodology and resources used to reach this conclusion: There is no additional 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: This administrative regulation does not have the effect of directly generating revenues and will not result in combined implementation and compliance costs of $500,000 or more over any two-year period.

INDEPENDENT ADMINISTRATIVE BODIES
Board of Emergency Medical Services
(Amendment)

202 KAR 7:201. Emergency medical responders.

RELATES TO: KRS 12.355, 311A.010, 311A.025, 311A.030, 311A.050-311A.090, 311A.095, 311A.100, [~~311A.120,~~] 311A.140, 311A.145, 311A.160, 10 U.S.C. 121, 12304

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.160

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020 requires the office of the board to certify and recertify[~~promulgate administrative regulations relating to~~] emergency medical responders. KRS 311A.025 and 311A.160 require the board to promulgate administrative regulations establishing[~~establish~~] standards relating to emergency medical responders. This administrative regulation establishes the standards relating to emergency medical responders.

Section 1. Emergency Medical Responder Student Eligibility. An individual shall be eligible to enroll as a student in an Emergency Medical Responder training program if the applicant:

(1) Is not currently subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification; and

(2) Meets all additional requirements established by the EMS Training and Educational Institute[~~Institution~~] (TEI).

Section 2. Certification Requirements. Individuals desiring initial certification as an Emergency Medical Responder shall:

(1) Successfully complete a board approved training program that conforms to the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards-Emergency Medical Responder[~~Instructional Guidelines~~], except that the education curriculum shall not be satisfied by the completion of refresher or transition courses alone;

(2) Meet all educational standards established in 202 KAR 7:601;

(3) Obtain certification as a NREMT-Emergency Medical Responder;

(4) Submit a completed EMR Initial Certification Application in KEMSIS;

(5) Pay the fee required for certification pursuant to 202 KAR 7:030;

(6) If not currently certified or licensed by the board as an EMT, AEMT, or paramedic, undergo[~~Undergo~~] a background check pursuant to KRS 311A.050 and 311A.100, which shall be:

(a) National in scope[~~for an applicant not currently certified at any level in Kentucky~~];

[~~(b)~~] [~~Statewide in scope for an applicant with current certification in Kentucky;~~]

(b)[~~(c)~~] Less than six (6) months old when the applicant submits to the board all requirements for certification;

(c)[~~(d)~~] Provided by a vendor that has been contracted through the board; and

(d)[~~(e)~~] Submitted to the board by the company that conducts the background check; and

(7) Be a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, as evidenced by submission to the board of:

(a) A Social Security card;

(b) Birth certificate;

(c) A United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card); or

(d) Other legal authorization to live and work in the United States.

Section 3. Renewal of Certification and Continuing Education Requirements.

(1) An Emergency Medical Responder shall be eligible for certification renewal if:

(a) The applicant submits a completed EMR Certification Renewal Application in KEMSIS;

[~~(b)~~] [~~The applicant maintains written evidence of:~~]

[~~1.~~] [~~HIV/AIDS training required by KRS 311A.120;~~]

[~~2.~~] [~~Pediatric Abusive Head Trauma training required by KRS 311A.120; and~~]

[~~3.~~] [~~Awareness of Sexual Violence Training required by KRS 311A.120;~~]

(b)[~~(c)~~] The applicant pays the fee pursuant to 202 KAR 7:030; and

(c)[~~(d)~~] The applicant maintains evidence of:

1. Current certification by the NREMT as an Emergency Medical Responder, except that if this option is used, the board may request, through[~~though~~] a continuing education audit, proof of continuing education to verify compliance with the requirements of this section; or

2. Successful completion of the NREMT Emergency Medical Responder National Component of the Continued Competency Program for Continuing Education, which shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(2) An application for certification renewal shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the applicable requirements of this section; or

(b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application.

(3) A certified Emergency Medical Responder, in good standing, who is a member of a National Guard or military reserve unit called to active duty by presidential order pursuant to 10 U.S.C. §§ 121 and 12304, shall be renewed according to KRS 12.355 upon submission of the Military Extension Application.

(4) The board office may audit an Emergency Medical Responder's continuing education and continuing education records. The Emergency Medical Responder shall submit the documentation requested within ten (10) business days of receipt of the board's request.

(5) The Emergency Medical Responder shall maintain documentation of all continuing education for three (3) years from the date of completion.

(6) If documentation of continuing education hours consistent with this administrative regulation is[~~are~~] not received using the board-approved submission process within ten (10) business days of receipt of the board's request, the Emergency Medical Responder certification for the individual shall be summarily revoked and the individual shall reapply for certification through Reinstatement, if eligible.

(7) The ten (10) business days for submission shall not apply to investigations pursuant to KRS Chapter 311A.

Section 4. Reinstatement of Certification.

(1) An Emergency Medical Responder whose certification has lapsed may reinstate his or her certificate by submitting to the board:

(a) A completed EMR Reinstatement Certification Application in KEMSIS;

(b) Evidence of previous certification as an Emergency Medical Responder in the Commonwealth of Kentucky; and

[~~(c)~~] [~~Proof of current training in:~~]

[~~1.~~] [~~Pediatric Abusive Head Trauma as required by KRS 311A.120;~~]

[~~2.~~] [~~Awareness of Sexual Violence Training required by KRS 311A.120; and~~]

[~~3.~~] [~~HIV/AIDS training required by KRS 311A.120; and~~]

(c)[~~(d)~~] Evidence of successful completion of the NREMT Emergency Medical Responder National Component of the Continued Competency Program for Continuing Education within twelve (12) months preceding his or her application for reinstatement of Emergency Medical Responder certification.

(2) The applicant shall pay the fee required for reinstatement pursuant to 202 KAR 7:030.

(3) The applicant shall undergo a national background check provided by a vendor that has been contracted through the board. The applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(4) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of reinstatement of certification.

(5) The applicant for reinstatement of certification shall bear the burden of proof of previous certification in Kentucky if the previous certification is in issue or dispute.

(6) An applicant who is ineligible for certification pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

Section 5. Emergency Medical Responder Reciprocity.

(1) An individual who is certified in another state as an Emergency Medical Responder or by the NREMT as a NREMT-Emergency Medical Responder or any member of the United States Armed Forces, or veteran who has transitioned within the past six (6) years from the United States Armed Forces, and has been registered by the National Registry as a NREMT-Emergency Medical Responder or EMT shall be eligible for reciprocity for Kentucky certification as an Emergency Medical Responder if the applicant submits:

(a) A completed EMR Reciprocity Certification Application in KEMSIS; and

(b) Proof of the applicant's current unrestricted certification as a NREMT-Emergency Medical Responder or current Emergency Medical Responder certification in another state, or proof of completing a board-approved United States Armed Forces medical training course which included NREMT-Emergency Medical Technician certification.[; and]

[(c)] [Proof of current training in:]

[1.] [HIV/AIDS training required by KRS 311A.120;]

[2.] [Pediatric Abusive Head Trauma as required by KRS 311A.120; and]

[3.] [Awareness of Sexual Violence Training required by KRS 311A.120.]

(2) An applicant shall pay the fee required for reciprocity pursuant to 202 KAR 7:030.

(3) An applicant for Emergency Medical Responder reciprocity shall undergo a national background check provided by a vendor that has been contracted through the board.

(a) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(b) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of certification through reciprocity.

(4) An applicant shall not have been convicted of offenses described in KRS 311A.050.

(5) An applicant shall not have been subjected to discipline that would prevent reciprocity at the time of application.

(6) An Emergency Medical Responder certified pursuant to this administrative regulation shall not perform any procedure[procedures] or skill on which the Emergency Medical Responder has not been trained. An Emergency Medical Responder who performs a skill for which the Emergency Medical Responder does not have documented training shall have exceeded the scope of practice and shall be in violation of KRS 311A.050.

(7) An Emergency Medical Responder certified pursuant to this section shall complete the Kentucky supplemental Emergency Medical Responder curricula for the procedures listed in 202 KAR 7:701 prior to beginning work for a licensed agency in Kentucky.

(a) Kentucky supplemental Emergency Medical Responder curricula consistent with 202 KAR 7:701 shall be provided during employee orientation, or by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(b) Verification of competency on the supplemental curricula procedures in 202 KAR 7:701 shall be maintained by the Emergency Medical Responder for a minimum of three (3) years. Failure to submit the EMR Supplemental Curriculum Training Verification Report upon request shall result in revocation of the Emergency Medical Responder certification.

(c) If an Emergency Medical Responder certified pursuant to this section fails to supply verification of competency as required by subsection (7)(b) of this section, the Emergency Medical Responder shall be ineligible to apply for and receive Emergency Medical Responder reciprocity certification until the applicant has submitted the EMR Supplemental Curriculum Training Verification Report as required by 202 KAR 7:701, and shall reapply for Reciprocity through the process listed in this section.

Section 6. Scope of Practice. An Emergency Medical Responder shall provide emergency medical services consistent with the skills and procedures in the National EMS Scope of Practice Model and 202 KAR 7:701.

Section 7. Expiration of Certification.

(1) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

(2) If an Emergency Medical Responder's certification lapses or expires, the Emergency Medical Responder shall cease provision of emergency medical services.

(3) An Emergency Medical Responder who has allowed his or her certification to lapse or expire shall reinstate certification pursuant to Section 4 of this administrative regulation.

Section 8. Surrender of Certification.

(1) An Emergency Medical Responder surrendering his or her certification shall submit a completed Voluntary Surrender of EMR Certification Application in KEMSIS.[:]

[(a)] [Submit a completed Voluntary Surrender of EMR Certification Application in KEMSIS; and]

[(b)] [Pay the fee pursuant to 202 KAR 7:030.]

(2) The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon surrendering his or her certification.

Section 9. Reporting Requirements.

(1) An Emergency Medical Responder shall maintain current demographic information in KEMSIS including:

(a) Legal name;

1. Any changes to an Emergency Medical Responder's legal name shall be submitted using the Name Change Application in KEMSIS; and

2. One (1) of the following documents as verification of name change:

a. Social Security card;

b. Driver's license; or

c. Passport;

(b) Mailing address;

(c) Email address; and

(d) Phone number.

(2) An Emergency Medical Responder who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

Section 10. Exemptions from Emergency Medical Responder Administrative Regulations. Certification requirements for an Emergency Medical Responder shall not apply to:

(1) United States military personnel or state National Guard or employees of the United States government while providing services on a United States government-owned or operated facility, or while engaged in the performance of their official duties under federal law, or while providing assistance in a mass casualty or disaster type situation; or

(2) An Emergency Medical Responder certified in another state or territory of the United States who:

(a) Comes into Kentucky to transport a patient from another state into Kentucky; or

(b) Is transporting a patient through the state of Kentucky to an out-of-Kentucky location.

Section 11. Public Notice of Negative Action. The board office shall cause to be published on the board website the name of an Emergency Medical Responder who:

(1) Is fined;

(2) Is placed on probationary status;

(3) Is placed on restricted status;

(4) Is suspended; or

(5) Has had his or her certification revoked.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "National Emergency Medical Services Education Standards-Emergency Medical Responder", National Highway Traffic Safety Administration, 2021;

[(a)] ["National Emergency Medical Services Education Standards-Emergency Medical Responder Instructional Guidelines", The United States Department of Transportation, National Highway Traffic Safety Administration, DOT HS 811 077B, January 2009;]

(b) "EMR Initial Certification Application" in KEMSIS, July 2019;

(c) "EMR Certification Renewal Application" in KEMSIS, July 2019;

(d) "EMR Reciprocity Certification Application" in KEMSIS, July 2019;

(e) "EMR Reinstatement Certification Application" in KEMSIS, July 2019;

(f) "National Registry of Emergency Medical Technicians National Continued Competency Program EMR", December 2025;

[(f)] [~~"National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;~~]

(g) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;

(h) "EMR Supplemental Curriculum Training Verification Report", July 2019;

(i) "Voluntary Surrender of EMR Certification Application" in KEMSIS, July 2019;

[(j)] [~~"National Registry of Emergency Medical Technicians National Continued Competency Program EMR", October 2016;~~]

(j)[~~(k)~~] "Name Change Application" in KEMSIS, July 2019;

(k)[~~(l)~~] "Military Extension Application" in KEMSIS, July 2019; and

(l)[~~(m)~~] "United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card)", July 2019.

(2) This material may be inspected, obtained, or copied, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, by appointment, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kbems.ky.gov[~~kyems.com~~].

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: October 12, 2026

FILED WITH LRC: October 12, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 PM ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Fax: (859) 225-1493, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood Phone: (859) 225-4714 Email: administrativeregulations@wgmfirm.com

Subject Headings: Emergency Medical Services, Licensing, Background Checks

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.020 requires the office of the board to certify and recertify emergency medical responders. KRS 311A.025 requires the board to promulgate administrative regulations relating to emergency medical responders. This administrative regulation establishes the standards relating to emergency medical responders.

(b) The necessity of this administrative regulation: KRS 311A.020 requires the office of the board to certify and recertify emergency medical responders. KRS 311A.025 requires the board to promulgate administrative regulations relating to emergency medical responders. This administrative regulation is necessary to establish standards relating to emergency medical responders.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.020 and 311A.025 by establishing standards relating to emergency medical responders.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.020 requires the office of the board to certify and recertify emergency medical responders. KRS 311A.025 requires the board to promulgate administrative regulations relating to emergency medical responders. This administrative regulation assists and will assist in the effective administration of the statute by establishing standards relating to emergency medical responders.

(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: Deletes the requirements to complete HIV/AIDS, pediatric abusive head trauma, and awareness of sexual violence training. Such training was previously required by KRS 311A.120, which was repealed by House Bill 236 (2026 Regular Session), 2026 Ky. Acts ch. 105, sec. 16. Removes the background check requirement for an applicant for initial certification who is currently certified or licensed by the board as an EMT, AEMT, or paramedic, and deletes the statewide background check. Deletes the requirement to pay a fee to surrender certification. Updates materials incorporated by reference and the board's Web site address. Makes technical corrections.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to delete training courses that are no longer required by statute, to remove duplicative background checks for applicants already certified or licensed by the board, to delete a reference to a surrender fee, and to update materials incorporated by reference and the board's Web site address.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.020 and 311A.025 by updating the standards relating to emergency medical responders.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statute by updating the standards relating to emergency medical responders.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 311A.120 previously required first responders to complete training regarding HIV/AIDS, pediatric abusive head trauma, and awareness of sexual violence. KRS 311A.120 was repealed by House Bill 236 (2026 Regular Session), 2026 Ky. Acts ch. 105, sec. 16.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Emergency Medical Responders (EMRs).

(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: EMRs will not be required to take any action to comply with this amendment. This amendment deletes course requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): EMRs will benefit from not having to take courses that are no longer required.

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

(a) Initially: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(b) On a continuing basis: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

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

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

(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to all EMRs.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311A.020 requires the office of the board to certify and recertify emergency medical responders. KRS 311A.025 requires the board to promulgate administrative regulations relating to emergency medical responders. This administrative regulation establishes standards relating to emergency medical responders.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 311A.025, which was last amended by 2026 Ky. Acts ch. 105, sec. 8.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by the Kentucky Board of Emergency Medical Services.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None. This administrative regulation applies to individual emergency medical responders.

(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): Emergency Medical Responders (EMRs).

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: This amendment is not expected to have any fiscal impact.

(b) Methodology and resources used to reach this conclusion: This amendment does not directly or indirectly establish any fees or 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.

(b) The methodology and resources used to reach this conclusion: This amendment does not directly or indirectly establish any fees or costs.

INDEPENDENT ADMINISTRATIVE BODIES
Board of Emergency Medical Services
(Amendment)

202 KAR 7:301. Emergency medical technician.

RELATES TO: KRS 12.355, 311A.010, 311A.025, 311A.050-311A.090, 311A.095, 311A.100, [~~311A.120,~~] 311A.130, 311A.140, 311A.145, 311A.165, 10 U.S.C. 121, 12304

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.140, 311A.165

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.025 requires the board to promulgate administrative regulations relating to Emergency Medical Technicians. This administrative regulation establishes requirements for Emergency Medical Technicians.

Section 1. Emergency Medical Technician Student Eligibility. An individual shall be eligible to enroll as a student in an Emergency Medical Technician education and training program if the applicant:

(1) Is not currently subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification; and

(2) Meets all additional requirements established by the EMS Training and Educational Institute[~~Institution~~] (EMS-TEI).

Section 2. Certification Requirements. Individuals desiring initial certification as an Emergency Medical Technician shall:

(1) Successfully complete a board approved education and training program that conforms to the curriculum of the United States Department of Transportation, National Highway Traffic Safety Administration National Emergency Medical Services Education Standards-Emergency Medical Technician [~~Instructional Guidelines~~], except that the educational curriculum shall not be satisfied by the completion of refresher or transition courses alone;

(2) Meet all educational standards established by 202 KAR 7:601;

(3) Obtain certification as a NREMT-Emergency Medical Technician;

(4) Submit a completed EMT Initial Certification Application in KEMSIS;

(5) Pay the fee required for certification pursuant to 202 KAR 7:030;

(6) If not currently certified or licensed by the board as an EMR, AEMT, or paramedic, undergo[~~Undergo~~] a background check pursuant to KRS 311A.050 and 311A.100, which shall be:

(a) National in scope[~~for an applicant not currently certified at any level in Kentucky~~];

[~~(b)~~] [~~Statewide in scope for an applicant with current certification in Kentucky;~~]

(b)[~~(c)~~] Less than six (6) months old when the applicant submits to the board all requirements for certification;

(c)[(d)] Provided by a vendor that has been contracted through the board; and

(d)[(e)] Submitted to the board by the company that conducts the background check; and

(7) Be a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, as evidenced by submission to the board of:

(a) A Social Security card;

(b) Birth certificate;

(c) A United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card); or

(d) Other legal authorization to live and work in the United States.

Section 3. Renewal of Certification and Continuing Education Requirements.

(1) An Emergency Medical Technician shall be eligible for certification renewal if:

(a) The applicant submits a completed EMT Certification Renewal Application in KEMSIS;

[(b)] [The applicant maintains written evidence of:]

[1.] [HIV/AIDS training required by KRS 311A.120;]

[2.] [Pediatric Abusive Head Trauma required by KRS 311A.120; and]

[3.] [Awareness of Sexual Violence Training required by KRS 311A.120;]

(b)[(c)] The applicant pays the fee [required for renewal] pursuant to 202 KAR 7:030; and

(c)[(d)] The applicant maintains evidence of:

1. Current certification by the NREMT as an Emergency Medical Technician, except that if this option is used, the board may request, through a continuing education audit, proof of continuing education to verify compliance with the requirements of this section; or

2. Successful completion of the NREMT Emergency Medical Technician National Component of the Continued Competency Program for Continuing Education, which shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(2) An application for certification renewal shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the applicable requirements of this section; or

(b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application.

(3) A certified Emergency Medical Technician, in good standing, who is a member of a National Guard or a military reserve unit called to active duty by presidential order pursuant to 10 U.S.C. §§ 121 and 12304, shall be renewed according to KRS 12.355 upon submission of the Military Extension Application.

(4) The board office may audit an Emergency Medical Technician's continuing education and continuing education records. The Emergency Medical Technician shall submit the documentation requested within ten (10) business days of receipt of the board's request.

(5) If documentation of continuing education hours consistent with this administrative regulation is[are] not received using the board-approved submission process within ten (10) business days of receipt of the board's request, the Emergency Medical Technician certification for the individual shall be summarily revoked and the individual shall reapply for certification through reinstatement if eligible.

(6) The ten (10) business days for submission shall not apply to investigations pursuant to KRS Chapter 311A.

(7) The Emergency Medical Technician shall maintain documentation of all continuing education for three (3) years from the date of completion.

Section 4. Reinstatement of Certification.

(1) An Emergency Medical Technician whose certification has lapsed may reinstate his or her certificate by submitting to the board:

(a) A completed EMT Reinstatement Certification Application in KEMSIS;

(b) Evidence of previous certification as an Emergency Medical Technician in the Commonwealth of Kentucky; and

[(c)] [Proof of current training in:]

[1.] [Pediatric Abusive Head Trauma as required by KRS 311A.120;]

[2.] [Awareness of Sexual Violence Training required by KRS 311A.120; and]

[3.] [HIV/AIDS training required by KRS 311A.120; and]

(c)[(d)] Payment of the fee pursuant to 202 KAR 7:030.

(2) The applicant for reinstatement of certification shall undergo a national background check provided by a vendor that has been contracted through the board.

(a) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(b) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of reinstatement of certification.

(3) An applicant for reinstatement of certification shall submit to the board evidence of successful completion of the NREMT Emergency Medical Technician National Component of the Continued Competency Program for Continuing Education within twelve (12) months preceding his or her application for reinstatement of the Emergency Medical Technician certification.

(4) The applicant for reinstatement of certification shall bear the burden of proof of previous certification in Kentucky if the previous certification is in issue or dispute.

(5) An applicant who is ineligible for certification pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

Section 5. Emergency Medical Technician Reciprocity.

(1) An individual who is certified in another state or by the NREMT as an Emergency Medical Technician or any member of the United States Armed Forces, or veteran who has transitioned within the past six (6) years from the United States Armed Forces, and has been registered by the National Registry as a NREMT-Emergency Medical Technician shall be eligible for reciprocity for Kentucky certification as an Emergency Medical Technician if the applicant submits:

(a) A completed EMT Reciprocity Certification Application in KEMSIS; and

(b) Proof of the applicant's current unrestricted certification as a NREMT-Emergency Medical Technician or current Emergency Medical Technician certification in another state, or proof of completing a board-approved United States Armed Forces medical training course which included NREMT-Emergency Medical Technician certification.[; and]

[(c)] [Proof of current training in:]

[1.] [HIV/AIDS training required by KRS 311A.120;]

[2.] [Pediatric Abusive Head Trauma as required by KRS 311A.120; and]

[3.] [Awareness of Sexual Violence Training required by KRS 311A.120.]

(2) An applicant shall pay the fee required for certification through reciprocity pursuant to 202 KAR 7:030.

(3) An applicant for Emergency Medical Technician reciprocity shall undergo a national background check provided by a vendor that has been contracted through the board.

(a) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(b) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of certification through reciprocity.

(4) An applicant shall not have been convicted of offenses described in KRS 311A.050.

(5) An applicant shall not have been subjected to discipline that would prevent reciprocity at the time of application.

(6) An Emergency Medical Technician certified pursuant to this administrative regulation shall not perform any procedure[procedures] or skill on which the Emergency Medical Technician has not been trained. An Emergency Medical Technician who performs a skill for which the Emergency Medical Technician

does not have documented training shall have exceeded the scope of practice and shall be in violation of KRS 311A.050.

(7) An Emergency Medical Technician certified pursuant to this section shall complete the Kentucky supplemental Emergency Medical Technician curricula for the procedures listed in 202 KAR 7:701 prior to beginning work for a licensed agency in Kentucky.

(a) Kentucky supplemental Emergency Medical Technician curricula consistent with 202 KAR 7:701 shall be provided during employee orientation, or by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(b) Verification of competency on the supplemental curricula procedures in 202 KAR 7:701 shall be maintained by the Emergency Medical Technician for a minimum of three (3) years. Failure to submit the EMT Supplemental Curriculum Training Verification Report upon request shall result in revocation of the Emergency Medical Technician certification.

(c) If an Emergency Medical Technician certified pursuant to this section fails to supply verification of competency as required by subsection (7)(b) of this section, the Emergency Medical Technician shall be ineligible to apply for and receive Emergency Medical Technician reciprocity certification until the applicant has submitted the EMT Supplemental Curriculum Training Verification Report as required by 202 KAR 7:701, and shall reapply for reciprocity through the process listed in this section.

Section 6. Scope of Practice. An Emergency Medical Technician shall provide emergency medical services consistent with the skills and procedures in the National EMS Scope of Practice Model and 202 KAR 7:701.

Section 7. Expiration of Certification.

(1) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

(2) If an Emergency Medical Technician's certification lapses or expires, the Emergency Medical Technician shall cease provision of emergency medical services.

(3) An Emergency Medical Technician who has allowed his or her certification to lapse or expire shall be required to reinstate certification pursuant to Section 4 of this administrative regulation.

Section 8. Downgrading Certification.

(1) An Emergency Medical Technician currently certified as an Emergency Medical Technician by the board shall be eligible for certification downgrade if:

(a) The certification is in good standing with no pending disciplinary action;

(b) The applicant submits a completed EMT Certification Downgrade Application in KEMSIS; and

(c) The applicant pays the fee pursuant to 202 KAR 7:030.

(2) An Emergency Medical Technician shall only be eligible to downgrade his or her certification to an Emergency Medical Responder certification.

(3) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

[(4)] [An applicant shall undergo a background check pursuant to KRS 311A.050 and 311A.100. The background check shall be:]

[(a)] [Statewide in scope for an applicant with current certification in Kentucky;]

[(b)] [Less than six (6) months old when the applicant submits to the board all requirements for certification; and]

[(c)] [Provided by a vendor that has been contracted through the board.]

(4)[(5)] Downgrade shall be denied if the applicant has not met the requirements of this section or has been subject to disciplinary action that prevents certification at the time of application.

(5)[(6)] The applicant shall be responsible for meeting the renewal requirements of the downgraded certification level issued prior to expiration of that certification.

(6)[(7)] To reinstate the certification or license that was previously held, the applicant shall meet the regulatory requirements for that level of certification or licensure.

(7)[(8)] The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon downgrading his or her certification.

(8)[(9)] Once the applicant has downgraded his or her certification or license, the applicant shall no longer be permitted to provide emergency medical services at the previous certification or license level held.

(9)[(10)] An applicant applying for downgrade who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

(10)[(11)] All endorsements, certifications, or licenses held at the previous certification or license level shall be void at the completion of the downgrade.

Section 9. Surrender of Certification.

(1) An Emergency Medical Technician surrendering his or her certification shall submit a completed EMT Certification Surrender Application in KEMSIS.[:]

[(a)] [Submit a completed EMT Certification Surrender Application in KEMSIS; and]

[(b)] [Pay the fee pursuant to 202 KAR 7:030.]

(2) The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon surrendering his or her certification.

Section 10. Reporting Requirements.

(1) An Emergency Medical Technician shall maintain current demographic information in KEMSIS including:

(a) Legal name;

1. Any changes to an Emergency Medical Technician's legal name shall be submitted using the Name Change Application in KEMSIS; and

2. One (1) of the following documents as verification of name change:

a. Social Security card;

b. Driver's license; or

c. Passport;

(b) Mailing address;

(c) Email address; and

(d) Phone number.

(2) An Emergency Medical Technician who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

Section 11. Exemptions from Emergency Medical Technician Administrative Regulations. Certification requirements for an Emergency Medical Technician shall not apply to:

(1) United States military personnel or state National Guard or employees of the United States government while providing services on a United States government owned or operated facility, or while engaged in the performance of their official duties under federal law, or while providing assistance in a mass casualty or disaster type situation; or

(2) An Emergency Medical Technician certified in another state or territory of the United States who:

(a) Comes into Kentucky to transport a patient from another state into Kentucky; or

(b) Is transporting a patient through the state of Kentucky to an out-of-Kentucky location.

Section 12. Public Notice of Negative Action. The board office shall cause to be published on the board Web site the name of an Emergency Medical Technician who:

(1) Is fined;

(2) Is placed on probationary status;

(3) Is placed on restricted status;

(4) Is suspended; or

(5) Has had his or her certification revoked.

Section 13. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "National Emergency Medical Services Education Standards-Emergency Medical Technician", National Highway Traffic Safety Administration, 2021;

[(a)] ["National Emergency Medical Services Education Standards-Emergency Medical Technician Instructional Guidelines", The United States Department of Transportation,

~~National Highway Traffic Safety Administration, DOT HS 811 077C, January 2009;~~]

(b) "EMT Initial Certification Application" in KEMSIS, July 2019;

(c) "EMT Certification Renewal Application" in KEMSIS, July 2019;

(d) "EMT Reciprocity Certification Application" in KEMSIS, July 2019;

(e) "EMT Reinstatement Certification Application" in KEMSIS, July 2019;

(f) "National Registry of Emergency Medical Technicians National Continued Competency Program EMT", December 2025;

[~~(f)~~] [~~"National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;~~]

(g) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;

(h) "EMT Supplemental Curriculum Training Verification Report", July 2019;

(i) "EMT Certification Downgrade Application" in KEMSIS, July 2019;

(j) "EMT Certification Surrender Application" in KEMSIS, July 2019;

[~~(k)~~] [~~"National Registry of Emergency Medical Technicians National Continued Competency Program EMT", October 2016;~~]

(k)[~~(l)~~] "Name Change Application" in KEMSIS, July 2019;

(l)[~~(m)~~] "Military Extension Application" in KEMSIS, July 2019; and

(m)[~~(n)~~] "United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card)", July 2019.

(2) This material may be inspected, obtained, or copied, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, by appointment, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kbems.ky.gov[~~kyems.com~~].

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: October 12, 2026

FILED WITH LRC: October 13, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 PM ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Fax: (859) 225-1493, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood Phone: (859) 225-4714 Email: administrativeregulations@wgmfirm.com

Subject Headings: Emergency Medical Services, Licensing, Background Checks

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.020 requires the office of the board to certify and recertify emergency medical technicians. KRS 311A.025 requires the board to promulgate administrative regulations relating to emergency medical technicians. This administrative regulation establishes the standards relating to emergency medical technicians.

(b) The necessity of this administrative regulation: KRS 311A.020 requires the office of the board to certify and recertify emergency medical technicians. KRS 311A.025 requires the board to promulgate administrative regulations relating to emergency medical technicians. This administrative regulation is necessary to establish standards relating to emergency medical technicians.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.020 and 311A.025 by establishing standards relating to emergency medical technicians.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.020 requires the office of the board to certify and recertify emergency medical technicians. KRS 311A.025 requires the board to promulgate administrative regulations relating to emergency medical technicians. This administrative regulation assists and will assist in the effective administration of the statute by establishing standards relating to emergency medical 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: This amendment: Deletes the requirements to complete HIV/AIDS, pediatric abusive head trauma, and awareness of sexual violence training. Such training was previously required by KRS 311A.120, which was repealed by House Bill 236 (2026 Regular Session), 2026 Ky. Acts ch. 105, sec. 16. For initial certification, requires a background check only of an applicant who is not currently certified or licensed by the board at another level. Deletes the background check requirement for a certification downgrade. Deletes the requirement to pay a fee to surrender certification. Updates materials incorporated by reference and the board's Web site address.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to delete training courses that are no longer required by statute, to revise background check requirements for initial certification and downgrade, to delete the fee for surrender of certification, and to update materials incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.020 and 311A.025 by updating the standards relating to emergency medical technicians.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statute by updating the standards relating to emergency medical technicians.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 311A.120 previously required first responders to complete training regarding HIV/AIDS, pediatric abusive head trauma, and awareness of sexual violence. KRS 311A.120 was repealed by House Bill 236 (2026 Regular Session), 2026 Ky. Acts ch. 105, sec. 16.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Emergency Medical Technicians (EMTs).

(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: EMTs will not be required to take any action to comply with this amendment. This amendment deletes course requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): EMTs will benefit from not having

to take courses that are no longer required.

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

(a) Initially: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(b) On a continuing basis: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

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

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

(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to all EMTs.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . KRS 311A.020 requires the office of the board to certify and recertify emergency medical technicians. KRS 311A.025 requires the board to promulgate administrative regulations relating to emergency medical technicians. This administrative regulation establishes standards relating to emergency medical technicians.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 311A.025, which was last amended by 2026 Ky. Acts ch. 105, sec. 8.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by the Kentucky Board of Emergency Medical Services.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None. This administrative regulation applies to individual EMTs.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): All EMTs.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: This amendment is not expected to have any fiscal impact.

(b) Methodology and resources used to reach this conclusion: This amendment does not directly or indirectly establish any fees or 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.

(b) The methodology and resources used to reach this conclusion: This amendment does not directly or indirectly establish any fees or costs.

INDEPENDENT ADMINISTRATIVE BODIES
Board of Emergency Medical Services
(Amendment)

202 KAR 7:330. Advanced emergency medical technician.

RELATES TO: KRS 12.355, 38.030, Chapter 39, 39A.050, 311A.010, 311A.020, 311A.025, 311A.050-311A.090, 311A.095, 311A.100,[~~311A.120,~~] 311A.140, 311A.145, 311A.150, 311A.195, 10 U.S.C. 121, 12304

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.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 311A.025(2) requires the board to promulgate administrative regulations relating to the standards for training, education, examination, certification, practice, and recertification of the Advanced Emergency Medical Technician (AEMT). This administrative regulation establishes requirements for Advanced Emergency Medical Technician.

Section 1. Advanced Emergency Medical Technician Student Eligibility. An individual shall be eligible to enroll as a student in an Advanced Emergency Medical Technician education and training program if the applicant:

(1) Is currently certified at a minimum of an Emergency Medical Technician by the board or the NREMT;

(2) Is not currently subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification; and

(3) Meets all additional requirements established by the EMS Training and Educational Institute[~~Institution~~] (EMS-TEI).

Section 2. Certification Requirements.

(1) Individuals desiring initial certification as an Advanced Emergency Medical Technician shall:

(a) Successfully complete a board approved education and training program that conforms to the curriculum of the United States Department of Transportation, National Highway Traffic Safety Administration National Emergency Medical Services Education Standards-Advanced Emergency Medical Technician [~~Instructional Guidelines~~], except that the educational curriculum shall not be satisfied by the completion of refresher or transition courses alone;

(b) Meet all educational standards established in 202 KAR 7:601;

(c) Obtain certification as a NREMT-Advanced Emergency Medical Technician;

(d) Be a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, as evidenced by submission to the board of:

1. A Social Security card;

2. Birth certificate;

3. A United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card); or

4. Other legal authorization to live and work in the United States;[.]

(e) Submit a completed AEMT Initial Certification Application in KEMSIS; and

(f) Pay the fee pursuant to 202 KAR 7:030 for certification as an Advanced Emergency Medical Technician.

(2) An applicant not currently certified or licensed by the board as an EMR, EMT, or paramedic shall undergo a background check pursuant to KRS 311A.050 and 311A.100. The background check shall be:

(a) National in scope [for an applicant not currently certified at any level in Kentucky];

[(b)] [Statewide in scope for an applicant with current certification in Kentucky;]

(b)[(c)] Less than six (6) months old when the applicant submits to the board all requirements for certification; and

(c)[(d)] Provided by a vendor that has been contracted through the board.

(3) An applicant shall not directly submit a background check. The background check shall be submitted to the board by the company that conducts the background check.

Section 3. Renewal of Certification and Continuing Education Requirements.

(1) An Advanced Emergency Medical Technician shall be eligible for certification renewal if:

(a) The applicant submits a completed AEMT Certification Renewal Application in KEMSIS;

[(b)] [The applicant maintains written evidence of:]

[1.] [HIV/AIDS training required by KRS 311A.120;]

[2.] [Pediatric Abusive Head Trauma as required by KRS 311A.120; and]

[3.] [Awareness of Sexual Violence Training required by KRS 311A.120;]

(b)[(c)] The applicant pays the fee required for renewal pursuant to 202 KAR 7:030; and

(c)[(2)] The applicant maintains evidence of:

1.[(a)] Current certification by the National Registry of Emergency Medical Technicians as an Advanced Emergency Medical Technician, except that if this option is used, the board may request, through a continuing education audit, proof of continuing education to verify compliance with the continuing education requirements of this section; or

2.[(b)] Successful completion of the NREMT Advanced Emergency Medical Technician National Component of the Continued Competency Program[,] for Continuing Education, which shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(2)[(3)] An application for certification renewal shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the applicable requirements of this section;

(b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application; or

(c) The applicant is delinquent on fines or fees owed to the board pursuant to KRS 311A.055, 311A.060, or 202 KAR 7:030.

(3)[(4)] A certified Advanced Emergency Medical Technician, in good standing, who is a member of a branch of the United States National Guard or a military reserve unit called to active duty by presidential order pursuant to 10 U.S.C. §§ 121 and 12304, shall be renewed in accordance with KRS 12.355 upon submission of the Military Extension Application.

(4)[(5)] The board office may audit an Advanced Emergency Medical Technician's continuing education and continuing education records.

(5)[(6)] The Advanced Emergency Medical Technician shall submit the documentation requested within ten (10) business days of receipt of the board's request. If documentation of continuing education hours consistent with this administrative regulation is[are] not received using the board-approved submission process within ten (10) business days of receipt of the board's request, the Advanced Emergency Medical Technician certification for the individual shall be summarily revoked and the individual shall reapply for certification through Reinstatement if eligible.

(6)[(7)] The ten (10) business days for submission shall not apply to investigations pursuant to KRS Chapter 311A.

(7)[(8)] The Advanced Emergency Medical Technician shall maintain documentation of all continuing education for three (3) years from the date of completion.

Section 4. Reinstatement of Certification.

(1) An Advanced Emergency Medical Technician whose Kentucky certification has lapsed shall be eligible for reinstatement of certification if the applicant submits:

(a) A completed AEMT Reinstatement Certification Application in KEMSIS; and

(b) Evidence of previous certification as an Advanced Emergency Medical Technician in the Commonwealth of Kentucky.[:]

[1.] [Previous certification as an Advanced Emergency Medical Technician in the Commonwealth of Kentucky;]

[2.] [Proof of current training in:]

[a.] [Pediatric Abusive Head Trauma as required by KRS 311A.120;]

[b.] [Awareness of Sexual Violence Training required by KRS 311A.120; and]

[c.] [HIV/AIDS training required by KRS 311A.120.]

(2) The applicant shall pay the fee pursuant to 202 KAR 7:030.

(3) The applicant for reinstatement of certification shall undergo a national background check provided by a vendor that has been contracted through the board.

(a) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(b) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of reinstatement of certification.

(4) The applicant for reinstatement of certification shall bear the burden of proof of previous certification in Kentucky if the previous certification is in issue or dispute.

(5) An applicant for reinstatement of an Advanced Emergency Medical Technician certification shall submit to the board evidence of successful completion of the NREMT Advanced Emergency Medical Technician National Component of the Continued Competency Program for Continuing Education within the twelve (12) months preceding application for reinstatement of the Advanced Emergency Medical Technician certification.

(6) An applicant who is ineligible for certification pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

Section 5. Advanced Emergency Medical Technician Reciprocity.

(1) An individual who is certified in another state or by the NREMT as an Advanced Emergency Medical Technician or any member of the United States Armed Forces, or veteran who has transitioned within the past six (6) years from the United States Armed Forces, and has been registered by the National Registry as an Advanced Emergency Medical Technician or EMT and has successfully completed a board-approved United States Armed Forces medical training course shall be eligible for reciprocity for certification as an Advanced Emergency Medical Technician in Kentucky if the applicant submits:

(a) A completed AEMT Reciprocity Certification Application in KEMSIS; and

(b) Proof of the applicant's current unrestricted NREMT certification as an Advanced Emergency Medical Technician or current Advanced Emergency Medical Technician certification in

another state or proof of completing a board-approved United States Armed Forces medical training course which included NREMT-Emergency Medical Technician certification.[; and]

[(c)] [Proof of current training in:]

[1.] [HIV/AIDS training required by KRS 311A.120;]

[2.] [Pediatric Abusive Head Trauma training required by KRS 311A.120; and]

[3.] [Awareness of Sexual Violence Training required by KRS 311A.120.]

(2) An applicant shall pay the fee required for certification through reciprocity pursuant to 202 KAR 7:030.

(3) An applicant for Advanced Emergency Medical Technician reciprocity shall undergo a national background check provided by a vendor that has been contracted through the board. An applicant shall not directly submit a background check. The background check shall be submitted to the board by the company that conducts the background check. Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of certification through reciprocity.

(4) An applicant shall not have been convicted of offenses described in KRS 311A.050.

(5) An applicant shall not have been subjected to discipline that would prevent reciprocity at the time of application.

(6) An Advanced Emergency Medical Technician certified pursuant to Section 2 of this administrative regulation shall not perform any procedure[procedures] or skill on which the Advanced Emergency Medical Technician has not been trained. An Advanced Emergency Medical Technician who performs a skill for which the Advanced Emergency Medical Technician does not have documented training shall have exceeded the scope of practice and shall be in violation of KRS 311A.050.

(7) An Advanced Emergency Medical Technician certified pursuant to this section shall complete the Kentucky supplemental Advanced Emergency Medical Technician curricula for the procedures listed in 202 KAR 7:701 prior to beginning work for a licensed agency in Kentucky.

(8) Kentucky supplemental Advanced Emergency Medical Technician curricula consistent with 202 KAR 7:701 shall be provided during employee orientation, or by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(9) Verification of competency on the supplemental curricula procedures in 202 KAR 7:701 shall be maintained by the Advanced Emergency Medical Technician for a minimum of three (3) years. Failure to submit the AEMT Supplemental Curriculum Training Verification Report shall result in revocation of Advanced Emergency Medical Technician certification.

(10) If an Advanced Emergency Medical Technician certified pursuant to this section fails to supply verification of competency as required by subsection (9)[(7)] of this section, the Advanced Emergency Medical Technician shall be ineligible to apply for and receive Advanced Emergency Medical Technician reciprocity certification until the applicant has submitted the AEMT Supplemental Curriculum Training Verification Report as required pursuant to 202 KAR 7:701, and shall reapply for Reciprocity through the process set forth in this section.

Section 6. Scope of Practice. An Advanced Emergency Medical Technician shall provide emergency medical services consistent with the skills and procedures in the National EMS Scope of Practice Model and 202 KAR 7:701.

Section 7. Expiration of Certification.

(1) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

(2) If an Advanced Emergency Medical Technician's certification lapses or expires, the Advanced Emergency Medical Technician shall cease provision of emergency medical services.

(3) An Advanced Emergency Medical Technician who has allowed his or her certification to lapse or expire shall be required to reinstate certification pursuant to Section 4 of this administrative regulation.

Section 8. Downgrading Certification.

(1) An Advanced Emergency Medical Technician currently certified as an Advanced Emergency Medical Technician by the board shall be eligible for certification downgrade if:

(a) The certification is in good standing with no pending disciplinary action;

(b) The applicant submits a completed AEMT Certification Downgrade Application in KEMSIS; and

(c) The applicant pays the fee established in 202 KAR 7:030.

(2) An Advanced Emergency Medical Technician is only eligible to downgrade his or her certification to an Emergency Medical Technician or Emergency Medical Responder certification.

(3) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

[(4)] [An applicant shall undergo a background check pursuant to KRS 311A.050 and 311A.100. The background check shall be:]

[(a)] [Statewide in scope for an applicant with current certification in Kentucky;]

[(b)] [Less than six (6) months old when the applicant submits to the board all requirements for certification; and]

[(c)] [Provided by a vendor that has been contracted through the board.]

(4)[(5)] Downgrade shall be denied if the applicant has not met the requirements of this section or has been subject to disciplinary action that prevents certification at the time of application.

(5)[(6)] The applicant shall be responsible for meeting the renewal requirements of the downgraded certification level issued prior to expiration of that certification.

(6)[(7)] To reinstate the certification or license that was previously held, the applicant shall meet the regulatory requirements for that level of certification or licensure.

(7)[(8)] The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon downgrading his or her certification.

(8)[(9)] Once the applicant has downgraded his or her certification or license, the applicant is no longer permitted to provide emergency medical services at the previous certification or license level held.

(9)[(10)] An applicant applying for downgrade who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

(10)[(11)] All endorsements, certifications, or licenses held at the previous certification or license level shall be void at the completion of the downgrade.

Section 9. Surrender of Certification.

(1) An Advanced Emergency Medical Technician surrendering his or her certification shall submit a completed AEMT Certification Surrender Application in KEMSIS.[:]

[(a)] [Submit a completed AEMT Certification Surrender Application in KEMSIS; and]

[(b)] [Pay the fee established in 202 KAR 7:030.]

(2) The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon surrendering his or her certification.

Section 10. Reporting Requirements.

(1) An Advanced Emergency Medical Technician shall maintain current demographic information in KEMSIS including:

(a) Legal name;

1. Any changes to an AEMT's[AMET's] legal name shall be submitted using the Name Change Application in KEMSIS; and

2. One (1) of the following documents as verification of name change:

a. Social Security card;

b. Driver's license; or

c. Passport;

(b) Mailing address;

(c) Email address; and

(d) Phone number.

(2) An Advanced Emergency Medical Technician who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

Section 11. Exemptions from Advanced Emergency Medical Technician Administrative Regulations. Certification requirements for an Advanced Emergency Medical Technician shall not apply to:

(1) United States military members, state National Guard personnel, or employees of the United States government if the individual provides emergency medical services:

(a) On land owned by the United States government;

(b) In facilities owned by the United States government;

(c) In the performance of official duties under federal law; or

(d) As part of assistance for a mass casualty or disaster incident pursuant to federal law or official state assistance request; or

(2) An Advanced Emergency Medical Technician certified in another state or territory of the United States who:

(a) Enters Kentucky with a patient being transported to a medical facility or other final destination in Kentucky; or

(b) Travels through Kentucky during the course of a patient transport from an out-of-state location to a destination outside of Kentucky.

Section 12. Public Notice of Negative Action. The board office shall cause to be published on the board Web site the name of an Advanced Emergency Medical Technician who:

(1) Is fined;

(2) Is placed on probationary status;

(3) Is placed on restricted status;

(4) Is suspended; or

(5) Has had his or her certification revoked.

Section 13. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "National Emergency Medical Services Education Standards-Advanced Emergency Medical Technician", National Highway Traffic Safety Administration, 2021;

[(a)] ["National Emergency Medical Services Education Standards-Advanced Emergency Medical Technician Instructional Guidelines", The United States Department of Transportation, National Highway Traffic Safety Administration, DOT HS 811 077D, January 2009;]

(b) "AEMT Initial Certification Application" in KEMSIS, July 2019;

(c) "AEMT Certification Renewal Application" in KEMSIS, July 2019;

(d) "AEMT Reciprocity Certification Application" in KEMSIS, July 2019;

(e) "AEMT Reinstatement Certification Application" in KEMSIS, July 2019;

(f) "AEMT Supplemental Curriculum Training Verification Report", July 2019;

(g) "National Registry of Emergency Medical Technicians National Continued Competency Program AEMT", December 2025;

[(g)] ["National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;]

(h) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;

(i) "AEMT Certification Downgrade Application" in KEMSIS, July 2019;

(j) "AEMT Certification Surrender Application" in KEMSIS, July 2019;

[(k)] ["National Registry of Emergency Medical Technicians National Continued Competency Program AEMT", October 2016;]

(k)[(l)] "Name Change Application" in KEMSIS, July 2019;

(l)[(m)] "Military Extension Application" in KEMSIS, July 2019; and

(m)[(n)] "United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card)", July 2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, by appointment, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kbems.ky.gov.[kyems.com.]

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: October 12, 2026

FILED WITH LRC: October 13, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 PM ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Fax: (859) 225-1493, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood Phone: (859) 225-4714 Email: administrativeregulations@wgmfirm.com

Subject Headings: Emergency Medical Services, Licensing, Background Checks

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.020 requires the office of the board to certify and recertify advanced emergency medical technicians. KRS 311A.025 requires the board to promulgate administrative regulations relating to advanced emergency medical technicians. This administrative regulation establishes the standards relating to advanced emergency medical technicians.

(b) The necessity of this administrative regulation: KRS 311A.020 requires the office of the board to certify and recertify advanced emergency medical technicians. KRS 311A.025 requires the board to promulgate administrative regulations relating to advanced emergency medical technicians. This administrative regulation is necessary to establish standards relating to advanced emergency medical technicians.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.020 and 311A.025 by establishing standards relating to advanced emergency medical technicians.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.020 requires the office of the board to certify and recertify advanced emergency medical technicians. KRS 311A.025 requires the board to promulgate administrative regulations relating to advanced emergency medical technicians. This administrative regulation assists and will assist in the effective administration of the statute by establishing standards relating to advanced emergency medical 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: This amendment: Deletes the requirements to complete HIV/AIDS, pediatric abusive head trauma, and awareness of sexual violence training. Such training was previously required by KRS 311A.120, which was repealed by House Bill 236 (2026 Regular Session), 2026 Ky. Acts ch. 105, sec. 16. Limits the background check for initial certification to applicants not currently certified or licensed by the board, and deletes the statewide background check formerly required of

currently certified applicants and applicants for downgrade. Deletes the fee requirement for surrender of certification. Updates materials incorporated by reference and the board's Web site address. Makes technical corrections.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to delete training courses that are no longer required by statute, to revise background check requirements, to delete the surrender fee requirement, to update materials incorporated by reference, and to make technical corrections.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.020 and 311A.025 by updating the standards relating to advanced emergency medical technicians.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statute by updating the standards relating to advanced emergency medical technicians.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 311A.120 previously required first responders to complete training regarding HIV/AIDS, pediatric abusive head trauma, and awareness of sexual violence. KRS 311A.120 was repealed by House Bill 236 (2026 Regular Session), 2026 Ky. Acts ch. 105, sec. 16.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Advanced Emergency Medical Technicians (AEMTs).

(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: AEMTs will not be required to take any action to comply with this amendment. This amendment deletes course requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): AEMTs will benefit from not having to take courses that are no longer required.

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

(a) Initially: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(b) On a continuing basis: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

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

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

(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to all AEMTs.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . KRS 311A.020 requires the office of the board to certify and recertify advanced emergency medical technicians. KRS 311A.025 requires the board to promulgate administrative regulations relating to advanced emergency medical technicians. This administrative regulation establishes standards relating to advanced emergency medical technicians.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 311A.025, which was last amended by 2026 Ky. Acts ch. 105, sec. 8.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by the Kentucky Board of Emergency Medical Services.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None. This administrative regulation applies to individual AEMTs.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: This amendment is not expected to have any fiscal impact.

(b) Methodology and resources used to reach this conclusion: This amendment does not directly or indirectly establish any fees or 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.

(b) The methodology and resources used to reach this conclusion: This amendment does not directly or indirectly establish any fees or costs.

INDEPENDENT ADMINISTRATIVE BODIES
Board of Emergency Medical Services
(Amendment)

202 KAR 7:401. Paramedics.

RELATES TO: KRS 12.355, 72.020, 311A.025, 311A.030, 311A.050-311A.100,[311A.120,] 311A.135, 311A.142, 311A.170, 311A.190, 446.400, 10 U.S.C. 121, 12304

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, [311A.120,] 311A.125, 311A.135, 311A.170

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.025 requires the board to promulgate administrative regulations relating to requirements and procedures for licensure, relicensure, and reciprocity for paramedics. This administrative regulation establishes those requirements and procedures.

Section 1. Paramedic Student Eligibility. Individuals shall be eligible to enroll as a student in a paramedic education and training program if the applicant:

(1) Holds current unrestricted certification as an Emergency Medical Technician or Advanced Emergency Medical Technician in Kentucky or holds current unrestricted certification with the National Registry of Emergency Medical Technicians (NREMT) as an Emergency Medical Technician or Advanced Emergency Medical Technician;

(2) Is not currently subject to disciplinary action pursuant to KRS Chapter 311A that would prevent licensure; and

(3) Meets all additional requirements established by the EMS Training and Educational Institute[Institution] (EMS-TEI).

Section 2. Licensure Requirements. Individuals desiring initial licensure as a paramedic shall:

(1) Successfully complete a board approved education and training program that conforms to the curriculum of the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards- Paramedic[Instructional Guidelines];

(2) Successfully complete all EMS-TEI[EMS-Training and Educational Institute (EMS-TEI)] requirements for the education or training program that:

(a) Meet or exceed the National Emergency Medical Services Educational Standards- Paramedic[Instructional Guidelines], which shall not be satisfied by the completion of refresher or transition courses alone; and

(b) Meet all educational standards established in 202 KAR 7:601;

(3) Obtain certification as a paramedic by the National Registry of Emergency Medical Technicians;

(4) Submit a completed Paramedic Initial Licensure Application in the Kentucky Emergency Medical Services Information System (KEMSIS);

(5) Pay the fee pursuant to 202 KAR 7:030;

(6) If not currently certified or licensed by the board as an EMR, EMT, or AEMT, undergo[Undergo] a background check pursuant to KRS 311A.050 and 311A.100.

(a) The background check shall be:

1. National in scope[for an applicant not currently certified at any level in Kentucky];

[2.] [Statewide in scope for an applicant with current certification in Kentucky;]

2.[3.] Less than six (6) months old when the applicant submits to the board all requirements for licensure; and

3.[4.] Provided by a vendor that has been contracted through the board; and

(b) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check; and

(7) Be a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, as evidenced by submission to the board of:

(a) A Social Security card;

(b) Birth certificate;

(c) A United States Citizenship and Immigration Services (U.S.C.I.S.)[(US.C.I.S.)] Permanent Resident Card (form I-551/Green Card); or

(d) Other legal authorization to live and work in the United States.

Section 3. Renewal of Licensure and Continuing Education Requirements.

(1) A paramedic shall be eligible for license renewal if:

(a) The applicant submits a completed Paramedic License Renewal Application in KEMSIS;

[(b)] [The applicant maintains written evidence of:]

[1.] [HIV/AIDS training required by KRS 311A.120;]

[2.] [Pediatric Abusive Head Trauma as required by KRS 311A.120; and]

[3.] [Awareness of Sexual Violence Training required by KRS 311A.120;]

(b)[(c)] The applicant pays the fee pursuant to 202 KAR 7:030; and

(c)[(d)] The applicant maintains evidence of:

1. Current certification by the NREMT as a paramedic, and if this option is used the board may request, through a continuing education audit, proof of continuing education to verify compliance with the continuing education requirements of this section; or

2. NREMT Paramedic National Component of the Continued Competency Program Paramedic for Continuing Education.

(2) All continuing education shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(3) An application for renewal of licensure shall be denied if:

(a) Prior to the licensure expiration date, the paramedic applicant has not met the applicable requirements of this administrative regulation; or

(b) The applicant has been subjected to disciplinary action that prevents relicensure at the time of application.

(4) A licensed paramedic, in good standing, who is a member of a National Guard or a military reserve unit called to active duty by presidential order pursuant to 10 U.S.C. 121 and 12304 shall be renewed in accordance with KRS 12.355 upon submission of the Military Extension Application.

(5) The board office may audit a paramedic's continuing education and continuing education records. The paramedic shall submit the documentation requested within ten (10) business days of receipt of the board's request.

(6) If documentation of continuing education hours consistent with this administrative regulation is[are] not received using the board-approved submission process within ten (10) business days of receipt of the board's request, the paramedic license for the individual shall be summarily revoked and the individual shall reapply for licensure through reinstatement if eligible.

(7) The ten (10) business days for submission shall not apply to investigations pursuant to KRS Chapter 311A.

(8) The paramedic shall maintain documentation of all continuing education for three (3) years from the date of completion.

Section 4. Reinstatement of License.

(1) A paramedic whose Kentucky license has lapsed may reinstate their license if the applicant submits:

(a) A completed Paramedic Reinstatement License Application in KEMSIS;

(b) Evidence of previous licensure as a paramedic in the Commonwealth of Kentucky; and

[(c)] [Evidence of current training in:]

[1.] [Pediatric Abusive Head Trauma as required by KRS 311A.120;]

[2.] [Awareness of Sexual Violence Training required by KRS 311A.120; and]

[3.] [HIV/AIDs training required by KRS 311A.120; and]

(c)[(d)] Payment of the fee pursuant to 202 KAR 7:030.

(2)

(a) The applicant for reinstatement of license shall undergo a national background check provided by a vendor that has been contracted through the board.

(b) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(c) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of reinstatement of license.

(3) The applicant for reinstatement of licensure shall bear the burden of proof of previous licensure in Kentucky if the previous paramedic license is in issue or dispute.

(4) An applicant shall provide evidence of successful completion of the NREMT-Paramedic national component of the continued competency program for continuing education within the twelve (12) months preceding application for reinstatement of the paramedic license.

(5) An applicant ineligible for licensure pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

Section 5. Paramedic Reciprocity.

(1) An individual who is certified or licensed in another state or by the NREMT as a paramedic or any member of the United States Armed Forces, or veteran who has transitioned within the past six (6) years from the United States Armed Forces, and has been registered by the National Registry as a paramedic or has obtained National Registry as a paramedic by successfully completing a board-approved United States Armed Forces medical training course that meets the National Emergency Medical Services Education Standards-Paramedic[~~Standards for Paramedic~~], shall be eligible for reciprocity for Kentucky licensure as a paramedic if the applicant submits:

(a) A completed Paramedic Reciprocity Licensure Application in KEMSIS; and

(b) Proof of the applicant's current unrestricted certification as a NREMT-Paramedic, or current paramedic license in another state, or proof of completing a board-approved United States Armed Forces medical training course which included NREMT-Emergency Medical Technician certification and completion of a board-approved bridge course.[~~; and~~]

[~~(c)~~] [~~Completion of current training in:~~]

[~~1.~~] [~~HIV/AIDS training required by KRS 311A.120;~~]

[~~2.~~] [~~Pediatric Abusive Head Trauma training required by KRS 311A.120; and~~]

[~~3.~~] [~~Awareness of Sexual Violence Training required by KRS 311A.120.~~]

(2) An applicant shall pay the fee required for licensure through reciprocity pursuant to 202 KAR 7:030.

(3) An applicant for paramedic reciprocity shall undergo a national background check provided by a vendor that has been contracted through the board. An applicant shall not directly submit a background check. The background check shall be submitted to the board by the company that conducts the background check. Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of licensure through reciprocity.

(4) An applicant shall not have been convicted of offenses described in KRS 311A.050.

(5) An applicant shall not have been subjected to discipline that would prevent reciprocity at the time of application.

(6) A paramedic licensed pursuant to this section shall not perform any procedure[~~procedures~~] or skill on which the paramedic has not been trained. A paramedic who performs a skill for which the paramedic does not have documented training shall have exceeded the scope of practice and shall be in violation of KRS 311A.050.

Section 6. Scope of Practice. A paramedic shall provide emergency medical services consistent with the skills and procedures in the National EMS Scope of Practice Model and 202 KAR 7:701.

Section 7. Expiration of Licensure.

(1) Licensure periods and expiration dates shall be pursuant to KRS 311A.095.

(2) If a paramedic license lapses or expires, the paramedic shall cease provision of emergency medical services.

(3) A paramedic who has allowed his or her license to lapse or expire shall be required to reinstate his or her licensure pursuant to Section 4 of this administrative regulation.

Section 8. Downgrading Licensure.

(1) A paramedic currently licensed as a paramedic by the board shall be eligible for licensure downgrade if:

(a) The license is in good standing with no pending disciplinary action;

(b) The applicant submits a completed Paramedic License Downgrade Application in KEMSIS; and

(c) The applicant pays the fee pursuant to 202 KAR 7:030.[~~;~~]

(2) A paramedic shall only be eligible to downgrade his or her license to an Advanced Emergency Medical Technician, Emergency Medical Technician, or Emergency Medical Responder certification.

(3) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

[~~(4)~~] [~~The applicant shall undergo a background check pursuant to KRS 311A.050 and 311A.100. The background check shall be:~~]

[~~(a)~~] [~~Statewide in scope for an applicant with current certification in Kentucky;~~]

[~~(b)~~] [~~Less than six (6) months old when the applicant submits to the board all requirements for certification; and~~]

[~~(c)~~] [~~Provided by a vendor that has been contracted through the board.~~]

(4)[~~(5)~~] Downgrade shall be denied if the applicant has not met the requirements of this section or has been subject to disciplinary action that prevents certification at the time of application.

(5)[~~(6)~~] The applicant shall be responsible for meeting the renewal requirements of the downgraded certification level issued prior to expiration of that certification.

(6)[~~(7)~~] To reinstate the certification or license that was previously held, the applicant shall meet the regulatory requirements for that level of certification or licensure.

(7)[~~(8)~~] The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon downgrading his or her license.

(8)[~~(9)~~] Once the applicant has downgraded his or her certification or license, the applicant shall not provide emergency medical services at the previous certification or license level held.

(9)[~~(10)~~] An applicant applying for downgrade that does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

(10)[~~(11)~~] All endorsements, certifications, or licenses held at the previous certification or license level shall be void at the completion of the downgrade.

Section 9. Surrender of License.

(1) A paramedic surrendering his or her licensure shall submit a completed Paramedic License Surrender Application in KEMSIS.[~~:~~]

[~~(a)~~] [~~Submit a completed Paramedic License Surrender Application in KEMSIS; and~~]

[~~(b)~~] [~~Pay the fee pursuant to 202 KAR 7:030.~~]

(2) The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon surrendering his or her license.

Section 10. Reporting Requirements.

(1) A paramedic shall maintain current demographic information in KEMSIS including:

(a) Legal name;

1. Any changes to the paramedic's legal name shall be submitted using the Name Change Application[~~application~~] in KEMSIS; and

2. One (1) of the following documents as verification of name change:

a. Social Security card;

b. Driver's license; or

c. Passport;

(b) Mailing address;
(c) Email address; and
(d) Phone number.
(2) A paramedic that does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

Section 11. Discontinuance of Resuscitative Efforts. A paramedic shall discontinue resuscitation efforts if presented with a properly executed Kentucky Emergency Medical Services Do Not Resuscitate (DNR) Order, or properly executed Kentucky Medical Orders for Scope of Treatment (MOST) form.

Section 12. Critical Care Endorsement.
(1) A paramedic licensed by the board may be granted a critical care endorsement upon completion of the Application for Paramedic Critical Care Endorsement, payment of the fee pursuant to 202 KAR 7:030, and completion of a board-approved training program that minimally meets the objectives of the University of Maryland Baltimore Campus CCEMTP Program.
(2) The critical care endorsement shall be valid if the paramedic maintains current licensure as a paramedic by the board.
(3) A paramedic with a critical care endorsement may perform the skills and procedures included in the paramedic's education and training subject to authorization by the medical director through established protocols.
(4) Notwithstanding subsection (1) of this section, applications for critical care endorsements shall no longer be accepted after June 30, 2025.
(5) Notwithstanding subsections (1) through (3) of this section, on and after January 1, 2027, critical care endorsements shall not be valid. Paramedics wishing to provide critical care on and after January 1, 2027, shall obtain an advanced practice paramedic license and certification as a critical care paramedic in accordance with 202 KAR 7:410.

Section 13. Exemptions from Paramedic Administrative Regulations. The Kentucky licensure requirements for a paramedic shall not apply to:
(1) United States military members, National Guard personnel, or employees of the United States government if the individual provides emergency medical services:
(a) On land owned by the United States government;
(b) In facilities owned by the United States government;
(c) In the performance of official duties under federal law; or
(d) As part of assistance for a mass casualty or disaster incident pursuant to federal law or official state assistance request; or
(2) A paramedic licensed in another state or territory of the United States who:
(a) Enters Kentucky with a patient being transported to a medical facility or other final destination in Kentucky; or
(b) Travels through Kentucky during the course of a patient transport from an out-of-state location to a destination outside of Kentucky.

Section 14. Public Notice of Negative Action. The board office shall cause to be published on the board website the name of a paramedic that:
(1) Is fined;
(2) Is placed on probationary status;
(3) Is placed on restricted status;
(4) Is suspended; or
(5) Has had his or her license[~~certification~~] revoked.

Section 15. The paramedic shall document all items required by Section 11[~~Sections 11 and 12~~] of this administrative regulation on the Patient Care Report required by KRS 311A.190.

Section 16. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "National Emergency Medical Services Education Standards-Paramedic", National Highway Traffic Safety Administration, 2021;
[~~(a)~~] [~~"National Emergency Medical Services Education Standards-Paramedic Instructional Guidelines", The United States Department of Transportation, National Highway Traffic Safety Administration, DOT HS 811 077E, January 2009;~~]
(b) "Paramedic Initial Licensure Application" in KEMSIS, April 2021;
(c) "Paramedic License Renewal Application" in KEMSIS, April 2021;
(d) "Paramedic Reciprocity Licensure Application" in KEMSIS, April 2021;
(e) "Paramedic Reinstatement License Application" in KEMSIS, April 2021;
(f) "Kentucky Emergency Medical Services Do Not Resuscitate (DNR) Order", 2024;
(g) "National Registry of Emergency Medical Technicians National Continued Competency Program Paramedics", December 2025;
[~~(f)~~] [~~"Kentucky Emergency Medical Services Do Not Resuscitate (DNR) Order", April 2021;~~]
[~~(g)~~] [~~"National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;~~]
(h) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;
(i) "Kentucky Medical Orders for Scope of Treatment (MOST) Form", April 2021;
(j) "Application for Paramedic Critical Care Endorsement" in KEMSIS, April 2021;
(k) "Paramedic License Downgrade Application" in KEMSIS, April 2021;
(l) "Paramedic License Surrender Application"[~~,~~] in KEMSIS, April 2021;
[~~(m)~~] [~~"National Registry of Emergency Medical Technicians National Continued Competency Program Paramedic", October 2016;~~]
[~~(n)~~] [~~"National Registry of Emergency Medical Technicians Advanced Level Examination Coordinator Manual", November 1, 2016;~~]
(m)[~~(o)~~] "Name Change Application" in KEMSIS, April 2021;
(n)[~~(p)~~] "Military Extension Application" in KEMSIS, April 2021; and
(o)[~~(q)~~] "United States Citizenship and Immigration Services (U.S.C.I.S.)[~~(U.S.C.IS)~~] Permanent Resident Card (form I-551/Green Card)", April 2021.
(2) This material may be inspected, obtained, or copied, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, by appointment, Monday through Friday, 8 a.m. to 4:30 p.m.
(3) This material is also available on the board's Web site at: kbems.ky.gov.[~~kyems.com.~~]

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: October 12, 2026
FILED WITH LRC: October 13, 2026 at 3:30 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 PM ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.
CONTACT PERSON: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite

200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Fax: (859) 225-1493, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood Phone: (859) 225-4714 Email: administrativeregulations@wgmfirm.com

Subject Headings: Paramedics, Emergency Medical Services, Licensing, Background Checks

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.020 requires the office of the board to license and relicense paramedics. KRS 311A.025 requires the board to promulgate administrative regulations relating to paramedics. This administrative regulation establishes the standards relating to paramedics.

(b) The necessity of this administrative regulation: KRS 311A.020 requires the office of the board to license and relicense paramedics. KRS 311A.025 requires the board to promulgate administrative regulations relating to paramedics. This administrative regulation is necessary to establish standards relating to paramedics.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.020 and 311A.025 by establishing standards relating to paramedics.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.020 requires the office of the board to license and relicense paramedics. KRS 311A.025 requires the board to promulgate administrative regulations relating to paramedics. This administrative regulation assists and will assist in the effective administration of the statute by establishing standards relating to paramedics.

(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: Deletes the requirements to complete HIV/AIDS, pediatric abusive head trauma, and awareness of sexual violence training. Such training was previously required by KRS 311A.120, which was repealed by House Bill 236 (2026 Regular Session), 2026 Ky. Acts ch. 105, sec. 16. Requires a national background check only of an applicant who is not currently certified or licensed by the board, and deletes the statewide background check and the background check for a license downgrade. Deletes the requirement to pay a fee to surrender a license. Updates materials incorporated by reference and the board's Web site address, and makes technical corrections.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to delete training courses that are no longer required by statute, to eliminate duplicative background checks for applicants already certified or licensed by the board, to delete the license surrender fee, and to update materials incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.020 and 311A.025 by updating the standards relating to paramedics.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statute by updating the standards relating to paramedics.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 311A.120 previously required first responders to complete training regarding HIV/AIDS, pediatric abusive head trauma, and awareness of sexual violence. KRS 311A.120 was repealed by House Bill 236 (2026 Regular Session), 2026 Ky. Acts ch. 105, sec. 16.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All paramedics.

(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: Paramedics will not be required to take any action to comply with this amendment. This amendment deletes course requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Paramedics will benefit from not having to take courses that are no longer required.

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

(a) Initially: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(b) On a continuing basis: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

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

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

(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to all paramedics.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . KRS 311A.020 requires the office of the board to license and relicense paramedics. KRS 311A.025 requires the board to promulgate administrative regulations relating to paramedics. This administrative regulation establishes standards relating to paramedics.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 311A.025, which was last amended by 2026 Ky. Acts ch. 105, sec. 8.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by the Kentucky Board of Emergency Medical Services.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None. This administrative regulation applies to individual paramedics.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:

For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment is not expected to have any fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not directly or indirectly establish any fees or 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.
(b) The methodology and resources used to reach this conclusion: This amendment does not directly or indirectly establish any fees or costs.

INDEPENDENT ADMINISTRATIVE BODIES
Board of Emergency Medical Services
(Amendment)

202 KAR 7:555. Ground agencies.

RELATES TO: KRS 311A.030, 311A.075, 311A.190, 29 C.F.R. 1910.1030
STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.190
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes minimum licensing requirements.

Section 1. Utilization of Ground Vehicles by Class I, II, III, and IV Licensed Agencies.
(1) At the time of initial inspection, each agency shall inform the Kentucky Board of Emergency Medical Services (KBEMS) office of the make, model, year, vehicle identification number or serial number, and license tag number for each vehicle the agency plans to use for medical care and transportation.
(2) Each agency shall complete a Vehicle Add application in the Kentucky Emergency Medical Services Information System (KEMSIS) no later than five (5) business days before any unlicensed vehicle is placed into operation.
(3) Unless exigent circumstances exist and the agency receives written approval from the executive director of the board to place an unlicensed vehicle into operation, a vehicle shall not be placed into operation until the board has conducted a physical inspection of the vehicle and determined it meets the requirements of 202 KAR Chapter 7.
(4) Each agency shall complete a Vehicle Delete application in KEMSIS no later than the next business day after the permanent removal of any licensed vehicle from service by the license holder.
(5)
(a) A licensed agency may use a replacement vehicle that meets all of the requirements of 202 KAR Chapter 7 on a temporary basis while a permitted vehicle is out of service. The agency shall complete an Add TEMPORARY Vehicle/Aircraft Part 1 application in KEMSIS within twenty-four (24) hours of the replacement.
(b) A temporary replacement vehicle shall not be used for more than thirty (30) days annually unless the KBEMS office has verified, through a physical inspection, that it meets the requirements of 202 KAR Chapter 7.
(6) The KBEMS office shall be notified by a completed Add TEMPORARY Vehicle/Aircraft Part 2 application in KEMSIS within twenty-four (24) hours or on the next business day if a temporary vehicle is removed from service and the original licensed vehicle is returned to service.
(7)
(a) An agency that fails to report using a temporary vehicle shall be required to immediately cease use of the replacement vehicle until the reporting requirements are met.
(b) An agency that fails to remove a temporary vehicle from service after thirty (30) days shall be fined $500 for each day or partial day the vehicle is in service and not reported.
(8) This administrative regulation shall not prevent a licensed agency from utilizing other means of transporting patients in:
(a) Disasters;
(b) Mass casualty incidents; or
(c) Extraordinary scene conditions that would impair access to the safety or care of the patient or personnel operating at the scene.

Section 2. Provider Management Requirements.
(1) All licensed agencies shall maintain:
(a) An organizational chart that establishes lines of authority, including the designation of:
1. An administrator responsible for assuring compliance with KRS Chapter 311A and 202 KAR Chapter 7 during the daily operation of the service; and
2. A designee who shall serve in the absence of the administrator;
(b) Records and reports at the ambulance agency base station including:
1. An original, electronic equivalent, or copy of all patient care records consistent with the U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary found at www.nemsis.org/technical-resources/version-3;
2. An electronic copy of all completed patient care reports, which shall be maintained to ensure confidentiality and safekeeping for at least seven (7) years from the date on which the service was rendered, or in the case of a minor, at least three (3) years after the minor reaches the age of majority; and
3. Copies of Patient Care Reports for the preceding twelve (12) months, which shall be accessible and be immediately available to the board, KBEMS office, or representatives upon request;
(c) Personnel files for each employee or volunteer who staffs a vehicle of a licensed agency. Personnel files shall be maintained for at least one (1) year following separation from employment. At a minimum, all personnel files shall contain:
1. Pre-employment and biennial criminal background checks, which shall be national in scope and administered by a vendor approved by the board.
a. All criminal background checks shall include searches of:
(i) County criminal records;
(ii) Nationwide crime database;
(iii) Federal criminal records;
(iv) Nationwide sexual offender registry;
(v) Healthcare fraud and abuse scan; and
(vi) Address history;

b. A new employee or volunteer shall not staff any licensed vehicle until the agency has requested an initial employment background check from a vendor approved by the board;

c. If a new employee or volunteer is currently employed by another agency licensed by the board and a national criminal background check for that employee or volunteer has been completed within the last six (6) months, the hiring agency may, with the employee's or volunteer's written consent and with approval from the other licensed agency, obtain the completed background check from the other licensed agency, and such background check shall constitute the employee's or volunteer's initial employment background check;

2. A copy of the employee's valid KBEMS certification or licensure card;

3. A Federal Emergency Management Agency (FEMA) transcript or copy of each employee's completion of the National Incident Management System (NIMS) Incident Command System (ICS) 100, 200, 700, and 800 courses;

4. A valid copy of the employee's driver's license and documentation of the employee's completion of driver's training, if the employee operates any agency vehicle; and

5. Annual fitness for duty statements, which shall be consistent with the agency's pre-employment and annual health assessment policy and signed by an authorized representative of the agency;

(d) A policy for the provision of a pre-employment and annual health assessment of employees of the agency, which shall include reporting mechanisms for work-related illness or injury;

(e) A written plan for providers to consult with online adult and pediatric medical direction. This plan shall address at a minimum:

1. The availability of medical direction twenty-four (24) hours a day, seven (7) days a week;

2. The availability of medical direction during an emergency event;

3. The provision of medical direction by a physician, physician assistant (PA), or nurse practitioner (NP); and

4. Recommended actions if:

a. There is an equipment failure, a communication barrier, or other unusual circumstance; and

b. It is not possible to contact online medical direction;

(f) A plan and records for the provision of continuing education for staff and volunteers, including:

1. A written plan for the method of assessment of staff continuing education needs; and

2. A coordinated plan to meet those needs, including a provision that all continuing education shall be provided either by a licensed TEI or in accordance with 202 KAR 7:601;

(g) An infection control plan in accordance with 29 C.F.R. 1910.1030;

(h) A written plan for training or educating personnel for responding to hazardous materials, criminal, and potential terrorist incidents;

(i) Written policies for the protection and decontamination of patients, ambulances, equipment, and staff. If an agency carries firefighter structural personal protective equipment, the written policies shall include provisions for bagging or containing the equipment to minimize off-gassing and prevent cross-contamination within the patient compartment when storing the equipment in an external compartment is not possible;

(j) A written policy regarding the appropriate destination of a patient who expires during transport if a valid Kentucky EMS Do Not Resuscitate (DNR) or Medical Orders for Scope of Treatment (MOST) form is present;

(k) A written plan for the quality assessment of patient care and provider quality improvement, including a monthly review of patient care reports and evaluation of staff performance related to patient care. This plan shall address at[~~as~~] a minimum:

1. Employee health and safety;

2. Compliance with protocols and operating procedures;

3. Assessment of dispatch protocols;

4. Vehicle operations and vehicle safety;

5. Additional training necessary for the patient care provider or providers;

6. Equipment preventive maintenance programs; and

7. A process for the resolution of customer complaints;

(l) A written plan for training personnel and responding to mass casualty incidents and disasters;

(m) A written orientation program for all personnel, including at a minimum:

1. Validation of certification or license with KBEMS;

2. Validation of the National Incident Management System (NIMS) Incident Command System (ICS) 100, 200, 700, and 800 courses within sixty (60) days of employment for any employee who staffs a licensed vehicle;

3. Completion of driver's training in accordance with 202 KAR 7:560 prior to operating a board licensed vehicle during an emergency response or when actively transporting a patient, if applicable;

4. A review of all agency policies, procedures, and protocols;

5. Communication equipment at the base station and on each vehicle;

6. Operational aspects of the agency fleet and equipment;

7. Inspection and routine maintenance of agency fleet, facilities, and equipment;

8. Appropriate processes for disinfection of agency fleet, facilities, and equipment;

9. Local navigation and geographic orientation; and

10. Completion of Patient Care Reports and other documentation as established by the agency;

(n) Proof of professional liability malpractice insurance of a minimum of $1,000,000; and

(o) Proof of vehicular liability insurance.

(2)

(a) Each agency shall maintain professional liability malpractice insurance and vehicular liability insurance.

(b) An agency that fails to maintain professional liability malpractice insurance and vehicular liability insurance shall notify the board immediately and cease operations until all insurance coverage has been restored.

(3) Each agency shall verify that all staff certifications and licenses are valid as of the first day of the calendar year.

(4) If an agency is ceasing to operate, the agency shall provide the board with the physical or electronic digital storage location of all Patient Care Reports within five (5) business days of closure. These reports shall be maintained by the owner of the licensed agency[~~,~~] or a contracted third party to meet the timeline established in subsection (1)(b) of this section.

(5) Each agency that allows an employed emergency responder to provide medical services while off duty in accordance with 202 KAR 7:701 shall maintain and implement a policy regarding which employees are approved to provide medical services off duty by the agency's medical director and the manner in which worker's compensation and general liability insurance covers employees off duty.

(a) The policy shall be signed by both the agency's administrator and medical director and shall be reviewed annually.

(b) Off duty emergency medical personnel shall not provide off duty care that would require an agency license, such as a Class VIII license.

(6) Each Class I, II, and VI agency shall, in the county in which the agency's base station or a satellite is located:

(a) Document evidence of participation in a local, county, facility, regional, or state disaster or preparedness exercise within the preceding twelve (12) months;

(b) Coordinate with the county or facility emergency management director plans for the possible use of agency personnel for use in the emergency operations center in a disaster;

(c) Maintain a hard copy or electronic equivalent of the most current adopted facility, city, county, or urban county government emergency management agency's emergency operations plan at the ambulance base station; and

(d) Document evidence of use and operation of Kentucky Ready Ops patient tracking during a disaster or preparedness exercise.

Section 3. Operating Requirements.

(1) Each licensed agency, except Class IV, VIII, and IX, shall provide service twenty-four (24) hours a day, seven (7) days a week. Class IV, VIII, and IX agencies shall operate during the hours of operation for their geographical service area or designated events.

(2) Each licensed agency shall retain staffing schedules for at least the previous twelve (12) months.

(3) A licensed agency shall have a written scope of care policy to include the types of services performed, limitations of response, and the types of medical teams provided.

(4) Unless utilizing a medical dispatch prioritizing system, any agency licensed and located within the geographical service area that determines it is unable to have a vehicle responding within ten (10) minutes from the initial time a 911 scene response call is received shall request that the next closest appropriate licensed agency respond.

(5) If an agency licensed for a specific geographical service area is unable to respond to a scheduled or non-scheduled medically necessary ambulance transportation call within two (2) hours from the initial time the call is received, the requesting healthcare facility may contact any appropriately-licensed agency and request that the agency conduct the transport.

(6) Each Class I agency shall attempt to enter into a mutual aid agreement with another licensed Class I agency operating within the same or contiguous counties. These agreements shall be in writing and address:

(a) The type of mutual aid assistance to be provided, including advanced life support (ALS) or basic life support (BLS) medical care and transport and ALS or BLS medical first response;

(b) Response personnel, including levels of training or education and provisions for joint in-service training or education if appropriate;

(c) Response vehicles, including unit identifiers and the station or location from which the vehicles shall be operated;

(d) A plan of action for the mutual aid agreement, including dispatch and notification procedures;

(e) Radio and other communications procedures between the ambulance agency and other response agencies with which the agency has mutual aid agreements;

(f) On-scene coordination and scene control including medical direction if several agencies respond to the same incident;

(g) Exchange of patient information, records, and reports as allowed by law; and

(h) The effective dates and process for amendment or termination.

(7) A Class I agency shall send a written request for a mutual aid agreement to at least two (2) contiguous counties and retain a copy of each request and each county's response.

(8) Each Class I and VI agency shall maintain a policy or affiliation agreement with the primary call-taking center that provides dispatch services for all or part of the service area of the ground agency. The agreement or policy shall state at a minimum that:

(a) Unless utilizing a medical dispatch prioritizing system, requests for 911 scene response shall be dispatched or notified within two (2) minutes from determining that the caller is requesting an ambulance response;

(b) If the closest licensed agency for that geographic service area is unable to have an ambulance responding to an emergency 911 scene response call within ten (10) minutes from the time the call is dispatched, the agency shall notify the next closest appropriate licensed agency to respond; and

(c) The agreement shall specify which patient information shall be collected by the call-taking center during a call for service.

(9) Each Class II and III agency shall maintain a policy or affiliation agreement with the primary call-taking center that provides dispatch services for all or part of the service area of the ground agency. The agreement or policy shall state, at a minimum, which patient information shall be collected by the call-taking center during a call for service.

(10) If a ground agency is unable to secure a written affiliation agreement with the dispatch center, the ground agency shall retain all written correspondence to the dispatch center requesting an affiliation agreement and the dispatch center's denial of the agency's request.

(11) An agency shall not respond to requests for emergency service outside of its licensed geographic service area without first receiving authorization from the licensed agency in the geographic service area in which the request originates.

(12) A licensed Class I ground agency that is located in a geographical service area containing multiple destination hospitals, with regard to the furnishing of 911 scene response and transportation, shall not engage in:

(a) Exclusive or coercive practices regarding transportation decisions with regard to any affiliated hospital or hospital emergency department;

(b) Preferential transportation to any affiliated hospital emergency department if the transports are not justified by time, place, patient convenience, or other objective factors affecting a patient;

(c) Noncompetitive transportation to any affiliated hospital emergency department; or

(d) Transports to any affiliated hospital emergency department if that hospital is not the closest to the patient location or most appropriate based on the availability of particular services or patient preference.

(13) Each licensed Class I and II agency shall schedule a minimum of one (1) staffed ambulance to be staged in the agency's geographic service area.

(14) An agency that cannot meet the timelines established in subsection (8) of this section shall contact another licensed agency and receive an estimated time of arrival to the request for service. If the mutual aid agency can arrive at the location where the request originated more quickly than the agency licensed for the geographic service area, the agency licensed for the geographic service area shall request mutual aid from its neighboring agency to respond to the call.

(15) Class I, IV, and VI agencies shall not refuse a request for an emergency site or 911 scene response if a unit is available in its geographic service area.

(16) A Class I agency shall not exhaust its resources by responding to a scheduled or non-scheduled medically necessary call or by responding to a mutual aid request, except that a licensed Class I agency that has established daily minimum staffing levels may contract with a hospital in the Class I agency's geographic service area for the purpose of meeting the ambulance transportation needs of patients receiving care at the hospital. The contracted services may be utilized solely for the purpose of providing scheduled or non-scheduled medically necessary transports to and from the hospital, if the minimum staffing levels are met by the licensed Class I agency.

(17) This administrative regulation shall not be construed to prevent a licensed agency from providing medical first response emergency or nonemergency pre-hospital care at or below the level for which the agency is licensed through the use of designated agency-owned response vehicles.

(18) A communications system shall be developed, coordinated, and maintained by each licensed agency. The communication system shall comply with paragraphs (a) through (f) of this subsection.

(a) Radio equipment used in emergency medical services vehicles shall be appropriately licensed through the Federal Communications Commission (FCC). Copies of the current FCC licenses shall be on file in the agency office.

(b) Each ambulance shall have an operational push-to-talk two-way radio programmed with all very high frequency (VHF) Kentucky State Mutual Aid Frequencies in accordance with the Commonwealth of Kentucky Field Operations Guide (KY-FOG).

(c) Each Class I ambulance shall be equipped with a minimum of one (1) mobile two-way radio located in the driver's compartment.

(d) Each Class I ambulance shall have a minimum of two (2) portable push-to-talk two-way radios capable, under normal conditions, of operating on the agency, dispatch center, mutual aid, and hospital frequencies.

(e) Each ambulance shall be equipped with mobile two-way radio communication equipment with the ability to communicate from the driver's compartment and patient care compartment.

(f) One (1) alternative method of two-way communication may be substituted for one (1) portable two-way radio.

Section 4. Ceasing Continuous Service.

(1) A licensed Class I, II, III, VI, or VII agency that ceases to provide continuous service on a twenty-four (24) hour basis shall surrender its license to the board office within twenty-four (24) hours of the agency ceasing to provide continuous service.

(2) The agency's chief operations or service director shall immediately contact the executive director of the board upon determining that his or her Class I, II, III, VI, or VII agency will cease providing continuous service, and shall provide the approximate date and time that the agency will cease continuous service.

(3) The agency's chief operations or service director shall immediately contact the executive director of the board upon determining that his or her Class I, II, III, VI, or VII agency has ceased providing continuous service, and shall provide the date and time that the agency ceased continuous service.

(4) Notwithstanding subsection (1) of this section and Section 3(1) of this administrative regulation, a Class I, II, III, VI, or VII agency shall resume continuous service no later than seventy-two (72) hours after ceasing continuous service if the executive director of the board determines, in writing, that:

(a) Circumstances beyond the agency's control exist that justify the agency's temporary lapse in continuous service; and

(b) Public health, safety, and welfare will be better served by allowing the agency to resume continuous service within seventy-two (72) hours after ceasing continuous service.

(5) A licensed Class I, II, III, VI, or VII agency that ceases continuous service shall be deemed to pose a threat to the public and the agency's license shall be temporarily suspended in accordance with KRS 311A.075 if:

(a) The agency fails to surrender its license in accordance with subsection (1) of this section; and

(b) The executive director of the board does not make the determinations set forth in subsection (4)(a) and (b) of this section; or

(c) The executive director of the board makes the determinations set forth in subsection (4)(a) and (b) of this section, but the agency fails to resume continuous service within seventy-two (72) hours after ceasing continuous service and fails to surrender its license to the board office within seventy-two (72) hours after ceasing continuous service.

(6)

(a) Unless the agency surrenders its license to the board within two (2) hours after ceasing continuous service, a Class I, II, III, VI, or VII agency that ceases continuous service shall be assessed $200 per hour for non-operations after the second hour of failure to provide continuous service.

(b) Assessments for non-operations shall not be imposed for any period of non-operations after an agency surrenders its license, after an agency's license is suspended, or, if the executive director of the board makes the determinations established in subsections (4)(a) and (b)[~~subsection 4(a) and (b)~~] of this section, after the written determinations are made.

Section 5. Issuance of Temporary Class I Hardship Licenses to Counties.

(1) The board office shall issue a temporary Class I hardship license to the county or counties listed as the geographic service area on a Class I license that is the only Class I license for the geographic service area and:

(a) Is surrendered in accordance with Section 4(1) of this administrative regulation; or

(b) Is temporarily suspended in accordance with Section 4 of this administrative regulation and KRS 311A.075.

(2) The board office may issue a temporary Class I hardship license to a county or counties subject to emergent conditions that pose a threat to public health, safety, and welfare.

(3) A temporary hardship license shall not be transferrable.

(4) A county issued a temporary hardship license may contract with a licensed Class I agency to provide service to the geographic service area listed on the temporary hardship license.

(5) Notwithstanding Sections 3(1) and 4(1) of this administrative regulation, a county issued a temporary hardship license shall begin providing continuous service no later than 120 days after the license is issued.

(6) Notwithstanding any other administrative regulation promulgated by the board, for up to and not exceeding 120 days after a temporary hardship license is issued to a county under this section, the county may request that any licensed Class I agency respond to a call for service in the geographic service area listed on the temporary hardship license.

(7) A temporary hardship license issued pursuant to subsection (1) of this section shall expire one (1) year after the license is issued, after a new Class I license for the geographic service area is issued, or, if the Class I license for the geographic service area was temporarily suspended in accordance with Section 4 of this administrative regulation, after that license is reinstated, whichever occurs first.

(8) A temporary hardship license issued pursuant to subsection (2) of this section shall expire one (1) year after the license is issued, unless extended by approval of the board for up to one (1) additional year.

Section 6. Medical Directors.

(1) Each licensed agency shall have a medical director who meets the requirements established in 202 KAR 7:801.

(2) A licensed agency shall notify KBEMS within twenty-four (24) hours of a decision to discontinue a medical director agreement by either the agency or the medical director.

(3)

(a) If an agency is found to be operating without a medical director, the agency shall be provided emergency medical direction by the KBEMS Medical Advisor for a fee of $100 per day for the first thirty (30) calendar days the agency is without a medical director.

(b) The fee shall increase to $500 per day after thirty (30) calendar days.

Section 7. Public Notice of Negative Action. The board office shall cause to be published, on the KBEMS web site or similar publication of the board, the name of any licensed agency that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Commonwealth of Kentucky Field Operations Guide (KY-FOG)", (6/2012) found at https://kwiec.ky.gov/SiteCollectionDocuments/KYFOG.pdf[~~.~~];

(b) "NHTSA NEMSIS Data Dictionary", (v3.40) U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary found at https://www.nemsis.org/media/nemsis_v3/3.4.0.150302/DataDictionary/PDFHTML/DEMEMS/NEMSISDataDictionary.pdf;

(c) "Vehicle Add application in KEMSIS", (12/2025);

(d) "Vehicle Delete application in KEMSIS", (12/2019);

(e) "Add TEMPORARY Vehicle/Aircraft application Part 1 in KEMSIS", (12/2019); and

(f) "Add TEMPORARY Vehicle/Aircraft application Part 2 in KEMSIS", (12/2019).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kbems.ky.gov[~~kyems.com~~].

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: October 12, 2026

FILED WITH LRC: October 13, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 PM ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not

be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Fax: (859) 225-1493, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood Phone: (859) 225-4714 Email: administrativeregulations@wgmfirm.com

Subject Headings: Emergency Medical Services, Medical Transportation, Licensing, Inspections, Background Checks

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the licensure requirements for ambulance providers and medical first response agencies.

(b) The necessity of this administrative regulation: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation is necessary to establish licensure requirements for ambulance providers and medical first response agencies.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.020 and 311A.030 by establishing licensure requirements for ambulance providers and medical first response agencies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation assists in the effective administration of those statutes by establishing licensure requirements for ambulance providers and medical first response agencies.

(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 authorizes Class I agencies to use their last ambulance to conduct scheduled or non-scheduled medically necessary transports to and from a hospital if the agency (1) has established daily minimum staffing levels and (2) has contracted with a hospital in the agency's service area for the purpose of providing medically necessary transports of patients to and from the hospital.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to enable more timely responses to requests for scheduled and non-scheduled medically necessary transports of patients to and from hospitals.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.020 and 311A.030 by updating allowable uses of a Class I ambulance service's last available ambulance.

(d) How the amendment will assist in the effective administration of the statutes: KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This amendment will assist in the effective administration of the statute by updating allowable uses of a Class I ambulance service's last available ambulance.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All ambulance services, medical first response agencies, cities, counties, and hospitals will be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Class I ambulance services wishing to use their last remaining ambulance to provide scheduled or non-scheduled medically necessary hospital transports will be required to establish daily minimum staffing levels and contract with a hospital in the agency's geographic service area.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No additional costs are anticipated as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): EMS agencies will benefit from being able to contract with a hospital for additional resources, and hospitals will benefit from being able to obtain more timely transports of their patients.

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

(a) Initially: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(b) On a continuing basis: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish any new fees or directly or indirectly increase any fees. However, the existing administrative regulation establishes a fee for emergency medical direction provided by the KBEMS Medical Advisor to an agency operating without a medical director ($100 per day for the first thirty (30) calendar days and $500 per day thereafter, Section 6(3)), a fine of $500 per day for failing to remove a temporary vehicle from service (Section 1(7)(b)), and an assessment of $200 per hour for failing to provide continuous service (Section 4(6)(a)). None of these provisions are changed by this amendment.

(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to all ambulance providers and medical first response agencies.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the Board to

promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation is necessary to establish licensure requirements for ambulance providers and medical first response agencies.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 311A.030, which was last amended by 2026 Ky. Acts ch. 105, sec. 5.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by the Kentucky Board of Emergency Medical Services.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Cities, counties, and other local government entities that operate Class I ambulance services.

(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): Privately operated Class I ambulance services and hospitals.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: This amendment is not expected to have any fiscal impact.

(b) Methodology and resources used to reach this conclusion: This amendment permits voluntary contracting between a Class I agency and hospitals within the agency's service area regarding the Class I agency's last remaining ambulance and is not expected to have any fiscal impact.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: This amendment permits voluntary contracting between a Class I agency and hospitals within the agency's service area regarding the Class I agency's last remaining ambulance and is not expected to have any fiscal impact.

INDEPENDENT ADMINISTRATIVE BODIES
Board of Emergency Medical Services
(Amendment)

202 KAR 7:601. Training, education, and continuing education.

RELATES TO: KRS 311A.050, [~~311A.120,~~] 311A.130, Chapter 362, Chapter 365

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.060, [~~311A.120,~~] 311A.125, 311A.130

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.030[~~311A.120~~] and 311A.125 require the board to promulgate administrative regulations establishing standards related to the training and education of emergency medical services personnel. KRS 311A.130 requires proper in-service and in-house in-service training and education. KRS 311A.025 requires the board to establish levels of certification. This administrative regulation establishes requirements for an organization to be certified[~~approved~~] by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI)[~~, and also establishes standards for the certification and recertification of emergency medical services educators and providers~~].

[~~Section 1.~~] [~~Education Committee.~~]

[~~(1)~~)] [~~The board shall create and recognize a standing committee on EMS Education.~~]

[~~(2)~~)] [~~The Education Committee shall consist of seven (7) voting members representative of EMS Educators in the Commonwealth of Kentucky. The Education Committee shall consist of:~~]

[~~(a)~~)] [~~One (1) voting member of the board;~~]

[~~(b)~~)] [~~One (1) director, coordinator, or lead instructor affiliated with a board-certified EMS-TEI 4;~~]

[~~(c)~~)] [~~One (1) director, coordinator, or lead instructor affiliated with a board-certified EMS-TEI 3;~~]

[~~(d)~~)] [~~One (1) director, coordinator, or lead instructor affiliated with a board-certified EMS-TEI 2;~~]

[~~(e)~~)] [~~One (1) director, coordinator, or lead instructor affiliated with a board-certified EMS-TEI CE; and~~]

[~~(f)~~)] [~~Two (2) EMS educators at large affiliated with a board-certified EMS-TEI.~~]

[~~(3)~~)] [~~The Education Committee shall schedule on an annual basis at least six (6) regular meetings of the committee.~~]

[~~(4)~~)] [~~The purpose and charge of the Education Committee shall be to:~~]

[~~(a)~~)] [~~Assist the board in developing a strategic plan for EMS education in the Commonwealth of Kentucky;~~]

[~~(b)~~)] [~~Act as a resource for EMS educators and EMS-TEIs in the Commonwealth of Kentucky; and~~]

[~~(c)~~)] [~~Assume the lead role in formulating, drafting, and sending to the board for approval and subsequent promulgation of all administrative regulations that set the standards and requirements for EMS education and EMS provider certification in the Commonwealth of Kentucky.~~]

Section 1.[~~Section 2.~~] EMS-TEI Certification.

(1) Only an entity certified by the board as an EMS-TEI may conduct training and education programs in the Commonwealth [~~of Kentucky~~]that lead to certification or licensure by the board. Training programs shall include:[~~Training shall include:~~]

(a) In person, online, or hybrid; and

(b) Laboratory[~~, clinical, or field internship if required by this administrative regulation~~].

(2) Classifications for EMS-TEIs shall include[~~An applicant for certification as an EMS-TEI in the Commonwealth of Kentucky may be certified at the following levels~~]:

(a) EMS-TEI 1, which includes Emergency Medical Responder (EMR)[~~EMR~~] and continuing education;

(b) EMS-TEI 2, which includes EMR, Emergency Medical Technician (EMT)[~~EMT~~], and continuing education;

(c) EMS-TEI 3, which includes EMR, EMT, Advanced Emergency Medical Technician (AEMT)[~~AEMT~~], and continuing education;

(d) EMS-TEI 4, which includes EMR, EMT, AEMT, Paramedic, and continuing education; or

(e) EMS-TEI CE, which includes continuing education only.

Section 2. Applying for EMS-TEI Certification.

(1) An applicant shall submit:

(a) A completed Training and Educational Institution (TEI) Application;

(b) A nonrefundable application fee as established in 202 KAR 7:030;

(c) The appropriate EMS-TEI pre-inspection worksheet (Level 1-4 or CE Only); and

(d) All required documentation listed in the applicable EMS-TEI Pre-Inspection Worksheet.

(2)[~~(3)~~] An applicant may seek one (1) level of certification during the two (2) year certification term. A single applicant shall not hold more than one (1) identical TEI certification simultaneously.

[~~(4)~~] [~~An applicant for a level of EMS-TEI certification shall meet all requirements for that level.~~]

[~~(5)~~] [~~An applicant for certification as an EMS-TEI shall electronically submit a completed Training and Educational Institution (TEI) Application, the appropriate EMS-TEI pre-inspection worksheet (Level 1-4 or CE Only), and upload all required documentation listed in the EMS-TEI pre-inspection worksheet to the EMS-TEI KEMSIS account.~~]

[~~(6)~~] [~~An applicant shall submit a nonrefundable fee pursuant to 202 KAR 7:030 with the Training and Education Institution (TEI) Application.~~]

(3)[~~(7)~~] An applicant applying for an EMS-TEI certification shall meet all requirements for that level within sixty (60) days of submitting the Training and Education Institution (TEI) Application for certification. An applicant that exceeds the sixty (60) day requirement shall reapply and resubmit all required fees.

[~~(8)~~] [~~An Emergency Medical Services (EMS) training and educational entity not residing in the Commonwealth of Kentucky, but seeking to do business in Kentucky as an EMS-TEI, shall obtain EMS-TEI certification with the board before teaching any EMS courses that lead to certification or licensure by the board.~~]

[~~(a)~~] [~~These courses include:~~]

[~~1.~~] [~~Initial EMS certification or licensure courses; and~~]

[~~2.~~] [~~EMS continuing education courses.~~]

[~~(b)~~] [~~This does not include continuing education courses covered in Section 13(1) of this administrative regulation.~~]

(4)[~~(9)~~] An EMS-TEI that had its certification revoked shall be eligible to apply for certification as an EMS-TEI two (2) years after the date of revocation. This shall be enforced by name of entity holding the EMS-TEI certification and name of owner or operator listed on the TEI Application and official business license or licenses filed by the entity, owner or operator with local, county and state officials.

(5)[~~(10)~~] An EMS-TEI may surrender its certification prior to the end of a certification period by notifying the board in writing of the intent to do so thirty (30) days prior to the intended effective date of the surrender.

(a) An EMS-TEI surrendering its certification while classes are underway shall notify the students impacted by the closure in writing at least thirty (30) days prior to the intended effective date of closure.

(b) An EMS-TEI surrendering its certification while courses are underway shall complete the courses underway before surrendering its EMS-TEI certification or fully refund all tuition and fees paid by the students in the courses underway that are impacted by the EMS-TEI closure.

(6)[~~(11)~~] An EMS-TEI that does not comply with subsection (5)[~~(10)~~] of this section shall not be eligible to reapply for EMS-TEI certification for a period of five (5) years from the date of closure. This administrative regulation shall not preclude civil action against the TEI Owner, Director, or business.

Section 3. Management[~~Certification~~] Requirements for EMS-TEIs.

(1) If an applicant is required to file as a business entity with Kentucky's Secretary of State, the applicant for EMS-TEI certification shall provide proof of registration with the Kentucky Secretary of State to the board that the EMS-TEI is legally able to conduct business in the Commonwealth of Kentucky. The applicant shall provide documentation of exemption status if not registered with the Kentucky Secretary of State and proof of registration with local, county, or state officials as an individual operator or a Doing Business As (DBA).

(2) If an applicant is required to notify, obtain permission, or obtain a license from another regulatory entity in the Commonwealth of Kentucky to operate as an educational entity, it shall be the responsibility of the applicant to make the appropriate notifications, obtain permission, or obtain license to legally operate in the Commonwealth of Kentucky. An EMS-TEI that fails to comply with subsection (1) of this section or this subsection shall be subject to disciplinary action by the board pursuant to KRS Chapter 311A.

(3) [~~Facilities.~~]Facilities where EMS-TEI courses are conducted shall be:

(a) Maintained and operated in compliance with the safety and health requirements pursuant to local, city, and county ordinances and federal and state laws;

(b) Sponsored or approved by a sponsoring agency;

(c) Offered with an enrollment that shall not exceed the design characteristics of the facilities;

(d) Offered in a controlled environment, including:

1. Temperature;

2. Humidity; and

3. Lighting; and

(e) Offered [~~with instruction~~]in classrooms and laboratories that shall:

1. Provide appropriate space for students to participate in classroom activities, kinematic learning, and practice activities;

2. Provide appropriate space for instructor preparation; and

3. Provide adequate and secure storage for instructional materials.

(4) An applicant shall provide the following to the board[~~the board with an organizational chart indicating, at a minimum~~]:

(a) An organizational chart, which shall include, at a minimum, the[~~The~~] names, contact information, and addresses of the owner, operator, chief administrative officer, and other personnel necessary for operation of the entity as an EMS-TEI;

(b) The name and contact information of the EMS-TEI's administrator[~~director~~];

(c) The name and contact information of the EMS-TEI's[~~EMS-TEIs~~]primary medical director who meets the requirements established in 202 KAR 7:801;

[~~(d)~~] [~~Proof that the medical director is qualified pursuant to 202 KAR 7:801;~~]

(d)[~~(e)~~] A memorandum[~~Memorandum~~] of understanding or contract executed between the owner of the EMS-TEI and the primary medical director outlining the relationship, duties, and requirements of the primary[~~a~~] medical director, associate medical director, and assistant medical director affiliated with[~~for~~] an EMS-TEI.[~~ The memorandum of understanding or contract shall include at a minimum that:~~]

1. The memorandum of understanding or contract for the primary medical director shall include at a minimum that:

a.[~~1.~~] The primary medical director shall be responsible for medical oversight of the program, associate medical directors, and assistant medical directors;

b.[~~2.~~] The primary medical director shall review and approve the educational content of the program curriculum;

c.[~~3.~~] The primary medical director shall review and approve the instruments and processes used to evaluate students in didactic, laboratory, clinical, [~~and~~] field experience[~~internship~~], and capstone field internship;

d. The primary medical director shall certify the skills of all EMS-TEI students who are enrolled in courses leading to EMS provider certification by the National Registry of Emergency Medical Technicians (NREMT) or certification or licensure by the board;

e.[~~4.~~] The primary medical director shall review the progress of each student throughout the program, and assist in the determination of appropriate corrective measures, if necessary;

f.[5.] The primary medical director shall engage in cooperative involvement with the program administrator[director];[and]

g.[6.] The primary medical director's interaction shall be in a variety of settings, such as lecture, laboratory, clinical, field internship. Interaction may be by synchronous electronic methods;[.]

h. The primary medical director shall ensure and attest, by signing the graduate's course completion certificate, to the competence of each graduate of the program in the cognitive, psychomotor, and affective domains;

i. The primary medical director shall meet all applicable accrediting agency standards, policies, and guidelines; and

j. The primary medical director shall ensure the effectiveness and quality of any medical director's responsibilities delegated to an associate or assistant medical director;

2. A memorandum of understanding or contract for an associate medical director shall include requirements to fulfill the delegated responsibilities of the primary medical director; and

3. A memorandum of understanding or contract for an assistant medical director shall include requirements to fulfill the delegated responsibilities of the primary medical director and the responsibility of providing medical supervision to students participating in out-of-state clinical rotations, field internship, and capstone field internship;

(e)[(f)] The name and contact information of the EMS-TEI's program coordinator; and

(f)[(g)] The names and contact information of all EMS-TEI Instructors.

(5) EMS training courses that require accreditation shall conform to the requirements of NREMT[the National Registry of EMT's (NREMT)]. An EMS-TEI shall submit accreditation documentation to the board upon request.

(a) For programs that require national accreditation, an accreditation letter of review (LOR) as issued by the Committee on Accreditation of Educational Programs for the EMS Professions (CoAEMSP) is acceptable in the interim for newly formed EMS-TEIs that are required by the Commission on Accreditation of Allied Health Education Programs (CAAHEP)[CAAHEP] to obtain accreditation.

(b) Continuous accreditation status shall be maintained by the EMS-TEI as required by this administrative regulation. If[Failure to maintain] continuous accreditation status is not maintained by the EMS-TEI, the EMS-TEI certification shall be deemed to have lapsed and the EMS-TEI shall be required to reapply as an initial EMS-TEI, if eligible[TEI shall be grounds for summary revocation of the TEI certification].

(6) EMS-TEIs shall obtain and maintain professional liability malpractice insurance of a minimum of $1 million. The EMS-TEI shall provide proof of professional liability malpractice insurance upon initial certification, certification renewal, and upon application for certification upgrade.

(7) An EMS-TEI shall display the current certificate issued through the board:

(a) In a prominent place in the EMS-TEI's business;

(b) In the classroom if classes are being conducted away from the primary business location; and

(c) Provided electronically to the student if the classes are being conducted online.

(8) Certification of an EMS-TEI shall be valid for a period of two (2) years unless limited by disciplinary action.

(9) An EMS-TEI requesting a name change or change in ownership shall notify the board in KEMSIS no later than thirty (30) days prior to the name change or change in ownership by completing:

(a) A new Training and Educational Institution (TEI) Application electronically through the EMS-TEI KEMSIS account;

(b) Legal documentation reflecting the legal name or ownership change, or registration with the Kentucky Secretary of State Office reflecting the change which shall be uploaded with the TEI application in KEMSIS; and

(c) Payment of the nonrefundable application fee established in 202 KAR 7:030.

Section 4. Recertification of an EMS-TEI.[Certification Periods and Inspections.]

[(1)] [An EMS-TEI shall display the current certificate issued through the board:]

[(a)] [In a prominent place in the EMS-TEI's business;]

[(b)] [In the classroom if classes are being conducted away from the primary business location; and]

[(c)] [Provided electronically to the student if the classes are being conducted online.]

[(2)] [Certification of an EMS-TEI shall be valid for a period of two (2) years unless limited by disciplinary action.]

(1)[(3)] Prior to expiration of the two (2) year[years] certification period, an EMS-TEI may apply for recertification for a subsequent two (2) year period.

(2)[(4)] Upon application for recertification, an applicant shall [electronically]submit the following:

(a) An EMS-TEI Renewal Application[A Training and Educational Institution (TEI), Certification Renewal Application through the EMS-TEI KEMSIS account with the board];

(b) The appropriate EMS-TEI pre-inspection worksheet (Level 1-4 or CE Only); and

(c) All[Upload all] required documentation listed in the EMS-TEI pre-inspection worksheet (Level 1-4 or CE Only)[to the EMS-TEI KEMSIS account].

(3)[(5)] An EMS-TEI seeking recertification[certification renewal] shall pay all applicable nonrefundable fees as established in 202 KAR 7:030 upon application. Failure to pay fees or subsequent rejection of a payment method shall result in denial of the Training and Educational Institution (TEI) Application.

(4)[(6)] An applicant for EMS-TEI renewal shall meet all renewal requirements prior to the expiration date of the TEI certification.

(a) A TEI that does not comply with all renewal requirements prior to the certification expiration date shall expire.

(b) A TEI that allows the TEI certification to expire shall be required to apply as an initial EMS-TEI[EMS TEI].

Section 5. Inspections.

(1)[(7)] An EMS-TEI applying for initial or certification upgrade shall undergo an inspection prior to offering classes. The type of inspection, on-site or virtual, shall be determined by the office of the board and the EMS-TEI shall be responsible for establishing the virtual connection at its[their] facility if necessary.

(2)[(8)] Each inspection shall ensure that the EMS-TEI has met all applicable requirements of this administrative regulation. If the board's inspection finds that the EMS-TEI has failed to meet a requirement, the EMS-TEI shall correct all deficiencies prior to offering a class and receiving subsequent certification as an EMS-TEI.

(3)[(9)] The board may conduct inspections of EMS-TEIs for initial, renewal, certification upgrade, or to monitor compliance with statutory and regulatory requirements for TEIs. Inspections may be scheduled or unscheduled.

(4)[(10)] The office of the board shall conduct an application review of required documentation and inspection of the EMS-TEI applicant no later than sixty (60) days following the submission of the Training and Educational Institution (TEI) Application by the EMS-TEI applicant for initial certification and upgrades.

(5)[(11)] Approval of notice of intent to upgrade shall not extend the two (2) year EMS-TEI certification period.

[(12)] [An EMS-TEI requesting a name change or change in ownership shall notify the board in KEMSIS no later than thirty (30) days prior to the name change or change in ownership by completing:]

[(a)] [A new Training and Educational Institution (TEI) Application electronically through the EMS-TEI KEMSIS account;]

[(b)] [Legal documentation reflecting the legal name or ownership change, or registration with the Kentucky Secretary of State Office reflecting the change which shall be uploaded with the TEI application in KEMSIS; and]

[(c)] [Payment of the application fee pursuant to 202 KAR 7:030 in KEMSIS.]

Section 6.[~~Section 5.~~] EMS-TEI Operating Requirements.

(1) Each EMS-TEI shall maintain files for a period of three (3) years beyond the end date of each EMS Course program that contains the following documentation:

(a) For courses requiring accreditation, all documents necessary for the EMS-TEI to have met the accrediting agency's standards, policies, and guidelines;

(b) A copy of the last accreditation self-study and letter of accreditation;

(c) The student attendance sign-in sheets for each course taught, including:

1. Lectures;
2. Practical skills lessons; and
3. Clinical and field rotations;

(d) A master copy of each set of examinations administered and answer keys for the exams;

(e) A master copy of practical skills examination forms;

(f) A master copy of each course syllabus that contains the following required syllabus components:[;]

1. Course description, to include KBEMS course number;
2. Course meeting location and times;
3. Instructor and medical director contact information;
4. Course prerequisites or co-requisites;
5. Learning objectives and course outcomes;
6. Required course resources;
7. Method of evaluation;
8. Grading policy and scale;
9. Description of assignments;
10. Class schedule to include week, date, topic, and hours;
11. Required clinical rotations, field experience, or capstone field internships; and
12. Course policies, which shall include policies regarding:

a. Attendance;

b. Americans with Disabilities Act (ADA) statement and special accommodations;

c. Academic honesty statement;

d. The use of electronic devices, tobacco, and electronic cigarettes;

e. Disruptive behavior;

f. Required immunizations, insurance coverage, drug screening, and background check;

g. Course emergency procedures;

h. Professional behavior and conduct; and

i. Amendments to course syllabus;

(g) Current, written affiliation agreements executed between hospitals or EMS agencies and the EMS-TEI;

(h) Health records for students as may be required by the EMS-TEI or as expressly required in written affiliation agreements and determined necessary for students to complete clinical assignments, field-internships, or summative field evaluations;

(i) Records of all disciplinary actions taken against a student, if applicable. Records shall include notification to students of the complaint; responses, if applicable, made by or on behalf of the student; and actions taken as a result of a complaint or other documented incident, grievance, or deficiency;

(j) For students requiring remediation, documentation of specific activities or procedures requiring remediation and actions taken in response to deficiencies, including how the specific remediation was accomplished and the success or failure of remediation;

(k) A master file of the objectives and competencies to be achieved by students during each educational program; and

(l) Documentation of other requirements that the EMS-TEI has established as part of the offered courses.

(2) Failure of an EMS-TEI to maintain records required by the board may[~~shall~~] result in disciplinary action against an EMS-TEI pursuant to KRS Chapter 311A.

(3) The board shall require an EMS-TEI to submit a copy of the EMS-TEI's annual accreditation report electronically through the EMS-TEI's KEMSIS account if accreditation is necessary for licensure or certification of the students taking the EMS-TEI's offered course.

(4) EMS-TEIs shall conduct an annual review and revision of all courses and programs to ensure the EMS-TEI has complied with necessary updates to courses, programs, and accepted educational standards. The elements of the annual review shall include:

(a) Curriculums;

(b) Instructor and course program evaluations;

(c) Medical oversight;

(d) Clinical and field internship evaluations, if applicable;

(e) Student evaluations of educators;

(f) Course pass rates;

(g) Attrition rates; and

(h) Resource assessment.

(5) The participants involved with the annual review shall include:

(a) The program administrator[~~director~~];

(b) Course coordinator;

(c) The primary medical[~~Medical~~] director or his or her designee;

(d) An instructor or a faculty member that was actively involved in teaching courses during the preceding twelve (12) months of the annual review; and

(e) A student that successfully completed a course offered through the EMS-TEI during the preceding twelve (12) months of the annual review.

(6)[~~(5)~~] An EMS-TEI shall document in writing the required annual review and updates resulting from the annual assessment.

(7)[~~(6)~~] Documentation of the annual review shall be in writing, signed by the program administrator[~~director~~], program coordinator, and the primary medical director. The annual review shall be maintained in the course or TEI program files and submitted to the board electronically with the EMS-TEI Renewal Application[~~TEI renewal application~~]. If an EMS-TEI fails to document the annual review as required by this administrative regulation, the EMS-TEI may be subject to discipline pursuant to KRS Chapter 311A.

(8)[~~(7)~~] An EMS-TEI shall ensure[~~assure~~] that all physical resources required by the curriculum, including classrooms, skill practice areas, notices of where to purchase or access textbooks, instructional aids[~~aides~~], equipment, and supplies are[~~shall be~~]:

(a) Available at each class session where skills are taught or practiced;

(b) Adequate in number to allow for practice by students enrolled; and

(c) In good working order and well-maintained.

(9) Primary textbooks utilized shall be published, peer-reviewed, and research-based.

(10)[~~(8)~~] An EMS-TEI shall maintain and protect the privacy of all records pertaining to the health and safety of patients, students, and faculty members that are obtained or developed through or as a result of participation in training and educational activities with the EMS-TEIs.

(11)[~~(9)~~] The EMS-TEI shall be responsible for knowing and following all federal and state laws relevant to safeguarding privacy of records, including educational and health records.

(12)[~~(10)~~] The EMS-TEI shall develop and make available to all prospective students a clearly defined admissions policy.

(13)[~~(11)~~] An EMS-TEI's admission policy shall include specific requirements for students to gain admission, maintain enrollment, and all academic requirements necessary to successfully complete the offered course or program. The admission policy shall be provided to the student at the start of the course and a verified receipt by signature shall be kept in the student's file including any changes to the admission policy while the student is enrolled in the course. Admissions policies shall include at a minimum:

(a) Tuition rates and fees associated with the training and education program;

(b) Fees and other costs associated with remediation;

(c) The availability of any bridge programs or advanced placement;

(d) Any credit for previous educational, experimental learning, certifications, or transfer hours;

(e) A descriptive synopsis of the curriculum for each type of course taught;

(f) Course educational objectives;

(g) Classroom lecture and skills practice schedules;

(h) Clinical or field rotation locations with beginning and ending dates;

(i) Participation requirements for each clinical or field rotation site;

(j) Continued course competency and course completion requirements; and

(k) Citations to and language of prohibited actions pursuant to KRS 311A.050 that provide grounds for sanctions against or denial of individuals making application for certification or licensure by the board.

(14)[~~(12)~~] In addition to the policies required by subsection (1)(f)12. of this section, EMS-TEIs shall establish written policies that provide for:

(a) The creation and use of course or program advertising that accurately portrays the course or program content as offered by the EMS-TEI;

(b) A uniform process for filing, investigating, and resolving complaints or grievances by applicants, students, preceptor sites, patients, members of the general public, or faculty members;

(c) A written remediation policy that ensures students are provided with acceptable due process protections that include, at a minimum:

1. Notification of allegations or academic issues;

2. A right for the student to be heard about the allegations or academic issues;

3. A right for the student to appeal the decision of the EMS-TEI to the EMS-TEI administrator and primary medical director about the allegations or academic issues; and

4. The notification to the student shall be in writing and signed and dated by the:

a. Student;

b. EMS-TEI administrator;

c. Primary medical director; and

d. Course coordinator;

(d)[~~(c)~~] A procedure for a student to withdraw from a course and a clear statement of refund policies and the steps necessary for a student to obtain a refund of tuition or fees already paid;

(e)[~~(d)~~] Faculty to acquire or develop examinations for each course offered;

(f)[~~(e)~~] The establishment of and adherence to examination procedures and policies;

(g)[~~(f)~~] The requirements for a student to take and pass examinations in courses the EMS-TEI offers including requirements that shall be met during the course for the student to be eligible to take the National Registry of EMTs certification exam; and

(h)[~~(g)~~] Public disclosure[~~, using Web-based materials,~~] concerning the EMS-TEI student cumulative pass rate on the NREMT certification exam for the calendar year. The disclosure shall be updated by January 31 of each year and shall include at a minimum:

1. All provider levels tested;

2. Date range for which the report was calculated;

3. EMS-TEI name, number, and physical address;

4. Number of students that took the exam; and

5. Cumulative pass rate calculated by percentage.

(15)[~~(13)~~] An EMS-TEI shall ensure[~~assure~~] that each student, while participating in a clinical or field rotation, is clearly identified as a student. Identification shall be accomplished by use of:

(a) Nameplate;

(b) A uniform; or

(c) Other publicly apparent means.

(16)[~~(14)~~] A student or a faculty member shall maintain proper personal and professional conduct during classroom, clinical, and field internship activities.

(17)[~~(15)~~] EMS-TEIs shall have a program administrator[~~director~~] who shall be responsible for:

(a) All aspects of the program, including administration, organization, and supervision of the educational program;

(b) Assuring the quality and credentials of the program coordinator, EMS educators, EMS educator adjuncts, lab and skill evaluators, and students accepted into the EMS-TEI's programs or courses;

(c) Assuring the security of examination results and materials;

(d) Monitoring the activities of the EMS-TEI's faculty and students;

(e) Maintaining records and documents and submitting[~~submit~~] reports;

(f) Continuously reviewing the quality and improvement of the educational program;

(g) Long range planning and ongoing development of the program;

(h) The orientation, training, and supervision of clinical and field internship preceptors; and

(i) The effectiveness and quality of fulfillment of responsibilities delegated to another qualified individual.

(18)[~~(16)~~] EMS-TEIs shall include faculty and instructional staff who shall be responsible for:

(a) Didactic, clinical instruction, or supervised practice in each location where students are assigned; and

(b) Coordination, supervision, and frequent assessment of the students' progress in achieving acceptable program requirements.

(19)[~~(17)~~] A certified EMS-TEI shall maintain an ongoing level of competence, evidenced by a minimum pass rate for each level of instruction of seventy (70)[~~sixty (60)~~] percent calculated upon a cumulative pass rate of students who have taken the National Registry of EMTs and other board-approved exam(s) within the twenty-four (24) months immediately preceding the EMS-TEI's renewal date.

(a) The minimum pass rate shall be calculated, and compliance determined by, the office of the board.

(b) An EMS-TEI that fails to maintain a seventy (70)[~~sixty (60)~~] percent pass rate for each level of instruction as required by this subsection shall notify all students enrolled in courses offered by the EMS-TEI that the EMS-TEI is not in compliance with testing standards.

(20)[~~(18)~~] If an EMS-TEI fails to meet an ongoing level of competence determined according to this administrative regulation and demonstrated by compliance with KRS Chapter 311A and 202 KAR Chapter 7, the EMS-TEI [~~shall be subject to a plan of correction mediated through the office of the board. An EMS-TEI that cannot maintain an ongoing level of competence~~]may be subject to discipline pursuant to KRS Chapter 311A.

(21)[~~(19)~~] All EMS-TEIs offering initial certification or licensure courses[~~If requested by the office of the board, the EMS-TEI~~] shall submit graduate data to the Kentucky Center for Statistics.[~~Education and Workforce Statistics including:~~]

[~~(a)~~] [~~Student's name;~~]

[~~(b)~~] [~~Date of birth;~~]

[~~(c)~~] [~~Social Security number;~~]

[~~(d)~~] [~~Gender;~~]

[~~(e)~~] [~~Ethnicity;~~]

[~~(f)~~] [~~Residency at point of graduation; and~~]

[~~(g)~~] [~~The Classification of Instructional Programs (CIP) code, if applicable.~~]

(22)[~~(20)~~] The EMS-TEI administrator[~~director~~] shall keep the EMS-TEI KEMSIS account information updated, including:

(a) The EMS-TEI demographics;

(b) The EMS-TEI personnel roster; and

(c) The EMS-TEI policy and procedures required by this administrative regulation.

(23)[~~(21)~~]

(a) The program administrator[~~director~~] of EMS-TEIs offering initial certification courses shall create and maintain, with current information, a National Registry of EMTs educational program account.

(b) The EMS education program name, director name, address, and contact information listed with NREMT shall match the EMS-TEI program information listed in KEMSIS.

Section 7.[~~Section 6.~~] Disciplinary Action.

(1) As certified entities under the board's jurisdiction, all EMS-TEIs shall be subject to the disciplinary procedures and sanctions established in KRS Chapter 311A.

(2) Discipline of an EMS-TEI as a certified entity shall not prevent the board from taking disciplinary action against a certified or licensed individual associated with the EMS-TEI at any level of certification or licensure applicable.

Section 8.[~~Section 7.~~] Reporting Requirements for EMS-TEI.

(1) An EMS-TEI shall submit electronically to the board the documents as required by this section for all EMS courses or psychomotor skill verification that lead to certification by The National Registry of EMTs or certification or licensure by the board.

(2) An EMS-TEI shall submit the following documents to the board office:

(a) Course Notification Application submitted no less than fourteen (14) days prior to the course start date of any initial certification course. This applies to all initial courses conducted on or off the campus of the EMS-TEI to include satellite and alternate site courses;

1. An EMS-TEI shall notify the board within fourteen (14) days of any changes to a board-approved[~~board approved~~] class start and end date using the Course Change Notification Application.

2. All EMR courses shall utilize the board-approved EMR Student Minimum Competency[~~EMR Portfolio Skills~~] Form for evaluation of psychomotor skills in the initial courses.

3. All EMT courses shall utilize the board-approved EMT Student Minimum Competency[~~EMT Portfolio Skills~~] Form for evaluation of psychomotor skills in the initial courses.

4. All AEMT courses shall utilize the board-approved AEMT Student Minimum Competency Form for evaluation of psychomotor skills in the initial courses.

5. All paramedic courses shall meet paramedic student minimum competencies in accordance with nationally accepted accreditation standards and EMS-TEI requirements to verify paramedic course competency.

(b) An Initial Educational Course Roster within fourteen (14) days of the course start date listed on the Course Notification Application; and

(c)[~~(b)~~] A Final Educational Course Roster within fourteen (14)[~~thirty (30)~~] days of course completion date listed on the Course Notification Application.

(3) Upon successful submission and board staff approval of all documents required by this section for courses that lead to certification by The National Registry of EMTs and licensure or certification by the board, the EMS-TEI[~~TEI~~] shall be assigned a course number.[~~or other identifier.~~]

(4) An EMS-TEI that fails to provide documents as required may[~~by subsection (2) of this section shall~~] be subject to disciplinary action pursuant to KRS Chapter 311A up to and including revocation of the TEI.

(5) A course shall not commence until the EMS-TEI has obtained a board-approved course number[~~an identification code and notified the board as required in this section~~].

(a) The office of the board shall review and approve off-campus, satellite, on-line, and alternate site initial courses for compliance before issuing an approved course number.

(b) For initial courses requiring accreditation, proof of approval by the accrediting agency for satellite and alternate site courses shall be required before an approved course number is issued by the office of the board.

(6) A course that does not meet all requirements of this administrative regulation may not lead to certification or licensure for [~~the EMS~~] students enrolled in the course or may result in postponement of the course until the requirements of this administrative regulation are met.

(7) An EMS-TEI shall notify the board within seven (7) days of any changes to the course as previously submitted on the Course Notification Application[~~lead instructor of an initial course that leads to certification or licensure by the board~~].

(8)

[~~(a)~~] An EMS-TEI shall notify the board within seven (7) days of cancellation[~~cancelation~~] of an initial certification or licensure course.

(9)[~~(b)~~] An EMS-TEI that cancels an initial certification or licensure course that is underway or planned shall fully refund all tuition and fees paid by the students in the course that are impacted by the course cancellation.

(10) An EMS-TEI that is closing shall transfer, in a digital format, all course records required by this administrative regulation to the board for the previous three (3) years from the closing date.

Section 9.[~~Section 8.~~] Requirements for All Training and Education Courses.

(1) All EMS educational programs in Kentucky that lead to EMS Provider certification by The National Registry of Emergency Medical Technicians (NREMT) and certification or licensure by the board shall:

(a) Comply with this administrative regulation;

(b) Not begin until the EMS-TEI has filed all documents required pursuant to Section 8[~~7~~] of this administrative regulation;

(c) Not begin until the EMS-TEI has paid all fees required pursuant to 202 KAR 7:030;

(d) Use the National Emergency Medical Services Education Standards that are appropriate for the level of EMS provider course being offered;

(e) Teach students the Kentucky and National EMS Scope of Practice Models;

(f) Meet the course administrative and faculty requirements in this administrative regulation, if applicable, as established by the NREMT approved accrediting agency; and

(g) Use educators certified by the board as EMS educators who are minimally certified or licensed at the level of the offered course.

(2)[~~(h)~~]

[~~1.~~] An EMS-TEI shall ensure that all student course work including lectures, practical skills lessons, and clinical or field rotations for courses that lead to certification by the National Registry of EMTs and certification and licensure by the board be completed within ninety (90)[~~sixty (60)~~] days of the course completion date listed on the Course Notification Application.

(a)[~~2.~~] The board shall not accept any changes made to course completion documents listed in Section 8[~~7~~] of this administrative regulation if submitted more than ninety (90)[~~sixty (60)~~] days after the course completion date as listed on the Course Notification Application.

(b)[~~3.~~] In exceptional circumstances, as determined by the board in instances such as if there is an emergent medical condition or a death in the immediate family, the EMS-TEI may submit a Final Educational Course Roster of students approved by the EMS-TEI program administrator[~~director~~] and primary medical director for course work extension required in Section 8[~~5~~] of this administrative regulation.

(3)[~~(i)~~] The EMS-TEI administrator[~~director~~] shall approve all students to test with the National Registry of EMTs within fourteen (14)[~~seven (7)~~] days of successful completion of an initial certification course and completion of all necessary documents and applications by the student.

(4)[~~(2)~~] The EMS-TEI may use an assistant instructor who is not a board-certified educator to instruct no more than twenty (20)[~~forty (40)~~] percent of the classroom didactic education time for initial certification or licensure courses.

(5)[~~(3)~~] The EMS-TEI shall maintain an instructor to student ratio of no more than 1:20 for classroom sessions where skills are practiced. These sessions shall not proceed without the presence of:

(a) An educator certified by the board pursuant to 202 KAR 7:812[~~A certified educator~~] for the first twenty (20) students; and

(b) An additional certified educator or adjunct faculty for each one (1) to twenty (20)additional students. Additional adjunct faculty used shall:

1. Not be required to be certified as an EMS educator, but shall be certified by the board as an EMS provider at or above the level for the course being taught; or

2. Be a Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA).[~~; and~~]

(6)[~~(4)~~] The EMS-TEI program administrator[~~director~~] and primary medical director shall approve any assistant instructor or adjunct faculty before the individual may assist in instruction.

[~~(5)~~] [~~The EMS-TEI shall have a medical director qualified pursuant to 202 KAR 7:801, who shall:~~]

[~~(a)~~] [~~Be employed by or under memorandum of understanding or a written contract with the EMS-TEI to serve as the medical director of the program;~~]

[(b)] [Be routinely available to the EMS-TEI to provide consultation regarding issues related to the training and education program;]

[(c)] [Participate in the approval of the didactic clinical and evaluation material and student progress review;]

[(d)] [Meets the applicable accrediting agency standards, policies, and guidelines;]

[(e)] [Provide medical consultation and guidance to the course faculty; and]

[(f)] [Certify the skills of all EMS-TEI students who are enrolled in courses leading to EMS Provider certification by The National Registry of Emergency Medical Technicians (NREMT) or certification or licensure by the board.]

(7)[(6)] An EMS-TEI shall maintain a written contractual affiliation agreement or memorandum of understanding with each clinical rotation site that outlines, at a minimum, the responsibilities of each entity and reporting requirements for students involved in clinical and field training and education.

(8)[(7)] An EMS-TEI shall provide faculty from the EMS-TEI training and education program, clinical coordinators, or designees under contract with the EMS-TEI to oversee student activity while in the clinical or field internship setting.

(9)[(8)] The EMS-TEI shall provide clinical or field preceptor training to all clinical or field preceptors overseeing students during clinical or field internship rotations.

Section 10.[Section 9.] Emergency Medical Responder Training and Education Course Requirements.

(1) Each Emergency Medical Responder (EMR) training and education course shall:

(a) Include all training and education requirements established in KRS Chapter 311A, 202 KAR 7:201, and 202 KAR 7:701;

(b) Use the National Emergency Medical Services Education Standards – Emergency Medical Responder [Instructional Guidelines]for the duration of course including individual class segments;[and]

(c) Ensure student competency throughout the course by an EMS-TEI validated examination measuring process; and[.]

(d)[(2)] Ensure students[To be eligible for certification as an EMR, a student shall also] receive instruction covering the National and Kentucky EMS Scope of Practice for an EMR.

(2)[(3)] EMR candidates shall meet all student eligibility requirements pursuant to 202 KAR 7:201.

Section 11.[Section 10.] Emergency Medical Technician Training and Education Course Requirements.

(1) Each Emergency Medical Technician (EMT) training and education course shall:

(a) Include all training and education requirements established in KRS Chapter 311A, 202 KAR 7:301, and 202 KAR 7:701;

(b) Use the National Emergency Medical Services Education Standards – Emergency Medical Technician [Instructional Guidelines]for duration of course and individual class segments; [and]

(c) Ensure student competency throughout the course by an EMS-TEI validated examination measuring process; and[.]

(d)[(2)] Ensure students[To be eligible for certification as an EMT, a student shall] receive instruction covering the National and Kentucky EMS Scope of Practice for an EMT.

(2)[(3)] Each student shall complete clinical and field rotation that meets the requirements for EMT education as determined by this administrative regulation, including the National and Kentucky EMS Scope of Practice for an EMT student as approved by the applicable accrediting agency's minimum requirements. Each student shall complete a patient history and assessment on a care report form for each of the patients in the student minimum competency.

(3)[(4)] Clinical or field rotations for EMTs shall be conducted at a licensed ambulance service or other licensed health care facility selected by the EMS-TEI administrator[director] and primary medical director that, if applicable, meets nationally accepted accreditation standards or EMS-TEI requirements to verify EMT course competency.

(4)[(5)] If a student fails to achieve the goals established by the EMS-TEI for the EMT education program, the EMS-TEI administrator[program director] and primary medical director may[shall] require the student to repeat the failed portion of the EMT education program.

[(6)] [If a student is required to repeat a portion of the EMT education program, the program director and medical director shall have a written procedure for remediation that ensures the student shall be provided with adequate due process protections that include at a minimum:]

[(a)] [Notification of allegations or academic issues;]

[(b)] [A right for the student to be heard on the subject of the allegations or academic issues;]

[(c)] [A right for the student to appeal the decision of the EMS-TEI to the director and medical director about the allegations or academic issues; and]

[(d)] [The notification to the student shall be in writing and signed by:]

[1.] [The student;]

[2.] [The TEI Administrator;]

[3.] [The Medical Director; and]

[4.] [The Course Coordinator.]

(5)[(7)] EMT candidates shall meet all student eligibility requirements pursuant to 202 KAR 7:301.

(6)[(8)] EMT students shall meet health and immunization standards as required through established TEI policy, or policies established by contracted TEI clinical sites.

Section 12.[Section 11.] Advanced-Emergency Medical Technician Training and Education Programs.

(1) [Advanced-Emergency Medical Technician (AEMT) training and education course requirements.]Each AEMT training and education course shall:

(a) Include all training and education pursuant to KRS Chapter 311A, 202 KAR 7:330, and 202 KAR 7:701;

(b) Use the National Emergency Medical Services Education Standards – Advanced Emergency Medical Technician [Instructional Guidelines]for duration of course and individual class segments;[and]

(c) Ensure student competency throughout the course by an EMS-TEI validated examination measuring process;[.]

(d) Ensure students receive instruction covering the National and Kentucky EMS Scope of Practice for an AEMT; and

(e)[(2)] Ensure students[To be eligible for certification as an AEMT, a student shall] complete a clinical and field rotation that meets the requirements for AEMT education as determined by this administrative regulation.[including the National and Kentucky EMS Scope of Practice for an AEMT student as approved by the applicable accrediting agency's minimum requirements.]

(2)[(3)] Clinicals or field rotations for AEMTs shall be conducted at a licensed ambulance service or other licensed health care facility selected by the EMS-TEI administrator[director] and primary medical director that, if applicable, meets nationally accepted accreditation standards or EMS-TEI requirements to verify AEMT course competency. Each student shall complete a patient history and assessment on a care report form for each of the patients in the student minimum competency.

(3)[(4)] If a student fails to achieve the goals established by the EMS-TEI for the AEMT education program, the EMS-TEI administrator[program director] and primary medical director may[shall] require the student to repeat the failed portion of the AEMT education program.

[(5)] [If a student is required to repeat a portion of the AEMT education program, the program director and medical director shall have a written procedure for remediation that ensures the student shall be provided with adequate due process protections that include at a minimum:]

[(a)] [Notification of allegations or academic issues;]

[(b)] [A right for the student to be heard on the subject of the allegations or academic issues;]

[(c)] [A right for the student to appeal the decision of the EMS-TEI to the director and medical director about the allegations or academic issues; and]

[(d)] [The notification to the student shall be in writing and signed and dated by the:]

[1.] [Student;]

[2.] [TEI Administrator;]

[3.] [Medical Director; and]

[4.] [Course Coordinator.]

(4)[(6)] AEMT candidates shall meet all student eligibility requirements pursuant to 202 KAR 7:330.

(5)[(7)] AEMT students shall meet health and immunization standards as required through established TEI policy, or policies established by contracted TEI clinical sites.

Section 13.[Section 12.] Paramedic Training and Education Programs.[Paramedic training and education course requirements.]

(1) Each Paramedic training and education course shall:

(a) Include all training and education as required by this administrative regulation, KRS Chapter 311A, 202 KAR 7:401, 202 KAR 7:701, and any other Kentucky statutes or administrative regulations that place mandates upon paramedic students;

(b) Use the National Emergency Medical Services Education Standards – Paramedic [Instructional Guidelines]for duration of course and individual class segments; [and]

(c) Ensure student competency throughout the course by an EMS-TEI validated examination measuring process;[.]

(d) Ensure students receive instruction covering the National and Kentucky EMS Scope of Practice for a Paramedic; and

(e)[(2)] Ensure students[To be eligible for licensure as a paramedic, a student shall] complete a clinical or field rotation that meets the requirements for paramedic education as determined by this administrative regulation.[including the National and Kentucky EMS Scope of Practice for a Paramedic student as approved by the applicable accrediting agency's minimum requirements.]

(2)[(3)] The minimum requirements of clinical or field rotations for paramedics shall include:

(a) Clinicals or field rotations conducted at a licensed ambulance service or other licensed health care facility selected by the EMS-TEI administrator[director] and primary medical director that, if applicable, meets nationally accepted accreditation standards or EMS-TEI requirements to verify paramedic course competency; and

(b) Each student shall complete a patient history and assessment on a care report form for each of the patients in the student minimum competency.[A record of patient history and assessment on a care report form for each of the patients required in this section.]

(3)[(4)] If a student fails to achieve the goals established by the EMS-TEI for the EMS education program, the EMS-TEI administrator[program director] and primary medical director may[shall] require the student to repeat the failed portion of the paramedic education program.

[(5)] [If a student is required to repeat a portion of the paramedic education program, the program director and medical director shall have a written procedure for remediation that ensures the student shall be provided with adequate due process protections that include at a minimum:]

[(a)] [Notification of allegations or academic issues;]

[(b)] [A right for the student to be heard on the subject of the allegations or academic issues;]

[(c)] [A right for the student to appeal the decision of the EMS-TEI to the director and medical director about the allegations or academic issues; and]

[(d)] [The notification to the student shall be in writing and signed and dated by the:]

[1.] [Student;]

[2.] [TEI Administrator;]

[3.] [Medical Director; and]

[4.] [Course Coordinator.]

(4)[(6)] Paramedic candidates shall meet all student eligibility requirements pursuant to 202 KAR 7:401.

(5)[(7)] Paramedic students shall meet health and immunization standards as required through established TEI policy, or policies established by contracted TEI clinical sites.

Section 14.[Section 13.] Continuing Education.

(1) Training and education courses provided to individuals that fulfill the continuing education requirements necessary to receive a certification or licensure from the board shall be provided by:

(a) An entity certified by the board as an EMS-TEI;

(b) An agency or department having contractual agreements with a board-certified[board certified] EMS-TEI that is in good standing and not subject to disciplinary action;

(c) A board-approved symposium[board approved symposia], state, national, or international school;

(d) A board-approved [board approved] or nationally accredited online or distance education provider with up to 100 percent of the total continuing education hours to fulfill the continuing education requirements for renewal pursuant to KRS Chapter 311A or 202 KAR Chapter 7; or

(e) One (1) or more of the approved continuing education entities listed below:

1. The Commission on Accreditation for Pre-Hospital Continuing Education (CAPCE);

2. Kentucky Board of Nursing;

3. Kentucky Board of Medical Licensure;

4. Kentucky Board of Respiratory Care;

5. Department of Homeland Security and all department components;

6. U.S. Fire Administration and all department components;

7. Kentucky Department of Criminal Justice Training (DOCJT);

8. Kentucky Cabinet for Health and Family Services; [or]

9. Courses approved by any State EMS Office that are offered or[and or] completed outside the Commonwealth of Kentucky;[.]

10. Kentucky Law Enforcement Council (KLEC); or

11. International Board of Specialty Certification (IBSC).

(2) Continuing education courses shall:

(a) Contain material relevant to the job specifications and professional development of EMS personnel; and

(b) Be conducted at an EMS level appropriate for the discipline of the participants.

(3) EMS-TEIs that provide initial[continuing] education courses shall provide a course completion certificate,[documentation]in hard copy or electronic format,[by hardcopy or electronically] to all participants who[that] successfully complete an initial[the continuing] education course. The course completion certificate[documentation] shall contain, at a minimum, the following items:

(a) Official name of the EMS-TEI as listed in the EMS-TEI KEMSIS account and certification number of the EMS-TEI issued by the board;

(b) Name of primary instructor and state EMS office EMS provider number;

(c) Name of course and board-issued course number if applicable;

(d) Breakdown of completed hours and subject categories instructed that meet the continuing education requirements established by 202 KAR 7:201, 202 KAR 7:301, 202 KAR 7:330, [and]202 KAR 7:401, and 202 KAR 7:410; and

(e) Signature of one (1) of the following EMS-TEI representatives:

1. EMS-TEI administrator[Director];

2. Course coordinator; or

3. Course lead instructor.

(4) EMS-TEIs that provide continuing education courses shall provide a course completion verification for each participant who successfully completes a continuing education course by either:

(a) Issuing a course completion certificate, in hard copy or electronic format, to all participants who are not employees of the agency providing the course. The course completion certificate shall contain, at a minimum, the items listed in subsection (3)(a) through (e) of this section; or

(b) For EMS-TEIs that provide continuing education courses for their aligned licensed agency, course completion verification may be completed by entering student completion in an agency's employee training file system using sign-in rosters. The training file sign-in rosters shall contain, at a minimum, the items listed in subsection (3)(a) through (e) of this section.

(5) All training documents within an employee's training file system shall be made available to an employee or previous

employee within seven (7) days of separation from the licensed agency.

Section 15.[~~Section 14.~~] [~~Continuing~~] Education Instructor Requirements.

(1) The following persons shall be qualified to conduct continuing education courses for persons certified or licensed by the board:

(a) An EMS provider licensed or certified by the board that holds a CE, EMR, EMT, AEMT, APP, or Paramedic Educator credential;

(b) A physician (DO or MD) or Physician Assistant (PA) licensed in Kentucky or another state, who has specific expertise in an area of a prehospital discipline;

(c) A registered nurse (RN) or Advanced Practice Registered Nurse (APRN) licensed in Kentucky or another state, who has specific expertise in an area of a prehospital discipline; or

(d) An individual who is at least one (1) of the following and who shall be limited to teaching the specific subject approved by the EMS-TEI administrator[~~director~~] and primary medical director:

1. Certified by a state or federal agency to teach or perform subject matter relevant to the National Emergency Medical Services Education Standards and National and Kentucky EMS Scope of Practice for a prehospital discipline;

2. Certified by a nationally recognized entity to provide EMS related training and education; or

3. A presenter at a National or State Symposium accredited by an agency or other board approved entity.[~~; or~~]

[~~4.~~] [~~A presenter approved by an EMS medical director who has specific expertise in an area of a prehospital discipline.~~]

(2) The EMS-TEI or other approved contractual department or agency providing continuing education shall be required to:

(a) Maintain a roster, objectives, and outline for every continuing education course taught on file for a period of three (3) years beyond the end date of each EMS course;

(b) Maintain all documentation to have met the applicable accreditation agency standards, policies, and guidelines established in this administrative regulation; and

(c) Meet the requirements of this administrative regulation.

(3) If requested by the board, the EMS-TEI shall submit to the board the required documents for EMS initial and continuing education courses taught within the preceding three (3) years that lead to re-certification or re-licensure by the board, including:

(a) Contractual agreements;

(b) The continuing education instructor curriculum vitae or resume that includes at a minimum the educator's name, address, phone number, email address, education history, and employment history documenting the qualifications listed in subsection (1) of this section have been met;

(c) A completed Continuing Education Course Student Roster. The course roster shall include the participant's[~~participants~~] name, signature or digital equivalent, participant KEMSIS number, and board EMS credential held. If rosters are created or stored electronically, there shall be a verification of attendance component that may be verified by the board if requested; and

(d) Objectives, syllabi, outline, and a list of instructor resources used for each continuing education course.

Section 16.[~~Section 15.~~] Pilot Programs.

(1) A board-certified[~~board certified~~]EMS-TEI[~~TEI~~] that is in good standing may apply for an Educational Pilot Program.

(2) A pilot program shall involve specialized training and education, as well as associated procedures not otherwise provided for in 202 KAR Chapter 7.

(3) Educational Pilot Programs shall be subject to the provisions of 202 KAR 7:565.

[~~Section 16.~~] [~~EMS Educators.~~]

[~~(1)~~] [~~An EMS Educator may be certified at the following levels:~~]

[~~(a)~~] [~~EMR Educator, which certifies the individual to teach EMR initial certification and continuing education courses;~~]

[~~(b)~~] [~~EMT Educator, which certifies the individual to teach EMR and EMT initial certification and continuing education courses;~~]

[~~(c)~~] [~~AEMT Educator, which certifies the individual to teach EMR, EMT, and AEMT initial certification and continuing education courses;~~]

[~~(d)~~] [~~Paramedic Educator, which certifies the individual to teach EMR, EMT, AEMT, and Paramedic initial certification and continuing education courses; or~~]

[~~(e)~~] [~~CE Educator, which certifies the individual to teach continuing education courses at or below the level of EMS provider certification or license issued by the board.~~]

[~~(2)~~] [~~Depending on the level of certification sought, an applicant for certification as a Kentucky EMS educator shall:~~]

[~~(a)~~] [~~Already hold a certificate or license in Kentucky as an Emergency Medical Responder (EMR), an Emergency Medical Technician (EMT), an Advanced Emergency Medical Technician (AEMT), or a paramedic; or~~]

[~~(b)~~]

[~~1.~~] [~~Hold a license in Kentucky or another state as a Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA);~~]

[~~2.~~] [~~A Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA) shall be considered an advanced EMS provider at the paramedic level only for the purpose of credentialing the individual as an EMS educator;~~]

[~~(c)~~] [~~Not be issued a certificate as an EMS educator for a level of instruction higher than his or her EMS provider certification or license;~~]

[~~(d)~~] [~~Have successfully completed:~~]

[~~1.~~] [~~A board-approved EMS educator course that meets the objectives of the National Highway Traffic Safety Administration National Guidelines for Educating EMS Instructors and the National Emergency Medical Services Education Standards which is designed to represent a common core for teaching knowledge and skills to assist in the education of adult learners; or~~]

[~~2.~~] [~~Holds an unrestricted and current license or certification as a teacher or educator through a state board of education in the United States;~~]

[~~(e)~~] [~~Submit a completed:~~]

[~~1.~~] [~~CE Educator Initial Application;~~]

[~~2.~~] [~~EMR Educator Initial Application;~~]

[~~3.~~] [~~EMT Educator Initial Application;~~]

[~~4.~~] [~~AEMT Educator Initial Application; or~~]

[~~5.~~] [~~Paramedic Educator Initial Application;~~]

[~~(f)~~] [~~Pay all fees pursuant to 202 KAR 7:030; and~~]

[~~(g)~~] [~~Undergo a background check pursuant to KRS 311A.050 and 311A.100.~~]

[~~1.~~] [~~The background check shall be:~~]

[~~a.~~] [~~National in scope for an applicant not currently certified or licensed at any level in Kentucky;~~]

[~~b.~~] [~~Statewide in scope for an applicant with current certification or licensure in Kentucky;~~]

[~~c.~~] [~~Less than six (6) months old when the applicant submits to the board all requirements for Educator certification; and~~]

[~~d.~~] [~~Provided by a vendor that has been contracted through the board.~~]

[~~2.~~] [~~An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.~~]

[~~(3)~~] [~~Applicants applying for CE Educator shall present documented proof of completing a board approved nationally recognized or EMS-TEI instructor course.~~]

[~~(4)~~] [~~The expiration date of an EMS educator certification shall correspond to those established in KRS Chapter 311A and 202 KAR Chapter 7.~~]

[~~Section 17.~~] [~~Renewal of EMS Educator Certification.~~]

[~~(1)~~] [~~An EMS educator shall be eligible to renew the EMS educator certification if the applicant for renewal:~~]

[~~(a)~~] [~~Has maintained state certification or licensure as an EMS provider or as a Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA) at a level equal to or greater than the level at which they are certified as an EMS educator;~~]

[(b)] [Retains evidence of completing all training and education pursuant to KRS Chapter 311A;]

[(c)] [Is not subject to discipline pursuant to KRS Chapter 311A;]

[(d)] [Has paid fees pursuant to 202 KAR 7:030; and]

[(e)] [Has submitted to the board a completed Educator Renewal Application.]

[(2)] [The EMS educator shall maintain all training and education documentation outlined in this administrative regulation for three (3) years from the date of completion.]

[(3)] [The board office may audit an EMS educator's continuing education and EMS provider continuing education records.]

[Section 18.] [EMS Educator reinstatement. An EMS Educator whose certification has lapsed may reinstate. To reinstate a certificate, the EMS educator shall:]

[(1)] [Submit a completed:]

[(a)] [Application for CE Educator Reinstatement;]

[(b)] [Application for EMR Educator Reinstatement;]

[(c)] [Application for EMT Educator Reinstatement;]

[(d)] [Application for AEMT Educator Reinstatement; or]

[(e)] [Application for Paramedic Educator Reinstatement;]

[(2)] [Pay the reinstatement fee pursuant to 202 KAR 7:030;]

[(3)] [Submit evidence of previous certification as an EMS Educator in Kentucky; and]

[(4)] [Undergo a background check pursuant to KRS 311A.050 and 311A.100.]

[(a)] [The background check shall be:]

[1.] [National in scope for an applicant not currently certified or licensed at any level in Kentucky;]

[2.] [Statewide in scope for an applicant with current certification or licensure in Kentucky;]

[3.] [Less than six (6) months old when the applicant submits to the board all requirements for Educator certification; and]

[4.] [Provided by a vendor that has been contracted through the board.]

[(b)] [An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.]

[Section 19.] [Transition for Currently Certified Educators. An educator certified prior to the effective date of this administrative regulation shall be transitioned as follows:]

[(1)] [Level I Educator shall be certified as an EMR Educator;]

[(2)] [Level II Educator shall be certified as an EMT Educator or AEMT Educator;]

[(3)] [Level III Educator shall be certified as a Paramedic Educator; and]

[(4)] [Level IIIR Educator shall be certified as a Paramedic Educator.]

[Section 20.] [EMS Educator Reciprocity. A person certified as an EMS Educator or board approved equivalent in another state or United States territory shall be eligible for Kentucky EMS Educator certification upon:]

[(1)] [Submission of a completed:]

[(a)] [Application for CE Educator Reciprocity;]

[(b)] [Application for EMR Educator Reciprocity;]

[(c)] [Application for EMT Educator Reciprocity;]

[(d)] [Application for AEMT Educator Reciprocity; or]

[(e)] [Application for Paramedic Educator Reciprocity;]

[(2)] [Payment of the educator fee pursuant to 202 KAR 7:030;]

[(3)]

[(a)] [Submission of proof that the applicant is certified as an EMS Educator or board approved equivalent or certified as a teacher or educator through a state board of education in another state or United States territory;]

[(b)] [The applicant may only apply for educator certification at the same level of Educator certification currently held in another state or United States territory;]

[(4)] [Submission of certification or license by the board as an EMS provider or license as a Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA); and]

[(5)] [Submission to a background check pursuant to KRS 311A.050 and 311A.100.]

[(a)] [The background check shall be:]

[1.] [National in scope for an applicant not currently certified or licensed at any level in Kentucky;]

[2.] [Statewide in scope for an applicant with current certification or licensure in Kentucky;]

[3.] [Less than six (6) months old when the applicant submits to the board all requirements for Educator certification; and]

[4.] [Provided by a vendor that has been contracted through the board.]

[(b)] [An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.]

[Section 21.] [Educator Oversight. The board may conduct unscheduled visits to an EMS educator's classroom or to an EMS psychomotor examination site to verify compliance with KRS Chapter 311A and 202 KAR Chapter 7, instructional quality, and evaluative standards required by this administrative regulation.]

Section 17.[Section 22.] Incorporation by reference.

(1) The following material is incorporated by reference:

(a) "Training and Educational Institution (TEI) Application in KEMSIS", July 2019[2019 July];

(b) "Course Notification Application in KEMSIS", July 2019;

(c) "Initial Educational Course Roster", September 2012;

(d) "National Emergency Medical Services Education Standards", National Highway Traffic Safety Administration, 2021;

1. "National Emergency Medical Services Education Standards-Emergency Medical Responder", National Highway Traffic Safety Administration, 2021;

2. "National Emergency Medical Services Education Standards-Emergency Medical Technician", National Highway Traffic Safety Administration, 2021;

3. "National Emergency Medical Services Education Standards-Advanced Emergency Medical Technician", National Highway Traffic Safety Administration, 2021;

4. "National Emergency Medical Services Education Standards-Paramedic", National Highway Traffic Safety Administration, 2021;

[(d)] ["National Emergency Medical Services Education Standards", National Highway Traffic Safety Administration, DOT HS 811 077A, January 2009;]

[1.] ["National Emergency Medical Services Education Standards-Emergency Medical Responder Instructional Guidelines", National Highway Traffic Safety Administration, DOT HS 811 077B, January 2009;]

[2.] ["National Emergency Medical Services Education Standards-Emergency Medical Technician Instructional Guidelines", National Highway Traffic Safety Administration, DOT HS 811 077C, January 2009;]

[3.] ["National Emergency Medical Services Education Standards-Advanced Emergency Medical Technician Instructional Guidelines", National Highway Traffic Safety Administration, DOT HS 811 077D, January 2009;]

[4.] ["National Emergency Medical Services Education Standards-Paramedic Instructional Guidelines", National Highway Traffic Safety Administration, DOT HS 811 077E, January 2009.]

[(e)] ["National EMS Scope of Practice Model 2007", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;]

(e)[(f)] "National EMS Scope of Practice Model 2019", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;

[(g)] ["2002 National Guidelines for Educating EMS Instructors", National Highway Traffic Safety Administration, August 2002;]

(f) "CoAEMSP Interpretations of the CAAHEP 2023 Standards and Guidelines for the Accreditation of Educational Programs in the EMS Professions", May 2025;

[(h)] [CoAEMSP Interpretations of the CAAHEP 2015 Standards and Guidelines for the Accreditation of Educational Programs in the EMS Professions", February 2019;]

(g) "EMS-TEI Pre-Inspection Worksheet (CE Only)", August 2023;

(h) "EMS-TEI Pre-Inspection Worksheet (Levels 1 thru 4)", August 2023;

(i) "EMS-TEI Renewal Application", March 2026;

(j)[(i)] "Final Educational Course Roster", September 2012;

(k)[(j)] "Continuing Education Course Student Roster", September 2012;

(l)[(k)] "Course Change Notification Application" in KEMSIS, July 2019;

[(l)] ["Psychomotor Exam Application" in KEMSIS, July 2019;]

[(m)] ["Comprehensive Skill Evaluation Report", July 2019;]

(m) "EMR Student Minimum Competency", 2026;

(n) "EMT Student Minimum Competency", 2026; and

(o) "AEMT Student Minimum Competency", 2026.

[(n)] ["CE Educator Initial Application" in KEMSIS, February 2013;]

[(o)] ["EMR Educator Initial Application" in KEMSIS, July 2019;]

[(p)] ["EMT Educator Initial Application" in KEMSIS, July 2019;]

[(q)] ["AEMT Educator Initial Application" in KEMSIS, July 2019;]

[(r)] ["Paramedic Educator Initial Application" in KEMSIS, July 2019;]

[(s)] ["Application for CE Educator Reciprocity" in KEMSIS, July 2019;]

[(t)] ["Application for EMR Educator Reciprocity" in KEMSIS, July 2019;]

[(u)] ["Application for EMT Educator Reciprocity" in KEMSIS, July 2019;]

[(v)] ["Application for AEMT Educator Reciprocity" in KEMSIS, July 2019;]

[(w)] ["Application for Paramedic Educator Reciprocity" in KEMSIS, July 2019;]

[(x)] ["Application for CE Educator Reinstatement" in KEMSIS, July 2019;]

[(y)] ["Application for EMR Educator Reinstatement" in KEMSIS, July 2019;]

[(z)] ["Application for EMT Educator Reinstatement" in KEMSIS, July 2019;]

[(aa)] ["Application for AEMT Educator Reinstatement" in KEMSIS, July 2019;]

[(bb)] ["Application for Paramedic Educator Reinstatement" in KEMSIS, July 2019;]

[(cc)] ["Application for Educator Renewal" in KEMSIS, July 2019;]

[(dd)] ["EMR Portfolio Skills Form", December 2022; and]

[(ee)] ["EMT Portfolio Skills Form", December 2022.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, by appointment, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kbems.ky.gov[kyems.com].

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: October 13, 2026

FILED WITH LRC: October 13, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 PM ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Fax: (859) 225-1493, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood, Phone: (859) 225-4714, Email: administrativeregulations@wgmfirm.com

Subject Headings: Emergency Medical Services, Licensing, Education: Career and Technical

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for an organization to be certified by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI).

(b) The necessity of this administrative regulation: KRS 311A.030 and 311A.125 require the board to promulgate administrative regulations establishing standards related to the training and education of emergency medical services personnel. KRS 311A.130 requires proper in-service and in-house in-service training and education. KRS 311A.025 requires the board to establish levels of certification. This administrative regulation is necessary to establish requirements for an organization to be certified by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.025, 311A.030, 311A.125, and 311A.130 by establishing certification requirements for EMS-TEIs.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists and will assist in the effective administration of the above-referenced statutes by establishing the certification requirements for EMS-TEIs.

(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 terminology regarding EMS-TEI administrators and medical directors. Requires an EMS-TEI's primary medical director to meet the qualifications established in 202 KAR 7:801. Requires a memorandum of understanding or contract with the primary medical director outlining the relationship, duties, and requirements of the primary medical director and any associate or assistant medical director affiliated with the EMS-TEI. Updates course and policy requirements. Increases the minimum NREMT cumulative pass rate an EMS-TEI must maintain from sixty (60) to seventy (70) percent. Updates reporting requirements for graduate data. Updates course notification and roster requirements. Extends the window for course-completion documentation from sixty (60) to ninety (90) days, and extends the NREMT-testing approval window from seven (7) to fourteen (14) days. Lowers the percentage of classroom instruction an assistant instructor may teach from forty (40) to twenty (20) percent. Deletes EMS Educator certification provisions, which are now included in a separate new administrative regulation filed contemporaneously herewith. Deletes the Education Committee provisions. (The Education Committee remains established pursuant to 202 KAR 7:020, Section 2.) Requires an EMS-TEI that is closing to transfer its course records to the Board. Updates materials incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update EMS-TEI certification, management, and operating requirements, update EMS-TEI medical director requirements, and ensure consistent terminology use across regulations.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.025, 311A.030, 311A.125, and 311A.130 by updating the certification, management, and training standards applicable to EMS-TEIs.

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

administration of the above-referenced statutes by updating and clarifying the certification, management, and training standards applicable to EMS-TEIs.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. Section 8(10) of this amendment implements the protection against the loss of educational records included in the amendment to KRS 311A.030 in House Bill 236 (2026 Regular Session), 2026 Ky. Acts ch. 105, sec. 5.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: EMS-TEIs and their administrators, medical directors, and students.

(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: EMS-TEIs will need to ensure that their primary medical director meets the requirements established in 202 KAR 7:801, have a memorandum of understanding or contract with their primary medical director with the contents required by this amendment, ensure that courses and policies comply with the requirements of this amendment, meet the minimum pass rate, and ensure timely reporting of required records and data.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No additional costs are anticipated as a result of this amendment, other than administrative costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): EMS-TEIs and their students will benefit from a clearer medical oversight structure, updated syllabus and course standards, updated policy requirements, and updated materials that reflect current standards.

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

(a) Initially: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(b) On a continuing basis: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

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

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

(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to all EMS-TEIs.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311A.025, 311A.030, 311A.125, and 311A.130. KRS 311A.030 and 311A.125 require the board to promulgate administrative regulations establishing standards related to the training and education of emergency medical services personnel. KRS 311A.130 requires proper in-service and in-house in-service training and education. KRS 311A.025 requires the board to establish levels of certification.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 311A.025(1)(n) and (2). KRS 311A.025 was last amended by 2026 Ky. Acts ch. 105, sec. 8.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by the Kentucky Board of Emergency Medical Services.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities are not directly affected by this administrative regulation.

(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): EMS-TEIs and their administrators, medical directors, and students.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: The Board does not anticipate this administrative regulation will have any fiscal impact.

(b) Methodology and resources used to reach this conclusion: This administrative regulation does not establish or increase any fees, and the board does not anticipate any compliance costs other than administrative 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.

(b) The methodology and resources used to reach this conclusion: This administrative regulation does not establish or increase any fees, and the board does not anticipate any compliance costs other than administrative costs.

TOURISM, ARTS AND HERITAGE CABINET
Heritage Council
(Amendment)

300 KAR 6:011. Historic rehabilitation tax credit certifications.

RELATES TO: KRS 171.396, 171.3961, 171.3963, 171.397, 171.398, 171.399, 42 U.S.C. 12101, 54 U.S.C. 300101, 36 C.F.R. 67, 36 C.F.R. 800

STATUTORY AUTHORITY: KRS 171.398[397](12), (14)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation is in compliance with the requirements of 2025 RS HB 6, Section 8(2). This administrative regulation is being promulgated to meet a deadline established by 2025 legislation.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.39[7]8 (12) and (14) authorize the Kentucky Heritage Council to promulgate administrative regulations to implement the certified historic structures rehabilitation tax credit and to impose fees for tax credit applications. This administrative regulation establishes the application process to determine a taxpayer's eligibility to claim a certified historic structure rehabilitation tax credit.

Section 1. Definitions.

(1) "Act" means the enabling legislation for the historic rehabilitation tax credit, KRS 171.396 through 171.399[7].

(2) "Adjusted basis of the structure" means the last purchase price of the depreciable property, minus the cost of land, plus improvements already made, minus allowable straight-line depreciation per IRC 1016 and Treasury Regulation 1.48-12(b)(2)(iii). The date to determine the adjusted basis of the building is the first day of the 24-month measuring period for the substantial rehabilitation test or the first day of the taxpayer's holding period of the building, whichever is later.

(3) "Affordability" is defined by in KRS 171.963(1).

(4) "Affordable" is defined by KRS 171.396(1).

(5) "Affordable Housing," for the purposes of the Commercial Residential Property category, is defined in KRS 171.396(5)(c).

(6) "Affordable Commercial Residential Property" means the same as Commercial Residential Property, defined in KRS 171.396(5).

(7) "Applicant" means the owner(s), individual(s), or entity(ies), who shall be the liable party and primary contact for the certified historic structure (Part 1), rehabilitation plan (Part 2), certified rehabilitation (Part 3), and maintaining the property use and certified rehabilitation during the monitoring period, subject to penalties promulgated by the Department of Revenue. An applicant who is not the fee and simple owner shall submit an ownership authorization form (TC-O) bearing the signatures and authorizations from all owners. For property owned by local government or quasi-government property, the highest government official within the jurisdiction shall be the applicant or the signatory on an owner-authorization form (TC-O) for rehabilitation tax credit applications. State-owned property, including public universities, must be accompanied by an owner-authorization form signed by both the Finance Cabinet Secretary and the Tourism, Arts, and Heritage Cabinet Secretary. Regardless of ownership, the final amount of credit approved for a certified historic structure's certified rehabilitation shall not exceed the maximum credit allowed for the property use category under KRS 171.398.

(8) "Audit" means the comprehensive examination of a project's financial records and assessing the expenses for accuracy as qualifying rehabilitation expenses within the project timeline, and for applicable projects, may also include the evaluation of an applicant's process for determining the Adjusted Basis for the purposes of meeting the substantial rehabilitation test pursuant to KRS 171.396(13).

(9) "Construction" means any physical changes to the certified historic structure.

(10)[(3)] "Certified historic structure" is defined by KRS 171.396(2)[(1)].

(11)[(4)] "Certified rehabilitation" is defined by KRS 171.396(3)[(2)].

(12)[(5)] "Certified rehabilitation credit cap" is defined by KRS 171.396(4)[(3)].

(13) "Commercial Residential Property" is defined by KRS 171.386(5).

(15)[(7)] "Completed rehabilitation project" means any certified historic structure that has been substantially rehabilitated per the rehabilitation plan and, after the completion date, has been submitted by the applicant to the council for final certification of rehabilitation under the Act.

(16)[(8)] "Completion date" means[:]the month date, and year that the certified historic structure is placed in service or the last eligible rehabilitation expense, whichever is later.

[(a)] [For owner-occupied residential property, the month, date, and year in which the last eligible rehabilitation expense is incurred; or]

[(b)] [For all other property, the month, date, and year in which the rehabilitation project is completed to allow occupancy of the entire building or some identifiable portion of the building and, if applicable, a certificate of occupancy has been issued.]

(17) "Corporation" is the Kentucky Housing Corporation and is defined in KRS 198A.010(4).

(18) "Council" means the Kentucky Heritage Council.

(19)[(9)] "Department" means the Kentucky Department of Revenue.

(20)[(10)] "Director" means the executive director of the Kentucky Heritage Council.

(21)[(11)] "Disqualifying work" is defined by KRS 171.396(7)[(5)].

(22)[(12)] "Exempt entity" is defined by KRS 171.396(8)[(6)].

(23)[(13)] "File" or "filed" means [physical]receipt by the council of an application for certification through the tax credit application portal along with the tender of the appropriate review fee through the payment portal, unless an alternative submittal method has been requested and approved in advance.

(24)[(14)] "Final amount of credit approved" means the individual credit awarded for certified rehabilitation to an applicant[owner] of a certified historic structure as determined pursuant to KRS 171.3961 or KRS 171.397, or KRS 171.398, whichever is applicable, upon filing of the Certificate of Rehabilitation-Part 3 and upon approval by the council.

(25)[(15)] "Inspection" means a visit by the director or an authorized representative of the council to a property for the purposes of reviewing and evaluating the significance of the structure, the condition of the property for the purposes of assessing if there is an opportunity for meaningful consultation, and the ongoing or completed rehabilitation work for the duration of the monitoring period.

(26)[(16)] "Meaningful consultation" means the opportunity to consult and provide a preliminary approval of the rehabilitation plan with[a historic building owner]an applicant prior to the start of construction. Construction may not begin until after preliminary approval of the rehabilitation plan (TC-2) is issued by the council.[removal of historic fabric or work that does not meet the Secretary of the Interior's Standards for Rehabilitation as established in Section 4(2) of this administrative regulation.]

(27) "Median Family Income" is defined by KRS 171.396(10) and verified by the Kentucky Housing Corporation through the applicant's submittal of the TC-HC form.

(28) "Monitoring Period" means three (3) years following the council's certified TC-3 approval date for all projects except commercial-residential property, where all commercial-residential property's affordable residential units must be leased and certified by the corporation within one (1) year of the council's part 3 certification date and the monitoring period is five (5) years thereafter, following the corporation's certification date that all affordable residential units are filled and meet the income and rental requirements.

(29)[(17)] "National Register of Historic Places" means the National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture that the U. S. Secretary of the Interior is authorized to expand and maintain pursuant to Section 101(a)(1) of the National Historic Preservation Act of 1966, 54 U.S.C. 300101, and implemented through 36 C.F.R. Part 800.

(30)[(18)] "Owner" means:

(a) The person, partnership, corporation, public agency, or other entity holding a fee simple interest in a property, or any other person or entity recognized by the department for purposes of the applicable tax benefit under KRS 171.397 or KRS 171.3961 or KRS 171.398, whichever is applicable; or

(b) A lessee, if the remaining term of the lease is not less than twenty-seven and one-half (27 1/2) years for residential property or thirty-nine (39) years for all other property. Lessees must provide an ownership authorization form signed by the building owner and copy of their lease.

(31)[(19)] "Owner-occupied residential property" is defined by KRS 171.396(11)[(8)].

(32) "Placed in Service" means the property's rehabilitation plan has been completed and the property is available for occupancy as its specific use category elected by the applicant in the Part 2 application.

(33)[(20)] "Preliminary Determination of Maximum Credit Eligibility"["Preliminary tax credit allocation"]means the maximum [individual] credit available for a complete and adequately documented rehabilitation plan[certified rehabilitation]that is filed by no later than April 15 or August 15 of the year the proposed project will begin to an applicant[owner] of a certified historic structure as determined pursuant to KRS 171.398[7][on April 29 of the year in which the Certificate of Rehabilitation-Parts 1 and 2 are filed and approved by the council].

(34) "Programmatic Agreement" means a defined process, established through a contractual agreement with the council and owner of a preservation easement property held by the council, which establishes routine scopes and streamlined reviews for rehabilitation tax credit requirements.

(35)[(21)] "Property" means a building or buildings and its site that are significant construction elements within the National Register Nomination. In no case will individual buildings under shared ownership from a functionally-related historic site, or portions of a single building, other than Owner-Occupied Residential Condominiums, be divided into separate projects[and landscape features].

(36) "Property Use Category" means the property's proposed use once the rehabilitation is certified as complete and shall either be owner-occupied residential, commercial, affordable commercial-residential, or a tax-exempt property use.

(37)[(22)] "Qualified rehabilitation expense" is defined by KRS 171.396 (12)[(9)].

(38)[(23)] "Rehabilitation" means the process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, or cultural values. Qualifying rehabilitation projects must primarily focus on the preservation of significant features.

(39)[(24)] "Rehabilitation plan" means a proposed plan pursuant to which a certified historic structure will be substantially rehabilitated.

(40)[(25)] "Rehabilitation project" means a substantive change that prioritizes the preservation of significant features to any certified historic structure, submitted by the applicant to the council, for certifications of rehabilitation under the Act.

(41)[(26)] "Standards for rehabilitation" mean the Secretary of the Interior's Standards for Rehabilitation, 36 C.F.R. 67.7, as established by the U. S. Department of Interior and restated in Section 4(2) of this administrative regulation.

(42)[(27)] "Starting date" means the date upon which the applicant applies for the building permit for work proposed by the rehabilitation plan or the date upon which actual physical work contemplated by the plan of rehabilitation begins, whichever is later.

(43)[(28)] "Substantial rehabilitation" is defined by KRS 171.396(13)[(10)].

(44)[(29)] "Taxpayer" is defined by KRS 171.396(14)[(11)].

(45) "Year" means the calendar year, starting January 1 through December 31, annually.

Section 2. Certifications of Rehabilitation.

[(1)] [For tax credits under KRS 171.3961, a request for certification of historic significance and of rehabilitation under the Act shall be a five (5) stage process that requires the filing of the:]

[(a)] [Certification Application-Intent to Apply for Major Certified Rehabilitation;]

[(b)] [Certification Application Part 1-Evaluation of National Register Status;]

[(c)] [Certification Application Part 2-Description of Rehabilitation;]

[(d)] [Certification Application Part 3-Request for Certification of Completed Work; and]

[(e)] [Summary of Investment and Election of Credit.]

(1)[(2)] For tax credits under KRS 171.397, filed prior to April 30, 2026, a request for certification of historic significance and of rehabilitation under the Act shall be a four (4) stage process that requires the filing of the:

(a) Certification Application Part 1-Evaluation of National Register Status;

(b) Certification Application Part 2-Description of Rehabilitation;

(c) Certification Application Part 3-Request for Certification of Completed Work; and

(d) Certification Application -Summary of Investment and Election of Credit.

(2) For tax credits under KRS 171.398, filed on or after to April 30, 2026, a request for certification of historic significance and of rehabilitation under the Act shall be a minimum four (4) stage process that requires the filing of the:

(a) Certification Application Part 1 - Evaluation of Certified Historic Structure (TC-1);

(b) Certification Application Part 2 - Description of Rehabilitation Plan (TC-2);

(c) Certification Application Part 3 - Request for Certification of Completed Rehabilitation (TC-3); and

(d) Certification Application Part 4 - Summary of Investment and Election of Credit (TC-4).

(3) For tax credits filing for the Commercial-Residential Property category under KRS 171.398, a request for certification of historic significance and of rehabilitation under the Act shall be a five (5) stage process that requires the filing of the:

(a) Certification Application Part 1 - Evaluation of Certified Historic Structure (TC-1);

(b) Tax Credit Housing Corporation Application - Certification of Commercial-Residential Property Requirements (TC-HC);

(c) Certification Application Part 2 - Description of Rehabilitation Plan (TC-2);

(e) Certification Application Part 3 - Request for Certification of Completed (TC-3); and

(f) Certification Application Part 4 - Summary of Investment and Election of Credit (TC-4).

[(3)] [Intent to Apply for Expanded Credit shall be a request for certification of an applicant's intent to claim a tax credit established by KRS 171.3961 for a proposed rehabilitation project.]

[(4)] [Part 1 shall be a request for certification of historic significance.]

[(5)] [Part 2 shall be a request for certification of a proposed rehabilitation project.]

[(6)] [Part 3 shall be a request for certification of a completed rehabilitation project.]

[(7)] [Summary of Investment and Election of Credit shall be actual cost, square footage, and use attributed to the rehabilitation work and an irrevocable election by the taxpayer to receive a refundable credit or transfer the credit.]

(4) An applicant who intends to apply for a tax credit established by KRS 171.399 for a proposed rehabilitation project shall submit an intent to apply under credit 399 form (TC-399) on or before January 1, 2031, in addition to the applications established in this section.

(5)[(8)] Certification of applications shall be filed with the council by the applicant as established in paragraphs (a) through [(c)](d) of this subsection.

(a)

1. A complete and adequately documented Part 1 and Part 2 shall be filed with the council [on or before April 29]prior to the start

of construction for a preliminary determination of maximum credit eligibility for a credit under KRS 171.39[~~7~~]8 on or before:

a. April 15; or

b. August 15 of the year in which the proposed project will begin.

2. Part 1, Intent to apply under credit 399 form, and Part 2, [~~and Intent to Apply for Expanded Credit~~] shall be filed with the council on or after January 1, 2027, but before January 1, 2031, for a credit under KRS 171.399.[~~on or before June 30, 2015, for a credit under KRS 171.3961.~~]

(b)

1. The applicant shall not begin construction until after the preliminary approval of their rehabilitation plan has been issued by the council.[~~Part 1 and Part 2 may be filed after rehabilitation has commenced, but an applicant who begins rehabilitation prior to receiving Part 2 certification shall assume the risk that certification may be denied.~~]

[~~2.~~] [~~If rehabilitation has commenced prior to receiving Part 2 certification, the applicant shall check a corresponding box on the Part 2 form that may prompt an inspection by council staff to determine level of completeness.~~]

2.[~~3.~~]] If it is determined that construction has begun prior to the preliminary approval of the rehabilitation plan,[~~demolition or rehabilitation has progressed beyond the point at which "meaningful consultation" can be carried out,~~] the council shall notify the applicant within thirty (30) days of review or inspection that a foreclosure on the agency's opportunity to comment on the rehabilitation plan has occurred and the application is closed.

3.[~~4.~~] Application or review fees that have been paid shall be refunded minus the actual cost associated with the processing and closure of an application.

4. An applicant[~~5. A taxpayer~~] may appeal a determination of foreclosure.

a. An appeal shall be submitted by filing an appeal in writing within thirty (30) days of notification to the council board.

b. The council board shall either confirm the determination or reverse the determination based solely upon the Part 1 and 2 application materials and record developed by the council, to determine whether the council reached incorrect conclusions of the project's construction start date.[~~on compliance with this administrative regulation, with instructions to return the application to council staff for standard processing and review.~~]

c. The council board shall decide the appeal and shall notify the taxpayer of the decision in writing within thirty (30) days from the date the appeal is considered at the regularly scheduled council meeting if a quorum is present.

d. If the council board reverses a determination and concludes that the review of a Part 2 application shall resume as usual, then the application's filing date, for the purposes of a preliminary determination of maximum credit eligibility, shall be considered the council board's appeal determination date.

(c)

1. The council may issue preliminary approval of the Part 2 application with or without conditions (TC-C form). Compliance with the issued conditions is required in order for a completed project to qualify as a certified rehabilitation for purposes of the Act.

2. If the information listed on the signed cover page of an application is invalid, it is the applicant's responsibility to submit a new cover page to the application portal. The filing date and assessed fee for that application shall be based on the latest cover page submitted.

2. An applicant shall submit an amendment application (TC-A) for changes in the rehabilitation plan's construction scopes, prior to those construction scopes taking place. If construction to the scopes that are under review has begun prior to the preliminary approval of an amendment to a rehabilitation plan, and the council determines that the scopes are substantive enough to affect certification that the project will meet the Standards for Rehabilitation, then the council shall notify the applicant within thirty (30) days of review or inspection that a foreclosure on the agency's opportunity to comment on the rehabilitation plan has occurred and the application is closed. The appeal process outlined in paragraph (b) of this section shall be available to the applicant for a foreclosed amendment application.

(d)

1. Part 3 and Part 4[~~Summary of Investment and Election of Credit~~] shall be filed with the council after the completion date of a completed rehabilitation project for a final determination of credit.

5.[~~(9)~~] If at any stage an application is not approved by the council, during the rehabilitation project or the monitoring period, the rehabilitation project shall not qualify as a certified rehabilitation for purposes of the Act.

Section 3. Certifications of Historic Significance-Part 1.

(1) Application. The Certification Application Part 1-Evaluation of Certified Historic Structure[~~National Register Status~~] form shall be filed with the council for certification of historic significance.

(a) Property individually listed in the National Register of Historic Places. Individually listed property shall be considered a certified historic structure for purposes of the Act subject to confirmation by the council based of compliance with the requirements established in this administrative regulation. The following information shall be provided by the applicant:

1. Names and mailing addresses of applicant(s), and owner authorization form, if applicable[~~owners~~];

2. Name and address of property;

3. Photographic documentation of the building and property prior to [~~and after~~]alteration, showing all exterior and interior features and spaces to ensure that the listed property has not lost the characteristics that caused it to be listed on the National Register of Historic Places; and

4. Descriptions of all the buildings within the listing if the property contains more than one (1) building for the purpose of determining which of the buildings are of historic significance to the property; and if requested:

5. Brief description of appearance including alterations, distinctive features and spaces, and dates of construction;

6. Brief statement of significance summarizing how the property reflects the values that give its distinctive historical and visual character, and explaining any significance attached to the property itself;

7. A copy of a map indicating where the subject property is located. If an individually-listed property is also located in a historic district listed in the National Register of Historic Places, a copy of the map of the National Register historic district where the subject property is located and a clear delineation of the property's location within the district shall also be included; and

8. Signatures of owners requesting confirmation of listing in the National Register of Historic Places or concurring in the request if the owners are not the applicants.

(b) Property located in a historic district listed in the National Register of Historic Places. If the property is located in historic district listed in the National Register of Historic Places, an applicant shall request that the property be certified by the council as a historic structure contributing to the significance of a historic district and provide the:

1. Names and mailing addresses of applicant(s), and owner authorization form, if applicable;[~~owners~~]

2. Name and address of property;

3. Name of historic district;

4. Photographic documentation of the building and property prior to [~~and after~~]alteration showing all exterior and interior features and spaces, and photographic documentation of adjacent properties and structures on the street showing significance to the historic district; and if requested:

5. Brief description of appearance including alterations, distinctive features and spaces, and dates of construction;

6. Brief statement of significance summarizing how the property reflects the values that give the district its distinctive historical and visual character, and explaining any significance attached to the property itself;

7. A copy of the map of the National Register historic district where the subject property is located and a clear delineation of the property's location within the district; and

8. Signatures of owners requesting certification or concurring in the request if the owners are not the applicants.

(2) Multiple structures. A property containing more than one (1) building shall be treated as a single certified historic structure if the

council determines that the buildings have been functionally related historically to serve an overall purpose, whether the property is individually listed in the National Register or is located within a registered historic district. Buildings that are functionally related historically shall be those that have functioned together to serve an overall purpose during the property's period of significance. A certified historic site shall submit a single rehabilitation plan describing all proposed changes, which shall be reviewed based on their cumulative effects. If a certified historic building or site is suspected of being reconfigured to gain tax credit awards over the maximum credit amount defined in KRS171.398, or to avoid review without changing beneficial ownership, then different legal ownership entities or applicants in and of themselves are not considered to be different parcels for the purposes of the council's review.

(3) Standards for evaluating significance.

(a) In addition to the existing National Register documentation, an application for certification of historic significance shall contain documentation with information about the significance of the specific buildings and structures.

(b) A property located within a historic district listed in the National Register of Historic Places shall be evaluated for contribution to the historic significance of the district by applying the standards established in subparagraphs 1. through 3. of this paragraph.

1. A property contributing to the historic significance of a district shall be a property that by location, design, setting, materials, workmanship, concept, and association adds to the district's sense of time and place and historical development.

2. A property not contributing to the historic significance of a district shall be a property that does not add to the district's sense of time and place and historical development; or a property in which the location design, setting, materials, workmanship, concept and association have been so altered or have so deteriorated that the overall integrity of the property has been irretrievably lost.

3. If the building was built within the past fifty (50) years, it shall not be considered to contribute to the significance of a district, unless a strong justification concerning its historical or architectural merit is given or the historical attributes of the district are considered to be less than fifty (50) years old.

(c) An evaluation of historic significance shall be made based upon the appearance and condition of the property before rehabilitation was begun.

(d) The qualities of a property and its environment that qualify it as a certified historic structure shall be determined taking into account all available information, including information derived from the physical and architectural attributes of the building, and shall not be limited to information contained in the National Register nomination reports.

(e) If a non-historic surface material obscures a façade, it may be necessary to remove the surface materials prior to requesting certification so that a determination of significance can be made. Coordination with the council prior to any changes taking place is necessary to ensure the project shall remain eligible for certification. After the material has been removed, if the obscured façade has retained substantial historic integrity and the property otherwise contributes to the historic district, it shall be determined to be a certified historic structure.

(4) Review of Part 1 Applications.

(a) A complete and adequately-documented Certification Application Part 1-Evaluation of Certified Historic Structure[~~National Register Status~~] form shall be reviewed by the council to determine if the property contributes to the historic significance of the district by applying the standards established in subsection (3) of this section. If the request for certification is missing documentation, the council shall notify applicants via email and provide ten (10) days for the applicant to provide the necessary materials. If the materials are not or cannot be provided, the council shall close the application, and a new request may be submitted once the materials constitute a complete and adequately documented application.

(b) After consideration of the information contained in the application and other available information, the council shall approve the application if:

1. The property meets the standards for evaluating for significance established in subsection (3) of this section; or

2. The director confirms that the property is individually listed in the National Register of Historic Places.

(5)

(a) If the application is not adequate to complete the review, the council shall attempt to notify the applicant by mail, telephone, or e-mail using the contact information provided on the application.

(b) The applicant's failure to respond in ten (10) days shall result in the application being closed.

(c) The council's notification or failure to notify shall not constitute a waiver of a deficiency or an alteration of a time limitation established under the Act.

(6) An applicant shall notify the council of any substantial damage, alteration, or changes to a property that occurs after issuance of a Certification of Part 1-Evaluation of National Register Status. The council may, upon thirty (30) days written notice to the applicant, withdraw a certification of historic significance and may seek to have the property removed from the National Register under 36 C.F.R. 800.

Section 4. Certifications of Rehabilitation-Part 2.

(1) Applications.

(a) A Certificate of Application Part 2-Description of Rehabilitation form shall be filed with the council for certification that a rehabilitation plan is a substantial rehabilitation and meets the standards for rehabilitation established in subsection (2) of this section.

(b) A rehabilitation project shall be done according to a rehabilitation plan.

(c) The burden shall be upon the applicant to supply sufficient information to the council for a determination that the rehabilitation plan is a substantial rehabilitation and meets the standards for rehabilitation established in subsection (2) of this section.

(d) An application cover page shall include the:

1. Names and mailing addresses of applicant(s), and owner authorization form, if applicable[~~owners~~];

2. Name and address of property;

3. Designation of whether the application is for owner-occupied residential property [~~or other property~~], commercial property, affordable commercial-residential property, or tax-exempt property;

4. Information sufficient to establish the proposed use of the structure;

5. Adjusted basis for the property if other than owner-occupied residential or owned by an exempt entity;

6. Proposed starting date and completion date;

(a) Applications submitted prior to April 30, 2026 are limited to a consecutive 24-months of qualified rehabilitation expenses, not to begin prior to two calendar years before the project is allocated funding.

(b) Applications submitted on or after April 30, 2026 may capture expenses from any time, so long as construction did not begin prior to the council's certification of the Part 2 application and the building's adjusted basis, if applicable, is exceeded within the last 24-months of construction.

7. Projected total qualified rehabilitation expenses; and

8. Signatures of applicant(s) requesting certification.

(e) Description of rehabilitation plan shall include:

1.[~~8.~~] Numbered photographs adequate to document the appearance of the structure, both on the interior and exterior, and its site and environment before rehabilitation that correspond to numbered positions on existing plans;

2.[~~9.~~] Taxpayer identification number or Social Security number;

3.[~~10.~~] 10. Written detailed description of existing features and their conditions, and a written description of proposed rehabilitation work and the impact on existing features; and

4.[~~11.~~] Plans for any attached, adjacent, or related new construction, if applicable[~~;~~].

(2) Standards for rehabilitation.

(a) The standards for rehabilitation shall be the criteria used to determine if the rehabilitation qualifies as a certified historic rehabilitation. Rehabilitation shall be consistent with the historic character of the structure or structures and, if applicable, the district in which it is located.

(b) A rehabilitation project shall meet all of the standards for rehabilitation established in this paragraph.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. A change that creates a false impression of historical development, such as adding a conjectural feature or architectural element from another building, shall not be undertaken.

4. Changes to the property that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated architectural features shall be repaired rather than replaced. If the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, if possible, materials. Replacement of missing architectural features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If these resources shall be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c)

1. The quality of materials, craftsmanship, and related new construction in rehabilitation shall match the quality of materials, craftsmanship, and design of the historic structure.

2. Certain treatments, if improperly applied, or certain materials by their physical properties, can cause or accelerate physical deterioration of historic buildings, and use of these treatments or materials shall result in denial of certification.

3. The burden shall be upon the applicant to consult with the council for a determination as to what rehabilitation measures are appropriate for the structure.

4. Inappropriate rehabilitation measures on historic properties shall include, but not be limited to:

a. Improper masonry treatments, repointing materials and techniques;

b. Improper exterior masonry cleaning methods;

c. New materials which are incompatible with the historic character of the property or materials that are inferior in quality and longevity compared to visually similar alternatives;

d.[~~c.~~] Improper introduction of insulation if damage to historic fabric would result; and

e.[~~d.~~] Incompatible additions and new construction.

(d) The council may consider the dismantling and rebuilding of a portion of a certified historic structure to stabilize and repair weakened structural members and systems as a certified historic rehabilitation if:

1. The necessity for dismantling is justified in supporting documentation;

2. Significant architectural features and overall design are retained; and

3. Adequate historic materials are retained to maintain the architectural and historic integrity of the overall structure.

(3) Substantial rehabilitation. A rehabilitation project shall be a substantial rehabilitation only if the requirements of KRS 171.396(9) and (10) are met. To determine if a rehabilitation project is a substantial rehabilitation, the conditions established in this subsection shall apply.

(a) Increases to the adjusted basis of the structure shall include capital improvements to the structure, legal fees incurred for perfecting title, and zoning costs. Any depreciation previously claimed for the structure shall be subtracted from this figure.

(b) If a cost only partially qualifies as an eligible rehabilitation expense because some of the cost is attributable to the enlargement of the building, the expenditures shall be apportioned proportionately between the original portion of the building and the enlargement.

(c) In addition to the expenses listed in KRS 171.396(9), qualified rehabilitation expenses shall include:

1. The cost of work done to structural components of the building within the footprint of the historic structure if the components are permanent;

2. Costs related to new heating, plumbing, and electrical systems, as well as expenses related to updating kitchens and bathrooms, compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 and fire suppression systems and fire escapes, if proposed in conjunction with other substantial rehabilitation scopes that primarily involve the preservation of characteristic features; and

3. The cost of architectural and engineering fees, site survey fees, [~~legal expenses,~~] development fees, review fees, audits, and other construction-related costs, if those costs are added to the basis of the property and the costs are directly associated with the rehabilitation plan's construction expenses.

(d) In addition to the exclusions listed in KRS 171.396(9), qualified rehabilitation expenses shall not include expenses associated with new construction, solar panels, EV charging stations, appliances, interest, utilities, taxes, undefined and unrealized costs, and sitework, such as excavation, parking [~~lot~~]areas or sidewalks. The council shall determine if an expense is considered a qualifying cost[~~the construction costs for a new building~~].

(4) Review of Part 2 Applications.

(a) A complete and adequately documented Certification Application Part 2- Description of Rehabilitation shall be reviewed by the council for a determination that the rehabilitation plan is a substantial rehabilitation and meets the standards for rehabilitation established in subsection (2) of this section. Applicants that do not meet this standard shall be notified via email and given ten (10) days to submit missing elements, and if necessary, make changes to their proposed rehabilitation plan; otherwise, the project shall be closed[~~placed on hold~~] and removed from the allocation pool.[~~until KHC certifies that the Part 2 constitutes a complete and adequately documented application.~~]

(b) After consideration of the information contained in the application and other available information, the council shall issue a preliminary certification of rehabilitation if the rehabilitation plan is a substantial rehabilitation and meets the standards for rehabilitation established in subsection (2) of this section.

(5)

(a) If the application is not adequate to complete the review or if revisions to the rehabilitation project are necessary to meet the standards of rehabilitation established in subsection (2) of this section, the council shall attempt to notify the applicant by mail, telephone, or e-mail using the contact information provided on the application.

(b) An applicant's failure to respond in ten (10) days shall result in [~~denial of~~]the application being closed.

(c) The council's notification or failure to notify shall not constitute a waiver of a deficiency or an alteration of a time limitation established under the Act.

(6) Changes to the description of rehabilitation plans. Once a rehabilitation plan has been approved by the council, an applicant may only make substantive changes in the work stated in the application by:

(a) Filing a Certification Application-Continuation/Amendment form with the council; and

(b) Receiving notification from the council that the revised plan continues to meet the standards of rehabilitation established in subsection (2) of this section and is a substantial rehabilitation.

(7) Changes to the application cover page. Once an application has been submitted to the council, an applicant may only make changes to the application cover page by resubmitting the application cover page. Council staff shall not change an application on behalf of an applicant, nor will an amendment application suffice for changing the information contained on a cover page. An amendment application shall only provide information related to the rehabilitation plan.

Section 5. Certifications of Rehabilitation-Part 3 Completed Work and Part 4-Summary of Investment and Election of Credit.

(1) Application. Upon completion of a rehabilitation project, an applicant shall file a Certification Application Part 3-Request for Certification of Completed Work form with the council for final certification of rehabilitation. An application shall include the:

(a) Names and mailing addresses of applicant(s)[~~owners~~], and owner authorization form, if applicable;

(b) Name and address of property;

(c) Designation of[~~whether the application is for owner-occupied residential property or other property~~] project category, which must match that of the Part 2 certification request;

(d) Actual starting date and completion date;

(e) Actual qualified rehabilitation expenses and if needed, supporting documentation verifying the expenses' amounts, expended date, and;

(f) Photographs adequate to document the appearance of the structure, both on the interior and exterior, and its site and environment [~~during and~~]after rehabilitation;

(g) Taxpayer identification number or Social Security number; and

(h) Signatures of applicant(s)[~~owners~~], and owner authorization form, if applicable.[~~or a representative authorized to sign on behalf of the owner requesting certification.~~]

(2) Part 4-Summary of Investment and Election of Credit. In addition to filing a Certification Application Part 3-Request for Certification of Completed Work form, the applicant shall file a Summary of Investment and Election of Credit form with the council. The Summary of Investment and Election of Credit shall include the:

(a) Names and mailing addresses of the applicant(s)[~~owners~~], and owner authorization form, if applicable;

(b) Name and address of the property;

(c) Actual costs attributed to the rehabilitation work and documentation to support that the reported qualifying rehabilitation costs are attributed to the rehabilitation project under the Act;

(d) Signatures of the applicant(s)[~~owners~~], and owner authorization form, if applicable,[~~or a representative authorized to sign on behalf of the owner~~];

(e) Notarization of the signatures;[~~if the property is an owner-occupied residence or, for all other property, compilation~~]

(f) For projects with QREs of $400,000 or less, receipts shall be submitted for review and certification. For projects with QREs greater than $400,000, an audit by a certified public accountant or equivalent of the actual costs attributed to the rehabilitation of the historic structure; and

(g)[~~(f)~~] An irrevocable election by the taxpayer to:

1. Use the credit, in which case, the credit shall be refundable; or

2. Transfer the credit, pursuant to KRS 171.397(8) or KRS 171.398(3)(b), in which case, the credit shall be non-refundable.

(3) Scope of review.

(a)

1. Rehabilitation plans shall encompass all work on the interior and exterior of the certified historic structure or structures and the site and environment, as well as related demolition, new construction, or rehabilitation work that could affect the historic qualities, integrity or site, landscape features, and environment of the certified historic structure.

2. Conformance to the standards of rehabilitation established in Section 4(2) of this administrative regulation shall be determined on the basis of application documentation and other available information by evaluating the property as it existed prior to the commencement of rehabilitation.

(b) A phased rehabilitation project shall not be authorized. Starting April 30, 2022, a Part 2 application shall not be submitted if a building has already received a Part 2 allocation from a previous year that has not yet been certified or if the owner has not relinquished that allocation in writing. Starting April 30, 2026, a Part 2 application shall not be accepted if the property is within a previous project's monitoring period, if the prior project was subject to KRS 171.378.

(c) Portions of a completed rehabilitation project that are not in conformance with the standards for rehabilitation shall not be exempted and shall result in denial of the Certification Application Part 3-Request for Certification of Completed Work.

(4) Review of Part 3 Applications. A complete and adequately documented Certification Application Part 3 - Request for Certification of Completed Work shall be reviewed by the council for a determination that the completed rehabilitation project is a certified rehabilitation and a determination of the final amount of credit approved. The council shall issue a final certification of rehabilitation if:

(a) All elements of the completed rehabilitation project reflect the documentation provided and meet the standards for rehabilitation as established in Section 4(2) of this administrative regulation;

(b) The completed rehabilitation project was a substantial rehabilitation, which did not begin construction prior to the Part 2 certification and contains qualifying expenses that primarily preserved historic features; and

(c) Part 3 and Part 4 was filed with the council after the completion date.

(5) If the application is not adequate to complete the review or if revisions to the rehabilitation project are necessary to meet the standards of rehabilitation established in Section 4(2) of this administrative regulation, the council shall attempt to notify the applicant by mail, telephone, or e-mail using the contact information provided on the application. Applicant's failure to respond within sixty (60) days shall result in [~~denial of~~] the application being closed. The council's notification or failure to notify shall not constitute a waiver or alteration of time limitations established under the Act.

Section 6. Recapture of Preliminary Tax Credit Allocation For Credits Under KRS 171.397 and KRS 171.398.

(1) Notice of Recapture. For tax credits under KRS 171.397 and KRS 171.398, if an owner fails to obtain a Certification of Completed Work within thirty-six (36) months from the date of the taxpayer's preliminary determination[~~allocation~~] of maximum tax credit eligibility, the director shall mail to the owner written notice of recapture and project closure[~~of the preliminary tax credit allocation~~].

(2) Objection.

(a) If the owner objects to the recapture of the preliminary allocation of tax credit, the owner shall file written notice of objection accompanied by a supporting statement establishing grounds for objection within sixty (60)[~~forty-five (45)~~] days of the date of the notice of recapture.

(b) If the owner does not timely object, the preliminary tax credit allocation shall be recaptured by the council and added to the certification rehabilitation credit cap for the next allocation cycle, pursuant to KRS 171.398(3)(c)[~~calendar year, pursuant to KRS 171.397(2)(c)~~].

(3) Reinstatement. Within thirty (30) days of receipt of the owner's notice of objection, the council shall review the objection and determine if the owner has provided reasonable grounds as established in subsection (5) of this section to reinstate the preliminary allocation.

(a) If the council determines that the preliminary tax credit allocation shall be reinstated, the:

1. Council shall give the applicant(s)[~~owner~~] written notice that the preliminary tax credit allocation has been reinstated for an additional twenty-four (24) months;

2. Owner shall pay a review fee for a Part 2 application in the amount established in Section [~~10~~]11(2) of this administrative regulation[~~, whichever is applicable~~]; and

3. Applicant(s)[~~Owner~~] shall obtain a signed Part 3-Request for Certification of Completed Work (TC-3 form) on or before the

expiration of twenty-four (24) months. If the owner fails to obtain a Certification of Completed Work or fails to request an extension under subsection (4) of this section, the council shall initiate recapture of the preliminary tax credit allocation under the procedures established in this section.

(b) If the council determines that the preliminary tax credit allocation shall not be reinstated:

1. The council shall give the owner written notice that the preliminary tax credit allocation has not been reinstated;

2. The owner shall be given thirty (30) days from the date of the notice that the preliminary tax credit allocation has not been reinstated to file an appeal, pursuant to Section 9[8]of this administrative regulation; and

3. If the owner fails to file a timely appeal, pursuant to Section 9[8] of this administrative regulation:

a. The preliminary allocation shall not be reinstated;

b. The preliminary tax credit allocation shall be recaptured by the council; and

c. The preliminary tax credit allocation shall be added to the certification rehabilitation credit cap for the next allocation cycle, pursuant to KRS 171.398(3)(c)[calendar year, pursuant to KRS 171.397(2)(c)].

(4) Extension of Preliminary Tax Credit Allocation.

(a) At any time prior to expiration of thirty-six (36) months from the date of the taxpayer's preliminary allocation of tax, an applicant or owner may request in writing that the preliminary tax credit allocation be extended for a period of twenty-four (24) months if the applicant or owner:

1. Provides written documentation of reasonable grounds established in subsection (5) of this section for an extension; and

2. Pays a review fee for a Part 2 application in the amount established in Section 11[10] (2) of this administrative regulation, whichever is applicable.

(b) Prior to the expiration of the twenty-four (24) month extension, the owner may request another extension under the procedures established in this subsection. There shall not be a limit on the number of extensions that an owner may request.

(5) Grounds for Reinstatement or Extension.

(a) Reasonable grounds shall be documentation of on-going efforts to obtain financial, legal, material, or physical resources necessary to complete the rehabilitation project or documentation that the delay in completion of the rehabilitation project is necessary and unavoidable.

(b) Reasonable grounds shall not include casualty loss or demolition to the extent that the structure no longer qualifies as a certified historic structure, inability to qualify as a substantial rehabilitation, or inability or unwillingness to perform work conditioned by the council and necessary to qualify the project as a certified rehabilitation.

(c) The number of prior reinstatements or extensions shall not be a factor in determining if a reinstatement or extension shall be granted.

Section 7. Inspection, Monitoring, and Enforcement.

(a) Inspection. The director or an authorized representative of the council and/or corporation shall be authorized to conduct an inspection of the property at any time during the project's monitoring period[up to three (3) years] after the council has issued a Certification of Completed Work to determine if the work has maintained the certified rehabilitation plan, project category use, including any applicable rent and income requirements, and meets the standards for rehabilitation established in Section 4(2) of this administrative regulation.

(b) Monitoring. The council and/or corporation shall be authorized to request documentation and conduct monitoring to determine if the property's rehabilitation plan and property use category have been maintained for the duration of the project's monitoring period.

(c) Enforcement. The council and/or corporation shall refer the applicant, as listed on the Certification of Completed Work, to the Department of Revenue to assess penalties pursuant to KRS 171.159(11), if the property fails to maintain the rehabilitation plan and/or property use category during the monitoring period. Disposing of a property during the monitoring period is done at the applicant's own risk, and the responsibilities and penalties shall not be transferred upon sale. Should the property fail to maintain the rehabilitation plan and property use category under new ownership, the applicant(s) listed on the request for certification applications shall be subject to penalty by Revenue.

Section 8. Amendments following a Certification of Completed Work.

(a) During the monitoring period, any proposed construction shall be submitted in an amendment application (TC-A form) for the councils review and approval prior to the work being undertaken. Any proposed work shall be and considered an amendment to previously certified rehabilitations, unless a programmatic agreement has been established prior to the certification of the historic structure for easement properties.

(b) Unless a Programmatic Agreement has been established prior to the certification of the historic structure, all certified rehabilitated properties must submit an amendment application to the council during the monitoring period for any construction or proposed use changes, to ensure the proposed work is consistent with the previously approved certification of completed work.

Section 9.[Section 8.] Appeal. An applicant[taxpayer] may appeal a determination that the rehabilitation project does not qualify as a certified rehabilitation for purposes of the Act. An appeal shall be filed in writing, in care of the council, to the director or a reviewing officer designated by the director to hear an appeal.

(1) An appeal shall be made within thirty (30) days of the date of receipt of the determination being appealed.

(2) The director or the reviewing officer shall decide, based solely upon the record developed by the council, if the council:

(a) Reached incorrect conclusions of law;

(b) Made clearly erroneous factual findings;

(c) Did not consider relevant facts; or

(d) Abused the discretion available to that person.

(3) The director's or reviewing officer's decision shall:

(a) Confirm the determination;

(b) Reverse the determination due to incorrect conclusions of law; or

(c) Remand the matter to the council for further proceedings.

(4) The director or reviewing officer shall decide the appeal and shall notify the taxpayer of the decision in writing within thirty (30) days from the date the appeal is received.

(5) If the appeal is decided by a reviewing officer and the reviewing officer affirms the determination, the taxpayer may appeal the reviewing officer's determination in writing to the director. An appeal shall be pursuant to this subsection.

(a) An appeal to the director shall be filed within the time period established in subsection (1) of this section.

(b) The director shall use the same standards of review established in subsection (2) of this section.

(c) The director shall:

1. Confirm the decision of the reviewing officer;

2. Reverse the determination due to incorrect conclusions of law; or

3. Remand the matter to the council for further proceedings.

(d) The director shall decide the appeal and shall notify the taxpayer of the decision in writing within thirty (30) days from the date the appeal is received.

Section 10.[Section 9.] Revocation of Owners' Certifications.

(1) If, after obtaining final certification of rehabilitation, the council determines that the rehabilitation was not undertaken as represented by the owner in the applications, amendments, or supporting documentation, or the owner upon obtaining final certification undertook disqualifying work, the council may revoke a certification by giving written notice to the owner.

(2) The owner may file an appeal, pursuant to Section 9[8] of this administrative regulation.

(3) If the owner fails to file a timely appeal, the final certification of rehabilitation shall be revoked.

Section 11.[~~Section 10.~~] Fees for Processing Rehabilitation Certification Requests.

(1)

(a) Payment of fees for review of Parts 2 and 3 shall be filed with the council with applications and shall be nonrefundable after the review has commenced and a determination has been issued.

(b) If an independent review of project expenses is required when inconclusive or incompatible findings on project expenses are present, the state auditor may be asked to verify the expenses reported and the applicant will be responsible for paying for the assessed fee.

(c) If applying under the affordable commercial residential project use category, the applicant will be responsible for paying additional fees for the corporation's review and monitoring in the amount established in Section 11(2) of this administrative regulation.

(d)[~~(b)~~] Certification shall not be issued until the appropriate remittance is received.

(e)[~~(c)~~] Payment shall be made through the council's Payment Portal or, with prior approval, by check or money order payable to the Kentucky State Treasurer.

(2) For tax credits under KRS 171.397 and KRS 171.398, fees for reviewing rehabilitation certification requests of owner-occupied residential property, commercial, and other buildings shall be charged in accordance with the table established in this subsection. If a Part 2 application is denied, there shall not be a charge for a Part 3 review.

Rehabilitation Costs ("Total QREs") listed on the State Rehabilitation Tax Credit application[~~for Owner-Occupied Residences, Commercial and Other Tax-Exempt Buildings~~]	Ky Heritage Council Part 2 Review Fee	Ky Housing Corporation Part 2 Review Fee (only required for Affordable-Commercial Residential projects)	Ky Housing Corporation Part 3 Review Fee (only required for Affordable-Commercial Residential projects)	Ky Heritage Council Part 3 Review Fee
$20,000 - $50,000	$150.00	$500.00	$150.00	$150.00 per affordable commercial- residential unit per year of Monitoring ($750.00 total per unit).
$50,001 – 100,000	$250.00		$250.00	
$100,001 - $250,000	$375.00		$375.00	
250,001 - $500,000	$500.00		$500.00	
$500,001 - $6,000,000	.15% of estimate eligible costs and expenses		.15% of estimate eligible costs and expenses	
Over $6,000,000	$9,000.00		$9,000.00	

Section 12.[~~Section 11.~~] Incorporation by Reference.

(1) The following material is incorporated by reference for applications submitted prior to April 30, 2026:

(a) "Certification Application Part 1-Evaluation of National Register Status", KHC Form TC-1, Rev. 2022;

(b) "Certification Application Part 2-Description of Rehabilitation Plan", KHC Form TC-2, Rev. 2022;

(c) "Certification Application Part 3-Request for Certification of Completed Work", KHC Form TC-3, Rev. 2022;

(d) "Certification Application-Continuation/Amendment", KHC Form TC-2a, Rev. 2022;

(e) "Summary of Investment and Election of Credit", KHC Form TC-4, Rev. 2022 [~~and~~]

[~~(f)~~] [~~Intent to Apply for Major Rehabilitation, KHC Form TC-00, Rev. 2022;~~]

(2) The following material is incorporated by reference for applications submitted after April 30, 2026:

(a) "Certification Application Part 1-Evaluation of Certified Historic Structure", KHC Form TC-1, Rev. 2026;

(b) "Certification Application Part 2-Description of Rehabilitation Plan", KHC Form TC-2, Rev. 2026;

(c) "Conditions of Approval for a Rehabilitation Plan", KHC Form TC-C, Rev. 2026;

(d) "Certification Application - Amendment Form", KHC Form TC-A, Rev. 2026;

(e) "Certification Application Part 3-Request for Certification of Completed Work" KHC Form TC-3, Rev. 2026;

(f) "Certification Application Part 4-Summary of Investment and Election of Credit", KHC Form TC-4, Rev. 2026;

(g) "Intent to apply under Credit 399 Form", KHC Form TC-399, Rev. 2026;

(h) "Ownership Authorization Form," KHC Form TC-0, Rev. 2026; and

(i) "Tax Credit Housing Corporation Application - Certification of Commercial-Residential Property Requirements", KHC Form TC-HC, Rev. 2026.

(3)[~~(2)~~] This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Heritage Council, 410 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(4) [~~(3)~~] This material is also available on the Council's Web site at https://heritage.ky.gov/historic-buildings/rehab-tax-credits/Pages/guides.aspx.Approved by:

CRAIG POTTS, Executive Director
LINDY CASEBIER, Secretary

APPROVED BY AGENCY: October 14, 2026
FILED WITH LRC: October 14, 2026 at 1:20 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2026 at the Mayo Underwood Building at 500 Mero Street, Frankfort, Kentucky 40601. individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends 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 attend the public hearing, you may submit written comments on the proposed administrative regulation through December 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Craig Potts, Executive Director, 410 High Street, Frankfort, Kentucky 40601, Email: craig.potts@ky.gov, Phone: (502) 564-7005, Facsimile: (502) 564-5820

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Craig Potts, Email: craig.potts@ky.gov, Phone: 502-564-7005

Subject Headings: Historic rehabilitation tax credit certifications

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides the updated framework necessary to implement

the revised Kentucky Historic Rehabilitation Tax Credit program. 2026 HB757 (KRS 171.398) created a new category of "affordable" commercial housing projects and also changed the timeline to file applications generally in addition to other less significant changes, thereby requiring revisions to this administrative regulation. Updates to the forms incorporated by reference are also required to accommodate the statutory changes.

(b) The necessity of this administrative regulation: This emergency regulation establishes the process for the new April 15 and August 15 application deadlines established in 2026 HB757. It also incorporates the process for the Kentucky Housing Corporation's involvement in the administration of the historic preservation tax credit program as set out in 2026 HB757, including eligibility, compliance, processing requirements and associated forms and fees.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The basic structure of the administrative regulation remains unchanged in this proposal. New language has been added to several areas within that basic structure however to accommodate revised/new deadlines and the addition of a "Commercial Residential" (affordable housing) component. Certified "Commercial Residential" projects are to receive a larger incentive than other commercial project types, with an affordability test being a key component that is monitored over a 5-year period. The administrative regulation sets out the process for compliance with this statutory change.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: While some technical corrections have been needed, the basic framework of the regulations prior to this change accommodated the efficient use and administration of the historic preservation tax credit incentive. The revisions proposed here align with the statutory changes including the establishment of a new administrative schedule (two application "pools" each year verses one starting in 2027) and additional processes through which applicants can pursue the enhanced incentive for "Commercial Residential" projects. New/amended forms incorporated by reference and fees are also proposed to accommodate statutory changes that are not currently accounted for.

(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 the statutory changes established in 2026 HB757 (KRS 171.398) to be properly administered. The basic structure of the existing administrative regulation stays largely intact but is enhanced in select areas.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to account for the statutory changes made to the historic preservation tax credit program during the 2026 legislative session. The existing regulations, and forms incorporated by reference, are inadequate to properly administer the program as revised.

(c) How the amendment conforms to the content of the authorizing statutes: These proposed administrative regulation revisions attempt to address technical inconsistencies and reflect the plain language outlined in 2026 HB757 (KRS 171.398). The statutory changes require a variety of updates and additions to allow for the proper use and administration of the program.

(d) How the amendment will assist in the effective administration of the statutes: Without this amendment, the statutory changes made to the historic preservation tax credit program in the 2026 legislative session could not be fully administered.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, regulation session 2026 HB 757

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: These amended regulations that reflect the revised statutes could affect all users of the program including homeowners, commercial property owners/developers, non-profits and state and local governments.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No new action. There will now be two application deadlines, April and August, instead of the current single deadline in April. There will expanded opportunity to participate in the program thereby incentivizing the rehabilitation of historic structures to be used for affordable housing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): New fees are included for the Kentucky Housing Corporation's processing and monitoring responsibilities under the revised statute. Non-Commercial Residential projects will not be subject to these new fees. Professional audit requirements are also included for projects over $400,000.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The greatest beneficiary of the amendments will be applicants who are proposing Commercial Residential projects. Instead of a 20% incentive like all other projects in the category, they will receive a 30% incentive.

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

(a) Initially: Minor change. No cost anticipated.

(b) On a continuing basis: Minor change. No cost anticipated.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Minor change. No additional funding needed to administer the administrative regulation change.

(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 funding to implement this administrative regulation. The program is funded by applicant fees.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes. This administrative regulation change maintains the existing fee structure but adds an additional, separate fee structure for Kentucky Housing Corporation reviews of Commercial Residential projects.

(10) TIERING: Is tiering applied? The Kentucky Historic Preservation Tax Credit was implemented in 2005, and with the exception of owner-occupied projects, this incentive can often be utilized in tandem with the federal credit. Key provisions are: 30% of qualified rehabilitation expenses for owner-occupied residential properties. A minimum investment of $20,000 is required, with the total credit not to exceed $60,000 20% of qualified rehabilitation expenses for all other properties, requiring a minimum investment of the adjusted basis (Value of the property minus the value of the land). The total maximum credit for any one project is $10,000,000.00. "Other" properties include tax-exempt properties owned by governments and non-profit organizations 30% of qualified rehabilitation for Commercial Residential properties, requiring at least 50% of the property to be used as affordable housing (80% AMI) for a 5 year period. Those eligible to apply for the credit include: Individuals, Businesses, Non-profit organizations, Governments, A "first purchaser" of a principal residence following rehabilitation, Tenants, Former property owners.

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 171.398 authorizes the Kentucky Heritage Council to promulgate administrative regulations to implement the certified historic structures rehabilitation tax credit.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: House Bill 757

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Heritage Council, Kentucky Housing Corporation, and Kentucky Department of Revenue.

(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): Unknown. Increased property tax revenue associated with rehabilitation could affect local entities along with sales tax revenue and job creation.

(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 anticipated.

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

1. Expenditures:
For the first year: 0
For subsequent years: 0
2. Revenues:
For the first year: 0
For subsequent years: 0
3. Cost Savings:
For the first year: 0
For subsequent years: 0

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

(a) Fiscal impact of this administrative regulation: This will result in no cost savings or expenditures for regulated entities.

(b) Methodology and resources used to reach this conclusion: Applicants remit a review fee for the Rehabilitation Tax Credit services provided by the promulgated state agency.

(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): Not applicable.

(b) The methodology and resources used to reach this conclusion: Applicant fee schedule for Rehabilitation Tax Credit applications.

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 4:070. Coal combustion residuals surface impoundments.

RELATES TO: KRS 146.200-146.990, 151.110, 151.125, 151.250, 224.1, 224.10, 224.50, 224.99, 40 C.F.R. 257.73, 257.74, 257.82, 257.83, 16 U.S.C. 661, 1273, 1531, 33 U.S.C. 1261 - 1387

STATUTORY AUTHORITY: KRS 224.10-100, 224.70-100, 224.70-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. KRS 224.10-100 and 224.70-100 authorize the cabinet to develop and conduct a comprehensive program for the management of water resources and to provide the prevention, abatement, and control of water pollution. This administrative regulation establishes the standards for coal combustion residuals (CCR) surface impoundments[~~pertaining to the~~][~~permit-by-rule~~] established in 401 KAR Chapter 46.

Section 1. Definitions. The definitions shall be as defined in 401 KAR 46:101[~~Definition. "Coal combustion residuals surface impoundment" or "CCR surface impoundment" means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR~~].

Section 2. The structural integrity criteria requirements for an owner or operator of an existing CCR surface impoundment shall be as established in 40 C.F.R. 257.73.

Section 3. The structural integrity criteria requirements for an owner or operator of a new CCR surface impoundment and any lateral expansion of a CCR surface impoundment shall be as established in 40 C.F.R. 257.74.

Section 4. The hydrologic and hydraulic capacity requirements for owners or operators of CCR surface impoundments shall be as established in 40 C.F.R. 257.82.

Section 5. The inspection requirements for owners or operators of CCR surface impoundments shall be as established in 40 C.F.R. 257.83.

Section 6. The recordkeeping, publicly accessible internet site,[~~Except for 40 C.F.R. 257.107, including cross-references to 40 C.F.R. 257.107 within 40 C.F.R. 257.73, 257.74, 257.82, and 257.83, the record keeping~~] and notification requirements for an owner or operator of a CCR surface impoundment shall be as established in 401 KAR 46:110, Section 11[~~40 C.F.R. 257.105 and~~][~~257.106~~].

401 KAR 4:070 Coal combustion residual surface impoundments is approved for filing.
TONY HATTON, Deputy Secretary, for
JOHN LYONS, Secretary

APPROVED BY AGENCY: October 14, 2026
FILED WITH LRC: October 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2026, at 10:00 a.m. EST (9:00 a.m. CST), at 300 Sower Blvd., 1st Floor, Training Room B. 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 December 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. The hearing facility is accessible to persons 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: Louanna Aldridge , Assistant Director II , Division of Waste Management 300 Sower Blvd., 2nd Floor Telephone: (502) 782-0863 Louanna.Aldridge@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Louanna Aldridge Telephone: (502) 782-0863 Email: Louanna.Aldridge@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the standards for coal combustion residuals (CCR) surface impoundments established in 401 KAR Chapter 46.

(b) The necessity of this administrative regulation: KRS 224.10-

100 and 224.70-100 authorize the cabinet to develop and conduct a comprehensive program for the management of water resources and to provide the prevention, abatement, and control of water pollution. This administrative regulation provides specific design and permit application criteria for CCR surface impoundments to protect waters of the Commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. KRS 224.70-100 authorizes the cabinet to develop and conduct a comprehensive program for the management of water resources and to provide the prevention, abatement, and control of water pollution. This administrative regulation establishes the standards for CCR surface impoundments established in 401 KAR Chapter 46.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by providing specific design and permit application criteria for CCR surface impoundments to protect waters of the Commonwealth as required by the authorizing statutes.

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

(a) How the amendment will change this existing administrative regulation: The amendment clarifies definitions as established in 401 KAR 46:101 to be consistent with federal regulations and adopts federal internet reporting requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to provide clarification for terms utilized for CCR surface impoundments and adopt federal internet reporting requirements to remain consistent with federal law.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the authorizing statutes by providing specific design and permit application criteria for CCR surface impoundments to protect waters of the Commonwealth.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by providing specific design and permit application criteria for CCR surface impoundments to protect waters of the Commonwealth as required by the authorizing statutes.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Six (6) utility companies and any new owner/operator of a CCR unit, Division of Waste Management, Division of Water, Division of Enforcement, Kentucky Transportation Cabinet, and potentially all Kentucky counties and ratepayers of the Commonwealth.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This administrative regulation will require regulated entities to submit internet reporting requirements to the cabinet.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will not result in additional costs because it references federal regulatory requirements that are already in effect.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will benefit the regulated entities by being consistent with the federal regulations, thereby only having one standard with which they must comply.

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

(a) Initially: The administrative body has personnel costs associated with the review and approval of documents and inspections conducted. The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800.

(b) On a continuing basis: The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800 on an annual basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding needed for the CCR program will be sourced from the CCR facility annual fee established in 401 KAR 46:120, in addition to a one-time federal grant of $136,000.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation has an indirect fee structure established in 401 KAR 46:120.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation has an indirect fee structure established in 401 KAR 46:120.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied in this administrative regulation as it establishes standards for CCR facilities in compliance with federal standards.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 40 C.F.R. 257.53, 257.73, 257.74, 257.82, 257.83.

(2) State compliance standards. KRS 224.10-100, 224.70-100, 224.50-760, and 224.70-110.

(3) Minimum or uniform standards contained in the federal mandate. 40 C.F.R. 257.73, 257.74, 257.82, and 257.83.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The amendment to this administrative regulation will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The amendment to this administrative regulation will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

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, 224.50-760, 224.70-100, 224.70-110

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Energy and Environment Cabinet, Department for Environmental Protection, Division of Waste Management and Division of Water.

(a) Estimate the following for the first year:

Expenditures: The administrative body has personnel costs associated with the review and approval of documents and inspections conducted. The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800.

Revenues: The indirect annual fee established in 401 KAR 46:120 is estimated to generate $420,000 in revenue for the CCR program.

Cost Savings: There are no known cost savings for the promulgating agency in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The effective administration of the CCR program is estimated to cost $420,800 annually. As CCR surface impoundment facilities move all units into post closure, the annual fee decreases as established in 401 KAR 46:120.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): All Kentucky counties where CCR landfills or surface impoundments may be sited, or where beneficial reuse of CCR may be utilized.

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for local entities in this administrative regulation.

Revenues: There are no known revenues for local entities in this administrative regulation.

Cost Savings: There are no known cost savings for local entities in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or cost savings for local entities in this administrative regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3): Utility Companies: Six (6)

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for additional regulated entities in this administrative regulation. The annual fee for a CCR facility is $30,000, unless all CCR units are in post-closure in which case the annual fee is decreased to $5,000 as established in 401 KAR 46:120.

Revenues: There are no known revenues for additional regulated entities in this administrative regulation.

Cost Savings: There are no known cost savings for additional regulated entities in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or cost savings for additional regulated entities in this administrative regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The CCR program, including this administrative regulation will cost approximately $420,800 each year to effectively administer.

(b) Methodology and resources used to determine the fiscal impact: The Division of Waste Management estimates the program to require 3.3 full-time equivalent (FTE) positions in order to effectively administer the program estimated to cost $420,800.

(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 major economic impact from this administrative regulation.

(b) The methodology and resources used to reach this conclusion: The amendments to this administrative regulation will not have a major economic impact as the estimated costs associated with the CCR program are less than $500,000 and funded by CCR annual fees. A total of 14 CCR facilities paying $30,000 annually totals $420,000.

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

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Waste Management
(Amendment)

401 KAR 46:101. Definitions for 401 KAR Chapter 46.

RELATES TO: KRS 224.1, 224.10, 224.50, 224.70, 224.99, 16 U.S.C. 1531, 33 U.S.C. 1251, 42 U.S.C. 82, 40 C.F.R. 257.53

STATUTORY AUTHORITY: KRS 224.10-100, 224.50-760

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. KRS 224.50-760(1)(d) authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation defines terms used in 401 KAR Chapter 46. Some federal terms have been replaced with the definitions established in KRS Chapter 224. Definitions contained in KRS Chapter 224 have been referenced to the appropriate statutory citation. Some terms do not have a federal counterpart and have been added to clarify requirements and provisions of KRS Chapter 224 and 401 KAR Chapter 46.

Section 1. Definitions. Except as provided in this section, the definitions shall be as defined[~~established~~] in 40 C.F.R 257.53.

(1) "Alternative monitoring point" means any geologic feature natural to the Commonwealth of Kentucky including cave streams, springs, seeps, or other similar karst features or groundwater expressions formed by the intersection of a flowing body of groundwater at or below the local water table, below which the subsurface material is saturated with groundwater flow, and whose source groundwater is demonstrated to be hydraulically connected in part or whole to the potential contaminant source.

(2) "Ambient background" means the concentrations of naturally occurring substances and ubiquitous anthropogenic substances in the environment that are representative of the region surrounding the site not attributable to a release at another site and not attributable to an identifiable release at the site to which it applies. Ambient background samples may be impacted either by naturally occurring or ambient anthropogenic sources, but not by the source in question.

(3) "Cabinet" is defined by KRS 224.1-010(8)[~~224.1-010(9)~~].

(4) "Capture zone concentration" means the numerical value derived by calculating the groundwater mass discharge rate at or near the groundwater plume's downgradient terminus in order to calculate and predict a worst-case scenario concentration for contaminants of concern at an extraction point, including a domestic use well, a municipal well or a well field, stream, spring, or river, by assuming full capture of the plume where:

(a) Capture zone concentration is measured in mass over volume (M/L^3), $C_{sw} = M_d \div Q_{sw}$;

(b) C_{sw} = contaminant concentration in water extracted from the extraction point in units of M/L^3 as mg/L;

(c) M_d = mass discharge of plume located at or near the groundwater plume terminus in units of M/t as g/d; and

(d) Q_{sw} = pumping or extraction rate of extraction point in units of L^3/t as L/d.

(5) "Certification by a PE" means "certification" as defined by KRS 322.010(16).

(6) "CCR Corrective Action and Closure Permit" means a permit issued by the cabinet to a facility for corrective action or closure in accordance with the requirements of this Chapter.

(7) "CCR Formal Permit" means a permit issued by the cabinet to a facility for construction or operation in accordance with the requirements of this Chapter.

(8) "CCR Permit" means a:

(a) CCR permit-by rule;

(b) CCR registered permit-by-rule";

(c) CCR formal permit; and

(d) CCR corrective action and closure permit.

(9) "CCR Management" means the systematic administration of the activities which provide for the collection, source separation, storage, transportation, processing, treatment, or disposal of utility wastes including CCR.

(10) "CCR Permit-by-rule" means a permit for beneficial use of CCR management practices established in 401 KAR 46:120, which shall be deemed to have a permit without the user having made application or registration with the cabinet.

(11) "CCR Registered Permit-by-rule" means a permit for beneficial use of CCR management practices established in 401 KAR 46:120, which shall be deemed to have a permit without further action by the cabinet upon approval by the cabinet of a complete registration by the user.

(12) "CCR unit" means any CCR landfill, CCR surface impoundment, or lateral expansion of a CCR landfill or CCR surface impoundment, or a combination of more than one of these units, based on the context of the paragraph in which it is used. This term includes both new and existing units, unless otherwise specified.

(13) "Coal combustion residuals (CCR)":

(a) Is defined by 40 C.F.R. 257.53;

(b) Means "utility wastes" included in KRS 224.50-760(1)(a);

(c) Means solid wastes as defined by 40 C.F.R. 261.4(b)(4)(ii); or

(d) Means industrial solid wastes generated at a facility and incidental to coal milling and the preparation process prior to combustion, including mill rejects and pyrites, that are non-hazardous.

(14) "Commingled Facility" means a facility that contains a:

(a) Special waste landfill or special waste surface impoundment that is:

1. Subject to 401 KAR Chapter 45; and

2. Not subject to 401 KAR Chapter 46; and

(b) A CCR unit subject to 401 KAR Chapter 46.

(15) "Conceptual Site Model (CSM)" means a written and pictorial technical document that represents a site-specific

environmental system and the biological, physical, and chemical processes that determine the transport of contaminants from sources through environmental media to environmental exposure and extraction points to receptors within the system. The CSM shall contain:

(a) Site-specific conditions;

(b) Data and information, including impacted groundwater, release history, mass strength, and magnitude;

(c) Plume stability; and

(d) The fate and transport of contamination in relation to present and future exposure pathways, point of exposure, extraction point, and the groundwater plume terminus.

(16) "Constituent" means an analyte listed in 40 C.F.R. 257, Appendix III or IV.

(17) "Contaminant of Concern (COC)" means a constituent listed in 40 C.F.R. 257, Appendix III or IV that is sufficiently present in strength, mass, areal, vertical, or volumetric extent and concentration in the environment above risk screening levels, maximum contaminant levels, or ambient background, as appropriate, to require further evaluation of human health effects and impact to an environmental resource and, as necessary, ecological health effects.

(18) "Darcy velocity" means the rate of flow of a water or liquid through a porous medium due to the difference in hydraulic head, as a sum of the pressure head and elevation head, proportional to the hydraulic gradient in the direction of flow over the distance. Darcy velocity is measured in units of length over time (L/T), $q_i = k * \delta h/\delta l$ where;

(a) q_i = groundwater Darcy flux;

(b) k = hydraulic conductivity (L/T);

(c) δh = the difference in hydraulic head between two (2) points in the direction of flow; and

(d) δl = the length between two (2) points in the direction of flow.

(19) "Deed notation" means "environmental covenant" as defined by KRS 224.80-100(5).

(20)[~~(2)~~] [~~"Coal combustion residuals (CCR) permit-by-rule" or "CCR permit-by-rule" means the beneficial use of CCR, consistent with 401 KAR Chapter 46, without the submission of an application to the cabinet by a beneficial use of CCR user.~~]

[~~(3)~~] [~~"Coal combustion residuals registered permit-by-rule" or "CCR registered permit-by-rule" means authorization allowing the management, or disposal, upon notification as established in 401 KAR 46:120, Section 1(1)(c)1.~~]

[~~(4)~~] "Disposal" is defined by KRS 224.1-010(9)[~~224.1-010(10)~~].

(21) "Engineering control" means a design and build apparatus, method, or structure that is constructed in, into, or around a release to the environment necessary to control the risk associated with it, and implemented to help minimize the potential for human exposure to contamination and to protect the integrity of the remedy.

(22) "Exposure pathways" means the route a contaminant of concern takes from its source to its end point, and how a receptor can come into contact with the contaminant of concern.

(23) "Facility" means all contiguous land, and structures, appurtenances, and improvements on the land, where an electric utility or independent power producer subject to the requirements of this chapter, is located. A facility may contain multiple CCR units or CCR management units.

(24) "Field deviation" means an unforeseen and encountered condition for a specific construction event resulting in a change from the permitted design that does not meet the definition of an alternative performance standard.

(25) "Groundwater extraction point" means the current or future point of exposure where groundwater is:

(a) A groundwater resource that is or can be mechanically withdrawn for use as a domestic use well, municipal well, or wellfield; or

(b) Expressed as surface water flow from a natural feature, including cave streams, springs, seeps, or other similar karst features or groundwater expressions.

(26) "Groundwater plume terminus" means the plume end-point where a contaminant of concern concentration falls below a maximum contaminant level or ambient background level.

(27) "Institutional control" means "environmental covenant" as defined by KRS 224.80-100(5).

(28) "Karst feature" as defined by 401 KAR 45:105, Section 1(1).

(29) "Karst terrain" as defined by 401 KAR 47:005, Section 1(81).

(30) "Liquids" means "free liquids" as defined in 40 C.F.R. 257.53.

(31) "Mass discharge" means the total mass of contaminants of concern moving in the groundwater from a given source. Commonly referred to in scientific literature variously as contaminant mass discharge, total mass flux, and integrated mass flux. Mass discharge is a quantification of the total contaminated groundwater's source or plume strength, as the total contaminant mass conveyed by a source or plume, at a given cross-sectional area location, and measured as a daily-loading rate in units of mass per time as grams per day. $M_d = \Sigma (C_n * A_n * q_i)$ where:

(a) M_d = Mass discharge;

(b) C_n = Concentration in a representative polygon n of the total cross-sectional area;

(c) A_n = Area of the segment polygon n; and

(d) q_i = Groundwater Darcy velocity.

(32) "Migration pathway" means the course a contaminant takes in the environment and moves away from the source to exposure point, extraction point, or receptor.

(33)[~~(5)~~] "Person" is defined by KRS 224.1-010(16)[~~224.1-010(17)~~].

(34) "Plume major axis" means the long axis along the general length of a groundwater plume in the predominant downgradient flow direction.

(35) "Plume minor axis" means the short axis along the general width of a groundwater plume perpendicular to the predominant downgradient flow direction.

(36) "Point of exposure" means the point at which a receptor is likely to come in contact with a contaminant of concern.

(37) "Professional Engineer" or "PE" is defined by KRS 322.010(3).

(38) "Professional Geologist" or "PG" means "Registered geologist" as defined by KRS 322A.010(4).

(39) "Receptor" means a human or ecological entity potentially exposed to and adversely affected by contaminants of concern that are present at the point of exposure.

(40) "Regional Screening Level (RSL)" is defined by KRS 224.1-530(1).

(41) "Residential" means a type of property used:

(a) As a residence or dwelling, including a house, apartment, or condominium; or

(b) For other purposes with a similar potential for human exposure.

(42)[~~(6)~~] [~~"Secretary" is defined by KRS 224.1-010(24).~~]

[~~(7)~~] "Solid waste" is defined by KRS 224.1-010(30)(a)[~~224.1-010(31)(a)~~].

(43)[~~(8)~~] "Solid waste management" means for the purposes of 401 KAR Chapter 46, "CCR Management"[~~is defined by KRS 224.1-010(39)~~].

(44) "Source" means the origin of the release of a contaminant of concern into environmental media.

(45)[~~(9)~~] "Special waste" is established by KRS 224.50-760(1)(a).

(46)[~~(10)~~] "State" means the Commonwealth of Kentucky.

(47)[~~(11)~~] "State director" means the Director of the Division of Waste Management[~~"secretary" as defined by KRS~~][224.1-010(24)].

(48) "Target risk" means an excess cancer risk of one (1) in one (1) million for carcinogenic endpoints and a hazard index of 1.0 for noncancerous endpoints in impacted environmental media.

(49)[~~(12)~~] "User" means the person beneficially using CCR in the Commonwealth of Kentucky.

401 KAR 46:101 Definitions for 401 KAR Chapter 46 is approved for filing.
TONY HATTON, Deputy Secretary, for
JOHN LYONS, Secretary

APPROVED BY AGENCY: October 14, 2026
FILED WITH LRC: October 14, 2026 at 2:30 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December

22, 2026, at 10:00 a.m. EST (9:00 a.m. CST), at 300 Sower Blvd., 1st Floor, Training Room B. 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 December 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. The hearing facility is accessible to persons 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: Louanna Aldridge, Assistant Director II, Division of Waste Management 300 Sower Blvd., 2nd Floor Telephone: (502) 782-0863 Louanna.Aldridge@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Louanna Aldridge Telephone: (502) 782-0863 Email: Louanna.Aldridge@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation defines terms utilized in 401 KAR Chapter 46.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to define essential terms necessary to administer the coal combustion residuals (CCR) program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation defines terms utilized in 401 KAR Chapter 46 for the CCR program, authorized under KRS 224.10-100 and KRS 224.50-760.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation defines terms utilized in 401 KAR Chapter 46 for the CCR program.

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

(a) How the amendment will change this existing administrative regulation: This amendment will add the definitions needed to effectively administer the CCR program. In addition, statutory citations are amended in order to reflect current statutory authorities.

(b) The necessity of the amendment to this administrative regulation: The additional defined terms are necessary to effectively implement the CCR program. The amended statutory references are necessary to reflect current statutory authorities.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment will reflect the correct statutory citations. In addition, this amendment will conform to KRS 224.50-760 by defining additional terms necessary for 401 KAR Chapter 46 for the administration of the CCR program.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists in the management of CCR as established by KRS 224.50-760 by defining the terms necessary to administer the CCR program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Six (6) utility companies and any new owner/operator of a CCR facility, Division of Waste Management, Division of Water, Division of Enforcement, Kentucky Transportation Cabinet, and potentially all Kentucky counties and ratepayers of the Commonwealth.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This administrative regulation provides definitions of terms and will require no action on the part of regulated entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This administrative regulation will have no associated costs as it only provides definitions of terms for 401 KAR Chapter 46.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation has no compliance benefits as it only provides definitions of terms.

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

(a) Initially: This administrative regulation will not cost the administrative body funding to implement as it only provides definitions of terms.

(b) On a continuing basis: This administrative regulation will not cause the administrative body to incur any continuing costs as it only provides definitions of terms.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation will not require a funding source as it only provides definitions of terms.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation will not require an increase in fees or funding to implement as it only provides definitions of terms.

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

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied in this administrative regulation as it only provides definitions of terms in 401 KAR Chapter 46.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 40 C.F.R. 257.53

(2) State compliance standards. KRS 224.10-100 and KRS 224.50-760

(3) Minimum or uniform standards contained in the federal mandate. 40 C.F.R. 257.53

(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 is more prescriptive to demonstrate compliance with federal standards. Federal terms that are defined in KRS Chapter 224 have been replaced in accordance with Kentucky law. Terms that do not have a federal counterpart and have been added to clarify requirements and provisions of KRS Chapter 224 and 401 KAR Chapter 46.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. , than those required by the federal mandate? Federal terms that are defined in KRS Chapter 224 have been replaced in accordance with Kentucky law. Terms that do not have a federal counterpart and have been added to clarify requirements and provisions of KRS Chapter 224 and 401 KAR Chapter 46 to demonstrate compliance with federal standards.

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, 224.50-760, and 40 C.F.R. 257.53

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Energy and Environment Cabinet, Department of Environmental Protection, and Division of Waste Management

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for the promulgating agency in this administrative regulation.

Revenues: There are no known revenues for the promulgating agency in this administrative regulation.

Cost Savings: There are no known cost savings for the promulgating agency in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or

cost savings for the promulgating agency in this administrative regulation.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): All Kentucky counties where CCR landfills or surface impoundments may be sited, or where beneficial reuse of CCR may be utilized.

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for local entities in this administrative regulation.

Revenues: There are no known revenues for local entities in this administrative regulation.

Cost Savings: There are no known cost savings for local entities in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or cost savings for local entities in this administrative regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3): Utility Companies: Six (6)

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for additional regulated entities in this administrative regulation.

Revenues: There are no known revenues for additional regulated entities in this administrative regulation.

Cost Savings: There are no known cost savings for additional regulated entities in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or cost savings for additional regulated entities in this administrative regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: There are no known fiscal impacts for this administrative regulation.

(b) Methodology and resources used to determine the fiscal impact: There are no known fiscal impacts for this administrative regulation as this regulation only defines essential terms utilized in 401 KAR Chapter 46.

(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 major economic impact from this administrative regulation.

(b) The methodology and resources used to reach this conclusion: There is no cost associated with this administrative regulation as the regulation only provides definitions for essential terms utilized in 401 KAR Chapter 46.

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 Waste Management
(Amendment)

401 KAR 46:110. Standards for the disposal of coal combustion residuals (CCR) in CCR units.

RELATES TO: KRS 224.1, 224.10, 224.50, 224.70, 224.99, 16 U.S.C. 1531, 33 U.S.C. 1251, 42 U.S.C. 82, 40 C.F.R. 257.50-257.107[~~257.106~~]

STATUTORY AUTHORITY: KRS 224.10-100, 224.50-760, 151.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. KRS 224.50-760(1)(d) authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation establishes the requirements for the disposal of CCR in CCR units.

Section 1. Scope and Applicability.

[~~(1)~~] Except as established[~~provided~~] in this section, the purpose, scope, and applicability of 401 KAR Chapter 46 to CCR units and the beneficial use of CCR shall be as established in 40 C.F.R. 257.50 and[~~through~~] 257.52.

(1) Floodplain requirements shall be as established in 40 C.F.R. 257.3-1.

(2) Endangered species requirements shall be as established in 40 C.F.R. 257.3-2.

(3) Surface water requirements shall be as established in 40 C.F.R. 257.3-3.

[~~(2)~~] [~~401 KAR Chapter 46 shall not apply to a special waste surface impoundment subject to 401 KAR Chapter 45 containing special waste and liquids at a facility that ceased producing electricity prior to October 19, 2015.~~]

Section 2. Location Restrictions.

(1) The location restrictions for a CCR unit shall be as established in 40 C.F.R. 257.60 through 257.64 and this section.

(2) For a new CCR landfill, a new CCR surface impoundment, and a lateral expansion, CCR shall not be disposed:

(a) Within 100 feet of an adjacent owner property boundary line;

(b) Within 250 feet of a sinkhole, or other karst feature in karst terrain, unless the applicant obtains a variance approval in accordance with Section 13; or

(c) Within the 100-year floodplain unless the applicant complies with the applicable requirements of 401 KAR 4:060.

(3) For a new CCR unit or lateral expansion, an owner or operator may utilize a deterministic scenario-based seismic hazard analysis demonstration in lieu of the probabilistic seismic hazard analysis demonstration required by 40 C.F.R. 257.63(a).

Section 3. Design Criteria. The design criteria for a CCR unit shall be as established in 40 C.F.R. 257.70 through 257.72.

Section 4. Structural Integrity Criteria.

(1) The structural integrity criteria shall be as established in 401 KAR 4:070, Sections 2 and 3.

(2) The citation to 40 C.F.R. 257.73 within 40 C.F.R. 257.50 through 257.107[~~257.106~~] shall be replaced with 401 KAR 4:070, Section 2.

(3) The citation to 40 C.F.R. 257.74 within 40 C.F.R. 257.50 through 257.107[~~257.106~~] shall be replaced with 401 KAR 4:070, Section 3.

Section 5. Requirements for Identifying CCR management units.

(1) Except as established in this section, the requirements for identifying CCR management units shall be as established in 40 C.F.R. 257.75.

(2) The facility evaluation and identification requirements established in 40 C.F.R. 257.75(b) through (d) shall be replaced with the requirement to complete a conceptual site model for the facility as established in 401 KAR 46:130.

(3) The citations to 40 C.F.R. 257.75 within 40 C.F.R. 257.50 through 257.107 shall be replaced with this section.

Section 6. Operating Criteria. The operating criteria for a CCR unit shall be as established in 40 C.F.R. 257.80, 257.81, and 257.84.

Section 7.[~~Section 6.~~] Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments.

(1) The hydrologic and hydraulic capacity requirements for CCR surface impoundments shall be as established in 401 KAR 4:070, Section 4.

(2) The citation to 40 C.F.R. 257.82 within 40 C.F.R. 257.50 through 257.107[~~257.106~~] shall be replaced with 401 KAR 4:070, Section 4.

Section 8.[~~Section 7.~~] Inspection Requirements for CCR Surface Impoundments.

(1) The inspection requirements for CCR surface impoundments shall be as established in 401 KAR 4:070, Section 5.

(2) The citation to 40 C.F.R. 257.83 within 40 C.F.R. 257.50 through 257.107[~~257.106~~] shall be replaced with 401 KAR 4:070, Section 5.

Section 9.[~~Section 8.~~] Groundwater Monitoring and Corrective Action.

(1)

(a) The groundwater applicability, monitoring systems, sampling and analysis requirements, and detection monitoring program[~~The groundwater monitoring and corrective action requirements~~] for a CCR unit shall be as established in 40 C.F.R. 257.90 through 257.91, 257.93 through 257.94, and this section[~~257.98~~].

(b) Groundwater assessment monitoring, assessment of corrective measures, selection of remedy, and corrective action shall be as established in 401 KAR 46:130 and this section.

(c) Any alterations or data gaps required by the cabinet in the groundwater monitoring system, additional monitoring wells required, or other required modifications to address data gaps, to ensure compliance with this section shall be addressed in the conceptual site model established in 401 KAR 46:130.

(d) The requirements established in 40 C.F.R. 257.90(b)(3) shall be replaced with the requirement to complete a conceptual site model established in 401 KAR 46:130.

(e) For CCR facilities subject to 401 KAR 46:130:

1. The requirements established in 40 C.F.R. 257.90(e) shall be replaced with the requirement to submit an annual Corrective Action Update as established in 401 KAR 46:130, Section 3; and

2. The requirements to be submitted in the annual report established by 40 C.F.R. 257.90(e) shall be included as a part of the Corrective Action Update established in 401 KAR 46:130, Section 3.

(2)

(a) A commingled facility may comply with the requirements of 401 KAR 46:130 and this section in lieu of the requirements established in 401 KAR 45:160.

(b) If an owner or operator of a commingled facility chooses to comply with the requirements of this section in lieu of the requirements established in 401 KAR 45:160, the owner or operator shall give prior notice to the cabinet in writing.

(3)

(a) In addition to the requirements for installing a groundwater monitoring system in 40 C.F.R. 257.91(a), if the CCR unit is located in a karst terrain area, the owner or operator of a CCR unit shall:

1. Determine whether other detection and background monitoring points that are hydraulically connected to the CCR facility based on site-specific geology and hydrogeology are appropriate and necessary to accurately represent the upgradient and downgradient groundwater quality in addition to or as an appropriate monitoring point for the installation of groundwater monitoring wells to meet the requirements established in 40 C.F.R. 257.91(a), including:

a. Springs;

b. Cave streams;

c. Bedrock wells;

d. Wells on fracture traces and fracture-trace intersections;

e. Wells in soil or regolith;

f. Wells in epikarst;

g. Upgradient wells that contain water that is geochemically similar to compliance monitoring points; and

h. Alternative monitoring points; and

2. Incorporate those site-specific sample locations into a detection monitoring system.

(b) For the purposes of groundwater corrective action, in addition to the requirement in 40 C.F.R. 257.91(a)(2), monitoring points shall be established at locations in accordance with subsection (3)(a)1. of this section, at a distance from the CCR unit waste boundary to accurately represent the quality of groundwater beyond the waste boundary that ensures monitoring of groundwater contamination in the uppermost aquifer. All hydraulically connected contaminant pathways shall be monitored.

(c) The requirements established in 40 C.F.R. 257.91(e) shall be replaced with the requirement that all monitoring wells shall be installed, maintained and abandoned pursuant to the standards established in 401 KAR Chapter 6.

(d) The citations to 257.95 referenced in 40 C.F.R. 257.94 shall be replaced with 401 KAR 46:130.

Section 10.[~~Section 9.~~] Closure and Post-closure Care. The closure and post-closure care requirements for a CCR unit shall be as established in 40 C.F.R. 257.100 through 257.104.

Section 11.[~~Section 10.~~] Recordkeeping,[~~ and~~] Notification, and Publicly Accessible Internet Site Requirements.

(1) [~~Except for 40 C.F.R. 257.107, including cross-references to 40 C.F.R. 257.107 within 40 C.F.R. 257.50 through 257.106,~~] The recordkeeping,[~~ and~~] notification, and publicly accessible internet site requirements for an owner or operator of a CCR unit shall be as established in 40 C.F.R. 257.105 through 257.107 and this section[~~and 257.106~~].

(2) All recordkeeping, notification, and publicly accessible documents required to be posted on the internet by the owner or operator in accordance with this section shall also be submitted to the Division of Waste Management, except for those related to 401 KAR 4:070 which shall be submitted to the Division of Water.

Section 12. Constituents for Detection and Assessment Monitoring.

(1) The constituents for detection monitoring shall be as established in Appendix III to 40 C.F.R. Part 257.

(2) The constituents for assessment monitoring shall be as established in Appendix IV to 40 C.F.R. Part 257.

(3) Surface water and groundwater sample shall be collected and analyzed according to the following criteria:

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) The owner or operator shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application. In addition, the owner or operator shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for the post-closure period.

(c) Records of monitoring information shall be submitted to the cabinet on the "Groundwater Monitoring Sample Data Reporting Form, DEP 46_110_1".

Section 13. Variances.

(1)

(a) Any variance to the requirements established in 401 KAR Chapter 46 shall be as protective as the requirements established in KRS Chapter 224 and 401 KAR Chapter 46.

(b) The cabinet shall grant individual variances only for specific provisions of 401 KAR Chapter 46 that are in addition to or more stringent than the federal regulations.

(2) A request for a variance from a requirement of 401 KAR Chapter 46 shall be submitted in a report in sufficient detail to satisfy a request from the cabinet to provide the analyses, procedures, controls, and other pertinent data necessary to support the request for variance. The granting of a request by the cabinet shall be in writing and shall specify appropriate conditions such as duration, limitations, and review procedures to provide adequate protection to health and the environment.

(3) The cabinet shall grant a variance from the requirements of 401 KAR Chapter 46 or a CCR permit requirement, if the proposed alternative process, equipment, method of operation, or plan to be used, is determined by the cabinet that it will:

(a) Not threaten human health or the environment in accordance with KRS Chapter 224; or

(b) Be handled, processed, or disposed of pursuant to administrative regulations of another governmental agency, if the administrative regulations of other agencies meet the requirements of 401 KAR Chapter 46, including federal exemption rule-making actions pertaining to CCR management.

(4) The cabinet shall not grant any request for a variance that would:

(a) Alter a federal regulatory requirement;

(b) Be in conflict with Kentucky Revised Statutes;

(c) Be in conflict with a regulatory provision stating that no variance shall be granted;

(d) Vary the requirements of the environmental performance standards in 401 KAR 30:031; or

(e) Vary the financial responsibility requirements established in 401 KAR 46:120, Section 8.

Section 14. Inspection and Entry.

(1) The owner or operator shall allow the cabinet or its authorized representative to:

(a) Enter upon the premises of the owner or operator where a regulated CCR facility or activity is located or conducted, or where records shall be kept by the permit;

(b) Have access to and copy at reasonable times any records that shall be kept under the conditions of the permit; and

(c) Inspect any facility equipment, including monitoring and control equipment, practices, or operations regulated or required by the permit.

(2) The owner or operator shall notify the cabinet 48 hours prior to sampling at the CCR facility required by Section 9 of this administrative regulation and 401 KAR 46:130.

Section 15. Incorporation by Reference. The following material is incorporated by reference:

(1) "Groundwater Monitoring Sample Data Reporting Form, DEP 46_110_1", October 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Waste Management, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material may also be obtained on the division's Web site at eec.ky.gov/environmental-protection/waste.

401 KAR 46:110 Standards for the disposal of coal combustion residuals (CCR) in CCR units is approved for filing.
TONY HATTON, Deputy Secretary, for
JOHN LYONS, Secretary

APPROVED BY AGENCY: October 14, 2026

FILED WITH LRC: October 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2026, at 10:00 a.m. EST (9:00 a.m. CST), at 300 Sower Blvd., 1st Floor, Training Room B. 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 December 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. The hearing facility is accessible to persons 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: Louanna Aldridge, Assistant Director II, Division of Waste Management 300 Sower Blvd., 2nd Floor Telephone: (502) 782-0863 Louanna.Aldridge@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Louanna Aldridge Telephone: (502) 782-0863 Louanna.Aldridge@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the disposal of coal combustion residuals (CCR) in CCR units.

(b) The necessity of this administrative regulation: This administrative regulation establishes the requirements for the disposal of CCR in CCR units in accordance with KRS 224.50-760.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 and KRS 224.50-760 authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation establishes technical standards for the disposal of CCR in CCR units.

(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 technical standards for the disposal of CCR in CCR units.

(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 amends renumbered statutory references. This amendment aligns Kentucky administrative regulations with federal requirements. It also is consistent with current requirement for karst geography and provides a more prescriptive method to address groundwater monitoring.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to incorporate the provisions that have been amended in 40 C.F.R. 257 and by subsequent court rulings. In addition, it is necessary to provide for the karst geology in the commonwealth in a groundwater monitoring system sampling and detection plan.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to KRS 224.50-760 by establishing technical standards for the disposal of CCR in CCR units and aligning Kentucky's administrative regulation with 40 C.F.R. 257.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists in the management of CCR as established by KRS 224.50-760 by establishing technical standards for the disposal of CCR in a CCR unit and aligns Kentucky's administrative regulation with 40 C.F.R. 257.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Six (6) utility companies and any new owner or operator of a CCR unit, Division of Waste Management, Division of Water, Division of Enforcement, Kentucky Transportation Cabinet, and potentially all Kentucky counties and ratepayers of the Commonwealth.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This administrative regulation is an adoption of federal regulations and will not require additional actions by regulated utilities to comply, except for owners and operators accounting for the karst geology in Kentucky in the groundwater monitoring system sampling and detection plan. In addition, entities will have to submit the federally required data for groundwater sampling analyses on the Kentucky form.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The costs associated with complying with this administrative regulation are unknown and are dependent on the size of facilities and number of CCR units at the facility.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will benefit the regulated entities by being consistent with the federal regulations, thereby only having one standard with which they must comply.

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

(a) Initially: The administrative body has personnel costs associated with the review and approval of documents and inspections conducted. The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800.

(b) On a continuing basis: The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800 on an annual basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding needed for the CCR program will be sourced from the CCR

facility annual fee established in 401 KAR 46:120, in addition to a one-time federal grant of $136,000.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation has an indirect fee structure established in 401 KAR 46:120.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation has an indirect fee structure established in 401 KAR 46:120.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied in this administrative regulation as all entities are treated equally.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 40 C.F.R. 257.50 through 257.107

(2) State compliance standards. KRS 224.10-100, 224.50-760, 151.250

(3) Minimum or uniform standards contained in the federal mandate. 40 C.F.R. 257.50 through 257.107

(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 is more prescriptive to demonstrate compliance equivalent with federal standards by providing alternative requirements in Section 2(3), Section 5(2), and Section 9(1). It also imposes additional, stricter requirements with regard to CCR disposal location restrictions in Section 2(2) and with groundwater installation in Section 9(2).

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. 40 C.F.R. 257 does not provide specific provisions for karst geology regions as it is a broad federal rule applying to all states. The additional requirements for CCR disposal and groundwater installation help to account for the commonwealth's karst geology to protect human health and the environment in the commonwealth's unique landscape. Providing alternative options for the seismic hazard analysis demonstration requirement for a new CCR unit and replacing requirements for a facility evaluation and identification with a Conceptual Site Model help to supply the reviewers with information better suited to Kentucky's karst geological features.

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, 224.40-305, 224.50-760, 151.250

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Energy and Environment Cabinet, Department for Environmental Protection, Division of Waste Management

(a) Estimate the following for the first year:

Expenditures: The administrative body has personnel costs associated with the review and approval of documents and inspections conducted. The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800.

Revenues: The indirect annual fee established in 401 KAR 46:120 is estimated to generate $420,000 in revenue for the CCR program.

Cost Savings: There are no known cost savings for the promulgating agency in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The effective administration of the CCR program is estimated to cost $420,800 annually. As CCR surface impoundment facilities move all units into post closure, the annual fee decreases as established in 401 KAR 46:120.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): All Kentucky counties where CCR landfills or surface impoundments may be sited, or where beneficial reuse of CCR may be utilized.

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for local entities in this administrative regulation.

Revenues: There are no known revenues for local entities in this administrative regulation.

Cost Savings: There are no known cost savings for local entities in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or cost savings for local entities in this administrative regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3): Utility Companies: Six (6)

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for additional regulated entities in this administrative regulation. The annual fee for a CCR facility is $30,000, unless all CCR units are in post-closure in which case the annual fee is decreased to $5,000 as established in 401 KAR 46:120.

Revenues: There are no known revenues for additional regulated entities in this administrative regulation.

Cost Savings: There are no known cost savings for additional regulated entities in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or cost savings for additional regulated entities in this administrative regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The CCR program, including this administrative regulation will cost approximately $420,800 each year to effectively administer.

(b) Methodology and resources used to determine the fiscal impact: The Division of Waste Management estimates the program to require 3.3 full-time equivalent (FTE) positions in order to effectively administer the program estimated to cost $420,800.

(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 major economic impact from this administrative regulation.

(b) The methodology and resources used to reach this conclusion: The amendments to this administrative regulation will not have a major economic impact as the estimated costs associated with the CCR program are less than $500,000 and funded by CCR annual fees. A total of 14 CCR facilities paying $30,000 annually totals $420,000.

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

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division of Waste Management
(Amendment)

401 KAR 46:120. Coal combustion residuals (CCR) permit program.

RELATES TO: KRS 224.1, 224.10, 224.50, 224.70, 224.99, Chapter 322, Chapter 322A, 16 U.S.C. 1531, 33 U.S.C. 1251, 42 U.S.C. 82, 40 C.F.R. 257.50-257.106

STATUTORY AUTHORITY: KRS 224.10-100, 224.50-760

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. KRS 224.50-760(1)(d) authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation establishes the applicability and requirements for a CCR formal permit[~~permit-by-rule~~] and CCR registered permit-by-rule.

Section 1. Applicability. This administrative regulation shall apply to:

(1) An applicant for a CCR formal permit for a new CCR unit;

(2) An applicant for a modification to an existing CCR formal permit or CCR registered permit-by-rule;

(3) An applicant for a CCR Corrective Action and Closure Permit;

(4) The beneficial use of CCR; and

(5) The owner or operator of a CCR unit.

Section 2.[~~Section 1.~~] Types of CCR Permits. Any person engaged in the operation of a CCR unit shall comply with this administrative regulation.

(1)

(a) A CCR registered permit-by-rule shall be required for the beneficial use of unencapsulated CCR off-site use. A beneficial use of CCR user shall complete and submit a registered Permit-by-Rule for CCR Facility, DEP 46_120_4.[~~An owner or operator of a CCR unit shall complete and submit the following to obtain a registered permit-by-rule:~~]

[~~1.~~] [~~Registered Permit-by-Rule for CCR Facility, DWM 4600; and~~]

[~~2.~~] [~~In accordance with Section 7 of this administrative regulation, established financial assurance and proof of publication of a public notice.~~]

(b) Within thirty (30) days of the receipt, as evidenced by the date stamped by the Division of Waste Management, the cabinet shall review the registration information submitted in accordance with paragraph (a) of this subsection.

(c) After review of the registration information submitted in accordance with paragraph (a) of this subsection, the cabinet shall notify the applicant in writing:

1. The applicant completed and submitted all registration information and is deemed to have a CCR registered permit-by-rule; or

2. The registration information is deficient, and require the owner or operator to submit the required information to the cabinet.

(d)

1. The owner or operator of a CCR registered permit-by-rule shall submit revised registration information pursuant to paragraph (a) of this subsection if any information changes.

2. Within thirty (30) days of receipt, the cabinet shall review the revised registration information in accordance with paragraphs (b) and (c) of this subsection.

(2) A beneficial use of CCR user shall be deemed to have a CCR permit-by-rule without having made application with the cabinet, if:

(a)

1. The user is beneficially re-using CCR on-site at the facility; or

2. The user is beneficially re-using encapsulated CCR off-site;

(b) The user is not in violation of 401 KAR Chapter 46 or 401 KAR 30:031;

(c)[~~(b)~~] The beneficial use of CCR does not present a threat or potential threat to human health or the environment;

(d)[~~(c)~~] The beneficial use of CCR does not result in a nuisance condition created by the fugitive emissions of CCR;

(e)[~~(d)~~] The user characterized the nonhazardous nature of the CCR in accordance with 401 KAR 39:060[~~31:030~~]; and

(f)[~~(e)~~] The user submits an annual report to the cabinet pursuant to Section 5 of this administrative regulation.

(3) A CCR formal permit shall be required for all new CCR units. The formal permitting process shall include the submittal of a complete application, review of the application, and permit issuance or denial by the cabinet.

(a)

1. All applicants for a new CCR formal permit shall submit a complete application, "CCR Formal Permit Application", DEP 46_120_3, that contains all of the information required by this administrative regulation. Engineering drawings, specifications, and studies shall be certified by a professional engineer registered in Kentucky.

2. The contents of the application shall be accurate and complete before the cabinet makes a preliminary determination as established in 401 KAR 45:050, Section 4, to issue a CCR formal permit.

3. Approvals obtained from the Division of Water in accordance with 401 KAR 4:070 shall be included as an attachment to the CCR formal permit application.

(b) The application process to obtain a CCR formal permit shall consist of two (2) phases.

1. Upon approval of a permit application, the cabinet shall issue a construction permit that authorizes the owner or operator to commence construction of a site or facility in accordance with the terms and conditions of the construction permit.

2. A construction and operation permit shall be issued by the cabinet if:

a. The applicant has notified the cabinet, in writing, that the liner system, if required, has been constructed;

b. A representative of the cabinet has inspected the site and verified in writing to the applicant, within thirty (30) days of the inspection, that the site has been developed in accordance with plans approved by the cabinet; and

c. The applicant has submitted a certification by an engineer registered in Kentucky that the liner system, if required, and other features have been constructed in accordance with the approved plans and specifications.

(c)

1. In addition to conditions required for all permits established in this administrative regulation, the cabinet shall establish conditions on a case-by-case basis in permits to ensure compliance with the requirements of 401 KAR Chapter 46.

2. The cabinet may incorporate applicable requirements directly into the permit. Each CCR formal permit issued by the cabinet shall contain conditions as the cabinet determines necessary to assist in compliance with the approved application and 401 KAR Chapter 46.

(d) Permits shall be issued in a manner and shall contain conditions consistent with requirements of applicable state and federal laws. These laws include:

1. KRS 146.200 through 146.360 and 400 KAR Chapter 4 (the Wild Rivers system);

2. KRS 146.410 through 146.990 and 400 Chapters 2 and 3; and

3. 401 KAR 4:070.

(4) A CCR Formal Permit or CCR Registered Permit-by-Rule may be modified during its term. Modification shall be conducted in accordance with this subsection.

(a) If a permit is modified, only the conditions that relate to the modification shall be reopened. A permit modification shall comply with public notification requirements in accordance with Section 8.

(b) An application to modify a permit for a lateral expansion shall require a public notice in accordance with Section 8.

(c) A permit modification shall require the permittee to submit a complete application, "Modification of a CCR Formal Permit", DEP 46_120_5.

(d) Causes for modification of CCR Formal Permits shall include:

1. Material and substantial alterations or additions to the permitted CCR unit being contemplated that justify new permit conditions that are different or absent in the existing permit, including:

a. Modification of a closure plan;

b. Modification to leachate collection system design;

c. Modification to liner system design; or

d. Modification to post-closure care plans;

2. A cabinet determination that the CCR unit, as previously permitted, is not likely to comply with 401 KAR 30:031;

3. Good cause exists for modification of a compliance schedule, such as an act of God, labor strike, materials shortage, or other events over which the permittee has little or no control and for which there is no reasonable available remedy;

4. The cabinet receiving notification of expected closure and finding that one (1) or more of the permit conditions are no longer warranted;

5. Conditions applicable in new or amended statutes and administrative regulations;

6. Modification necessary to protect human health or the environment pursuant to 401 KAR 30:031;

7. Conditions applicable as a result of a hearing or enforcement action as established in 401 KAR Chapter 40;

8. Change of ownership of the CCR facility; or

9. Expansion of the disposal capacity of a CCR unit.

(e)

1. A CCR formal permit may be modified either at the request of the permittee or upon the cabinet's initiative.

2. If the permittee requests the modification, the cabinet shall determine if the request is justified in accordance with paragraph (d) of this section. If the cabinet determines not to modify the permit, the cabinet shall notify the permittee in writing and give a reason for the decision.

3. If the cabinet makes a preliminary decision to modify a permit under this subsection, then the cabinet shall prepare a draft modified permit incorporating the proposed changes. If the permit modification requires public notice, the permittee shall publish a notice in accordance with Section 8.

4. The cabinet shall provide the permittee with a copy of the draft modified permit and allow ten (10) working days for comment. Comments received from the permittee shall be considered in finalizing the draft modified permit.

5. The cabinet shall issue the modified permit as a final permit after consideration of the comments or following the ten (10) day comment period if no comments are received.

6. The owners or operators of a CCR facility may request a hearing. A hearing shall be requested pursuant to KRS 224.10-420 within thirty (30) days of issuance of the final permit by the cabinet.

7. All terms of an existing permit shall remain in effect during the permit modification request.

8.

a. A permit modification requesting a lateral expansion shall comply with the requirements of public notice in accordance with Section 8. Except for financial responsibility requirements, all draft permits for horizontal expansions shall be prepared as established in 401 KAR 45:030, Section 8(2), (3), (5), (6), (7), and Section 9 and shall be based on the administrative record required by 401 KAR 45:050, Section 3.

b.

(i) The citation to 401 KAR Chapter 45 referenced in 401 KAR 45:030, 45:050, and 45:140 shall be replaced with 401 KAR Chapter 46.

(ii) The citation to 401 KAR 45:050 referenced in 401 KAR 45:030 shall be replaced with 401 KAR 46:120, Section 8.

(iii) The citation to 401 KAR 45:040, Section 1(2) referenced in 401 KAR 45:030 shall be replaced with 401 KAR 46:120, Section 2(4)(c).

(5)

(a) A CCR Corrective Action and Closure Permit shall be required for existing CCR surface impoundments if:

1. An owner or operator of a CCR unit:

a. Is no longer accepting CCR; and

b. Is unable to demonstrate that the CCR unit has met the requirements established in:

i. 40 C.F.R. 257.90 through 257.98;

ii. 40 C.F.R. 257.100 through 257.104; and

iii. 40 C.F.R. 257.60 through 257.64; or

2. A non-operating CCR facility with a CCRMU and there is a violation of the groundwater protection standard at the CCR facility boundary.

(b)

1. A Corrective Action and Closure Permit shall not be required for a CCR facility with a CCRMU if the permittee can demonstrate the groundwater protection standard is being met at the CCR facility boundary.

2. If an owner or operator is not required to obtain a Corrective Action and Closure Permit in accordance with subparagraph (b)1., they may voluntarily apply for a Corrective Action and Closure Permit.

(c) A CCR Corrective Action and Closure Permit shall include the submittal of a complete, "CCR Corrective Action and Closure Permit Application", DEP 46_120_12, and the contents of 401 KAR 46:130.

1. Upon review of the Conceptual Site Model and the Corrective Action Plan established in 401 KAR 46:130 and other relevant requirements of 401 KAR Chapter 46, the Division of Waste Management Director shall make a determination to approve, disapprove, or to issue a notice of deficiency on the permit application.

2. Upon approval or denial of the CCR Corrective Action and Closure Permit, the cabinet shall issue a public notice in accordance with Section 8.

Section 3.[~~Section 2.~~] Permit review and determination timetables.

(1) The submittal of permit applications and registrations, administrative completeness determination, timetable exclusions, and timetable extensions for CCR permits shall be the same as those established in 401 KAR 45:025, Sections 1, 2, 4, 5, and this section.

(2) All administratively complete permit applications and registrations shall be reviewed and a determination made to issue, acknowledge, or deny the permit within the timetables established in paragraphs (a) through (h) of this subsection.

(a) CCR Formal Permit: 180 calendar days.

(b) CCR Registered Permit-by-rule: ninety (90) calendar days.

(c) CCR Permit modifications: 180 calendar days.

(d) CCR Permit transfer: 180 calendar days.

(e) CCR Corrective Action and Closure Permit: 180 days.

(3) The timetables established in subsection (2) may be extended at the initiative of either the cabinet or the applicant or registrant. The purpose and period of the extension shall be in writing and, if agreed to by both parties, shall be signed by both the cabinet and the applicant or registrant. The agreement to extend the timetable shall become part of the cabinet's permit or registration file.[~~Notice of Concurrence.~~]

[~~(1)~~]

[~~(a)~~] [~~A permittee who has a permit-by-rule or a registered permit-by-rule as established in Section 1 of this administrative regulation may request a Notice of Concurrence from the cabinet.~~]

[~~(b)~~] [~~A person, who does not have a registered permit-by-rule as established in Section 1(1) of this administrative regulation, and intends to construct a CCR unit, may request a Notice of Concurrence from the cabinet prior to beginning construction.~~]

[~~(c)~~] [~~A person who intends to beneficially use CCR may request a Notice of Concurrence from the cabinet prior to beginning beneficial use.~~]

[~~(2)~~] [~~A person requesting to obtain a Notice of Concurrence shall complete and submit the following information, if applicable:~~]

[~~(a)~~] [~~CCR Notice of Concurrence Request, DWM 4610;~~]

[~~(b)~~] [~~For a seismic hazard analysis of a new CCR landfill or lateral expansion of an existing CCR landfill, a site-specific, scenario-based, deterministic, seismic hazard assessment;~~]

[~~(c)~~] [~~For a stability analysis of a new CCR landfill or lateral expansion of an existing CCR landfill, the landfill design demonstrating:~~]

[~~1.~~] [~~For subgrade, the factor of safety shall be a minimum of two and zero-tenths (2.0);~~]

[~~2.~~] [~~For the liner components, the factor of safety shall be a minimum of one and one-fourth (1.25);~~]

[~~3.~~] [~~For the final cover system, the factor of safety shall be a minimum of one and one-half (1.5);~~]

[~~4.~~] [~~For the synthetic liner material and structural synthetic materials, a maximum elongation of ten (10) percent; and~~]

[~~5.~~] [~~A minimum seismic factor of safety of one and zero-tenths (1.0);~~]

[~~(d)~~] [~~Additional information necessary to enable the cabinet to make a determination on the issuance of the Notice of Concurrence;~~]

[~~(e)~~]

[~~1.~~] [~~If for the unencapsulated beneficial use of CCR involving placement on the land of 12,400 tons or more in non-roadway applications, a check or money order made payable to the Kentucky State Treasurer in the amount of $2,500; or~~]

[~~2.~~] [~~If for a person, who has not obtained a registered permit-by-rule as established in Section 1(1) of this administrative regulation, and intends to construct a CCR unit, a check or money order made payable to the Kentucky State Treasurer in the amount of $5,000; and~~]

[~~(f)~~] [~~A narrative with supporting documentation, a certification statement, and seal, from a professional engineer or professional geologist, licensed in accordance with KRS Chapter 322 or KRS Chapter 322A, that the information prepared by the professional engineer or professional geologist, and submitted with the notice of~~

~~concurrence request, meets the applicable portions of 401 KAR 46:110 and paragraphs (b) and (c) of this subsection.~~]

[~~(3)~~] [~~The cabinet shall review the submittal request for a Notice of Concurrence within 365 days of receipt and issue in writing to the applicant a:~~]

[~~(a)~~] [~~Notice of Concurrence stating the cabinet concurs that the information submitted in accordance with this section is determined to meet applicable criteria in 401 KAR Chapter 46;~~]

[~~(b)~~] [~~Deficiency letter from the cabinet that the submittal is incomplete or that additional information is necessary to enable the cabinet to issue the Notice of Concurrence; or~~]

[~~(c)~~] [~~Notice that the cabinet does not concur that the information submitted in accordance with this section meets the applicable criteria in 401 KAR Chapter 46.~~]

[~~(4)~~]

[~~(a)~~] [~~Failure by the applicant to provide the requested information and documentation within ninety (90) days of issuance of a deficiency letter established in subsection (3)(b) of this section shall cause the CCR Notice of Concurrence Request, DWM 4610, to expire.~~]

[~~(b)~~] [~~More than two (2) deficiency letters shall not be issued in accordance with subsection (3)(b) of this section, after which the CCR Notice of Concurrence Request, DWM 4610, shall expire.~~]

[~~(c)~~] [~~Expiration of the CCR Notice of Concurrence Request, DWM 4610, shall not prevent the applicant from reapplying if the requested documentation becomes available.~~]

[~~(5)~~]

[~~(a)~~] [~~The cabinet may rescind or modify in writing the Notice of Concurrence if the applicant or permittee is not in compliance with 401 KAR Chapter 46.~~]

[~~(b)~~] [~~The cabinet shall rescind the Notice of Concurrence in writing if the applicant submitted a false certification.~~]

Section 4.[~~Section 3.~~] Transition of a Permit Issued in Accordance with 401 KAR Chapter 45 Permit Requirements.

(1) A permittee who is subject to 401 KAR Chapter 46 and was issued a permit prior to October 15, 2026 shall continue to have their permit in effect.

(2) Permits issued prior to October 15, 2026 may be modified or updated to include applicable conditions required by 401 KAR Chapter 46.[~~notify the cabinet in writing of the permittee's intent to meet the requirements of 401 KAR Chapter 46 by no later than May 1, 2017, if the permittee possesses a:~~]

[~~(a)~~] [~~Special waste permit-by-rule in accordance with 401 KAR 45:060;~~]

[~~(b)~~] [~~Special waste registered permit-by-rule in accordance with 401 KAR 45:070; or~~]

[~~(c)~~] [~~Formal permit for special waste in accordance with 401 KAR 45:030.~~]

[~~(2)~~] [~~Upon issuance by the cabinet of a registered permit-by-rule, a permit issued pursuant to 401 KAR Chapter 45 for management, disposal, or beneficial reuse of CCR shall terminate if the permittee is subject to 401 KAR Chapter 46.~~]

Section 5.[~~Section 4.~~] Annual Fees.

(1)

(a)

1. The owner or operator of a CCR unit shall pay a $30,000[~~$15,000~~] annual fee for each facility in operation except for a facility with all CCR units in[~~or~~] post-closure.

2. The owner or operator of a CCR unit in post-closure shall pay a $5,000 annual fee.

(b) An owner or operator of a CCR unit shall notify the cabinet in writing upon completion of post-closure activities as established in 401 KAR 46:110, Section 6, and shall no longer be subject to annual fees established in this section.

(2) Payment shall be submitted to the Solid Waste Branch of the Division of Waste Management no later than July 31 of each year.

(3) The owner or operator shall complete and submit with the payment the CCR Annual Fee Form, DEP 46_120_2[~~DWM 4620~~].

(4) A check or money order shall be made payable to the Kentucky State Treasurer.

(5) The annual fee shall be due July 31, 2017, and every year after.

(6)

(a) The owner or operator of a CCR unit may request an extension to the deadline. The extension shall not exceed thirty (30) days.

(b) The extension request shall be in writing and shall be received by the Solid Waste Branch of the Division of Waste Management prior to the deadline.

Section 6.[~~Section 5.~~] Beneficial Use of CCR Reporting Requirements. The user shall submit to the cabinet an annual report of the beneficial use activity undertaken in the previous calendar year by March 31 that identifies the:

(1) Name and address of the CCR generator;

(2) Tonnage of CCR beneficially used;

(3) Name and address of each user of CCR; and

(4) Specific use of the CCR.

Section 7.[~~Section 6.~~] Noncompliances.

(1) The cabinet shall take any appropriate enforcement action, including corrective action, pursuant to 401 KAR Chapter 40, KRS 224.10-410, or 224.10-420, if the permittee is not operating in compliance with 401 KAR Chapter 46.

(2) The cabinet may revoke, modify, or suspend a CCR permit issued in accordance with 401 KAR Chapter 46[~~permit-by-rule or registered permit-by-rule~~] pursuant to 401 KAR 40:040 upon a final determination of noncompliance with 401 KAR Chapter 46.

Section 8.[~~Section 7.~~] Financial Assurance and Public Notice Requirements.

(1) Except as established in subsection 6 of this section, owners[~~Owners~~] and operators of CCR units shall not be required to[~~shall~~] maintain financial assurance[~~sufficient to complete closure and post-closure requirements established in 401 KAR 46:110:~~]

[~~(a)~~] [~~For new CCR units; and~~]

[~~(b)~~] [~~Existing CCR units that were required to establish financial assurance in accordance with 401 KAR 45:080~~].

(2) Public information procedures shall apply to applicants for:

(a) A new CCR formal permit;

(b) A permit for a lateral expansion of a CCR unit;

(c) A transfer of ownership of a CCR facility with a CCR formal permit; and

(d)

1. Proposed Approval of the Corrective Action Plan; or

2. Proposed Approval of the Corrective Action and Closure Permit.

(3) Public information procedures for CCR Formal Permits shall be as established in 401 KAR 45:050, Sections 2 through 9.

(4) Public notice for the assessment of corrective measures and proposed selected remedy shall be run concurrently.

(5) The cabinet may require public information procedures for other permit actions or modifications if a request is made with respect to an application or modification.

(6)

(a) Financial assurance criteria and bond requirements shall apply to the owner and operator of a CCR landfill.[~~Financial assurance requirements shall be in accordance with 401 KAR 45:080, Sections 4, 7, 9, and 10.~~]

(b)[~~(3)~~] The cabinet shall release the financial assurance mechanism required by this section upon notification of completion of post-closure requirements referenced in 40 C.F.R. 257.104(e) as established in 401 KAR 46:110.

(c) The owner or operator shall use one (1) of the mechanisms established in paragraph (d) of this subsection, to satisfy the following criteria:

1. Ensure that the amount of funds shall be sufficient to cover the costs of closure and post-closure care of the CCR landfill;

2. Ensure that the funds shall be available in a timely fashion; and

3. Guarantee the availability of the required amount of coverage prior to the initial receipt of CCR for new CCR landfills or lateral expansions of CCR landfills.

(d)

1. Before the cabinet shall issue a construction and operation permit, the owner or operator of a CCR landfill that is required to

post financial assurance pursuant to this subsection shall complete a performance agreement on the "CCR Facility Performance Agreement", DEP 46_120_8 form.

2. To satisfy the financial requirement, the owner or operator shall submit a performance bond and one (1) of the following:

a. A surety bond which is executed by submitting to the cabinet a completed "CCR Facility Surety Bond", DEP 46_120_9 form and a copy of the surety bond agreement;

b. A letter of credit submitted on the "CCR Facility Irrevocable Letter of Credit", DEP 46_120_7 form; or

c. An escrow agreement submitted on the "CCR Facility Escrow Agreement", DEP 46_120_6 form.

(e) The owner or operator of a publicly owned facility shall provide a budget for the permitting, construction, operation, closure, and post-closure care of the facility. The budget shall be revised and submitted annually. If elements of the facility's permitting, construction, operation, closure, or post-closure care are to be accomplished by contract or agreement, a copy of the contract or agreement shall be submitted to the cabinet.

(f)

1. The cabinet may accept other satisfactory financial assurance as adequate financial responsibility for a CCR landfill exclusively owned and operated by a CCR generator on property owned by the CCR generator for the purpose of accepting CCR exclusively from the CCR generator.

2. The owner of a CCR landfill as described in subparagraph 1. of this paragraph may satisfy the requirements for financial assurance by demonstrating that they pass a financial test in accordance with 401 KAR 48:310, Section 17.

3. The "Corporate Guarantee for Closure or Closure Care, DEP Form 6053-E and Letter from Chief Financial Officer on Corporate Financial Test, DEP Form 6053-F shall be replaced with the "CCR Facility Corporate Guarantee and Financial Test", DEP 46_120_11 form.

(g) The owner or operator of a CCR landfill may provide an insurance policy to demonstrate financial assurance for closure or post-closure care of the CCR landfill. The insurance policy shall conform with the requirements of 401 KAR 48:310, Section 13 and shall be submitted on the "CCR Facility Certificate of Insurance", DEP 46_120_10 form.

[~~(4)~~]

[~~(a)~~] [~~A public notice shall be published in a daily or weekly newspaper of major circulation located in the county or counties where the property where the proposed CCR unit is located. If there is no daily or weekly newspaper of major circulation in the county or counties where the proposed CCR unit is located, public notice shall mean publication of required information in a daily or weekly newspaper of major circulation in a county adjacent to the county or counties where the property is located.~~]

[~~(b)~~] [~~Public notice shall include the information contained on the form incorporated by reference in Section 8(1)(c) of this administrative regulation.~~]

Section 9. Transfer of Permits.

(1) A permit shall not be transferred to any person without prior approval of the cabinet based on the submitted application. A person requesting to transfer a CCR formal permit for an existing CCR facility shall submit a completed "Application to Transfer CCR Unit Permit", DEP 46_120_1. The application shall be required if a person requests that the name on the permit be changed to a different person or entity or if the permittee is a corporation and fifty-one (51) percent or more of the stock is sold to a person who was not previously a stockholder, or was a stockholder owning less than five (5) percent of the stock.

(2) On the basis of the submitted application, the cabinet shall make a preliminary determination to approve or disapprove a CCR formal permit transfer within 180 calendar days from the initial receipt of the application.

(3) If the transfer application is incomplete, the cabinet shall notify the applicant in writing of all the deficiencies. Periods of deficiency shall not be counted against the review time frame established in subsection (3) of this section. Failure to submit information noted by the cabinet related to the deficiencies within ninety (90) calendar days of receipt of the notice of deficiency shall be grounds for disapproval of the transfer application.

(4) If the cabinet makes a preliminary determination to approve the transfer application, the applicant shall publish a public notice in accordance with Section 8.

(5) After the public notice has been published by the applicant, the cabinet shall provide a public comment period in accordance with Section 8.

(6) After the close of the public comment period, the cabinet shall make a final decision on the transfer application, based on the submitted application.

(7) A person requesting to transfer a CCR registered permit-by-rule shall submit a registration in accordance with 401 KAR 45:070, Section 2(2) through (4) and Section 4.

Section 10. Modification, Suspension, and Revocation of a Permit.

(1) The cabinet may modify, suspend, or revoke a permit issued in accordance with 401 KAR Chapter 46 for:

(a) Reasons established in 401 KAR 40:040, Section 1(1) through (3), (5), or (6);

(b) Violations of a condition or a variance of the CCR formal permit; or

(c) Transfer of the facility to another person without prior approval of the cabinet.

(2)

(a) If the cabinet determines to modify, suspend, or revoke a permit issued pursuant to 401 KAR Chapter 46, the cabinet shall notify the permittee in a writing stating the reasons for the determination.

(b) Notice shall be sent to the address provided to the cabinet by the owner."

(3) If a permit is revoked, the owner or operator may reapply.

(4)

(a) Owners or operators of a CCR facility may file a request for a hearing.

(b) A request shall be pursuant to KRS 224.10-420 upon notice from the cabinet that a permit has been suspended, modified, or revoked pursuant to this administrative regulation.

Section 11.[~~Section 8.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application to Transfer CCR Unit Permit", DEP 46_120_1, October 2026[~~"CCR Notice of Concurrence Request", DWM 4610, January 2017;~~]

(b) "CCR Annual Fee Form", DEP 46_120_2, October 2026[~~DWM 4620, September 2016~~]; [~~and~~]

(c) "CCR Corrective Action and Closure Permit Application", DEP 46_120_12, October 2026;

(d) "CCR Facility Certificate of Insurance", DEP 46_120_10, October 2026;

(e) "CCR Facility Corporate Guarantee and Financial Test", DEP 46_120_11, October 2026;

(f) "CCR Facility Escrow Agreement", DEP 46_120_6, October 2026;

(g) "CCR Facility Irrevocable Letter of Credit", DEP 46_120_7, October 2026;

(h) "CCR Facility Performance Agreement", DEP 46_120_8, October 2026;

(i) "CCR Facility Surety Bond", DEP 46_120_9, October 2026;

(j) "CCR Formal Permit Application", DEP 46_120_3, October 2026;

(k) "Modification of a CCR Formal Permit", DEP 46_120_5, October 2026; and

(l) "Registered Permit-by-Rule for CCR Facility", DEP 46_120_4[~~DWM 4600, January 2017~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Waste Management, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material may also be obtained on the division's Web site at eec.ky.gov/environmental-protection/waste.

401 KAR 46:120 Coal combustion residuals (CCR) permit program is approved for filing.
TONY HATTON, Deputy Secretary, for
JOHN LYONS, Secretary

APPROVED BY AGENCY: October 14, 2026
FILED WITH LRC: October 14, 2026 at 2:30 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2026, at 10:00 a.m. EST (9:00 a.m. CST), at 300 Sower Blvd., 1st Floor, Training Room B. 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 December 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. The hearing facility is accessible to persons 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: Louanna Aldridge, Assistant Director II, Division of Waste Management 300 Sower Blvd., 2nd Floor Telephone: (502)782-0863 Louanna.Aldridge@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Louanna Aldridge, Telephone: (502) 782-0863, email: Louanna.Aldridge@ky.gov

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the coal combustion residual (CCR) permit program by establishing applicability and requirements for a CCR permit and registered permit-by-rule.
(b) The necessity of this administrative regulation: KRS 224.10-100 and KRS 224.50-760(1)(d) authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation establishes the applicability and requirements for a CCR permit and registered permit-by-rule under the CCR program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 and KRS 224.50-760 authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation establishes the CCR permit program by establishing applicability and requirements for a CCR permit and registered permit-by-rule.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 224.10-100 and KRS 224.50-760 authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation establishes the CCR permit program by establishing applicability and requirements for a CCR permit and registered permit-by-rule.
(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 permitting process for CCR landfills and surface impoundments.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish a permitting program for CCR landfills and surface impoundments detailing requirements to ensure consistency with federal standards pursuant to 40 C.F.R. 257.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by establishing a permitting program for CCR landfills and surface impoundments detailing requirements for the management of CCR and ensures consistency with federal standards pursuant to 40 C.F.R 257.
(d) How the amendment will assist in the effective administration of the statutes: This amendment establishes an administrative and regulatory mechanism necessary for the Cabinet to oversee CCR facilities and ensure that CCR is managed and disposed of in a manner consistent with KRS Chapter 224.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Six (6) utility companies or any new owner/operator of a CCR unit, Division of Waste Management, Division of Water, Division of Enforcement, Kentucky Transportation Cabinet, and potentially all Kentucky counties and ratepayers of the Commonwealth.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amendment will require regulated entities to submit an application or registration as required by the permitting process, follow public notice procedures, and submit the required federal internet documentation to the Cabinet.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This administrative regulation will cost facilities with CCR units an annual fee of $30,000. This administrative regulation also costs a $5,000 annual fee for facilities with all CCR units in post-closure.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Regulated entities will benefit by adhering to one regulatory standard and receiving a permit to operate a CCR facility.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The administrative body has personnel costs associated with the review and approval of documents and inspections conducted. The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800.
(b) On a continuing basis: The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800 on an annual basis.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding needed for this administrative regulation will be sourced from the CCR facility annual fee as established by this administrative regulation, in addition to a one-time federal grant providing approximately $136,000 to establish the program.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation will require an increase in the annual fee from $15,000 to $30,000. If all CCR units are in post-closure, the annual fee is decreased to $5,000 for the facility.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation will require an increase in the annual fee from $15,000 to $30,000. If all CCR units are in post-closure, the annual fee is decreased to $5,000 for the facility.
(9) TIERING: Is tiering applied? Tiering is applied to the annual fee structure. The annual fee for a CCR facility is $30,000, unless all CCR units are in post-closure in which case the annual fee is decreased to $5,000.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 40 C.F.R. 257.50-257.107
(2) State compliance standards. KRS 224.10-100, 224.50-760
(3) Minimum or uniform standards contained in the federal mandate. 40 C.F.R. 257.50-257.107
(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 is more prescriptive to demonstrate compliance equivalent to federal standards. This administrative regulation establishes a permitting process under statutory authority pursuant to KRS 224.10-100 and KRS 224.50-760.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. KRS 224.10-100 and KRS 224.50-760 authorizes the cabinet to promulgate administrative regulations for the management of special waste. The permitting process established in this administrative regulation demonstrates compliance equivalent to federal standards.

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, 224.50-760, 224.40-305

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Energy and Environment Cabinet, Department for Environmental Protection, Division of Waste Management

(a) Estimate the following for the first year:

Expenditures: The administrative body has personnel costs associated with the review and approval of documents and inspections conducted. The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800.

Revenues: The annual fee established in this administrative regulation is estimated to generate $420,000 annually for the CCR program.

Cost Savings: There are no known cost savings for the promulgating agency in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The effective administration of the CCR program is estimated to cost $420,800 annually.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): All Kentucky counties where CCR landfills or surface impoundments may be sited, or where beneficial reuse of CCR may be utilized.

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for local entities in this administrative regulation.

Revenues: There are no known revenues for local entities in this administrative regulation.

Cost Savings: There are no known cost savings for local entities in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or cost savings for local entities in this administrative regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3): Utility Companies: Six (6)

(a) Estimate the following for the first year:

Expenditures: The annual fee for a CCR facility is $30,000, unless all CCR units are in post-closure in which case the annual fee is decreased to $5,000 as established in this administrative regulation.

Revenues: There are no known revenues for additional regulated entities in this administrative regulation.

Cost Savings: If all CCR units located at a facility are in post-closure, the annual fee is decreased to $5,000.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? As facility move all CCR units into post-closure, the annual fee is decreased to $5,000.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The CCR program, including this administrative regulation will cost approximately $420,800 each year to effectively administer.

(b) Methodology and resources used to determine the fiscal impact: The Division of Waste Management estimates the program to require 3.3 full-time equivalent (FTE) positions in order to effectively administer the program estimated to cost $420,800.

(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 major economic impact from this administrative regulation.

(b) The methodology and resources used to reach this conclusion: The amendments to this administrative regulation will not have a major economic impact as the estimated costs associated with the CCR program are less than $500,000 and funded by CCR annual fees. A total of 14 CCR facilities paying $30,000 annually totals $420,000.

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

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Driver Licensing
(Amendment)

601 KAR 11:035. Waiver of written knowledge and skills test for military personnel.

RELATES TO: KRS 281A, 49 C.F.R. 383

STATUTORY AUTHORITY: KRS 281A.165

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281A.165 requires the Transportation Cabinet to promulgate an administrative regulation to establish an application form for military personnel applying for a commercial driver's license and requesting the waiver of a written knowledge and skills test. This administrative regulation establishes an application form and the procedures for submitting the form to the cabinet.

Section 1. Waiver Form.

(1) An applicant for a commercial driver's license who meets the criteria established in KRS 281A.165 may apply for a written knowledge and skills test exemption. If the applicant applies, the applicant shall complete a Military Certification for Written Knowledge and Skills Test Exemption, TC Form 94-167.

(2) A completed application form shall be submitted to the Transportation Cabinet, Department of Vehicle Regulation, 200 Mero Street, Frankfort, Kentucky 40622.

Section 2. Notification.

(1) Within thirty (30) days of submission to the cabinet, an applicant shall be notified by mail of the approval or disapproval.

(2) An applicant shall take the notification of an approved application form to any KYTC Driver License Regional Office[~~the circuit clerk's office for his or her county of residence~~].

Section 3. Incorporation by Reference.

(1) "Military Certification for Written and Skills Test Exemption", TC Form 94-167, September 2026[~~August 2011~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Vehicle Regulation, 200 Mero Street, Frankfort, Kentucky 40622. This material may also be obtained by accessing the cabinet's Web site at http://transportation.ky.gov/.

601 KAR 011:035. APPROVED BY TRANSPORTATION CABINET.
REBECCA GOODMAN, Secretary
MATTHEW COLE, Commissioner

APPROVED BY AGENCY: September 28, 2026

FILED WITH LRC: September 29, 2026 at 10:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 10:30 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall

notify this agency in writing by five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Will Fogle, General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, Telephone: (502) 782-4841, Fax: (502) 564-5238, Email: William.Fogle@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Will Fogle, Phone: 502-782-8180, Email: William.Fogle@ky.gov

Subject Headings: Transportation; Licensing; Veterans; Workforce Development

(1) Provide a brief summary of:

(a) What this administrative regulation does: Allows for the written and skills test to be waived for qualified military applicants.

(b) The necessity of this administrative regulation: To allow recently separated military members to apply for a CDL without written and skills testing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This amendment conforms to KRS 281A.165 and 49 C.F.R. 383.77.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Language clean-up to include both written and skills testing. To make the regulation consistent with statutory language.

(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: Clarifying to allow both written and skills test waivers.

(b) The necessity of the amendment to this administrative regulation: Clarifying to allow both written and skills test waivers.

(c) How the amendment conforms to the content of the authorizing statutes: Clarifying to allow both written and skills test waivers.

(d) How the amendment will assist in the effective administration of the statutes: Clarifying to allow both written and skills test waivers.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment is not due to the implementation of legislation, it is to accommodate a request from the Federal Motor Carriers Safety Administration.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This will benefit motor carrier companies and military veterans eligible for this 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: The individual will have to apply by Form TC 94-167, to bypass written and skills test.

(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 associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This amendment will reduce the costs to veterans applying for the waivers.

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

(a) Initially: No costs.

(b) On a continuing basis: No costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: N/A

(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? No. Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 186A.165 and 49 C.F.R. 383.77

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: It is not.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Vehicle Regulation, Division of Driver Licensing, and Kentucky State Police.

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

1. Expenditures:
For the first year: 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): N/A

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

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

(a) Fiscal impact of this administrative regulation: (3)(a) – None, (4)(a) – N/A, (5)(a) – 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 entity will have a "major economic impact".

(b) The methodology and resources used to reach this conclusion: N/A

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

EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amendment)

702 KAR 3:110. Financial document submission requirements.[Document filing dates.]

RELATES TO: KRS 156.160[(1)(i), (j)], 157.060, 157.420, 160.461, 2026 Ky Acts ch. 196, sec. 26

STATUTORY AUTHORITY: KRS 156.070, 156.160[(1)(i), (j)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to have the management and control of the common schools and all programs operated in those schools. KRS 156.160[(1)(j)] requires the Kentucky Board of Education to promulgate administrative regulations to establish a uniform series of financial forms for local school districts and for the preparation of budgets for school districts. KRS 157.060 requires a local district to submit an annual financial report. KRS 160.461 requires a local board of education to submit to the Kentucky Board of Education the adopted working budget for final approval. This administrative regulation establishes the requirements for submitting financial documents[forms and dates of filing for Kentucky Board of Education financial archives] and the criteria for disapproval of working budgets.

Section 1. Submission Requirements. Each school district shall electronically submit copies of the following financial documents to the Kentucky Department of Education containing data elements and information in the formats prescribed by the department in the financial accounting system by the following dates annually:[The documents which become a part of Kentucky Board of Education archives shall be electronically submitted to the Division of School Finance in the formats prescribed by the Municipal Information System (MUNIS) and received by the division by the following dates annually:]

(1) The Tentative Budget adopted by the local board of education pursuant to KRS 160.461, no later than five business days after[Tentative Budget, (MUNIS Tentative Working Budget, dated August, 1997),] May 31[30];

(2) The unaudited Annual Financial Report that complies with KRS 157.060 and the Balance Sheet, by [Annual Financial Report (MUNIS Annual Financial Report, dated August, 1997),] July 25; and

[(3)] [Balance Sheet (MUNIS Group Code Balance Sheet, dated August, 1997), July 25; and]

(3)[(4)] The Working Budget adopted by the local board of education pursuant to KRS 160.461, no later than five business days after[Working Budget (MUNIS Working Budget, dated August, 1997),] September 30.

Section 2. Working Budget Disapproval Criteria and Process.

(1) The working budget adopted by the local board of education pursuant to KRS 160.461 shall be disapproved by the Kentucky Board of Education if it is financially unsound or fails to comply with applicable law.[A district board of education shall prepare a tentative and working budget showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, and the estimated amount that will be received from the common school fund, from taxation, and other sources. The working budget shall be disapproved by the Kentucky Board of Education if it is financially unsound or fails to provide for:]

[(a)] [Payment of maturing principal and interest on any outstanding voted school improvement bonds of the school district, authorized and issued pursuant to KRS 162.080 and 162.090 with the written approval of the Kentucky Board of Education;]

[(b)] [Payment of rentals in connection with any outstanding school building revenue bonds issued for the benefit of a school district as authorized and provided under the provisions of KRS 162.120 to 162.300, 162.385 and 58.010 to 58.140, with the written approval of the Kentucky Board of Education; or]

[(c)] [Fails to comply with any applicable law.]

(2) The Kentucky Board of Education shall state the reason for disapproval, and the local[district] board of education shall amend its working budget to obviate the reason for disapproval and resubmit the working budget to the Kentucky Board of Education for final approval.

[Section 3.] [Incorporation by Reference.]

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

[(a)] [Tentative Budget (MUNIS Tentative Working Budget, dated August, 1997);]

[(b)] [Annual Financial Report (MUNIS Annual Financial Report, dated August, 1997);]

[(c)] [Balance Sheet (MUNIS Group Code Balance Sheet, dated August, 1997); and]

[(d)] [Working Budget (MUNIS Working Budget, dated August, 1997).]

[(2)] [This material may be inspected, copied, or obtained at the Department of Education, Office of District Support Services, Capital Plaza Tower, 15th Floor, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.]

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).
DR. ROBBIE FLETCHER, Commissioner of Education
LU YOUNG, Chair, Board of Education

APPROVED BY AGENCY: October 12, 2026
FILED WITH LRC: October 12, 2026 AT 9:05 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 p.m., ET, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564- 9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen, Phone: 502-564-4474, Email: todd.allen@education.ky.gov

Subject Headings: Education; Education: Elementary; Education: Secondary

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for local school districts to electronically submit specified financial documents to the Kentucky Department of Education and establishes the criteria and process for disapproval of a local board of education's working budget.

(b) The necessity of this administrative regulation: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing a uniform series of financial forms for local school districts and for the preparation of school district budgets. KRS 157.060 requires each local school district to submit an

annual financial report. KRS 160.461 requires each local board of education to submit its adopted working budget to the Kentucky Board of Education for final approval. This administrative regulation establishes the requirements and deadlines necessary to implement these statutory requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.070 authorizes the Kentucky Board of Education to have the management and control of the common schools and all programs operated in those schools. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing a uniform series of financial forms for local school districts and for the preparation of school district budgets. This administrative regulation establishes requirements for the submission of school district financial documents and the criteria and process for review and disapproval of working budgets.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides uniform requirements and deadlines for the electronic submission of financial documents by local school districts and establishes the criteria and process used by the Kentucky Board of Education to disapprove a working budget that is financially unsound or does not comply with applicable law.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates and modernizes the financial document submission requirements for local school districts. The amendment removes references to outdated MUNIS forms and incorporated material, requires financial documents to contain data elements and information in formats prescribed by the Kentucky Department of Education in the financial accounting system, updates submission deadlines, and clarifies the criteria and process for disapproval of a local board of education's working budget.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to remove outdated references to specific financial forms and the MUNIS system, align financial document submission requirements and deadlines with current statutory requirements and Department practices, and clarify the criteria and process for working budget disapproval.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to KRS 156.070 and 156.160 by establishing updated requirements for the submission of local school district financial documents and the preparation and review of school district budgets. The amendment also implements the financial reporting and working budget submission requirements established by KRS 157.060 and 160.461.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by establishing the requirements and deadlines for the electronic submission of school district financial documents, allowing the Kentucky Department of Education to prescribe the data elements and formats necessary for financial reporting, and clarifying the criteria and process for review and disapproval of working budgets.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See 2026 Ky. Acts ch. 129, sec. 2 and 2026 Ky. Acts ch. 196, sec. 26.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Department of Education and Kentucky's public school districts.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Local school districts will electronically submit the Tentative Budget, unaudited Annual Financial Report and Balance Sheet, and Working Budget to the Kentucky Department of Education in accordance with the deadlines and submission requirements established in the administrative regulation. A local board of education whose working budget is disapproved by the Kentucky Board of Education will amend the working budget to address the reason for disapproval and resubmit the working budget for final approval.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost to the Kentucky Department of Education and local school districts is expected to be minimal. The amendment primarily updates existing financial reporting and budget submission requirements and does not establish a new financial reporting process.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The Kentucky Department of Education and local school districts will benefit from financial document submission requirements that reflect current financial reporting practices and systems. The amendment removes outdated references to specific MUNIS forms, clarifies submission deadlines and requirements, and provides clearer criteria and procedures for the review and disapproval of working budgets.

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

(a) Initially: There will be minimal cost to the Kentucky Department of Education.

(b) On a continuing basis: The ongoing cost to the Kentucky Department of Education will be minimal.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General Funds.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.070, 156.160, 157.060, 160.461, and 2026 Ky Acts ch. 196, sec. 26.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.070 and 156.160.

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

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

1. Expenditures:

For the first year: Any expenditure is expected to be minimal.

For subsequent years: Any expenditure is 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: Costs to local school districts are in the form of staff time associated with preparing and electronically submitting the required financial documents. These costs are estimated to be minimal.

For subsequent years: Costs to local school districts are in the form of staff time associated with preparing and electronically submitting the required financial documents. These costs are estimated to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

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

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

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

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

(a) Fiscal impact of this administrative regulation: For the Kentucky Department of Education, any expenditures associated with administration of the regulation are expected to be minimal. The administrative regulation is not expected to generate revenue, and no significant cost savings are anticipated. For local school districts, costs are primarily in the form of staff time associated with preparing and electronically submitting required financial documents. These costs are expected to be minimal because the regulation governs financial documents and submissions that school districts are already required to prepare and submit.

(b) Methodology and resources used to reach this conclusion: The estimates are based on existing Kentucky Department of Education and local school district financial reporting and budget submission practices. The amendment primarily updates and clarifies existing requirements and does not establish a substantially new reporting process.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The estimate is based on existing program operations and financial reporting practices. The amendment primarily updates existing financial document submission requirements, deadlines, and procedures and is not expected to result in significant additional expenditures, revenues, or cost savings for the Kentucky Department of Education or local school districts.

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

EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amendment)

703 KAR 5:270. Kentucky's Accountability System.

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455, 158.649, 160.346, 20 U.S.C. 6311

STATUTORY AUTHORITY: KRS 158.6453, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453 requires the Kentucky Board of Education to create and implement a balanced statewide assessment program that measures the achievement of students, schools, and districts; complies with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability. KRS 158.6455 requires the Kentucky Board of Education to create an accountability system to classify schools and districts, including a process for annual summative performance evaluations and goals for improvement. This administrative regulation establishes the statewide system of accountability, and meets requirements set forth in the federal Every Student Succeeds Act of 2015 at 20 U.S.C. 6311.

Section 1. Definitions.

(1) "Alternate diploma" means a high school diploma as defined in KRS 156.160.

(2) "Chronic absenteeism" means a state indicator as defined in KRS 158.6455.

(3) "English learners" means students currently identified and included in the federal demographic group for reporting in the English learner progress indicator. For all other state indicators, English learners means students currently identified by districts in alignment with Section 3113(b)(2) of the Elementary and Secondary Education Act (ESEA) and those who continue to be monitored as English learners.

(4)[~~(1)~~] "English learner progress indicator" means the combination of individual student growth for current year performance[~~status~~] and the difference in prior year school performance [~~for change~~] of English learners toward English language proficiency. [~~For all other indicators, English learners means students currently identified and those who continue to be monitored as English learners.~~]

(5)[~~(2)~~] "Full academic year" means one hundred (100) or more instructional days of student enrollment within the school year.

[~~(3)~~] [~~"Grade 12 non-graduates" means all students enrolled in grade 12 at the end of the school year who do not graduate.~~]

(6)[~~(4)~~] "Graduation rate" means the percentage of students who enter high school and receive a diploma based on their cohort in four (4) and five (5) years, adjusting for transfers in and out, émigrés, and deceased students.

(7)[~~(5)~~] "Indicator performance rating" means one (1) of five (5) color-coded performance levels on each state indicator [~~that is determined by combining status and change~~].

(8)[~~(6)~~] "Individual education program" or "IEP" means an individual education program as defined in 707 KAR 1:002.

(9) "Individual student growth" means a student's continuous improvement toward proficiency or above.

(10)[~~(7)~~] "Local education agency" or "LEA" for the purposes of this administrative regulation means[~~shall mean~~] a local school district as provided in KRS 160.010 and KRS 160.020 or a charter school board of directors as provided in KRS 160.1590.

(11) "Modified diploma" means a high school diploma as defined in KRS 156.160.

(12)[~~(8)~~] "Overall performance rating" means one (1) of five (5) color-coded performance levels that aggregates all available state indicator data [~~that is determined by combining status and change~~].

(13)[~~(9)~~] "Postsecondary readiness" means the attainment of the necessary knowledge, skills, and dispositions to successfully transition to the next level.

(14)[~~(10)~~] "Proficient" or "proficiency" means reaching the desired level of knowledge and skills as measured on academic assessments.

[~~(11)~~] [~~"Quality of school climate and safety indicator" means the measures of school environment.~~]

(15)[~~(12)~~] "State assessment results for reading and mathematics indicator" means the measure of academic performance for reading and mathematics on state assessments.

(16)[~~(13)~~] "State assessment results for science and[,] social studies[~~, and writing~~] indicator" means the measure of academic performance for science and[,] social studies[~~, and writing~~] on state assessments.

(17)[~~(14)~~] "State indicator" means a component of the accountability system as defined in KRS 158.6455.

(18)[~~(15)~~] "Value table" means a set of numbers that are used to attribute scores to different performance levels.

[~~(16)~~] [~~"Writing" means the content area that includes on-demand writing, and editing and mechanics.~~]

Section 2. Kentucky's accountability system that is used to classify schools and LEAs shall include the state indicators of: state assessment results for reading and mathematics; state assessment results for science and[,] social studies[, and writing]; individual student growth in reading and mathematics; English learner progress; postsecondary readiness; chronic absenteeism;[quality of school climate and safety;] and graduation rate.

(1) The state assessment results for reading and mathematics indicator shall be measured by student performance on state assessments in reading and mathematics.

(2) The state assessment results for science and[,] social studies[, and writing] indicator shall be measured by student performance on state assessments in science and[,] social studies[, and writing].

(3) The individual student growth indicator shall be measured by student performance on the prior year state assessment in reading and mathematics and based on a growth value table.

(4)[(3)] The English learner progress indicator shall be measured by student performance on an English proficiency test. The English learner progress indicator shall be measured based on a growth value table. [Additional tables shall incorporate the federal flexibilities of age upon entry to U.S. schools, initial English language proficiency level, and degree of interrupted schooling.]

(5)[(4)] The chronic absenteeism indicator shall be measured based on number of students absent ten (10) percent or more excused or unexcused school days during the school year. A student missing more than fifty (50) percent of his or her school day shall be considered absent for that day for the purposes of Kentucky's school accountability system.[The quality of school climate and safety indicator shall include perception data from surveys that measure insight to the school environment.]

(6)[(5)] The postsecondary readiness indicator shall be measured at high school for students meeting the following criteria:

(a) Earn a regular, alternate, or modified[or alternative] high school diploma [plus grade 12 non-graduates]; and

(b) Achieve academic readiness or career readiness as defined in KRS 158.6455.

1. A school shall receive credit for each student demonstrating academic readiness by:

a. Scoring at or above the benchmark score as determined by the Council on Postsecondary Education (CPE) on the college admissions examination or college placement examination;

b. Completing a minimum of three (3) hours of credit in one (1) [Kentucky Department of Education]approved dual credit course, and receiving a grade of C or higher;

c. Completing one (1) advanced placement (AP) course and receiving a score of three (3) or higher on the AP assessment; or

d. Receiving a score of four (4)[five (5)] or higher on one (1) examination for an International Baccalaureate course;

e. Receiving a score of e or better[Scoring] at or above the benchmark on one (1) Cambridge Advanced International examination.

2. A school shall receive credit for each student demonstrating career readiness by:

a. Scoring at or above the benchmark on industry certifications as approved by the Kentucky Workforce Innovation Board on an annual basis;

b. Qualifying for three (3) or more hours of postsecondary articulated credit associated with a statewide articulation agreement;

c. Completing a minimum of three (3) hours of credit in one (1) Kentucky Board [Department] of Education approved CTE dual credit course, and receiving a grade of C or higher;

d. Completing a Kentucky Board[Department] of Education approved registered[or labor cabinet-approved] apprenticeship pursuant to 705 KAR 4:041; or

e. Successfully completing a Kentucky Board of Education approved cooperative or internship that is aligned with a credential or associate degree and which provides a minimum of 300 hours of on-the-job work experience.

3. Students participating in the alternate assessment program shall meet criteria based on academic or career alternate assessment requirements.

(7)[(6)] The graduation rate indicator shall be measured for each high school using the four (4)-year and extended five (5)-year cohort rate. The graduation rate shall be reported for all students and student groups.

Section 3. Classification of Schools and LEAs in the State Accountability System.

(1) Data shall be included in the overall performance rating for schools and LEAs for the following state indicators:

(a) State assessment results (reading and mathematics);

(b) State assessment results (science and[,] social studies[, and writing]);

(c) Individual student growth in reading and mathematics (elementary and middle);

(d) English learner progress;

(e) Chronic absenteeism;

(f)[(d)] Postsecondary readiness (high school); and

[(e)] [Quality of school climate and safety; and]

(g)[(f)] Graduation rate (high school).

(2) Data from individual student performance on state assessments administered as required in KRS 158.6451 and KRS 158.6453 shall be included in the overall performance rating of each school and LEA. This data shall include students with disabilities with IEPs who participate in the alternate assessment program.

(3) Data in the overall performance rating shall be attributed to grade level spans for schools and LEAs as established in this subsection.

(a) Elementary schools shall include data from: state assessment results for reading and mathematics; state assessment results for science and[,] social studies[, and writing]; individual student growth in reading and mathematics; English learner progress; and chronic absenteeism.[quality of school climate and safety.]

(b) Middle schools shall include data from: state assessment results for reading and mathematics; state assessment results for science and[,] social studies[, and writing]; individual student growth in reading and mathematics; English learner progress; and chronic absenteeism.[quality of school climate and safety.]

(c) High schools shall include data from: state assessment results for reading and mathematics; state assessment results for science and[,] social studies[, and writing]; English learner progress; postsecondary readiness; graduation rate; and chronic absenteeism.[quality of school climate and safety.]

(d) LEAs shall include data from: school state assessment results for reading and mathematics; state assessment results for science and[,] social studies[, and writing,]; individual student growth in reading and mathematics; English learner progress; postsecondary readiness; graduation rate; and chronic absenteeism.[quality of school climate and safety.]

Section 4. Calculations for Reporting Categories.

(1)

(a) State assessment results for reading and mathematics shall be rated equally in elementary, middle, and high schools and LEAs by awarding points as described in subsection (2)(b) of this section.

(b) State assessment results for science and[,] social studies[, and writing] shall be rated equally in elementary, middle and high schools, and in LEAs by awarding points as described in subsection (2)(b) of this section.

(2)

(a) For any content area (reading, mathematics, science and[,] social studies[, and writing]) where data are not available, the data of the remaining content areas shall be redistributed proportionally across state assessment results state indicators.

(b) The following value table shall be used to calculate the points for state assessment results in reading and mathematics and state assessment results in science and[,] social studies[, and writing]:

Proficiency Levels	Points Awarded for Each Number[Percent] of Students
Novice	0
Apprentice	.5
Proficient	1

Distinguished	1.25

(3) Individual student growth in reading and mathematics shall be rated for elementary and middle schools as established in this subsection.

(a) Performance levels for growth calculations shall be subdivided into novice high, novice low, apprentice high, apprentice low, proficient high, proficient low, distinguished high, and distinguished low.

(b) The school calculation for individual student growth shall be the sum of the total points from a growth value table for all students divided by the total number of scores.

(c) The growth value table below shall be used in calculating growth in this subsection.

Individual Student Growth in Reading and Mathematics Growth Value Table(Points for student performance in Year 2, given performance in Year 1)								
Prior Year	Novice Low	Novice High	Apprentice Low	Apprentice High	Proficient Low	Proficient High	Distinguished Low	Distinguished High
Distinguished High	0	0	0	0	0	0	100	125
Distinguished Low	0	0	0	0	0	50	100	125
Proficient High	0	0	0	0	50	100	110	125
Proficient Low	0	0	0	50	100	110	125	125
Apprentice High	0	0	50	100	110	125	125	125
Apprentice Low	0	50	100	110	125	125	125	125
Novice High	0	100	110	125	125	125	125	125
Novice Low	0	110	125	125	125	125	125	125

(4)[~~(3)~~] Progress toward achieving English proficiency by English learners shall be calculated as follows:

(a) Individual growth shall be compared to prior year performance on an English proficiency exam.

(b) The exit benchmark and English learner growth value tables created involving Kentucky educators and advised by technical experts shall be utilized.

(c) Points for each English learner based on the English learner growth value table shall be averaged.

(d) The value tables shall be included in the Every Student Succeeds Act Consolidated State Plan and negotiated with the United States Department of Education.

[~~(e)~~] [~~Kentucky shall modify the value table and its use to reflect factors that may impact English learners' progress toward language proficiency, including age upon entry to U.S. schools, initial English language proficiency level, and degree of interrupted schooling.~~]

(5)[~~(4)~~] The chronic absenteeism indicator shall be calculated by subtracting the chronic absenteeism percentage from one hundred (100).[~~quality of school climate and safety indicator shall be rated for elementary, middle, and high schools, and LEAs as established in this subsection. The Kentucky Board of Education shall approve the measures of quality of school climate and safety. Data collected for individual students shall be aggregated to calculate school and district level scores for climate, safety, and overall climate and safety indicator.~~]

(6)[~~(5)~~] Postsecondary readiness shall be calculated by dividing the number of high school graduates [~~plus grade 12 non-graduates~~] who have met measures of postsecondary readiness by the total number of graduates [~~plus grade 12 non-graduates~~]. Credit for students obtaining an industry-recognized certification, licensure, or credential in specialized career pathways in state and regional high demand sectors as approved by Kentucky's Workforce Innovation Board is one and one-quarter (1.25) points. Credit for students obtaining all other readiness measures[~~indicators~~] is one (1) point.

(7)[~~(6)~~] Graduation rate is the percentage of students completing the requirements for a Kentucky regular or modified high school diploma compared to the cohort of students beginning in grade nine(9)plus students completing the requirements for an alternate diploma. The accountability system shall include a four (4) year cohort rate and an extended five (5) year cohort rate. Each rate shall be weighted equally.

(8)[~~(7)~~] The indicator performance rating shall be reported for each indicator[~~assigned as follows:~~]

[~~(a)~~] [~~Indicators identified in Section 3 shall have a rating of very low, low, medium, high, or very high by school and LEA for status.~~]

[~~(b)~~] [~~Indicators identified in Section 3 shall have a rating of declined significantly, declined, maintained, increased, or increased significantly by school and LEA for change.~~]

[~~(c)~~] [~~Each state indicator combines status and change and reports an indicator performance level~~] using a color-coded table.

(9)[~~(8)~~] Performance on all available[~~The~~] indicators for each school and LEA as identified in Section 3 of this administrative regulation shall contribute to the overall performance rating of schools and LEAs.

(10)[~~(9)~~] A standard setting process shall be conducted involving Kentucky educators and advised by technical experts to recommend performance ratings[~~very low to very high performance levels for status and declined significantly to increased significantly for change~~] on each indicator including state assessment results for reading and mathematics, state assessment results for science and[~~,~~] social studies[~~, and writing~~], individual student growth in reading and mathematics, English learner progress, postsecondary readiness, graduation rate, and chronic absenteeism.[~~quality of school climate and safety.~~]

(11)[~~(10)~~]

(a) An overall performance rating for elementary, middle, and high schools shall be reported using a color rating system to communicate performance of schools, with red being the lowest rating and blue being the highest rating. Color ratings shall include five (5) performance levels from highest to lowest: Blue, Green, Yellow, Orange, and Red. Performance of schools, LEAs, and state shall be reported by level (elementary, middle, and high) as applicable. The School Report Card shall display the color ratings earned for each school, LEA, and state (by level). [

[~~Overall Accountability Weights~~]						
	[~~State Assessment Results (Reading and Mathematics)~~]	[~~State Assessment Results (Science, Social Studies, and Writing)~~]	[~~English learner progress~~]	[~~Quality of School Climate and Safety~~]	[~~Postsecondary Readiness~~]	[~~Graduation Rate(4 and 5 year cohort)~~]

[~~Elementary Schools~~]	[~~51~~]	[~~40~~]	[~~5~~]	[4]	[~~--~~]	[~~---~~]
[~~Middle Schools~~]	[~~46~~]	[~~45~~]	[~~5~~]	[4]		
[~~High Schools~~]	[~~45~~]	[~~20~~]	[~~5~~]	[4]	[~~20~~]	[~~6~~]

]

Overall Accountability Weights			
State Indicator	Elementary Schools	Middle Schools	High Schools
State Assessment Results in Reading and Mathematics	36	36	36
Individual Student Growth in Reading and Mathematics	25	25	---
State Assessment Results in Science and Social Studies	30	30	20
English Learner Progress	5	5	5
Chronic Absenteeism	4	4	4
Postsecondary Readiness	---	---	25
Graduation Rate	---	---	10

(b) The performance on state indicators is combined using the amounts in the Overall Accountability Weights table to generate an overall performance.

(c) As a result of the standard setting process, the committee shall recommend the procedures for determining indicator and overall performance ratings[~~, combining status and change~~] and reflecting the indicator weights. The recommendation from the standards setting committee shall be approved as defined in KRS 158.6455.

(d) Kentucky shall identify schools to determine required federal designations as defined in KRS 160.346 based on the overall performance of the accountability system.

(e) If data cannot be calculated for an indicator, the weights shall be redistributed proportionally to remaining state indicators that shall be reported for the school or LEA.

(12)[~~(11)~~] School accountability indicators shall be assigned as follows:

(a) Students enrolled for a full academic year shall be included in the calculations for state assessment results for reading and mathematics;[~~,~~] state assessment results for science and[~~,~~] social studies;[~~, and writing,~~]individual student growth in reading and mathematics; English learner progress;[~~, quality of school climate and safety,~~] and postsecondary readiness for a school and LEA.

(b) Students with 100 days or more of enrollment within a school shall be included in that school's chronic absenteeism calculation.

(c)[~~(b)~~] Graduation rate calculations shall be based on the students' final enrollment.

(d)[~~(c)~~] Student demographic groups shall have a minimum of thirty (30) students to be included in school rating calculations.

(e)[~~(d)~~] In accordance with KRS 158.6455, schools and districts shall be placed into one (1) of five (5) color ratings established by a standards-setting process utilizing results from the first operational administration of assessments. The process shall:

1. Be advised by the Kentucky Department of Education Technical Advisory Panel; the School Curriculum, Assessment and Accountability Council; Local Superintendent Advisory Council, and the Office of Education Accountability; and

2. Use accepted technical procedures and involve Kentucky school and district administrators and teachers.

Section 5. Additional Public Reporting Requirements.

(1) The Kentucky Department of Education shall report disaggregated data for each state indicator of the state assessment and accountability system.

(2) Progress on long-term and interim goals shall be reported publicly as required by the federal Every Student Succeeds Act and submitted in Kentucky's Consolidated State Plan. Goals shall be developed for every student group, including all students, for academic achievement in each content area of reading, mathematics, science and[~~,~~] social studies[~~, and writing~~]; graduation rate based on four (4) year and five (5) year adjusted cohorts; and progress on English proficiency for English learners.

(3) The goal for academic achievement operationalizes both the improvement of proficient and distinguished performance for all students and each student group and the reduction of achievement gaps as defined in KRS 158.649. Each student group of ten (10) or more students shall be reported on the School Report Card. The data shall be suppressed as necessary for reporting to meet the Family Educational Rights and Privacy Act (FERPA).

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).
DR. ROBBIE FLETCHER, Commissioner of Education
LU YOUNG, Chair, Board of Education

APPROVED BY AGENCY: October 12, 2026
FILED WITH LRC: October 12, 2026 AT 9:05 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 p.m., ET, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564- 9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

703 KAR 5:270

Contact Person: Todd Allen, Phone: 502-564-4474, Email: todd.allen@education.ky.gov

Subject Headings: Education: Elementary; Education: Secondary; Education: Career and Technical

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the metrics and calculations used to implement the statewide accountability program used to classify schools and LEAs.

(b) The necessity of this administrative regulation: KRS 158.6453(3)(a) and KRS 158.6455(1)(a) require the Kentucky Board of Education to promulgate administrative regulations to create and implement a balanced statewide assessment and accountability program that measures the achievement of students, schools, and districts and to comply with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides procedures and measures used to implement the statewide accountability program pursuant to KRS 158.6455.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures consistent implementation of a valid and reliable accountability system used to identify public schools needing comprehensive or targeted support, as required by KRS 158.6455 and the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq.

(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 regulation will incorporate statutory changes set forth in House Bill 257 (2026).

(b) The necessity of the amendment to this administrative regulation: The amendments to this regulation will incorporate statutory changes set forth in House Bill 257 (2026).

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation provides procedures and measures used to implement the statewide accountability program pursuant to the changes to KRS 158.6455 under HB 257 (2026).

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation ensures consistent implementation of a valid and reliable accountability system used to identify public schools needing comprehensive or targeted support, as required by KRS 158.6455 and the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. House Bill 257 (2026) amended KRS 158.6453 and KRS 158.6455 resulting in changes to Kentucky's assessment and accountability systems.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local schools and districts and the Kentucky Department of Education are affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Additional focus on student attendance and performance in reading and mathematics are required by schools and districts as a result of the amendment. The Kentucky Department of Education will be required to implement new data analysis procedures and develop new resources and training materials to assist districts in understanding the regulation amendments.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):Local schools and districts will incur no direct additional cost. The Department of Education will require additional staff hours and additional funds to support implementation of technically sound accountability collection and reporting systems.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The implementation of the statewide accountability system drives continuous improvement and equity by increasing data transparency, highlighting achievement gaps among student groups, directing targeted federal funding to struggling schools, and providing families with information needed to make decisions regarding their children.

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

(a) Initially: Implementation of a new accountability system will cost approximately $185,000 to pay for facilitation of a standard setting committee to determine new benchmarks for the amended accountability system, as required by federal law and technically sound practice. Additional costs may be incurred to update data collection and reporting systems.

(b) On a continuing basis: After the initial standard setting to set new benchmarks for accountability, the percentile cut scores must remain in place for at least six years unless existing cut scores no longer support a meaningful differentiation of schools as required by the federal Every Student Succeeds Act of 2015.

(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 Department of Education's general funds 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: The Kentucky Department of Education will submit an Additional Budget Request to support implementation of this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees nor indirectly increases any fees.

(10) TIERING: Is tiering applied? Tiering is not appropriate for this administrative regulation because the implementation applies equally to all school districts.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 158.6453(3)(a) and KRS 158.6455(1)(a) require the Kentucky Board of Education to promulgate administrative regulations to create and implement a balanced statewide assessment and accountability program that measures the achievement of students, schools, and districts and to comply with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 158.6453(3)(a) and KRS 158.6455(1)(a) require the Kentucky Board of Education to promulgate administrative regulations to create and implement a balanced statewide assessment and accountability program that measures the achievement of students, schools, and districts and to comply with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Education is the promulgating agency, supported by the 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: Implementation of a new accountability system will cost approximately $185,000 to pay for facilitation of a standard setting committee to determine new benchmarks for the amended accountability system, as required by federal law and technically sound practice.

For subsequent years: Additional costs may be incurred to update data collection and reporting systems.

2. Revenues:

For the first year: This regulation will produce no revenue.

For subsequent years: No revenue is expected in subsequent years.

3. Cost Savings:

For the first year: Any cost savings as a result of the elimination of on-demand writing and editing and mechanics tests can be used to cover inflationary costs and implementation expenditures as a result of HB 257.

For subsequent years: No cost savings are expected in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Kentucky public-school districts are not fiscally affected by this regulation. (b) Estimate the following for each affected local entity identified in (4)(a):

(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): There are no additional regulated entities not listed in questions 2 or 3.

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

1. Expenditures:

For the first year: Not applicable

For subsequent years: Not applicable

2. Revenues:

For the first year: Not applicable

For subsequent years: Not applicable

3. Cost Savings:

For the first year: Not applicable

For subsequent years: Not applicable

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

(a) Fiscal impact of this administrative regulation: This administrative regulation amendment does not result in any new expenditures, revenues, or cost savings.

(b) Methodology and resources used to reach this conclusion: Not applicable

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

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

(b) The methodology and resources used to reach this conclusion: This regulation will not have an overall negative or adverse economic impact on identified entities.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. The federal K-12 education law of the United States is the Every Student Succeeds Act (ESSA) of 2015, 20 U.S.C. secs. 6301 et seq.

(2) State compliance standards. KRS 158.6453(3)(a) and KRS 158.6455(1)(a) require the Kentucky Board of Education to promulgate administrative regulations to create and implement a balanced statewide assessment and accountability program that measures the achievement of students, schools, and districts and to comply with the federal Every Student Succeeds Act of 2015, 20 U.S.C. secs. 6301 et seq., or its successor; and ensures accountability.

(3) Minimum or uniform standards contained in the federal mandate. ESSA mandates annual statewide assessments aligned to rigorous academic standards and requires states to create comprehensive accountability systems to identify and support their lowest-performing schools and student groups.

(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 additional or different responsibilities than those required by ESSA.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

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

EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amendment)

780 KAR 2:040. Live work projects.

RELATES TO: KRS 156.802(3)

STATUTORY AUTHORITY: KRS 156.802(3), 156.852

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers. KRS 156.852 authorizes the Kentucky Board of Education to promulgate administrative regulations to implement career and technical education in Kentucky. This administrative regulation establishes the procedures for accepting live work projects in a Kentucky TECH facility.

Section 1. Definitions.

(1) "Kentucky TECH" means the system of state-operated secondary career and technical education programs in area technology centers.

(2) "Live work" means a project, which meets a curriculum requirement, completed for an individual or organization.

Section 2. A Kentucky TECH school may accept live work projects if the administrative and instructional staff[s] deem them appropriate for training purposes.

Section 3. A Kentucky TECH school that accepts live work shall adhere to the requirements established in this section.

(1) All services performed shall be documented on a completed Work Order - Agreement form.

(2) The school administrator shall be responsible for all unused Work Order - Agreement forms and assigning and recording all services performed in a work order log.

(3) An individual or organization requesting live work shall be provided a copy of the school's policy for accepting and performing live work. A person committing live work shall sign the Work Order - Agreement form indicating that he or she understands the policies and agrees with them.

(4) A live Work Order - Agreement form shall be approved and initialed by the school administrator and by the instructor of the class. Live work shall not be approved for an instructor in his or her program for his or her own personal use.

(5) If a live work project requires more than one (1) hour of labor, the individual or organization requesting the live work shall pay the fee established in 780 KAR 2:140, Section 8.

(6)

(a) Except as provided in paragraph (b) of this subsection, a person or organizations for whom live work is accepted shall purchase the necessary materials for the job to be completed.

(b) With the permission of the person or organization, the school may purchase the materials and recover the costs of the materials plus twenty (20) percent for handling.[.]

(7) A payment shall not be handled by an instructor. Live work orders shall not be released until payment for parts, supplies, and other cost items have[has] been made and documented by authorized personnel in the school.

(8) Students and instructors shall not sign the work order agreement to accept a live work project on behalf of a family member or other individual.[Projects of a family member or other individual shall not be accepted in the name of a student or the instructor.]

(9) A school employee or student shall not:

(a) Guarantee or be liable for live work; or

(b) Be responsible for the theft or loss of an article related to the live work left in a school.

Section 4. A Kentucky TECH school shall not be obligated to accept live work projects. A Kentucky TECH school shall not perform live work of a production nature and in competition with business or industry or for the purpose of making a profit.

Section 5. Incorporation by Reference.

(1) "Work Order - Agreement form",[,]October 2026[August 2019], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 to 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).
DR. ROBBIE FLETCHER, Commissioner of Education
LU YOUNG, Chair, Board of Education

APPROVED BY AGENCY: October 12, 2026
FILED WITH LRC: October 12, 2026 at 9:05 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 p.m., ET, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564- 9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd Allen, Phone: 502-564-4474, Email: todd.allen@education.ky.gov

Subject Headings: Education, Education: Career and Technical Education, Education: Secondary

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers. This administrative regulation establishes the procedures for accepting live work projects in a Kentucky TECH facility.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures for accepting live work projects in a Kentucky TECH facility.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers. This administrative is necessary to establish the procedures for accepting live work projects in a Kentucky TECH facility.

(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: Technical amendments for clarity and technical amendments to the Work Order - Agreement form incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The primary purpose of this amendment is technical in nature for clarity.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers. KRS 156.852 authorizes the Kentucky Board of Education to promulgate administrative regulations to implement career and technical education in Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers. This administrative regulation establishes the procedures for accepting live work projects in a Kentucky TECH facility.

(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: State-operated area technology center students and instructors, and persons or organizations utilizing live work service. (5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Students and teachers are required to obtain and individuals or organizations that are seeking live work are required to complete a completed Work Order – Agreement form before engaging in the live work project.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No anticipated cost for teachers or students. Individuals or organizations seeking the live work will be required to cover the cost of materials, plus 20% if reimbursing the school for materials. If a project takes longer than 1 hour, a fee applies as established in 780 KAR 2:140, Section 8.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Students will be able to engage in application of knowledge and skills. Individuals or organizations seeking live work will receive a service and will provide students with an opportunity to apply their knowledge and skills.

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

(a) Initially: No anticipated cost

(b) On a continuing basis: No anticipated cost

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: No anticipated cost

(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 anticipated cost

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: A fee will apply to individuals or organizations who receive the live work in the cost of materials, plus 20% if reimbursing an area technology center, and a fee if the live work project takes longer than one hour.

(10) TIERING: Is tiering applied? Tiering was not appropriate as this administrative regulation applies 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 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers. This administrative regulation establishes the procedures for accepting live work projects in a Kentucky TECH facility.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational education and technology centers. This administrative regulation establishes the procedures for accepting live work projects in a Kentucky TECH facility.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Education, Office of Career and Technical Education, state-operated area technology centers

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

1. Expenditures:

For the first year: No anticipated expenditures

For subsequent years: No anticipated expenditures

2. Revenues:

For the first year: Unknown. Dependent upon how many projects are conducted and the time each takes to complete.

For subsequent years: Unknown. Dependent upon how many projects are conducted and the time each takes to complete.

3. Cost Savings:

For the first year: No anticipated cost savings

For subsequent years: No anticipated cost savings

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): State-operated area technology centers

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

1. Expenditures:

For the first year: No anticipated expenditures

For subsequent years: No anticipated expenditures

2. Revenues:

For the first year: Unknown. Dependent upon how many projects are conducted and the time each takes to complete.

For subsequent years: Unknown. Dependent upon how many projects are conducted and the time each takes to complete.

3. Cost Savings:

For the first year: No anticipated cost savings

For subsequent years: No anticipated cost savings

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No additional regulated entities.

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

1. Expenditures:

For the first year: No expenditures

For subsequent years: No expenditures

2. Revenues:

For the first year: No revenues

For subsequent years: No revenues

3. Cost Savings:

For the first year: No cost savings

For subsequent years: No cost savings

(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: State-operated area technology centers will be able to provide a service at no cost to the center and may generate funds of $15 per 780 KAR 2:140, Section 8, if the service takes more than 1 hour to complete.

(b) Methodology and resources used to reach this conclusion: 780 KAR 2:140 Section 8 provides, "A fifteen (15) dollar fee shall be charged for each live work project requiring more than one (1) hour labor and accepted by the school in accordance with 780 KAR 2:040."

(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 on state and local regulated entities.

(b) The methodology and resources used to reach this conclusion: This administrative regulation establishes the procedures for accepting live work projects in a Kentucky TECH facility and does not have a major economic impact on state and local regulated entities.

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

EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amendment)

780 KAR 2:060. Discipline of students.

RELATES TO: KRS 156.802(3), 158.150, 158.444

STATUTORY AUTHORITY: KRS 156.802(3), 156.852

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. KRS 156.852 authorizes the Kentucky Board of Education to promulgate administrative regulations to implement career and technical education in Kentucky. KRS 158.150 establishes the grounds and procedures for discipline from the state's common schools. This administrative regulation establishes the procedure for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons following the grounds and procedures established in KRS 158.150 for the common schools.

Section 1. Definition. "Kentucky TECH" means the system of state-operated secondary career and technical education programs in the area technology centers.

Section 2. Teachers and administrators employed in or assigned to work in a Kentucky TECH school shall be responsible for the supervision and discipline of students during the time the students are in attendance at a Kentucky TECH facility.

Section 3. All students shall comply with the policies of the Kentucky TECH school in which they are enrolled. Students engaging in actions outlined in KRS 158.150 constitute cause for disciplinary suspension or expulsion. Pursuant to KRS 158.150, students shall be provided due process preceding a suspension except as provided for in Section 4(2) of this administrative regulation.[The following actions, subject to due process requirements set forth in KAR Title 707, shall constitute cause for disciplinary suspension or expulsion:]

[(1)] [Willful disobedience or defiance of the authority of a teacher or administrator;]

[(2)] [Assault, battery, or abuse of another student or school personnel;]

[(3)] [Threat of force or violence;]

[(4)] [Use or possession of illicit drugs or alcohol;]

[(5)] [Stealing, destroying, or defacing school or personal property;]

[(6)] [Possessing or using a dangerous weapon or instrument; or]

[(7)] [Other incorrigible conduct on school property or at school-sponsored activities.]

Section 4.

(1) Except as provided in subsection (2) of this section, any secondary student subject to disciplinary action shall be referred by the school administrator of a Kentucky TECH school to the principal of the sending school in which the student is enrolled, where pursuant to KRS 158.444, the incident must be recorded within the student information system.

(2) The Kentucky TECH school administrator or his or her designee shall have the authority to immediately suspend secondary students from the Kentucky TECH center without action by the sending school, to:

(a) Protect persons or property; or

(b) Avoid disruption of the ongoing academic programs.

(3) The Kentucky TECH school administrator shall submit in writing to the principal of the sending high school the reason for disciplinary action and recommend any further action.

(4) The principal of the sending high school shall respond to the Kentucky TECH school administrator as to the action to be taken.

(5) The due process procedures outlined in KRS 158.150(6)[(5)] shall follow the suspension as soon as practicable, but no later than three (3) school days after the suspension.

Section 5. A secondary student who is suspended from a participating local high school or expelled from a participating local school district shall be suspended or expelled from the Kentucky TECH school in which the student is enrolled.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).
DR. ROBBIE FLETCHER, Commissioner of Education
LU YOUNG, Chair, Board of Education

APPROVED BY AGENCY: October 12, 2026
FILED WITH LRC: October 12, 2026 at 9:05 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 p.m., ET, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564- 9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd Allen, Phone: 502-564-4474, Email: todd.allen@education.ky.gov

Subject Headings: Education, Education: Career and Technical Education, Education: Secondary

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons following the grounds and procedures established in KRS 158.150 for the common schools.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedure for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons following the grounds and procedures established in KRS 158.150 for the common schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. KRS 156.852 authorizes the Kentucky Board of Education to promulgate administrative regulations to implement career and technical education in Kentucky. KRS 158.150 establishes the grounds and procedures for student discipline in the state's common schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. KRS 156.852 authorizes the Kentucky Board of Education to promulgate administrative regulations to implement career and technical education in Kentucky. KRS 158.150 establishes the grounds and procedures for discipline from the state's common schools. This administrative regulation establishes the procedure for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons following the grounds and procedures established in KRS 158.150 for the common schools.

(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 removes the list of actions that constitute cause for disciplinary action that are already listed in KRS 158.150 and includes language referring to the statute. The amendment also clarifies which section in KRS 158.150 provides the due process procedure for students.

(b) The necessity of the amendment to this administrative regulation: The amendment removes duplicative language already in KRS 158.150 and identifies the proper section of KRS 158.150 for due process.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. KRS 156.852 authorizes the Kentucky Board of Education to promulgate administrative regulations to implement career and technical education in Kentucky. KRS 158.150 establishes the grounds and procedures for student discipline from the state's common schools.

(d) How the amendment will assist in the effective

administration of the statutes: This administrative regulation establishes the procedure for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons following the grounds and procedures established in KRS 158.150 for the common schools.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? KRS 158.150 was amended with RS26 SB 101.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: students attending area technology centers, area technology center teachers and administrators, home high school principals.

(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 amendment does not change the actions constituting cause for disciplinary action or expulsion, rather it removes the language from the regulation and points to the actions already provided for in KRS 158.150. Additionally, Senate Bill 101 from the 2026 legislative session amended KRS 158.150 to include bus stops as a location students shall not unlawfully possess a weapon.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No additional costs anticipated for any of the entities listed in question (4).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Students attending area technology centers, area technology center teachers and administrators, and home high school principals' benefit from the amendments to 780 KAR 2:060 as it added clarifying language which directs the reader to the statute for information regarding actions constituting cause for student disciplinary action or expulsion and directs the reader to the appropriate section of KRS 158.150 relating to due process.

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

(a) Initially: None anticipated.

(b) On a continuing basis: None anticipated.

(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: No increase in fees or funding anticipated.

(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.

(10) TIERING: Is tiering applied? Tiering was not applied as this administrative regulation applies to all area technology centers 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 156.802(3), KRS 156.852, KRS 158.150

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.802(3) authorizes the Kentucky Department of Education to have responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. KRS 156.852 authorizes the Kentucky Board of Education to promulgate administrative regulations to implement career and technical education in Kentucky. KRS 158.150 establishes the grounds and procedures for discipline from the state's common schools.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Education (KBE), the Kentucky Department of Education (KDE), the Office of Career and Technical Education (OCTE), and state-operated area technology centers.

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

1. Expenditures:
For the first year: None anticipated
For subsequent years: None anticipated
2. Revenues:
For the first year: None anticipated
For subsequent years: None anticipated
3. Cost Savings:
For the first year: None anticipated
For subsequent years: None anticipated

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

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

1. Expenditures:
For the first year: None anticipated
For subsequent years: None anticipated
2. Revenues:
For the first year: None anticipated
For subsequent years: None anticipated
3. Cost Savings:
For the first year: None anticipated
For subsequent years: None anticipated

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

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

1. Expenditures:
For the first year: Not applicable
For subsequent years: Not applicable
2. Revenues:
For the first year: Not applicable
For subsequent years: Not applicable
3. Cost Savings:
For the first year: Not applicable
For subsequent years: Not applicable

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

(a) Fiscal impact of this administrative regulation: No anticipated fiscal impact

(b) Methodology and resources used to reach this conclusion: This administrative regulation establishes the procedure for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons following the grounds and procedures established in KRS 158.150 for the common schools. No expenditures, revenues, or cost savings are associated with this administrative regulation.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No major economic impact anticipated on state or local regulated entities.

(b) The methodology and resources used to reach this conclusion: This administrative regulation establishes the procedure for the suspension and expulsion of students from Kentucky TECH schools for disciplinary reasons following the grounds and procedures established in KRS 158.150 for the common schools.

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 Support
(Amendment)

907 KAR 1:025. Payment for services provided by an intermediate care facility for individuals with an intellectual disability, a dually-licensed pediatric facility, an institution for mental diseases, or a nursing facility with an all-inclusive rate unit.

RELATES TO: KRS 142.363, 202B.010, 42 C.F.R. 413.9, 413.17, 413.85, 413.90, 413.94, 413.98, 413.106, 413.153, 435.1010, 447.204, 447.272, 483.10, 42 U.S.C. 1395x, 1396a, 1396d

STATUTORY AUTHORITY: KRS 142.363(3), 194A.030(2), 194A.050(1), 205.520(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services has 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 method for determining amounts payable by the Medicaid Program for nursing facility services provided by an intermediate care facility for individuals with an intellectual disability, a dually-licensed pediatric facility, an institution for mental diseases, or a nursing facility with an all-inclusive rate unit.

Section 1. Definitions.

(1) "Allowable cost" means that portion of a facility's cost that is allowed by the department in establishing the reimbursement rate.

(2) "Calculated rate" means the rate effective July 1, 1999 and each July 1 thereafter for:

(a) An intermediate care facility for individuals with an intellectual disability (ICF-IID); or

(b) A nursing facility certified as:

1. A dually-licensed pediatric facility; or

2. An institution for mental diseases.

(3) "Cost-based facility" means a facility that:

(a) The department reimburses for all allowable costs; and

(b) Is either:

1. A dually-licensed pediatric facility;

2. An intermediate care facility for individuals with an intellectual disability; or

3. An institution for mental diseases.

(4) "Cost report" means Cost-based Facility Reimbursement Cost Report Instructions and Cost-based Facility Reimbursement Cost Report.

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

(6) "Dually-licensed pediatric facility" means any facility providing both high intensity and low intensity nursing facility services to:

(a) Children under age twenty-one (21);

(b) Residents who were admitted to the facility prior to reaching the age of twenty-one (21) and who remain as residents in the facility after reaching the age of twenty-one (21); or

(c) Residents who were admitted to the facility prior to reaching the age of twenty-one (21) and who were discharged to a different facility and who, but for being older than twenty-one (21), continue to meet the level of care of the dually-licensed pediatric facility.

(7) "IHS Markit Index" means an indication of changes in health care costs from year to year developed by IHS Markit, or its successor organization.

(8) "Institution for mental diseases" or "IMD" is defined by 42 C.F.R. 435.1010.

(9) "Intermediate care facility for individuals with an intellectual disability" or "ICF-IID" is defined by KRS 202B.010(10).

(10) "Nursing facility" or "NF" means that:

(a) The state survey agency has:

1. Granted an NF license to the facility; and

2. Recommended the NF to the department for certification as a Medicaid provider; and

(b) The department has granted certification for Medicaid participation to the NF.

(11) "Nursing facility with an all-inclusive rate unit" means:

(a) A nursing facility with a distinct part ventilator unit; or

(b) A nursing facility with a distinct part brain injury unit.

(12) "Occupancy factor" means a percentage representing:

(a) A facility's actual occupancy level; or

(b) A minimum occupancy level assigned to a facility if its occupancy level is below the minimum level established in Section 3(17) of this administrative regulation.

(13) "Prospective rate" means a payment rate for routine services based on allowable costs and other factors that, except as specified in Section 3 of this administrative regulation, shall not be retroactively adjusted, either in favor of the facility or the department.

(14) "Routine services" means services covered by the Medicaid Program pursuant to 42 C.F.R. 483.10(f)(11)(i).

(15) "State survey agency" means the Cabinet for Health and Family Services, Office of Inspector General, Division of Health Care.

(16) "Upper payment limit" means the aggregate payment amount as described in 42 C.F.R. 447.272 for inpatient services furnished by state-owned or operated ICF-IIDs.

Section 2. Certified Bed Requirements. Except for an intermediate care facility for individuals with an intellectual disability or a nursing facility with an all-inclusive rate unit, a facility that provides services pursuant to this administrative regulation and desires to participate in the Medicaid Program shall comply with the following requirements:

(1) If the facility has less than ten (10) beds, all of its beds shall participate in the Medicare Program; or

(2) If the facility has ten (10) or more beds, the facility shall have the greater of:

(a) Ten (10) of its Medicaid-certified beds participating in the Medicare Program; or

(b) Twenty (20) percent of its Medicaid-certified beds participating in the Medicare Program.

Section 3. Payment System for a Cost-based Facility. The department's reimbursement system shall include the specific policies, components, or principles established in this section.

(1)

(a) Except as specified in this section, prospective payment rates for routine services shall:

1. Be set by the department on a facility-specific basis; and

2. Not be subject to retroactive adjustment.

(b) Prospective rates shall be determined on a cost basis annually, and may be revised on an interim basis by the department.

(c) An adjustment to a prospective rate (subject to the maximum payment for that type of facility) shall be considered if:

1. The facility's increased costs are attributable to:

a. A governmentally imposed minimum wage increase, staffing ratio increase, or level of service increase; and

b. The increase was not included in the IHS Markit Index;

2. A new licensure requirement or new interpretation of an existing requirement by the appropriate governmental agency as issued in an administrative regulation results in changes that affect all facilities within the class; or

3. The facility experiences a governmentally-imposed displacement of residents.

(d)

1. The amount of any prospective rate adjustment resulting from a governmentally-imposed minimum wage increase or licensure requirement change or interpretation as cited in paragraph (c)2. of this subsection shall not exceed the amount by which the cost

increase resulting directly from the governmental action exceeds on an annualized basis the inflation allowance amount included in the prospective rate for the general cost area in which the increase occurs. For purposes of this determination, costs shall be classified into the following two (2) general areas:

a. Salaries; and

b. Other.

2. The effective date of an interim rate adjustment shall be the first day of the month in which the adjustment is requested or in which the cost increase occurred, whichever is later.

(2)

(a) The state shall set a uniform rate year for a cost-based facility (July 1 - June 30) by taking the latest available cost data available as of May 16 of each year and trending the facility costs to July 1 of the rate year. If the latest available cost report data has not been audited or desk-reviewed prior to rate setting for the universal year beginning July 1, a prospective rate based on a cost report that has not been audited or desk-reviewed shall be subject to adjustment when the audit or desk review is completed.

(b) Partial year or budget cost data shall be used if a full year's data is unavailable. Unaudited reports shall be subject to an adjustment to the audited amount.

(c) Other factors relating to costs.

1. If the department has made a separate rate adjustment as compensation to a facility for a minimum wage update, the department shall:

a. Not pay the facility twice for the same costs; and

b. Adjust downward the trending and indexing factors to the extent necessary to remove from the factors costs relating to the minimum wage updates already provided for by the separate rate adjustment.

2. If the trending and indexing factors include costs related to a minimum wage increase:

a. The department shall not make a separate rate adjustment; and

b. The minimum wage costs shall not be deleted from the trending and indexing factors.

3. The maximum payment amounts for the prospective universal rate year shall be adjusted each July 1 so that the maximum payment amount in effect for the rate year shall be related to the cost reports used in setting the facility rates for the rate year.

4. For purposes of administrative ease in computations, normal rounding shall be used in establishing the maximum payment amount, with the maximum payment amount rounded to the nearest five (5) cents.

(3)

(a) Except as provided in paragraph (b) of this subsection, interest expense used in setting a prospective rate shall be an allowable cost if permitted pursuant to 42 C.F.R. 413.153 and if the interest expense:

1. Represents interest on:

a. Long term debt existing at the time the provider enters the program; or

b. New long-term debt, if the proceeds are used to purchase fixed assets relating to the provision of the appropriate level of care.

(i) If the debt is subject to variable interest rates found in balloon-type financing, renegotiated interest rates shall be allowable; and

(ii) The form of indebtedness may include mortgages, bonds, notes, and debentures if the principal is to be repaid over a period in excess of one (1) year; or

2. Is for working capital and operating needs that directly relate to providing patient care. The form of indebtedness may include notes, advances, and various types of receivable financing.

(b) Interest on a principal amount used to purchase goodwill or other intangible assets shall not be considered an allowable cost.

(4) The allowable cost for a service or good purchased by a facility from a related organization shall be the cost to the related organization, unless it is demonstrated that the related organization is equivalent to a second party supplier.

(a) Except as provided in paragraph (b) of this subsection, an organization shall be considered a related organization if an individual possesses five (5) percent or more of ownership or equity in the facility and the supplying business.

(b) An organization shall not be considered a related organization if fifty-one (51) percent or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(5)

(a) Except as provided in paragraph (b) of this subsection, the amount allowable for leasing costs shall not exceed the amount that would be allowable based on the computation of historical costs.

(b) The department shall determine the allowable costs of an arrangement based on the costs of the original lease agreement if:

1. A cost-based facility entered into a lease arrangement as an intermediate care facility prior to April 22, 1976;

2. An intermediate care facility for individuals with an intellectual disability entered into a lease arrangement prior to February 23, 1977; or

3. A nursing facility entered into a lease arrangement as a skilled nursing facility prior to December 1, 1979.

(6) A cost shall be allowable and eligible for reimbursement if the cost is:

(a) Reflective of the provider's actual expenses of providing a service; and

(b) Related to Medicaid patient care pursuant to 42 C.F.R. 413.9.

(7) The following costs shall be allowable:

(a) Costs to related organizations pursuant to 42 C.F.R. 413.17;

(b) Costs of educational activities pursuant to 42 C.F.R. 413.85;

(c) Research costs pursuant to 42 C.F.R. 413.90;

(d) Value of services of nonpaid workers pursuant to 42 C.F.R. 413.94;

(e) Purchase discounts and allowances, and refunds of expenses pursuant to 42 C.F.R. 413.98;

(f) Depreciation on buildings and equipment if a cost is:

1. Identifiable and recorded in the provider's accounting records;

2. Based on historical cost of the asset or, if donated, the fair market value; or

3. Prorated over the estimated useful life of the asset using the straight-line method;

(g) Interest on current and capital indebtedness; or

(h) Professional costs of services of full-time or regular part-time employees not to exceed what a prudent buyer would pay for comparable services.

(8) The following shall not be allowable costs:

(a) The value of services provided by nonpaid members of an organization if there is an agreement with the provider to furnish the services at no cost;

(b) Political contributions;

(c) Legal fees for unsuccessful lawsuits against the Cabinet for Health and Family Services;

(d) Travel and associated costs outside the Commonwealth of Kentucky to conventions, meetings, assemblies, conferences, or any related activities that are not related to NF training or educational purposes; or

(e) Costs related to lobbying.

(9) To determine the gain or loss on the sale of a facility for purposes of determining a purchaser's cost basis in relation to depreciation and interest costs, the methods established in this subsection shall be used for changes of ownership occurring before July 18, 1984.

(a)

1. The actual gain on the sale of the facility shall be determined; and

2. There shall be added to the seller's depreciated basis two-thirds (2/3) of one (1) percent of the gain for each month of ownership since the date of acquisition of the facility by the seller to arrive at the purchaser's cost basis.

(b) Gain shall be the amount in excess of a seller's depreciated basis as computed under program policies at the time of a sale, excluding the value of goodwill included in the purchase price.

(c) A sale shall be any bona fide transfer of legal ownership from an owner to a new owner for reasonable compensation, which shall usually be fair market value. A lease purchase agreement or other similar arrangement that does not result in a transfer of legal

ownership from the original owner to the new owner shall not be considered a sale until legal ownership of the property is transferred.

(d) If an enforceable agreement for a change of ownership was entered into prior to July 18, 1984, the purchaser's cost basis shall be determined pursuant to paragraphs (a) through (c) of this subsection.

(10) Valuation of capital assets.

(a) An increase in valuation in relation to depreciation and interest costs shall not be allowed for a change of ownership occurring after July 18, 1984 and before October 1, 1985.

(b) For a bona fide change of ownership entered into on or after October 1, 1985, the depreciation and interest costs shall be increased in valuation in accordance with 42 U.S.C. 1395x(v)(1)(O)(i).

(11)

(a) A facility shall maintain and make available any records and data necessary to justify and document:

1. Costs to the facility; and

2. Services performed by the facility.

(b) The department shall have unlimited on-site access to all of a facility's fiscal and service records for the purpose of:

1. Accounting;

2. Auditing;

3. Medical review;

4. Utilization control; and

5. Program planning.

(12) The requirements established in this subsection shall apply to an annual cost report.

(a) A year-end cost report shall contain information relating to prior year cost, and shall be used in establishing prospective rates and setting ancillary reimbursement amounts.

(b) A new item or expansion representing a departure from current service levels for which the facility requests prior approval by the department shall be so indicated with a description and rationale as a supplement to the cost report.

(c) Department approval or rejection of a projection or expansion shall be made on a prospective basis in the context that, if an expansion and related costs are approved, they shall be considered when actually incurred as an allowable cost. Rejection of an item or costs shall represent notice that the costs shall not be considered as part of the cost basis for reimbursement. Unless otherwise specified, approval shall relate to the substance and intent rather than the cost projection.

(d) If a request for prior approval of a projection or expansion is made, absence of a response by the department shall not be construed as approval of the item or expansion.

(13)

(a) The department shall perform a desk review of each year-end cost report and ancillary service cost to determine the necessity for and scope of an audit in relation to routine and ancillary service cost.

(b) If a field audit is not determined to be necessary, the cost report shall be settled without an audit.

(c) A desk review or field audit shall be used for purposes of verifying cost to be used in setting the prospective rate or for purposes of adjusting prospective rates that have been set based on unaudited data.

(d) Audits may be conducted annually or at less frequent intervals.

(14) A year-end adjustment of the prospective rate and a retroactive cost settlement shall be made if:

(a) An incorrect payment has been made due to a computational error (other than an omission of cost data) discovered in the cost basis or establishment of the prospective rate;

(b) An incorrect payment has been made due to a misrepresentation on the part of a facility (whether intentional or unintentional);

(c) A facility is sold and the funded depreciation account is not transferred to the purchaser; or

(d) The prospective rate has been set based on unaudited cost reports and the prospective rate is to be adjusted based on audited reports with the appropriate cost settlement made to adjust the unaudited prospective payment amounts to the correct audited prospective payment amounts.

(15) A facility shall provide the services mandated in 42 C.F.R. 483.10(f)(11)(i).

(16) A facility shall submit to the department the data required for determining the prospective rate no later than sixty (60) days following the close of the facility's fiscal year. This time limit may be extended at the specific request of the facility with the department's concurrence.

(17) Allowable prior year cost, trended to the beginning of the rate year and indexed for inflation, shall be subject to adjustment based on a comparison of costs with a non-state, privately-owned facility's occupancy factor.

(a) An occupancy factor shall not be less than actual bed occupancy, except that it shall not exceed ninety-eight (98) percent of certified bed days (or ninety-eight (98) percent of actual bed usage days, if more, based on prior year utilization rates).

(b) A minimum occupancy factor shall be ninety (90) percent of certified bed days for a nonstate, privately-owned facility with less than ninety (90) percent certified bed occupancy.

(c) The department may impose a lower occupancy factor for a newly constructed or newly participating nonstate, privately-owned facility, or for an existing nonstate, privately-owned facility suffering a patient census decline as a result of a newly constructed or opened competing facility serving the same area.

(d) The department may impose a lower occupancy factor during the first two (2) full fiscal years an existing cost-based nonstate, privately-owned facility participates in the program under this payment system.

(18) A provider tax on a cost-based facility shall be considered an allowable cost.

(19) All other costs shall be:

(a) Other care-related costs;

(b) Other operating costs;

(c) Capital costs; or

(d) Indirect ancillary costs.

(20) Basic per diem costs for each major cost category (nursing services costs and all other costs) shall be the calculated rate arrived at after otherwise allowable costs are trended and adjusted in accordance with the:

(a) IHS Markit Index inflation factor; and

(b) Occupancy factor for a nonstate, privately owned facility.

(21) Maximum allowable costs shall be the maximum amount that may be allowed to a facility as reasonable cost for the provision of a supply or service while complying with limitations expressed in related federal or state administrative regulations.

(22) Nursing services costs shall be the direct costs associated with nursing services.

(23) State-owned or operated ICF-IID reimbursement for noncapital routine services shall be subject to an upper payment limit. The upper payment limit shall:

(a) Be an aggregate limit on ICF-IID reimbursement paid by the department;

(b) Equal 112 percent of the average of aggregate cost for a state fiscal year;

(c) Be revised annually by the IHS Markit Index using the most recent full year of Medicaid paid days;

(d) Not be rebased more frequently than every three (3) years; and

(e) Use as its base year the State Fiscal Year 2005.

(24) The department shall retroactively cost settle state-owned or operated ICF-IID reimbursement for non-capital routine services beginning with the cost report period November 1, 2005 through June 30, 2006, as mandated by the Centers for Medicare and Medicaid Services in accordance with 42 U.S.C. 1396a(a)(30). Retroactive settlement shall entail:

(a) Comparing interim payments with the properly apportioned cost of Medicaid services rendered. Cost report data shall be used to determine properly apportioned costs;

(b) A tentative cost report settlement based upon:

1. Eighty (80) percent of any amount due the facility after a preliminary review is performed; or

2. 100 percent settlement of any liability due the department; and

(c) A final cost report settlement after the allowed billing period has elapsed for the dates of service identified within the cost report.

(25) The department, regarding state-owned or operated ICF-IID reimbursement for noncapital routine services, shall:

(a) Use projected data in order to approximate as closely as possible an interim rate expected to correspond to post-settlement cost; and

(b) Adjust interim rates up or down if necessary to approximate a rate corresponding as close as possible to anticipated post-settlement cost.

Section 4. Prospective Rate Computation for a Cost-based Facility. The prospective rate for a cost-based facility shall reflect:

(1) The adjusted allowable cost for the facility; and

(2) Except for a state-owned or operated facility, the facility's occupancy factor. A state-owned or operated facility's occupancy factor shall not be factored into the facility's prospective rate.

Section 5. Ancillary Services.

(1) Except for an intermediate care facility for individuals with an intellectual disability, an ancillary service shall be a direct service for which a charge is customarily billed separately from a per diem rate including:

(a) Ancillary services pursuant to 907 KAR 1:023; or

(b) Laboratory procedures or x-rays if ordered by a:

1. Physician;

2. An advanced practice registered nurse (APRN) if the laboratory test or x-ray is within the scope of the APRN's practice; or

3. Physician assistant if:

a. Authorized by the supervising physician; and

b. The laboratory test or x-ray is within the scope of the physician assistant's practice.

(2) For an intermediate care facility for individuals with an intellectual disability, an ancillary service shall be a direct service for which a charge is customarily billed separately from a per diem rate including:

(a) Ancillary services pursuant to 907 KAR 1:023;

(b) Laboratory procedures or x-rays if ordered by a:

1. Physician;

2. An APRN if the laboratory test or x-ray is within the scope of the APRN's practice; or

3. Physician assistant if:

a. Authorized by the supervising physician; and

b. The laboratory test or x-ray is within the scope of the physician assistant's practice; or

(c) Psychological or psychiatric therapy.

(3) Ancillary service.

(a) Reimbursement shall be subject to a year-end audit, retroactive adjustment, and final settlement.

(b) Costs shall be subject to allowable cost limits pursuant to 42 C.F.R. 413.106.

(4) For ancillary services, the department shall utilize an NF's prior year cost-to-charge ratio, based on the prior year's cost report as of May 31, as the percentage to be used for interim reimbursement purposes for the following year. (For example, if an NF's cost-to-charge ratio for SFY 2001 is seventy-five (75) percent, the department shall reimburse the NF, on an interim basis, seventy-five (75) percent of billed charges for SFY 2002.)

(5) An NF without a prior year cost report may submit to the department a percentage to be used for interim reimbursement purposes for ancillary services.

(6) If an NF has been reimbursed for ancillary services at an interim percentage above its allowable cost-to-charge ratio for a given year, the department shall decrease the interim percentage for the following year by no more than twenty-five (25) percentage points unless:

(a) A retroactive adjustment of an NF's reimbursement for the prior year reveals an overpayment by the department exceeding twenty-five (25) percent of billed charges; or

(b) An evaluation of an NF's current billed charges indicates that the NF's charges exceed, by greater than twenty-five (25) percent, average billed charges for other comparable facilities serving the same area.

Section 6. Reimbursement for a Nursing Facility With a Distinct Part Ventilator Unit.

(1)

(a) Except as provided by paragraph (b) of this subsection, a nursing facility with a distinct part ventilator unit shall be paid at an all-inclusive fixed rate for services provided in the distinct part ventilator unit.

(b) The all-inclusive fixed rate required by paragraph (a) of this subsection shall not include payment for drugs, which shall be reimbursed through the pharmacy program established in 907 KAR Chapter 23.

(2) A distinct part ventilator unit shall:

(a) Have a minimum of twenty (20) beds;

(b) Maintain a census of fifteen (15) patients; and

(c) Base the patient census upon:

1. The quarter preceding the beginning of the rate year; or

2. The quarter preceding the quarter for which certification is requested if the facility did not qualify for participation as a distinct part ventilator unit at the beginning of the rate year.

(3)

(a) The fixed rate for a hospital-based facility with a distinct part ventilator unit with fewer than 100 beds, or any hospital-based facility that does not meet the criteria specified pursuant to paragraph (b) of this subsection shall be $1,013.41[~~$583.82~~] per day effective as of July 1, 2026[~~for SFY~~][~~2006~~], and shall be increased or decreased pursuant to subsection (4) of this section.

(b) The fixed rate for a hospital-based facility with a distinct part ventilator unit with more than 100 beds and a dedicated pediatric unit with twelve (12) or more beds shall be $1,220.00 per day, effective July 1, 2026.

(c) The department shall reimburse a freestanding facility:

1. A fixed rate of $550.78[~~$317.29~~] per day effective beginning as of July 1, 2026[~~for SFY 2006~~], and shall be increased or decreased pursuant to subsection (4) of this section; and

2. An add-on to the fixed rate in accordance with KRS 142.363.

(4) The fixed rates established in subsection (3) of this section shall be increased or decreased based on the IHS Markit Index rate of inflation indicator for the nursing facility services for each rate year.

(5) Costs of a distinct part ventilator unit in a nursing facility shall be excluded from allowable costs for purposes of rate setting and settlement of cost-based nursing facility cost reports.

Section 7. Reimbursement for a Nursing Facility with a Distinct Part Brain Injury Unit.

(1) In order to participate in the Medicaid Program as a brain injury provider, a nursing facility with a distinct part brain injury unit shall:

(a) Be Medicare and Medicaid certified;

(b) Designate as a brain injury unit at least ten (10) certified beds that are physically contiguous and identifiable;

(c) After the first year of participation, be accredited by:

1. The Commission on Accreditation of Rehabilitation Facilities (CARF); or

2. The Joint Commission; and

(d) Establish written policies regarding administration and operations, the facility's governing authority, quality assurance, and program evaluation.

(2)

(a) Except as provided in subsection (3) of this section and paragraph (b) of this subsection, a nursing facility with a distinct part brain injury unit providing preauthorized specialized rehabilitation services for persons with brain injuries shall be paid at an all-inclusive fixed rate, which shall be set at $530 per diem for services provided in the brain injury unit.

(b) The all-inclusive fixed rate required by paragraph (a) of this subsection shall not include payment for drugs, which shall be reimbursed through the pharmacy program established in 907 KAR Chapter 23.

(3)

(a) Except as provided by paragraph (b) of this subsection, a facility providing preauthorized specialized rehabilitation services for persons with brain injuries with rehabilitation complicated by neurobehavioral sequelae shall be paid an all-inclusive negotiated

rate, which shall not exceed the facility's usual and customary charges.

(b) The all-inclusive fixed rate required by paragraph (a) of this subsection shall not include payment for drugs, which shall be reimbursed through the pharmacy program established in 907 KAR Chapter 23.

(c) The negotiated rate established pursuant to paragraph (a) of this subsection shall be:

1. A minimum of the approved rate for a Medicaid certified brain injury unit;

2. A maximum of the lesser of the average rate paid by all payers for this service; or

3. The facility's usual and customary charges.

Section 8. Appeal Rights. A participating facility may appeal department decisions as to the application of this administrative regulation as it impacts the facility's reimbursement in accordance with 907 KAR 1:671, Sections 8 and 9.

Section 9. Reimbursement for Required Services Under the Preadmission Screening Resident Review (PASRR) for a Nursing Facility with a Distinct Part Ventilator Unit, a Nursing Facility with a Distinct Part Brain Injury Unit, an IMD, or a Dually-licensed Pediatric Facility.

(1) Prior to an admission of an individual, a facility shall conduct a level I PASRR in accordance with 907 KAR 1:755, Section 4.

(2) The department shall reimburse a facility for a covered service delivered to an individual if the facility complies with the requirements of 907 KAR 1:755.

(3) Failure to comply with 907 KAR 1:755 may be grounds for termination of a facility's participation in the Medicaid Program.

Section 10. Reimbursement Provisions.

(1) Each of the following types of facilities participating in the Medicaid Program shall be reimbursed in accordance with this administrative regulation:

(a) A nursing facility with a distinct part brain injury unit;

(b) A nursing facility with a distinct part ventilator unit;

(c) A nursing facility designated as an institution for mental diseases;

(d) A dually-licensed pediatric facility; or

(e) An intermediate care facility for individuals with an intellectual disability.

(2) A payment made to a facility governed by this administrative regulation shall:

(a) Be made in accordance with the requirements established in 907 KAR 1:022; and

(b) Be subject to the limits established in 42 C.F.R. 447.272.

Section 11. Supplemental Payments to Dually-licensed Pediatric Facilities.

(1) Beginning July 1, 2002 and annually thereafter, the department shall establish a pool of $550,000 to be distributed to facilities qualifying for supplemental payments in accordance with subsection (2) of this section.

(2) Based upon its pro rata share of Medicaid patient days compared to total patient days of all qualifying facilities, a dually-licensed pediatric facility shall qualify for a supplemental payment if:

(a) Funding is available; and

(b) The facility:

1. Is located within the Commonwealth of Kentucky;

2. Has a Medicaid occupancy rate at or above eighty-five (85) percent;

3. Only provides services to:

a. Children under age twenty-one (21); and

b. Residents who were admitted to the facility prior to reaching the age of twenty-one (21) and who remain as residents in the facility after reaching the age of twenty-one (21); or

c. Residents who were admitted to the facility prior to reaching the age of twenty-one (21) and who were discharged to a different facility and who, but for being older than twenty-one (21), continue to meet the level of care of the dually-licensed pediatric facility; and

4. Has forty (40) or more licensed beds.

(3) A supplemental payment to a facility meeting the criteria established in subsection (2) of this section shall:

(a) Apply to services provided on or after July 1, 2002;

(b) Be made on a quarterly basis; and

(c) Not be subject to the cost settlement provisions established in Section 3 of this administrative regulation.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Cost-based Facility Reimbursement Cost Report Instructions", April 2000 Edition; and

(b) "Cost-based Facility Reimbursement Cost Report", April 2000 Edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law:

(a) At the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m., or Eastern Time / 7 a.m. to 3:30 p.m. Central Time; or

(b) Online at the department's Web site located at https://www.chfs.ky.gov/agencies/dms/dpo/bpb/Pages/nursingfacilities.aspx.

LISA D. LEE, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: October 15, 2026

FILED WITH LRC: October 15, 2026 at 11:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 21, 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 December 14, 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 December 31, 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: Jonathan Scott, Krista Quarles, Phone Number: (502) 564-4321, ext. 2015, (502) 564-7476, Email: jonathant.scott@ky.gov, CHFSregs@ky.gov

Subject Headings: Medicaid, Health and Medical Services, Disability and Disabilities, Mental Disability

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the method for determining amounts payable by the Medicaid program for nursing facility services provided by an intermediate care facility for individuals with an intellectual disability, a dual licensed pediatric facility, an institution for mental diseases, or a nursing facility with an all-inclusive rate unit.

(b) The necessity of this administrative regulation: The administrative regulation is necessary to establish the Department for Medicaid Services' reimbursement provisions and requirements for institutional facilities that are reimbursed on a cost basis.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation conforms to the

content of the authorizing statutes by establishing the Department for Medicaid Services' reimbursement provisions and requirements for institutional facilities that are reimbursed on a cost basis.

(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 Department for Medicaid Services' reimbursement provisions and requirements for institutional facilities that are reimbursed on a cost basis.

(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 addresses nursing homes and hospitals with a distinct part ventilator unit. With this amendment and approval of a state plan amendment an increased rate of $1220 per day will be instituted.

(b) The necessity of the amendment to this administrative regulation: The amendments to this administrative regulation are necessary to increase hospital based distinct part unit ventilator reimbursement following the passage of 2026 HB 500.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by implementing legislative directive to increase the reimbursement for distinct part ventilator units.

(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 implementing a state legislature budget directive to implement increased ventilator unit reimbursement.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? 2026 HB 500 RS.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Distinct part ventilator units located in hospitals.

(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: Entities will need to provide covered services to ventilator dependent recipients located in the distinct part ventilator unit.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No cost is imposed by the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Enhanced reimbursement for distinct part ventilator units. (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: The department anticipates no additional costs in implementing this administrative regulation.

(b) On a continuing basis: The department anticipates no additional costs on a continuing basis in implementing this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Federal funds authorized under the Social Security Act, Title XIX and state matching funds from general fund and restricted fund appropriations are utilized to fund 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: Neither an increase in fees nor funding is necessary to implement the amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment neither establishes nor increases any fees.

(10) TIERING: Is tiering applied? Tiering is not applied as the requirements established herein apply to all 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 205.520 and 42 C.F.R. 447.204.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Health and Family Services, Department for Medicaid Services is the promulgating agency.

(a) Estimate the following for the first year:

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

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

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

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

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): DMS does not expect that local entities will be impacted by this regulation.

(a) Estimate the following for the first year:

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

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

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

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

(4) Identify additional regulated entities not listed in questions (2) or (3):

(a) Estimate the following for the first year:

Expenditures: The department does not anticipate additional expenditures for regulated entities.

Revenues: The department does not anticipate additional revenues for regulated entities.

Cost Savings: The department does not anticipate cost savings for the providers who are billing.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect expenditures, revenues, or cost savings for other entities as a result of this regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation will raise the per diem reimbursement for a specific type of hospital with a distinct part ventilator unit with more than 100 beds and a dedicated pediatric unit with twelve (12) or more beds to $1,220 per day. The previous reimbursement for this type of facility was determined by a review of the IHS Markit Basket and was $981.99 for the most recent fiscal year. Therefore, the daily rate for the specific type of hospital has increased by $238.01 per patient per day.

(b) Methodology and resources used to determine the fiscal impact: Departmental review of legislative mandate and existing reimbursement.

(6) Explain:

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

(b) The methodology and resources used to reach this conclusion: The amount of funding involved in this program is not enough to create a major economic impact to an entity identified in questions (2) – (4).

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. 1396a(a)(30)(A), 42 U.S.C. 1396a(a)(13)(A), and 42 C.F.R. 447.204.

(2) State compliance standards. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with a requirement that may be imposed or opportunity presented by federal law for the

provision of medical assistance to Kentucky's indigent citizenry.

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S. C. 1396a(a)(30)(A) requires a state's Medicaid program to "provide such methods and procedures relating to the utilization of, and the payment for, care and services available under the plan (including but not limited to utilization review plans as provided for in section 1396b(i)(4) of this title) as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area." 42 U.S.C. 1396a(a)(13)(A) requires "a public process for determination of rates of payment" for nursing facility services and services for intermediate care facilities for individuals with an intellectual disability. 42 C.F.R. 447.204 requires Medicaid programs' reimbursement to be "sufficient to enlist enough providers so that services under the plan are available to beneficiaries at least to the extent that those services are available to the general population."

(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 set stricter requirements.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Neither stricter nor additional standards nor responsibilities are imposed.

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 Behavioral Health, Developmental and Intellectual Disabilities
Division of Behavioral Health
(Amendment)

908 KAR 3:060. "Means test" for determining patient liability and per diem rates.

RELATES TO: KRS Chapter 13B, 210.710 to 210.760, 42 U.S.C. 9902(2)[~~210.720, 210.730~~]

STATUTORY AUTHORITY: KRS[~~194A.050, 210.710(4),~~] 210.720(2), 210.720(3), 210.750

NECESSITY, FUNCTION, AND CONFORMITY: [~~KRS 194A.050 requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet.~~] KRS 210.720(2) requires the secretary of the Cabinet for Health and Family Services to establish the patient cost per day for board, maintenance, and treatment for state owned facilities at frequent intervals which shall be the uniform charge for persons receiving those services. KRS 210.750 authorizes the secretary to promulgate administrative regulations to carry out the provisions of KRS 210.710 to 210.760. KRS[~~210.710(4) and~~] 210.720(3) requires[~~require~~] the secretary to adopt a "Means test" for determining the ability to pay of the patient or person responsible for the patient for board, maintenance, and treatment at a facility owned by the state. This administrative regulation establishes the "Means test" for making that determination and establishes the patient cost per day for board, maintenance, and treatment at state owned facilities.

Section 1. Definitions.

(1) "Allowed deduction" means an amount disregarded or deducted from income and assets for the purpose of determining the ability to pay for services rendered by a facility.

(2) "Available assets" means resources of the patient or person responsible for the patient in accordance with KRS 210.720(3), less the allowed deductions.

(3) "Deductible" means an amount that a patient or person responsible for the patient is expected to pay toward the patient's care by a third-party payor such as Medicare or a private insurance company.

(4) "Facility" is defined by[~~in~~] KRS 210.710(2).

(5) "Income" means funds received by the patient or person responsible for the patient and includes the following:

(a) Salaries;

(b) Wages;

(c) Self-employed gross revenues, less operating expenses;

(d) Benefit payments, except for Supplemental Security Income payments;

(e) Social Security payments;

(f) Rents;

(g) Royalties;

(h) Pensions;

(i) Retirement payments;

(j) Veteran's Administration payments;

(k) Black lung benefits;

(l) Railroad retirement benefits;

(m) Gifts;

(n) Settlements;

(o) Trust receipts;

(p) Alimony, but does not include child support payments;

(q) Interest income; and

(r) Income from investments.

(6) "Patient" means a person admitted to a facility.

(7) "Person responsible for the patient" is defined by[~~in~~] KRS 210.710(5).

(8) "Personal needs allowance[~~Needs Allowance~~]" means an amount of resources deducted from income for the patient's personal needs, including clothing and other miscellaneous items required by the patient.

(9) "Poverty guidelines[~~Guidelines~~]" means the federal poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, under the authority of 42 U.S.C. 9902(2).

Section 2. Determination of the Ability to Pay for Services Rendered at Facilities.

(1) The facility shall apply the means test to each patient who is admitted to the facility for treatment.

(2)

(a) The means test shall include a determination of the responsible party or parties to pay for the patient's care, which shall be documented using the Patient or Responsible Party Financial Record form.

(b) This form shall be explained to the patient or person responsible for the patient and signed by all parties.

(c) If the patient or person responsible for the patient refuses to sign, this refusal shall be noted on the form along with the date the form was discussed.

(d) Refusal to sign the form shall not absolve the liability of the patient or person responsible for the patient to pay for services rendered.

(3) The amount a patient or person responsible for the patient is required to pay for services shall be the lesser of:

(a) The cost per patient day in accordance with Section 7 of this administrative regulation, less any amount paid by Medicare, Medicaid, and other third-party payment sources; or

(b) The amount the patient is able to pay calculated in accordance with this administrative regulation.

(4) The facility shall determine the financial resources available to the patient or person responsible for the patient, including:

(a) Insurance and third-party payors;

(b) Income received or expected to be received during the period of hospitalization; and

(c) Available assets.

(5) Allowed deductions shall be calculated as the patient and the number of the patient's dependents.

(a) A patient's legally-recognized spouse and each individual less than eighteen (18) years of age who is in the patient's care shall be classified as dependents for purposes of calculating the poverty guidelines.

(b) Allowed deductions for the patient plus the patient's dependents shall be as follows:

1. One (1) shall be $2,000;

2. Two (2) shall be $4,000; or

3. Three (3) or more shall be $4,000 plus fifty (50) dollars added for each additional member over the initial two (2).

(6) The following shall be allowed deductions from income:

(a) Federal income taxes;

(b) State income taxes;

(c) Social security taxes;

(d) Normal retirement contributions;

(e) Unpaid medical and dental bills;

(f) Health insurance premiums;

(g) Medicare Part B insurance premiums;

(h) Long-term care insurance premiums;

(i) A personal needs allowance of sixty (60)[~~forty (40)~~] dollars per month;

(j) Student loan payments;

(k) Bed-hold reservation costs at another facility for up to fourteen (14) days as long as the patient's stay is expected to be shorter than the reservation period;

(l) Child support payments;

(m) Life insurance premiums if the patient's estate or a funeral home is the named beneficiary on the policy; and

(n) A basic maintenance allowance, derived from the current Poverty Guidelines, for the size of the patient's family, if the following conditions are met:

1. The patient was maintaining a residence immediately prior to admission;

2. The residence will continue to be maintained during the period of hospitalization and resources of the patient are needed for this effort; and

3. Facility staff expects the patient's hospital stay to be three (3) months or less in duration.

(7) An estimated income tax related deduction of twenty-five (25) percent of total income shall be allowed instead of the actual wage taxes contained in subsection (6) of this section. A patient or person responsible for the patient may request that actual tax amounts be used instead of the estimated deduction, if the person can substantiate the actual tax amounts.

(8) The following shall be excluded from the calculation of available assets:

(a) Prepaid burial plans of up to $1,500 per family member;

(b) Automobiles;

(c) Housing structures;

(d) Land;

(e) Retirement accounts;

(f) Pension funds; and

(g) Trust funds that cannot be accessed;

(h) The applicable allowed deduction; and

(i) Other assets that are exempted under state law, if any.

Section 3. Calculation of the Amount the Patient or Person Responsible for the Patient is Able to Pay.

(1) The facility shall calculate the ability to pay amount utilizing either the Ability to Pay Worksheet or the Deductible Ability to Pay Worksheet as appropriate and by using the following formula:

(a) Determine the total amount of income of the patient or person responsible for the patient;

(b) Determine the amount of allowed deductions from income in accordance with Section 2(5)[~~and (6)~~] of this administrative regulation;

(c) Subtract the allowed deductions from income; and

(d) The remaining available income shall be divided by 365 to obtain the average daily income of the patient or person responsible for the patient.

(2) If the patient or person responsible for the patient has available assets, the facility shall:

(a) Determine the amount of available assets; and

(b) Include available assets that remain after the deduction in the patient or person responsible for the patient's ability to pay amount.

(3) Payments to be made on behalf of the patient by a third-party, such as Medicare, Medicaid, or private insurance companies, shall be subtracted from the facility's per diem rate as contained in Section 7 of this administrative regulation. Any remaining liability shall be satisfied as follows, with the exception of ability to pay amounts arising from deductibles:

(a) The available income of the patient or person responsible for the patient shall first be applied to the patient's liability for services;

(b) Any liability that remains after application of the average available income shall be satisfied by available assets; and

(c) The applicable average income per day and available asset amount per day shall be combined to determine the ability to pay amount. The ability to pay amount shall be charged for each day the patient is in the facility.

(4) Ability to pay liabilities arising from deductibles shall first be applied to available assets of the patient or person responsible for the patient with any remaining liability being satisfied with available income.

(5) If the Department for Medicaid Services performs an income assessment for a Medicaid patient residing in a nursing facility, intermediate care facility for an individual with an intellectual disability, or psychiatric hospital in accordance with 907 KAR 20:035, that Medicaid income assessment shall be relied upon instead of the ability to pay provisions established in this administrative regulation.

(6)

(a) After the ability to pay is determined for the patient or person responsible for the patient, a Patient or Responsible Party Financial Agreement and Assignment form shall be completed.

(b) This form shall be explained to the patient or person responsible for the patient and signed by all parties.

(c) If the patient or person responsible for the patient refuses to sign, this refusal shall be noted on the form including the date the form was discussed.

(d) Refusal to sign the form shall not absolve the liability of the patient or person responsible for the patient to pay for services rendered.

(7) The patient liability shall be calculated based on the United States Department of Health and Human Services poverty guidelines.

Section 4. Revisions to Ability to Pay Amounts.

(1) Facility staff shall update a patient's ability to pay amount to incorporate changes that take place subsequent to the initial determination. These changes may include:

(a) Income revisions;

(b) Asset revisions, including exhaustion of available assets;

(c) Change in allowed deductions;

(d) Change in a dependent of the patient or person responsible for the patient; or

(e) Change regarding the status of the person responsible for the patient.

(2) Upon a change to the ability to pay information, a revised Ability to Pay Worksheet or Deductible Ability to Pay Worksheet shall be prepared along with a revised Patient or Responsible Party Financial Record form and a revised Patient or Responsible Party Financial Agreement and Assignment form. The revised forms shall be presented to the patient or person responsible for the patient in the same manner as the original forms.

Section 5. Failure to Provide Financial Information or to Assign Benefits.

(1) If the patient or person responsible for the patient fails to or will not provide the information necessary to calculate the ability to pay amount, the maximum charge provided in Section 2(3)(a) of this administrative regulation shall be assessed.

(2) If the patient or person responsible for the patient fails to sign the assignment provision contained in the Patient or Responsible Party Financial Agreement and Assignment form, the maximum charge provided in Section 2(3)(a) of this administrative regulation shall be assessed.

Section 6. Payment Hardship, Appeal and Waiver Procedures.

(1) Payment hardships.

(a) If the patient or person responsible for the patient believes that payment of the ability to pay amount results in a financial hardship, the patient or person responsible for the patient may request to make installment payments.

(b) This request shall be made in writing to the facility's patient billing supervisor and shall include documentation to support the claimed hardship.

(c) The patient billing supervisor shall review the financial hardship request and render a payment plan decision within fifteen (15) days from the receipt of the hardship request. If there is financial hardship, the patient billing supervisor shall allow minimum monthly payments based on what the patient can reasonably afford.

(2) Appeals.

(a) If the patient or person responsible for the patient is aggrieved by the facility charges or a payment plan determined in accordance with this administrative regulation, that person may appeal the determination to the facility director or the facility director's designee for informal resolution within thirty (30) days of the ability to pay amount or payment plan being calculated.

(b) The facility director or the facility director's designee shall review the appeal and issue a determination within thirty (30) days of receipt.

(c) If the patient or person responsible for the patient is dissatisfied with the informal resolution, that person may file an appeal within thirty (30) days of the facility's response to the Director of the Division of Administration and Financial Management, Department for Behavioral Health, Developmental and Intellectual Disabilities, 275 E Main Street, Frankfort, Kentucky 40621. The director shall arrange for an administrative hearing in accordance with KRS Chapter 13B.

(d) The appeal request shall fully explain the patient's, or person responsible for the patient's, position and shall include all relevant documentation supporting the claim of financial hardship.

(3) Waivers.

(a) The director of each facility may waive payment of the facility's charges under this administrative regulation if waiver is in the best interest of all parties, based on the factors provided in paragraph (c) of this subsection.

(b) The Director of the Division of Administration and Financial Management shall have the authority to waive payment at any facility within the department if waiver is in the best interest of all parties, based on the factors provided in paragraph (c) of this subsection.

(c) When making a waiver determination, the following factors shall be considered:

1. Income;
2. Overall family debt;
3. Assets; and
4. Other information relating to the current financial situation of the patient or the person responsible for the patient.

Section 7. Per Diem Rates and separate charges.

(1) Facilities owned by the state shall charge:

(a) A[a] per diem rate for room and board established using the last available Behavioral Health, Developmental and Intellectual Disability (BHDID) annual finance report,[and a separate charge for each treatment service listed in subsection (3) of this section.]

[(2)] [The per diem rate for room and board for each facility shall be] calculated using the equations on the Kentucky Facility Per Diem Rate Form; and

(b) A separate charge for treatment services as indicated in subsection (3) and (4) of this section.

(2) Current per diem rates shall be posted on the department's website and at each facility.

(3) A separate charge shall be imposed if the following treatment services are provided at a Department for Behavioral Health, Developmental and Intellectual Disabilities facility:

(a) Physician's services;
(b) EEG;
(c) EKG;
(d) Occupational therapy;
(e) Physical therapy;
(f) X-ray;
(g) Laboratory;
(h) Speech therapy;
(i) Hearing therapy;
(j) Psychology;
(k) Pharmacy;
(l) Respiratory therapy;
(m) Anesthesia;
(n) Electroshock therapy;
(o) Physician assistant;
(p) Advanced practice registered nurse; and
(q) Outpatient clinic services.

(4) In accordance with KRS 210.040(4), if a patient needs or requires care, treatment, or service from an outside medical provider, eligible costs shall be paid by the facility and a separate charge for the outside medical expense may be billed to the patient.

Section 8. [Board, Maintenance, and Treatment Charges. The cost per day for board, maintenance, and treatment charges shall be established using the last available Behavioral Health, Developmental and Intellectual Disability (BHDID) annual finance report. Current rates shall be posted at http://dbhdid.ky.gov/kdbhdid and at each facility.]

[Section 9.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "DBHDID 3:060-1 Ability to Pay Worksheet", November 2016;

(b) "DBHDID 3:060-2 Deductible Ability to Pay Worksheet", November 2016;

(c) "DBHDID 3:060-3 Patient or Responsible Party Financial Agreement and Assignment", November 2016;

(d) "DBHDID 3:060-4 Patient or Responsible Party Financial Record", July 2026[November 2016]; and

(e) "Kentucky Facility Per Diem Rate Form", November 2016.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Behavioral Health, Developmental and Intellectual Disabilities, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time/7 a.m. through 3:30 p.m. Central Time. This material may also be viewed on the department's web site at https://dbhdid.ky.gov/dpi

908 KAR 3:060
KATHERINE R. MARKS, Ph. D., Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 28, 2026
FILED WITH LRC: October 14, 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 December 21, 2026, at 9:00 a.m. 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 December 14, 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 December 31, 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: Jessica Beaubien, Krista Quarles; Phone Number: (502) 564-4527, (502) 564-7476; Email: jessical.beaubien@ky.gov, CHFSregs@ky.gov

Subject Headings: Behavioral Health, Mental Health, Occupations and Professions, Substance Use

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 210.720(3) requires the secretary to adopt a "Means test" for determining the ability to pay of the patient or person responsible for the patient for board, maintenance, and treatment at a facility owned by the state. This administrative regulation establishes the "Means test" for making that determination and establishes the patient cost per day for board, maintenance, and treatment at state owned facilities.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the "Means test" for making that determination and establishes the patient cost per day for board, maintenance, and treatment at state owned facilities.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the authorizing statutes through fulfilling the requirements in KRS 210.720(2), 210.720(3), and 210.750.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists the effective administration of the statutes by establishing the "Means test" for making a determination of a patient's ability to pay and establishes the patient cost per day for board, maintenance, and treatment at state owned facilities. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

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

(a) How the amendment will change this existing administrative regulation: This amendment adds provisions from SB90 (2026) that allow the facilities to pay outside medical providers and to bill the patient for the expense.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure compliance with SB 90 (2026)

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the authorizing statutes by establishing the "Means test" for making a determination of a patient's ability to pay and establishes the patient cost per day for board, maintenance, and treatment at state owned facilities.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of statutes by allowing the facilities to bill patients for payments made on their behalf to outside medical providers.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this amendment addresses the provisions of SB 90 (2026).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are four (4) Intermediate Care Facilities (ICF's), three (3) state psychiatric hospitals, one (1) correctional psychiatric center, two (2) state nursing facilities, and approximately 840 patients.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: This administrative regulation adds a charge to patients for expenses incurred for the patient's outside medical care while admitted to the facility. The facilities will need to bill patients for these expenses.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost to the facilities will be the administrative costs of billing patients, this will be a minimal additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The facilities will have the ability to pay for a patient's outside medical expenses, as well as to bill the patient for those costs and potentially recoup the payment.

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

(a) Initially: The Department for Behavioral Health, Developmental, and Intellectual Disabilities estimates minimal cost to implement the proposed amendment.

(b) On a continuing basis: The Department for Behavioral Health, Developmental, and Intellectual Disabilities estimates it will have minimal 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: This administrative regulation and this amendment will be funded through 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: There is no increase in fees or funding as a result of the proposed amendment because there will be minimal additional costs to the facilities.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no new or increased fees as a result of the proposed amendment.

(10) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation will be applied in a like manner statewide.

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 210.720(2), 210.720(3), and 210.750.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Cabinet for Health and Family Services, Department for Behavioral Health, Developmental and Intellectual Disabilities. DBHDID ran facilities include four (4) Intermediate Care Facilities (ICF's), three (3) state psychiatric hospitals, one (1) correctional psychiatric center, two (2) state nursing facilities. No other state agency, unit, part, or division is affected.

(a) Estimate the following for the first year:

Expenditures: Minimal. Existing staff time for payment and billing is the only expenditure.

Revenues: The department expects some revenue from payment received from patients from the billing.

Cost Savings: Any revenue received from billing and receiving payment will offset the expenditure of paying for the outside medical expenses. (b) How will expenditures, revenues, or cost savings differ for subsequent years: They will not differ for subsequent years.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ for 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: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ for subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): None

(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?

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The overall fiscal impact of this administrative regulation is minimal.

(b) Methodology and resources used to determine the fiscal

impact: The department reviewed the current process and compared that to the new requirements.

(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 an overall negative or adverse major economic impact on the identified entities.

(b) The methodology and resources used to reach this conclusion: The department reviewed the current process and compared that with the new 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 Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 5:120. Vulnerable adult maltreatment registry and appeals.

RELATES TO: KRS 15.111(2)(g), 194A.060, Chapter 209, 216.2955, 216B.015(13), 324B.030, 42 U.S.C. 1320d - 1320d-9, 1397 - 1397e, 1397m-1

STATUTORY AUTHORITY: KRS 194A.050(1), 209.032(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to adopt all administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 209.032(5) requires the cabinet to promulgate administrative regulations necessary to implement a central registry of substantiated findings. This administrative regulation establishes the vulnerable adult maltreatment registry, due process prior to the addition of an individual to the registry, and error resolution for correction of the cabinet's records.

Section 1. Definitions.

(1) "Abuse" is defined by KRS 209.020(8).

(2) "Adult" is defined by KRS 209.020(4).

(3) "Cabinet" means the Cabinet for Health and Family Services.

(4) "Department" is defined by KRS 209.020(3).

(5) "Employee" is defined by KRS 209.032(1)(a).

(6) "Exploitation" is defined by KRS 209.020(9).

(7) "Good cause" means justification for failure to carry forward with a legal obligation related to an appeal, including:

(a) An appellant's inability to comprehend the cabinet's written statement describing appeal rights; or

(b) A cabinet-sanctioned determination that the appellant or the appellant's legal representative is not at fault for failure to:

1. Submit a written request for appeal; or

2. Participate in a proceeding related to an administrative hearing.

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

(9) "Investigation" is defined by KRS 209.020(10).

(10) "Near fatality" means an injury or condition, as certified by a physician, that places an adult in serious or critical condition.

(11) "Neglect" is defined by KRS 209.020(16).

(12) "Records" is defined by KRS 209.020(15).

(13) "Secure methodology" means the deployment of technology to protect the application's authenticity and to keep user communications, browsing, and identity private in accordance with KRS 209.032.

(14) "Validated substantiated finding of adult abuse, neglect, or exploitation" is defined by KRS 209.032(1)(b).

(15) "Vulnerable adult services provider" is defined by KRS 209.032(1)(c).

Section 2. Vulnerable Adult Maltreatment Registry.

(1) The cabinet shall establish a vulnerable adult maltreatment registry that contains an individual:

(a) Who was an employee or a person acting with the expectation of compensation;

(b) Who was the perpetrator of adult abuse, neglect, or exploitation:

1. Pursuant to 922 KAR 5:070; and

2. Substantiated on or after July 15, 2014; and

(c)

1. With a validated substantiated finding of adult abuse, neglect, or exploitation; and

2. If applicable, with a pending appeal.

(2) An individual with a validated substantiated finding of adult abuse, neglect, or exploitation shall:

(a) Remain on the vulnerable adult maltreatment registry for a period of at least seven (7) years; and

(b) Be removed from the vulnerable adult maltreatment registry:

1. In accordance with the error resolution process established in Section 6 of this administrative regulation if an error is confirmed; or

2. After a period of seven (7) years if:

a. No additional validated substantiated finding of adult abuse, neglect, or exploitation has occurred since the last finding for which the individual's name was placed on the vulnerable adult maltreatment registry; and

b. Cabinet records indicate that the incident for which the individual's name was placed on the vulnerable adult maltreatment registry did not relate to an adult fatality or near fatality related to adult abuse or neglect.

(3) The vulnerable adult maltreatment registry shall be available for a web-based query using a secure methodology by:

(a) A vulnerable adult services provider in accordance with KRS 209.032(2);

(b) An individual in accordance with KRS 209.032(3);

(c) An employee of the cabinet with a legitimate interest in the case;

(d) A health facility in accordance with KRS 216.2955; [~~or~~]

(e) A health care provider enrolled in the Kentucky Medicaid Program in accordance with KRS 216.2955; or

(f) A state licensing board as described in KRS 324B.030(1) in accordance with KRS 209.032(8).

(4) The vulnerable adult maltreatment registry with pending appeals shall be available for a web-based query using a secure methodology by a vulnerable adult service provider in accordance with KRS 209.032(2).

(5) The vulnerable adult maltreatment registry shall be accessible through:

(a) The department's main webpage; or

(b) Another cabinet system, such as the Kentucky Applicant Registry and Employment Screening (KARES) Program established in accordance with 906 KAR 1:190.

(6) If an individual or a vulnerable adult services provider established in KRS 209.032(1)(c)[~~1~~1] does not have access to the internet, the individual or provider shall submit a signed and completed DPP-246, Vulnerable Adult Maltreatment Registry Self-Query, to conduct a self-query in accordance with KRS 209.032(2) or (3).

Section 3. Notification of Finding.

(1) If the cabinet finds that an employee or a person acting with the expectation of compensation has committed adult abuse, neglect, or exploitation in accordance with 922 KAR 5:070, the cabinet shall send notice of the finding to the perpetrator by certified mail to the perpetrator's last known address.

(2) The cabinet's notice of a finding of adult abuse, neglect, or exploitation to an employee or a person acting with the expectation of compensation shall include:

(a) The factual basis for the finding of adult abuse, neglect, or exploitation;

(b) The results of the investigation;

(c) The perpetrator's right to appeal the substantiated finding in accordance with KRS 209.032 and this administrative regulation;

(d) A statement that a finding shall become a validated substantiated finding of adult abuse, neglect, or exploitation in accordance with KRS 209.032 and Section 5 of this administrative regulation; and

(e) A statement that a perpetrator of a validated substantiated finding of adult abuse, neglect, or exploitation shall be added to the vulnerable adult maltreatment registry.

(3)

(a) The cabinet shall reserve the right, in its sole discretion, to amend, modify, or reverse its investigative finding of adult abuse, neglect, or exploitation at any time if the finding appears to be improper based upon:

1. A review of the cabinet's records; or

2. Subsequent discovery of additional information.

(b) If amendment, modification, or reversal of an investigative finding results in a substantiated finding of abuse or neglect of an adult, the cabinet shall act in accordance with subsections (1) and (2) of this section.

Section 4. Request for Appeal.

(1) In accordance with KRS 209.032, if the cabinet makes a finding that an employee or a person acting with the expectation of compensation has committed adult abuse, neglect, or exploitation, the individual shall have the right to appeal the substantiated finding through an administrative hearing.

(2) A request for appeal shall:

(a) Be submitted:

1. In writing by the appellant, with the assistance of the cabinet if the appellant is unable to comply without assistance; and

2. To the cabinet no later than thirty (30) calendar days from the individual's receipt of the notice in accordance with Section 3(1) of this administrative regulation;

(b) State the nature of the investigative finding;

(c) State the reason the individual disputes the cabinet's substantiated finding; and

(d) Include a copy of the notice of a substantiated finding in accordance with Section 3 of this administrative regulation, if available.

(3) The cabinet shall not dismiss a request for appeal as untimely if an appellant demonstrates good cause.

(4) A final administrative decision made by the cabinet or cabinet's designee as a result of a previous appeal on the same issue or an unsubstantiated finding of adult abuse, neglect, or exploitation shall not be reviewed through an administrative hearing.

Section 5. Administrative Hearing.

(1) An administrative hearing shall be conducted by the Office of Administrative Hearings within the Department of Law in accordance with KRS 15.111(2)(g)[(h)], Chapter 13B, and 209.032.

(2) The cabinet's investigative finding shall become a validated substantiated finding of adult abuse, neglect, or exploitation if the:

(a) Perpetrator does not request an administrative hearing in accordance with Section 4 of this administrative regulation;

(b) Perpetrator fails to:

1. Participate in any stage of the proceedings after requesting an appeal in accordance with Section 4 of this administrative regulation; and

2. Demonstrate good cause; or

(c) Cabinet's substantiated finding is upheld through the administrative hearing process.

(3) The secretary or designee shall issue the final order in accordance with KRS 13B.120 and 209.032.

(4) A party aggrieved by the cabinet secretary's decision shall have the right to pursue judicial review in accordance with KRS 13B.140, 13B.150, and 209.032(1)(b).

(5) The proceedings of the administrative hearing shall be disclosed only in accordance with KRS 194A.060, 42 U.S.C. 1320d - 1320d-9, 1397 - 1397e, 1397m-1, 920 KAR 1:060, and 922 KAR 1:510.

(6) If the matter is not subject to the requirements of this section, the cabinet shall inform the person that the matter may be pursued through:

(a) A service complaint process established in 922 KAR 1:320; or

(b) The error resolution process in accordance with Section 6 of this administrative regulation.

Section 6. Error Resolution.

(1) In accordance with KRS 209.032(5)(a), an individual seeking error resolution shall:

(a) Submit a written request for record correction to the Commissioner of the Department for Community Based Services, 275 East Main Street (3W-A), Frankfort, Kentucky 40621;

(b) State the:

1. Date of the vulnerable adult maltreatment registry query which resulted in the error being identified; and

2. Error contained in the vulnerable adult maltreatment registry query results; and

(c) Provide documentation that verifies the error, if available.

(2) Within thirty (30) days of receipt of a request in accordance with subsection (1) of this section, the commissioner or designee shall:

(a) Determine if an error exists; and

(b)

1. If the cabinet confirms an error:

a. Correct the records; and

b. Notify the requesting individual that the records have been corrected; or

2. If the cabinet cannot confirm an error:

a. Notify the individual that an error cannot be confirmed based upon the information and documentation submitted with the request; and

b. Include information or documentation to verify an error pursuant to the individual's request, if any.

Section 7. Incorporation by Reference.

(1) The "DPP-246, Vulnerable Adult Maltreatment Registry Self-Query", 08/26[12/23], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621; Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time or 7:00 a.m. to 3:30 p.m. Central Time. This material may also be viewed on the department's Web site at https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx.

922 KAR 5:120
LESA DENNIS, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 18, 2026

FILED WITH LRC: October 14, 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 December 21, 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 December 14, 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 December 31, 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: Sarah Bryant, Krista Quarles, Phone Number: (502) 564-3703, (502) 564-7476, Email: SarahE.Bryant@ky.gov, CHFSregs@ky.gov

Subject Headings: Administrative Hearings; Background Checks; Community-Based Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the vulnerable adult maltreatment registry, due process prior to the addition of an individual to the registry, and error resolution of the cabinet's records.

(b) The necessity of this administrative regulation: This amended administrative regulation is necessary to establish standards for the operation of the vulnerable adult maltreatment registry, including due process and error resolution for correction of the cabinet's records.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 209.032(5) requires the cabinet to promulgate administrative regulations necessary to implement a central registry of substantiated findings.

(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 through its establishment of the vulnerable adult maltreatment registry, the due process procedures an individual must be afforded before being added to it, and the error resolution process for correcting the cabinet's records. Together, these provisions operationalize the mandate in KRS 209.032(5) that the cabinet maintain a central registry of substantiated findings, ensuring the registry is administered consistently and in accordance with due process across 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 incorporates the provisions of KRS 209.032(8), enacted by House Bill (HB) 280 in the 2026 Regular Session of the General Assembly, which authorizes a state licensing board to query the cabinet for any validated substantiated finding of adult abuse, neglect, or exploitation existing for an individual under that board's jurisdiction. This amendment adds state licensing boards to the list of entities authorized to submit a web-based query of the vulnerable adult maltreatment registry and establishes that the cabinet shall provide information to a querying licensing board in accordance with KRS 61.878(5).

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to conform to KRS 209.032(8), as enacted by HB 280 in the 2026 Regular Session, which expands registry query access to state licensing boards.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 209.032(8) by authorizing a state licensing board to query the cabinet for a validated substantiated finding of adult abuse, neglect, or exploitation existing for an individual under the board's jurisdiction, and by providing that the cabinet shall furnish such information in accordance with KRS 61.878(5).

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists in the effective administration of KRS 209.032(5), which requires the cabinet to promulgate administrative regulations designating the process by which authorized entities may query the registry, by extending that established query process to state licensing boards as newly authorized under KRS 209.032(8). This allows licensing boards to incorporate registry information into licensure decisions affecting individuals under their jurisdiction, consistent with the cabinet's existing query infrastructure.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, HB 280 of the 2026 Regular Session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The number of individuals listed on the vulnerable adult maltreatment registry (VAMR) is unknown, as the registry does not function as a database but rather as a search system that returns results based on identifying information submitted in a query. There were approximately 109,561 VAMR inquiries in 2025, and 152 registry cases processed in 2025. As a result of this amendment, 27 state licensing boards will be newly authorized to query the cabinet for a validated substantiated finding of adult abuse, neglect, or exploitation existing for an individual under the board's jurisdiction. It is unknown at this time how many queries state licensing boards will submit annually, as this is a newly authorized use of the registry.

(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 new requirements imposed on regulated entities. This amendment does not create a compliance obligation but establishes a new, optional process by which a state licensing board may query the cabinet for a validated substantiated finding of adult abuse, neglect, or exploitation existing for an individual under the board's jurisdiction.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no costs to regulated entities associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): State licensing boards will benefit from increased access to relevant information when making licensure decisions, allowing the board to consider a validated substantiated finding of adult abuse, neglect, or exploitation when evaluating an applicant for licensure or renewal of licensure, or when investigating a current licensee.

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

(a) Initially: There are no anticipated costs associated with this amendment.

(b) On a continuing basis: There are no anticipated costs associated with this amendment.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation and enforcement of this administrative regulation are funded through state General Funds and the federal Social Services Block Grant (SSBG).

(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? Tiering is not applied, because this administrative regulation is applied in a consistent manner statewide.

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.050(1), 209.032(5)

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Cabinet for Health and Family Services, Department for Community Based Services, is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

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

subsequent years? This amendment does not alter expenditures, revenues, or cost savings.

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

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? No change is expected.

(4) Identify additional regulated entities not listed in questions (2) or (3): State licensing boards will be authorized to query the cabinet's vulnerable adult maltreatment registry for a validated substantiated finding of adult abuse, neglect, or exploitation existing for an individual under the board's jurisdiction.

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? No change is expected.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This amendment does not have a fiscal impact.

(b) Methodology and resources used to determine the fiscal impact: This amendment implements 2026 RS HB 280, which amended KRS 209.032 to authorize a state licensing board to query the cabinet's vulnerable adult maltreatment registry for an individual under the board's jurisdiction. As registry access is optional and uses the cabinet's existing query infrastructure, no fiscal impact is anticipated.

(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) : No, this administrative regulation does not have a negative or adverse economic impact.

(b) The methodology and resources used to reach this conclusion: This amendment authorizes state licensing boards to submit an optional query to the vulnerable adult maltreatment registry; because the query is not mandatory and uses the cabinet's existing query system, no economic impact is anticipated.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. 1320d - 1320d-9, 1397 - 1397e, 1397m-1

(2) State compliance standards. KRS 194A.060, Chapter 209, 216.2955, 216B.015(13)

(3) Minimum or uniform standards contained in the federal mandate. The federal statutes establish minimum standards for the privacy and security of protected health information and for the confidentiality of records maintained in connection with federally funded adult protective services and social services programs.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. This administrative regulation, as amended, does not impose stricter requirements, or additional or different responsibilities, than those required by the federal mandate. The amendment authorizes a state licensing board to query the vulnerable adult maltreatment registry under KRS 209.032(8) and does not alter the confidentiality and disclosure standards established by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable. This administrative regulation does not impose requirements stricter than, or different from, those required by 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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Guardianship
(Amendment)

922 KAR 5:180. Guardianship Trust Fund.

RELATES TO: KRS Chapter 13B, 210.290, 387.010(6), 387.510(15), 387.760

STATUTORY AUTHORITY: 194A.050(1), 387.760(2)

NECESSITY, FUNCTION, AND CONFORMITY: Pursuant to KRS 210.290(4)-(6), the Cabinet for Health and Family Services is authorized to establish a guardianship trust fund that may be used for the benefit of individuals under state guardianship who are indigent. This administrative regulation establishes procedures used by the cabinet to provide public notice of any funds remaining after expenses are paid following the death of an individual under state guardianship who has an estate of less than $10,000 of personal property or money and the process for claiming that property. This administrative regulation establishes the procedures used for any funds that remain unclaimed after the expiration of one (1) year to escheat to the guardianship trust fund and how the guardianship trust fund may be utilized.

Section 1. Definitions.

(1) "Applicant" or "Claimant" means the person who has applied to receive unclaimed personal property or funds of a deceased ward listed on the registry.

(2) "Beneficiary" means an individual or entity that has been identified as a recipient of the estate pursuant to the order of a probate court in this or any other state.

(3) "Cabinet" means the Cabinet for Health and Family Services.

(4) "Department" means the Department for Community Based Services[~~Aging and Independent Living~~].

(5) "Guardianship trust fund" or "trust" means the guardianship trust fund established by KRS 210.290(4)-(6).

(6) "Guardianship unclaimed funds registry" or "registry" means the registry maintained by the department to post unclaimed funds of a deceased ward.

(7) "Heir" means a legal relative, limited to a spouse, parent, child, or sibling of the deceased appointee.

(8) "Individual under guardianship" means a ward of the state as defined by KRS 387.010(6).

Section 2. Public Notice of Remaining Funds.

(1) Upon the death of an individual under guardianship who has less than $10,000 in personal property or funds, the department shall pay, in priority order, the following:

(a) Funeral expenses:

1. If not prepaid; and

2. If not covered by life insurance;

(b) Outstanding bills related to living expenses including:

1. Rent to a landlord; and

2. Utility companies; and

(c) Medicaid estate recovery owed.

(2) Funds remaining after expenses listed in Subsection 1(a) – (c) of this section shall be listed on the registry for a period of one (1) year from the date posted.

(3) The registry shall be maintained on the department's Web site and shall include:

(a) Name of deceased individual under guardianship;

(b) Year of birth;

(c) Date of death;

(d) Last known city of residence;

(e) Date notice is posted on the registry;

(f) The date the notice expires;

(g) If the amount or value remaining in the estate is more or less than $100; and

(h) The account number.

Section 3. Notice of Registry for Claiming Funds. The cabinet may utilize public announcements, interagency agreements, and announcements to creditors associations, including funeral homes and nursing home associations, in order to provide notice to the public of the registry.

Section 4. Filing a Claim for Funds as a Creditor, Heir, or Beneficiary.

(1) The cabinet shall make available on its Web site the:

(a) "GUF-1 Guardianship Unclaimed Funds Registry Claim Form - Creditor" for any creditor; and

(b) "GUF-2 Guardianship Unclaimed Funds Registry Claim Form - Individual" for any heir or beneficiary of the deceased ward.

(2) All claims shall be submitted by mail. No claim shall be accepted in person, by fax, or by email.

(3) The cabinet shall review all claims received no later than thirty (30) days of the expiration of one (1) year after the public notice of estate funds is listed. Funds shall not be released prior to the expiration of the one (1) year period for filing claims.

(4) Creditors shall have first preference to receive payment from the estate in order as set forth in KRS 210.290(4)(b).

(5) A beneficiary of the estate shall submit a "GUF-2 Guardianship Unclaimed Funds Registry Claim Form - Individual", and the following documentation:

(a) A copy of the will of the deceased individual under guardianship;

(b) A verified copy of an order of a probate court that the beneficiary is entitled to the funds or personal property, or is the administrator or executor of the deceased's estate; and

(c) A copy of the applicant's driver's license or identification card as proof of identity.

(6) An heir of the estate shall submit a "GUF-2 Guardianship Unclaimed Funds Registry Claim Form - Individual", and the following documentation:

(a) A copy of the applicant's driver's license or identification card as proof of identity; and

(b)

1. If a spouse, a copy of the marriage certificate;

2. If a sibling or child of the deceased individual under guardianship, a copy of the applicant's birth certificate; or

3. If a parent of the deceased individual under guardianship, a copy of the deceased's birth certificate.

(7) A creditor, other than Medicaid Estate Recovery Program, of the deceased individual under guardianship shall submit a "GUF-1 Guardianship Unclaimed Funds Registry Claim Form - Creditor", and the following documentation:

(a) An affidavit setting out the relationship to the deceased, the services provided, and the amount owed; and

(b) An itemized copy of the statement of charges owed, a description of the service provided, and dates of service.

(8) Medicaid Estate Recovery Program may file a claim by providing the notice required by 907 KAR 1:585.

(9) All claims submitted within one (1) year of the public notice of a deceased individual under guardianship's funds shall be:

(a) Processed; and

(b) Paid, if valid.

(10) Any remaining funds of the ward shall escheat to the guardianship trust fund.

Section 5. Informal Dispute Resolution and Appeal of Determination Regarding Claim.

(1) Any person or entity aggrieved over a determination by the department regarding a claim may file an informal dispute resolution, which shall be received by the department within fifteen (15) calendar days of the date on the written decision letter.

(2) The request for informal dispute resolution shall be in writing and mailed to the commissioner of the department.

(3) The informal dispute resolution shall include the following information:

(a) Name, address, and telephone number of the claimant;

(b) Justification for the dispute;

(c) Documentation supporting the dispute; and

(d) Signature of person requesting the informal dispute resolution.

(4) The commissioner, or his or her designee, may:

(a) Hold an informal dispute resolution meeting to consider the sufficiency of the claim; and

(b) Provide an opportunity for the claimant to appear to present facts or concerns about the claim.

(5) A complete record of the informal dispute resolution meeting shall be kept for three (3) years. The claimant shall be notified of the determination, including the reason, and the right to appeal, in writing within ten (10) business days.

(6) A claimant dissatisfied with the determination of the informal dispute resolution may request an administrative hearing be conducted in accordance with KRS Chapter 13B.

(7) The request for administrative hearing shall be received:

(a) Within thirty (30) calendar days from the date on the letter providing the decision of the informal dispute resolution;

(b) In writing; and

(c) To the Commonwealth Office of the Ombudsman[~~and Administrative Review~~], Quality Advancement Branch, 209 St. Clair Street[~~275 E. Main Street, 2 E-O~~], Frankfort, Kentucky 40601[~~40621~~].

Section 6. Matters not Appealable: An administrative hearing shall not be conducted if:

(1) The applicant has submitted a claim for funds within one (1) year of the date public notice is posted on the registry.

(2) The applicant has failed to submit a request for administrative hearing within the thirty (30) day time period.

(3) The applicant has failed to produce the documentation required by this administrative regulation when submitting a claim for funds.

(4) The applicant is not an heir as defined by Section 1(7) of this administrative regulation.

Section 7. Guardianship Trust Fund: Investments and Disbursements.

(1) The cabinet may establish the trust with a bank, taking into consideration the location of the bank and if the bank has an established trust division.

(2) The cabinet shall be trustee and shall invest in the funds as authorized by KRS 210.290(5).

(3) Funds may be utilized from the trust for banking fees and charges and for the cost of personnel needed within the department to maintain the registry and process disbursements. All other funds of the trust shall be utilized for the needs of indigent individuals under guardianship of the cabinet.

(4) The trust may accept donations and conduct fundraising functions.

(5) Disbursements from the trust may be authorized by the commissioner of the department or by his or her designee in accordance with subsection (7) of this section.

(6) Requests for disbursements from the trust for an individual under guardianship may be made by any employee of the department or by an individual under guardianship.

(7) The following disbursements may be authorized to the extent funds are available in the trust:

(a) Temporary housing costs not to exceed the cost of housing for two (2) months for an individual under guardianship:

1. With no housing;

2. Who has received an eviction notice; or

3. Who is the victim of abuse, neglect, or exploitation and due to the circumstance is no longer able to safely remain in their current living environment and has no access to alternative living arrangements;

(b) Medical supplies, medication, or medical transportation that are not covered by Medicaid or another insurance plan;

(c) Emergency personal needs including clothing or food;

(d) The reasonable cost of burial or cremation:

1. For an individual under guardianship at least six (6) months prior to death; and

2. Not to exceed $5,000, and reduced by the amount of any burial plan, prepaid funeral contract, life insurance, or other funds available to cover the cost of burial or cremation, for an individual under guardianship who[has no]:

a. Has an insufficient or no b[B]urial plan or life insurance;

b. Has no family able to cover the cost in full; or

c. Died in a county that[The county of death] has no fund for indigent burials; or

(e) Expenses necessary to ensure the health, safety, and well-being if no other funds are available or accessible in a timely manner.

Section 8. Right of Reimbursement of the Trust.

(1) The trust shall have the right of reimbursement from an individual under guardianship.

(2) The trust shall be reimbursed as follows by the individual under guardianship:

(a)

1. Funds received are in excess of the individual under guardianship's cost of living expenses; or

2. Other funding sources are obtained to cover the individual's cost of living expenses and allow for repayment to the trust; and

(b) No other debts are owed by the individual under guardianship for living expenses.

Section 9. Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "GUF-1 Guardianship Unclaimed Funds Registry Claim Form - Creditor" edition 8[7]/2026[0]; and

(b) "GUF-2 Guardianship Unclaimed Funds Registry Claim Form - Individual" edition 8[7]/2026[0].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services[Aging and Independent Living], 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. through 4:30 p.m. Eastern Time / 7:00 a.m. through 3:30 p.m. Central Time. This material may also be viewed on the departments Web site at: https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx.

922 KAR 5:180
LESA DENNIS, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 18, 2026

FILED WITH LRC: October 14, 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 December 21, 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 December 14, 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 December 31, 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: Sarah Bryant, Krista Quarles, Phone Number: (502) 564-3703, (502) 564-7476, Email: SarahE.Bryant@ky.gov, CHFSregs@ky.gov

Subject Headings: Community-Based Services; Deaths; Finance and Administration

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures the cabinet uses to provide public notice of funds remaining in the estate of a deceased individual under state guardianship whose estate is less than $10,000, the process for a creditor, heir, or beneficiary to claim those funds, the escheat of unclaimed funds to the guardianship trust fund, and the investment and disbursement of the fund for the benefit of indigent individuals under guardianship.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish a uniform process for resolving the remaining estate of a deceased indigent individuals under guardianship, to ensure creditors, heirs, and beneficiaries receive notice and an opportunity to claim funds, and to direct unclaimed funds to the guardianship trust fund so they may be used for the benefit of other indigent individuals under state guardianship.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 210.290(4) through (6), which authorize the cabinet to establish, invest, and disburse a guardianship trust fund for indigent individuals under state guardianship and to provide for unclaimed estate funds to escheat to the fund.

(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 providing the Cabinet with a clear and consistent procedure for paying estate expenses in the priority order set by KRS 210.290(4), posting and resolving claims through the unclaimed funds registry, and administering disbursements from the trust, allowing the cabinet to carry out its duties under KRS 210.290 efficiently and uniformly.

(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 revises Section 7(7)(d) to allow a disbursement from the trust for the cost of burial or cremation of an individual under guardianship who has an insufficient or no burial plan or life insurance, rather than only an individual who has no burial plan or life insurance. The trust remains a source of last resort. The disbursement is still capped at $5,000, is made only to the extent funds are available in the trust, and applies only when the remaining conditions in Section 7(7)(d) are met. This amendment also makes technical changes to update the name of the department to reflect the transfer of the guardianship services to the Department for Community Based Services under KRS 194A.030 and to update the name and address of the office that receives administrative hearing requests.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because some individuals under guardianship have a burial plan or life insurance that is insufficient, which previously made them ineligible for assistance with the cost of burial or cremation. The technical changes are necessary to reflect the transfer of guardianship services to the Department for Community Based Services under KRS 194A.030 and to update the name and address of the office that receives administrative hearing requests.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment remains within KRS 210.290(4)–(6), which authorize the cabinet to disburse the guardianship trust fund for the benefit of indigent individuals under state guardianship; paying the cost of burial or cremation as a last resort, only to the extent funds are available, is within that authority. The technical changes conform the administrative regulation to the current organization of the Cabinet under KRS 194A.030.

(d) How the amendment will assist in the effective administration of the statutes: The amendment allows the cabinet to provide for a

dignified burial or cremation, as a last resort, for an indigent individual under guardianship whose burial plan or insurance is insufficient and who has no other available resources, more fully carrying out the purpose of the trust, and updates the regulation to reflect the current department and contact information.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, in part. The technical amendments implement 2023 Ky. Acts ch. 124 (Senate Bill 48), which transferred guardianship services to the Department for Community Based Services and reorganized the Office of the Ombudsman. The substantive amendment to Section 7 is made under existing authority in KRS 210.290 and 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: Individuals under the guardianship of the Department for Community Based Services.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: None. The amendment does not require any regulated entity to take a new action. Assistance with burial or cremation is a discretionary disbursement made by the cabinet, and an individual under guardianship is not required to do anything to comply.

(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 entities identified to comply with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): An indigent individual under guardianship whose burial plan or life insurance is insufficient will become eligible for assistance with the cost of burial or cremation from the trust, helping ensure a dignified burial or cremation.

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

(a) Initially: This amendment can be implemented at no significant initial cost. The registry and the guardianship trust fund already exist, and no new systems or staff are required.

(b) On a continuing basis: Expanding eligibility may modestly increase the number of burial or cremation disbursements, which remain capped at $5,000 each and are paid from the existing guardianship trust fund to the extent funds are available. No new continuing cost is anticipated.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The guardianship trust fund established under KRS 210.290 funds the disbursements, and existing agency resources fund administration. No new funding source is required.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary. The amendment is administered using the existing guardianship trust fund.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No. This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied. This administrative regulation applies equally to all individuals under the guardianship of the cabinet.

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.050(1), 210.290, and 387.760(2). The technical change conforms the administrative regulation to KRS 194A.030.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Cabinet for Health and Family Services, Department for Community Based Services is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures: No significant new expenditures; any increase in burial or cremation disbursements is paid from the existing guardianship trust fund and is capped at $5,000 per individual.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Any variation reflects the number of indigent individuals under guardianship requiring burial assistance in a given year, paid from the trust to the extent funds are available.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation does not affect any cities, counties, fire departments, or school districts.

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? No difference; no impact on local entities.

(4) Identify additional regulated entities not listed in questions (2) or (3):

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? No difference.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This amendment expands the circumstances under which the cabinet may pay the cost of burial or cremation from the guardianship trust fund to include an individual whose burial plan or life insurance is insufficient, rather than only an individual who has none, and makes technical changes to reflect the transfer of guardianship services to the Department for Community Based Services under KRS 194A.030 and to update the name and address of the office that receives administrative hearing requests. The fiscal impact is minimal. The trust remains a source of last resort. Any disbursement is capped at $5,000 per individual, is made only to the extent funds are available in the trust, and is paid only when no other resources are available. Any increase in disbursements is paid from the existing guardianship trust fund. The amendment creates no fee, requires no new appropriation, and imposes no cost on local government or regulated entities.

(b) Methodology and resources used to determine the fiscal impact: This conclusion is based on the cabinet's administration of the existing guardianship trust fund and its experience with the number of indigent individuals under guardianship requiring burial assistance.

(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 an overall negative or adverse major economic impact of $500,000 or more, in aggregate, on the entities identified in questions (2)–(4).

(b) The methodology and resources used to reach this conclusion: The amendment expands the discretionary benefit paid from an existing restricted trust fund, capped at $5,000 per individual, and imposes no cost on regulated entities or local government; the aggregate impact is therefore well below the $500,000 threshold defined in KRS 13A.010(13).

NEW ADMINISTRATIVE REGULATIONS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(New Administrative Regulation)

40 KAR 11:003. Employee Access to Federal Tax Information (FTI); required criminal background check.

RELATES TO: KRS 18A.095; KRS 336.700; KRS 335B.010; KRS 335B.020; KRS 15.180; KRS 15.802; KRS 15.838; KRS 15.840; KRS 15.866; 26 C.F.R. 301.6103(p)(7)-1, 26 U.S.C. 6103; Public L. 118-258.

STATUTORY AUTHORITY: KRS 15.180 and KRS 15.866.

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 15.802 authorizes the Office of the Attorney General, Department of Law to serve as the state agency authorized to administer Part D of Title IV of the Soc Sec Act, 42 U.S.C. secs 651 to 669, to maintain a system to receive and process all child support payments and serve as collector of all court or administratively ordered support payments. KRS 15.838 requires the Office of the Attorney General, as the state agency authorized to administer the IV-D Program, to refer for federal income tax refund offset and state income tax refund offset verified amounts owed for support and provides the unfettered right to intercept said payments pursuant to 45 C.F.R. 303.72 and KRS 131.560 to 131.595, to satisfy all child support, maintenance, and medical support arrearages due the office or its assignee. All actions require each employee of the Office of the Attorney General, Department of Child Support Services (DCSS), including contract staff, to have access to or use of federal tax information (FTI). 26 C.F.R. 301.6103(p)(7)-1, 26 U.S.C. 6103 and IRS Publication 1075 requires that all prospective and current employees, including contract staff, to have fingerprint-based state and national criminal background checks if their job duties include access to or use of FTI.

Section 1. Definitions for 40 KAR

(1) "Contract staff" means an individual employed by DCSS or its offices or a contractor working on behalf of DCSS or its offices who does not meet the definition of employee in this section.

(2) "DCSS" means the Department of Child Support Services, the state agency in charge of administering the Child Support Enforcement program.

(3) "Disqualifying offense" means:

(a) A conviction, plea of guilty, Alford plea, or plea of nolo contendere to:

1. Any felony; or

2. A misdemeanor offense related to:

a. Abuse, neglect, or exploitation of an adult as defined by KRS 209.020(4);

b. Abuse, neglect, or exploitation of a child;

c. A sexual offense;

d. A criminal offense against a victim who is a minor, as defined in KRS 17.500;

e. An offense outlined in KRS 525.130;

f. An offense outlined in KRS 525.135; or

g. Any of the following offenses occurring less than seven (7) years from the date of the criminal background check:

(i) Assault, including domestic violence;

(ii) Stalking;

(iii) Theft;

(iv) Fraud;

(v) Unlawfully possessing or trafficking in a legend drug or controlled substance; or

(vi) Any other misdemeanor offense relating to abuse, neglect, or exploitation not listed in this subsection; or

(b) A pending charge or an outstanding warrant for a criminal offense related to:

1. A sex crime as defined by KRS 17.500(8);

2. KRS Chapter 209, protection of adults;

3. KRS 218A.1412, Trafficking in controlled substance first degree;

4. KRS Chapter 507, Criminal homicide;

5. KRS Chapter 508, Assault and related offenses;

6. KRS Chapter 509, Kidnapping and related offenses;

7. KRS Chapter 510, Sexual offenses;

8. KRS Chapter 513, Arson and related offenses,

9. KRS Chapter 515, Robbery;

10. KRS Chapter 516, Forgery;

11. KRS Chapter 531, Pornography;

(c) An out-of-state or federal charge that is pending or any outstanding warrant from another jurisdiction that is similar to an offense specified in subsection (b) of this section;

(d) A substantiated finding of neglect, abuse, or misappropriation of property by a state or federal agency pursuant to an investigation conducted in accordance with state or federal law;

(e) Registration as a sex offender under federal law or under the law of any state;

(f) Any other offense the nature of which indicates the employee constitutes an unreasonable and immediate risk to the security of federal tax information, as determined by DCSS.

(4) "Employee" means either a classified employee as defined by KRS 189A.005(7), an unclassified employee pursuant to KRS 18A.115, or a federally funded time-limited employee as defined by KRS 18A.005(15).

(5) "Federal tax information" or "FTI" means federal tax returns and return information that may:

(a) Contain personally identifiable information; and

(b) Include information created by the recipient that is:

1. Derived from federal return or return information; and

2. Received directly from the Internal Revenue Service (IRS) or obtained through an authorized secondary source, which may include:

a. Social Security Administration (SSA);

b. Federal Office of Child Support Enforcement (OCSE);

c. Bureau of the Fiscal Service (BFS);

d. Centers for Medicare and Medicaid Services (CMS); or

e. Another entity acting on behalf of the IRS.

(6) "Responsible agency" means an office or department within the Office of the Attorney General or an entity under contract with DCSS that employs or offers a job to an individual in a position for which the job duties include access to or use of FTI.

Section 2. Requirement for Criminal Background Checks.

(1) The Office of the Attorney General, DCSS, and its offices shall require prospective and current employees, including contract staff, whose job duties include access to or use of FTI to submit to a fingerprint-based national and state criminal background check as a condition of initial or continued employment. The criminal background check shall occur:

(a) After the applicant is offered a job but before he or she begins working; and

(b) At least once every five (5) years for current employees or contract staff.

(2) The Office of the Attorney General, DCSS, its offices, or responsible agency requesting a fingerprint-based national and state criminal background check for an applicant, current employee, or contract staff shall incur all fees associated with the cost of each criminal background check requested, including the rap back service.

(3) The Office of the Attorney General, DCSS, its offices, or responsible agency shall not employ directly or by contract an

individual in a position for which the job duties include access to or use of FTI if the individual:

(a) Refuses to consent to a fingerprint-based state and national criminal background check; or

(b) Is found to have a disqualifying offense.

(4) DCSS or its responsible office shall notify each prospective or current employee determined to have a disqualifying offense

Section 3. Disqualification for Other Criminal Offenses or Factors. The Office of the Attorney General, DCSS, its offices, or responsible agency shall not employ or contract with an individual with a disqualifying offense as defined in Section 1 of this administrative regulation or whose background check reveals any information that bears upon the fitness of the individual to work in a position with access to or use of FTI. The Office of the Attorney General, DCSS, its offices, or responsible agency shall have the sole discretion to determine if an applicant, current employee, or contract staff is suitable to work in a position with access to or use of FTI and ensure its protection and security in accordance with Kentucky law, IRS Publication 1075, and any other relevant policy or procedure concerning the confidentiality of FTI.

Section 4. Individuals Ineligible to be Hired. The Office of the Attorney General, DCSS, its offices, or responsible agency may refuse to hire, contract with, or permit to work as an employee any applicant that submits to a criminal background check if one (1) or more of the following conditions apply:

(1) The applicant refuses to provide photo identification and Social Security Number;

(2) The applicant fails to submit his or her fingerprints at an authorized collection site within ten (10) business days of receiving notice to submit fingerprints;

(3) Upon completion of the criminal background check, the Office of the Attorney General, DCSS, its office, or responsible agency receives notice that the applicant is found to have a disqualifying offense; or

(4) Final and acceptable disposition of a criminal charge related to a disqualifying offense is not provided to the Office of the Attorney General, DCSS, its offices, or responsible agency within sixty (60) days of fingerprint submission.

Section 5. Notice of a Disqualifying Offense - Applicants.

(1) Upon completion of the criminal background check, the Office of the Attorney General, DCSS, its offices, or responsible agency shall notify applicants determined to have a disqualifying offense.

(2) If an applicant wishes to obtain information concerning the disqualifying offense or challenge the accuracy of a criminal background check, DCSS, its offices, or responsible agency shall refer the applicant to the appropriate state or federal law enforcement agency.

Section 6. Notice of Disqualifying Offense, Reconsideration, and Appeal – Current Employees.

(1) Upon completion of a criminal background check, DCSS, its offices, or responsible agency shall notify current employees determined to have a disqualifying offense. A current employee found to have a disqualifying offense shall immediately be removed from duties with access to or use of FTI.

(2) Upon receipt of notice of a disqualifying offense, a current employee removed from responsibilities requiring FTI access or use may submit a written request for reconsideration to the Department's Executive Director of the Office of Administrative Services no later than fourteen (14) calendar days from the date the notice is issued.

(3) The current employee's request for reconsideration shall include the following information:

(a) A written explanation of each disqualifying offense, including:

1. A description of the events related to the disqualifying offense;

2. The number of years since the occurrence of the disqualifying offense;

3. The age of the offender at the time of the disqualifying offense;

4. Evidence that the individual has pursued or achieved rehabilitation with regard to the disqualifying offense; and

5. Any other relevant and mitigating circumstances regarding the disqualifying offense;

(b) Official documentation showing that all fines, including court-imposed fines, costs, or restitution have been paid or documentation demonstrating adherence to a payment schedule, if applicable;

(c) The date probation or parole was satisfactorily completed, if applicable; and

(d) Employment and character references, including any other evidence demonstrating the ability of the individual to competently perform the employment responsibilities.

(4) A current employee who requests reconsideration may be retained on staff during the review process subject to the following factors:

(a) The nature and severity of the disqualifying offense;

(b) The disposition of the disqualifying offense;

(c) The time elapsed since the disqualifying offense;

(d) The employee's personnel history; and

(e) Whether the employee may be assigned other duties that do not require access to or use of FTI.

(5) After review, DCSS, its offices, or responsible agency may:

(a) Transfer the employee to another open position at the same pay grade or lower within DCSS, its offices, or responsible agency for which the employee is qualified and for which access to or use of FTI is not part of the job responsibilities;

(b) Dismiss the employee if it is determined that the nature of the disqualifying offense presents an immediate, serious and irreparable risk to FTI if the employee's job duties require access to or use of FTI;

(c) Dismiss the employee if it is determined that the nature of the disqualifying offense in any way violates the Office of the Attorney General's Policies regarding Public Integrity and Professionalism.

(d) Redefine the employee's job responsibilities to exclude those functions that require access to or use of FTI; or

(e) Any other action permitted by law.

(6) The appointing authority as defined in KRS 18A.005(1) or his or her designee shall issue a final written determination regarding the reconsideration request. The appointing authority or his or her designee shall notify the employee of the final determination no later than thirty (30) calendar days from receipt of the written request for reconsideration, and the notice shall include any personnel action to be taken by DCSS, its offices, or responsible agency as a result of the final determination.

(7) The current employee may have the right to appeal an action taken by DCSS, its offices, or responsible agency pursuant to the applicable sections of KRS Chapter 18A and the Kentucky Administrative Regulations.

Section 7. Notice of Disqualifying Offense – Contract Staff.

(1) Upon completion of the criminal background check, any contract staff found to have a disqualifying offense shall immediately be subject to one (1) or more of the following actions at the sole discretion of DCSS, its offices, or responsible agency:

(a) Termination;

(b) If permitted by the contract, removed from all duties requiring access to or use of FTI and assigned other duties that do not require access to or use of FTI; or

(c) Any other action permitted by law.

(2) DCSS, its offices, or responsible agency shall notify the contract staff of the action or actions taken within fourteen (14) days of discovery of the disqualifying offense.

(3) If the contract staff wishes to obtain information concerning the disqualifying offense or challenge the accuracy of a criminal background check, DCSS, its offices, or responsible agency shall refer the applicant to the appropriate state or federal law enforcement agency.

Section 8. Challenges to Criminal Background Check Information. An individual subject to a criminal background check required by this administrative regulation shall have the right to request and review the results of his or her national and state criminal background checks and to request correction of any inaccurate information. All corrections shall be addressed with the Federal Bureau of Investigation or the Department of Kentucky State

Police; DCSS cannot assist with this process or correct any inaccurate information.

Section 9. Pardons, and Expungements. An applicant, employee, or contract staff who has received a pardon for a disqualifying offense or has had the disqualifying offense expunged shall not be barred from employment with DCSS, its offices, or responsible agency in a position with job duties that include access to or use of FTI for reasons related to the underlying disqualifying offense(s).

40 KAR 11:003
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026
FILED WITH LRC: October 12, 2026 at 11:20 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending 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 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 this proposed administrative regulation. Written comments shall be accepted through December 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 per-son.

CONTACT PERSON: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone: (502) 229-2088; email: stacy.byrnstaulbee@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, Phone Number: (502) 229-2088, Email: stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation requires each employee of the Department of Child Support Services, including contract staff, with access to or use of federal tax information (FTI) to submit to a criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation. The former Cabinet for Health and Family Services, Department of Income Support, Child Support Enforcement office has been reorganized under the Office of the Attorney General, Department of Child Support Services. Said reorganization necessitates the creation of this administrative regulation as some employees of the Department of Child Support Services and contractors working for said program require access to and use of federal tax information (FTI). Access to and use of FTI is controlled by both Federal Law and IRS Publication 1075 titled Tax Information Security Guidelines.

(b) The necessity of this administrative regulation: 26 C.F.R. 301.6103(p)(7)-1, 26 U.S.C. 6103 and IRS Publication 1075 requires that all prospective and current employees, including contract staff, have fingerprint-based state and national criminal background checks if their job duties include access to or use of FTI.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statute by identifying the process to be followed for all Department of Child Support Services employees and contractors who use or have access to FTI to be fingerprinted and have background checks. Access to and use of FTI inherent to the duties required of the Department of Child Support Services in administering Part D of Title IV of the Social Security Act.

(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 process and guidelines for fingerprinting and background checks on employees and contractors having access to or use of FTI.

(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. This is a new administrative regulation.

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

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

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

(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Child support attorneys and staff – 725

(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 prospective employee and or contractor and existing employee or contractor will have to undergo fingerprinting and a background check prior to have access to or use of federal tax information for the purposes of effectuating Kentucky's child support program. This process is unchanged from previous years when Kentucky's child support program was housed within the Cabinet for Health and Family Services, Department of Income Support, Child Support Enforcement.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This administrative regulation will create no new or additional costs to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Entities will benefit by having a clear picture of conditions precedent to employment with the Department of Child Support Services, if their employment or work involves the use of or access to FTI.

(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 costs to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There will be no costs to the administrative body 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 sources of funding include state General Funds and Federal Funds under 42 U.S.C. 601-619, Title IV-D of the Social Security Act.

(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 amendment 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 establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or 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: 15.800-15.876, 205.992, 213.046(4), 403.211, 405.430(5), 405.467, 405.520, 406.021, 406.025, 407.5101-407.5903, 610.170, 45 C.F.R. 301.1, 302.30, 302.31, 302.33-302.36, 302.50, 302.65, 302.80, 303.2, 303.3-303.8, 303.15, 303.30-303.31, 303.69, 303.70, 42 U.S.C. 651-654, 657, 663, 666

(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 2023 Ky Acts Ch. 124.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of the Attorney General, Department of Law, Department of Child Support Services

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities will not be affected. (b) Estimate the following for the first year:

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

1. Expenditures:
For the first year: 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): DCSS attorneys and staff

(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 identified in (3)(a), (4)(a), and (5)(a):

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

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

(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): N/A

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 26 C.F.R. 301.6103(p)(7)-1

(2) State compliance standards. KRS 18A.095; KRS 336.700; KRS 335B.010; KRS 335B.020; KRS 15.180; KRS 15.802; KRS 15.838; KRS 15.840; KRS 15.866

(3) Minimum or uniform standards contained in the federal mandate. 26 U.S.C. 6103; Public L. 118-258

(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 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 will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

BOARDS AND COMMISSIONS
Board of Medical Licensure
(New Administrative Regulation)

201 KAR 9:088. Determination of Eligibility (for those convicted of a crime).

RELATES TO: KRS Chapter 13B, Chapter 335B, KRS 311.595(4), 311.850(1)(c), 311.909(1)(c), 311.890(1)(a) and (b), 311.684(1)(i)(3) and (4), 311.700(1)(c)

STATUTORY AUTHORITY: KRS 311.595(4), 311.850(1)(c), 311.909(1)(c), 311.890(1)(a) and (b), 311.684(1)(i)(3) and (4), 311.700(1)(c), 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 311.595(4), 311.850(1)(c), 311.909(1)(c), 311.890(1)(a) and (b), 311.684(1)(i)(3) and (4), and 311.700(1)(c) provide that the Kentucky Board of Medical Licensure may deny a license or certificate to practice medicine, osteopathy, as a physician assistant, as an athletic trainer, as a surgical assistant, acupuncture, or as a genetic counselor, upon proof that the applicant has been convicted of any felony or a misdemeanor, in accordance with KRS Chapter 335B. KRS 335B.020 requires that the board implement a process by which an individual, who has been convicted of a crime, may obtain a determination regarding whether the conviction would disqualify the individual from professional licensure before the individual pursues any training or specialized education that is required for the practice of the profession. This administrative regulation establishes procedures for the determination of licensure/certificate eligibility for prospective applicants with a history of criminal conviction.

Section 1. Application:

(1) Prior to pursuing any training or specialized education that is required to practice as a medical or osteopathic physician, physician assistant, athletic trainer, surgical assistant, acupuncturist or genetic counselor in the Commonwealth of Kentucky, an individual who has previously been convicted of a crime may request a determination regarding whether the prior conviction alone would disqualify the individual from obtaining a license from the board to practice as a medical or osteopathic physician, physician assistant, athletic trainer, surgical assistant, acupuncturist or genetic counselor.

(2) To be considered for determination of eligibility, an applicant shall submit:

(a) A completed and signed "Determination Application";

(b) Copies of the following from the underlying criminal case proceedings, if applicable:

1. Original Indictment, Information or other document which set forth the charges for which the applicant was convicted or entered a plea of guilty or nolo contendere, and any amended charging document;

2. Judgment or Plea Agreement;

3. Sentencing memoranda, if applicable; and

4. Any orders releasing the applicant from custody, probation or diversion; and

(c) Payment of a fee of $50.00.

(3) The applicant may submit with the application evidence of rehabilitation in accordance with KRS 335B.020(2).

Section 2. Hearing on determination of eligibility.

(1) Upon receipt of a determination application, the Board's staff shall place the application on the agenda of the next regularly scheduled Board meeting. Applications submitted less than thirty (30) days before a regularly scheduled Board meeting shall pass to the following meeting agenda.

(2) A notice of the Board meeting shall be sent to the applicant via email and USPS regular mail to the last known mailing and email address of the applicant no less than twenty (20) days prior to the regularly scheduled Board meeting.

(3) The applicant may appear in-person before the Board at the Board meeting. If the applicant appears in-person, he or she shall be given an opportunity to be heard on the application.

Section 3. Written Determination.

(1) Within fourteen (14) days of the Board meeting at which the applicant's determination application was considered, the Board shall render a written determination of eligibility or ineligibility to the applicant.

(2) The written determination shall be sent to the applicant via email and USPS regular mail to the last known mailing and email address of the applicant.

(3) If the Board has determined that prior conviction renders the individual ineligible for professional licensure, the written determination shall:

(a) Inform the applicant of the specific reasons for the determination in accordance with KRS 335B.030(1);

(b) If and when the individual may resubmit a determination application; and

(c) Provide notice that, within ten (10) working days after service of the written determination, the applicant may appeal the determination of ineligibility by requesting, in writing, a KRS Chapter 13B administrative hearing pursuant to KRS 335B.030(1)(a)(2) and stating the basis of the appeal.

(4) If a hearing is not timely requested in accordance with KRS 13B.050(1)(a)(2), the written determination shall become final.

Section 4. Appeal hearing and final order.

(1) If a written request for hearing is timely submitted, the board shall assign the matter to a hearing officer and issue a notice of hearing in accordance with KRS 13B.050(1).

(2) Following a hearing, the hearing officer shall render findings of fact, conclusions of law and a recommended order in accordance with KRS Chapter 13B. The board shall render the final order in accordance with KRS 13B.120.

(3) If the final order is adverse to an applicant, the board may impose hearing costs upon the applicant pursuant to KRS 311.565(1)(v).

Section 5. Incorporation by Reference.

(1) "Application for Determination", 092026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material may also be obtained on the board's Web site at kbml.ky.gov.

WILLIAM C. THORNBURY, M.D., President

APPROVED BY AGENCY: September 17, 2026

FILED WITH LRC: October 12, 2026 at 4:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, December 21, 2026, at 9:00 a.m., using the Kentucky Board of Medical Licensure Zoom meeting room. A Zoom link will be posted on the agency's web site, kbml.ky.gov, prior to the meeting. Individuals interested in being heard at this hearing shall notify this agency in writing no less than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received at least five (5) workdays prior to the hearing, the hearing may be cancelled. 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. Written comments previously submitted will be considered and new comments shall be accepted through December 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: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502)764-2613, fax (502) 429-7118, email leanne.diakov@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov, Phone: (502) 764-2613, Email: leanne.diakov@ky.gov

Subject Headings: Occupations and Professions, Physicians and Practitioners, Licensing

(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 about whether the crime alone will disqualify the individual from obtaining a professional license before that individual undertakes the time and expense of any training or specialized education to pursue an occupation for which the professional license is required from this agency (i.e. prospective physicians, physician assistants, athletic trainers, surgical assistants, acupuncturists and genetic counselors).

(b) The necessity of this administrative regulation: At the direction of the General Assembly, it is necessary to promulgate this regulation to establish a process by which an individual who has been convicted of a crime can obtain a determination about whether the crime alone will disqualify the individual from obtaining a professional license before that individual undertakes the time and expense of any training or specialized education to pursue an occupation for which the professional license is required from this agency.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms with KRS 335.032, which requires any hiring or licensing authority that considers a criminal background check as part of its application process to establish and implement a process by which an individual who has been convicted of a crime can obtain a determination about whether the crime will disqualify the individual from a position of public employment or an occupation for which a professional license is required from this agency.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specifically to enact the processes required in KRS 335B.032 so that an individual who has been convicted of a crime can obtain a determination about whether the crime alone will disqualify the individual from obtaining a professional license before that individual undertakes the time and expense of any training or specialized education to pursue an occupation for which the professional license is required from this agency.

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

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

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

(c) How the amendment conforms to the content of the authorizing statutes: N/A

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

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This administrative regulation implements 2026 Kentucky Laws Ch. 72 (HB 185).

(4) List the type and number of individuals, businesses,

organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects individuals who have been convicted of a crime and desire to undertake training or specialized education to pursue an occupation for which a professional license is required from this agency (i.e. prospective physicians, physician assistants, athletic trainers, surgical assistants, acupuncturists and genetic counselors). Because these individuals are not yet licensed by the agency, the number of potentially affected individuals is incalculable.

(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 individual will need to fill out an application, pay an application fee, provide copies of criminal records and be given an opportunity to appear before and be heard by the agency. If an adverse decision is rendered, the individual will have the benefit of appeal process under KRS Chapter 13B and in circuit court.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The agency application fee is $50.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Individuals with a history of a criminal conviction can obtain a binding decision from the agency as to whether this history would disqualify them from practicing the desired profession prior to undertaking the extensive time and expense of any training or specialized education required to pursue the occupation for which a professional license is required.

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

(a) Initially: $50.00 per applicant.

(b) On a continuing basis: $50.00 per applicant.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The agency is self-funded through application and licensure fees. The application fee applies to implementation, processing and enforcement of the determination process.

(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: A $50.00 application fee will be necessary to apply toward agency costs of implementation, processing and enforcement of the determination process.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: A $50.00 application fee will be applied toward implementation, processing and enforcement of the determination process.

(10) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 335B.032; KRS 311.595(4), 311.850(1)(c), 311.909(1)(c), 311.890(1)(a) and (b), 311.684(1)(i)(3) and (4), and 311.700(1)(c)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2026 Kentucky Laws Ch. 72 (HB 185)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Licensure

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

1. Expenditures:
For the first year: $50.00 per applicant
For subsequent years: $50.00 per applicant
2. Revenues:
For the first year: $50.00 per applicant
For subsequent years: $50.00 per applicant
3. Cost Savings:
For the first year: None
For subsequent years: None

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

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Prospective physicians, physician assistants, athletic trainers, surgical assistants, acupuncturists and genetic counselors.

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

1. Expenditures:
For the first year: $50.00 per application
For subsequent years: $50.00 per application
2. Revenues:
For the first year: Incalculable. Each individual will have benefit of potential income of practicing a profession for which a license is required by this agency.
For subsequent years: Incalculable. Each individual will have benefit of potential income of practicing a profession for which a license is required by this agency.
3. Cost Savings:
For the first year: Incalculable. Each individual could benefit from avoiding unnecessary costs of undertaking extensive training and education toward a profession they would not be able to obtain a license to practice.
For subsequent years: Incalculable. Each individual could benefit from avoiding unnecessary costs of undertaking extensive training and education toward a profession they would not be able to obtain a license to practice.

(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 promulgation of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) Methodology and resources used to reach this conclusion: This conclusion was reached by estimating that the administrative costs of processing a determination application would be equal to or less than the cost of processing a full regular license application for most non-physician licensees and that number of applications submitted on an annual basis is likely to be less than ten (10).

(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 of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate: N/A

(2) State compliance standards. : KRS 335B.032; KRS 311.595(4), 311.850(1)(c), 311.909(1)(c), 311.890(1)(a) and (b), 311.684(1)(i)(3) and (4), and 311.700(1)(c)

(3) Minimum or uniform standards contained in the federal mandate. N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

BOARDS AND COMMISSIONS
Board of Barbering
(New Administrative Regulation)

201 KAR 14:205. Mobile barbering.

RELATES TO: KRS 317.410, 317.420, 317.430, 317.440, 315.450, 317.570, 317.580

STATUTORY AUTHORITY: KRS 317.440

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 317.440(1)(a), (b), and (h) requires the board to promulgate administrative regulations governing mobile barber shops, including the location and housing of mobile barber shops, quantity, and quality of equipment, supplies, materials, records, and furnishings, and inspection criteria. KRS 317.440(2) requires the board to establish fees by administrative regulation.

Section 1.

(1) All barber schools, barber shops or mobile barber shops are subject to inspections at any time by the Board of Barbering or its agents. A manager, Instructor, teacher operator, owner or employee shall not obstruct or interfere with the inspection. Any mobile unit shall comply with all state and local law and hold a valid business license in each county of operation.

(2) A Mobile Barbershop shall be a self-contained unit sufficiently equipped to provide services within the premises of the mobile shop The mobile shop name as it is stated on the license, and the mobile shop license number shall be visibly displayed and clearly legible on at least two (2) exterior sides of the mobile shop. No windows of the unit may be tinted so that it is obstructed seeing inside the mobile unit. The interior of a mobile unit shall be clearly visible from outside the unit.

(3) No services may be performed on a patron in a moving vehicle. All fixtures in a mobile unit shall be firmly anchored to the floor. All services shall be provided within the mobile unit and not inside the business or residence where the unit may be parked.

(4) Each barber shall be provided with a securely anchored enclosed cabinet constructed of such a material that it may easily be cleaned, consisting of adequate space for clean freshly laundered towels, and each barber shall be provided with an adequate enclosed container or cabinet for discarding soiled linens and towel: each chair shall be securely anchored, mechanically workable and have a good grade of upholstery. A mobile barbershop shall have adequate and functional sink within the shop to include a holding tank with adequate wastewater storage; it shall be well lighted and ventilated; and the mobile shop shall not be used for any purposes other than providing barber services. A mobile shop shall have a working and easily accessible fire extinguisher. (fully inspected and tagged) and an OSHA/ANSI approved first aid kit.

(5) An application for inspection and registration with the Board of a new mobile barbershop shall be filed by a licensed barber who shall be the operator or manager of the mobile shop at least ten (10) business days prior to the opening. The designated operator is responsible for compliance with this administrative regulation established by the Board. The Vehicle Identification Number (VIN) or chassis number of the mobile shop shall be provided on the application. No new mobile shop shall be operated until Mobile Barber Permit fee of fifty (50) dollars and Mobile Barber Shop License fee of $100 are paid and the shop have passed inspection. The inspection shall be held at the time and place designated by the Board. Mobile Unit and any driver shall have a valid Kentucky driver license and be able to provide the license and proof insurance upon request: and

(6) Mobile Barbershop permits shall be renewed annually. Each unit shall be inspected no less than twice per year, to qualify for renewal. The inspection shall be held at the time and place designated by the Board or its agents. The manager of mobile unit shall make themselves and the unit available at the request of an inspector or representative of the Board.

Section 2. Application Process.

(1) Applications shall be filed with the Board at least ten (10) business days prior to the date when the mobile shop wishes to be inspected prior to operation.

(2) A mobile shop permit shall not be transferred from one (1) person to another or one (1) vehicle to another.

Section 3. Services.

(1) Services in a mobile shop may only be provided by a licensed barber with a mobile certification.

(2) Only barbering services can be provided in a mobile barber shop.

(3) Barber students, and hair braiders shall not provide services in a mobile shop.

(4) An Apprentice shall not operate a mobile shop.

Section 4. Records.

(1) Mobile Barbershops shall maintain a written or electronic record of the street address where barbering services will be provided and shall provide those records to the board in a manner specified by the Board at least twenty four (24) hours in advance of when the service is to be performed.

(2) Changes to those records including adding or deleting the address where services are to be provided shall immediately be provided to the Board.

(3) These records shall be maintained by the mobile barbershop and subject to inspection by the Board.

Section 5. Sanitation.

(1) A mobile barbershop shall comply with all sanitary rules as established in this subsection.

(a) Inspection. All mobile barbershops shall be available for inspection during business hours to any member or representative of the Board of Barbering, their agents or assistants.

(b) Proper quarters. No barbershop shall be used as a dormitory, sleeping or living quarters, or for the preparation of food.

(c) Barbershops. Every Barbershop shall be well lighted, well-ventilated, and kept in a clean, orderly and sanitary condition.

(d) Fixture conditions. Work stands or cabinets, towels and tools and fixtures of all barber shops shall be always kept in clean and sanitary condition.

(e) Water.

1. Barbershops shall provide a supply of hot and cold running water located at a convenient point within each barbershop under pressure and in such quantities as may be necessary to provide services and conduct the shop in a sanitary manner, including at least ten (10) gallons of fresh and twelve (12) gallons of gray capacity.

2. The sink shall be within line of site of the customer in the cutting area.

3. Mobile barber shops shall immediately cease operations if:

a. Wastewater storage capacity has been reached;

b. Sink is non-functioning; or

c. The mobile shop no longer has an adequate supply of clean hot and cold running water or adequate supply to perform all barbering services.

4. Maintaining an adequate water supply is of particular importance if a shop is performing chemical services.

(f) First Aid.

1. The use of a common styptic pencil or lump alum shall not be permitted for any purpose.

2. Each shop shall have a fully stocked OSHA/ANSI approved ten (10) person First Aid Kit.

(g) Instruments.

1. All equipment used in connection with serving a patron shall be maintained in a clean and sanitary manner.

2. Instruments or appliances which contact a patron shall be before use, sanitized by either spraying or immersing in a solution of at least 70% alcohol.

(h) Hairbrushes and neck dusters. Hairbrushes and neck dusters shall be kept in clean and sanitary condition at all times.

(i) Headrests. The headrest of every barber chair shall be protected with fresh clean paper, single use shower cap or clean laundered towel before use.

(j) Towels.

1. A clean freshly laundered towel shall be used for each patron.

2. This applies to every kind of towel, dry towel, steamed towel, or washcloth.

3. All towels that are used on a patron shall be discarded in a hamper with a lid until laundered.

4. Used towels shall not be replaced in a sterilizer or rinsed or washes in the shop.

5. All wet towels shall be removed from the work stand or lavatory after serving each client.

(k) Chair cloths (Cape).

1. Whenever a chair cloth is used in cutting the hair, shampooing, etc. a newly laundered towel or neck strip shall be placed around the neck to prevent the chair cloth from touching the skin.

2. A clean single use clean chair cloth is acceptable without a neck strip.

(l) Bathrooms and toilets. Bathrooms and toilets shall be kept in a clean and sanitary manner at all times.

(m) Hand hygiene. Every barber shall thoroughly wash his or her hands with soap and water immediately before servicing another customer.

(n) Treating disease. No barber shall undertake to treat any disease of the skin.

(o) Shaving diseased faces.

1. No barber shall shave any person with the surface to be shaved is inflamed or broken out.

2. Alternatively, any implement or items used shall be immediately and thoroughly cleaned, sanitized and disinfected.

(p) Rules posted. The manager of the mobile unit shall post a copy of these rules and regulations in a conspicuous place within the premises.

(q) Traffic/safety cones should be placed at the rear of the vehicle and next to the entrance when the shop is in use.

(2) KRS 317.590 authorizes disciplinary action for violations of KRS Chapter 317 and 201 KAR Chapter 14.

Section 6. Incorporation by reference:

(1) The following material is incorporated by reference:

(a) "Application for Inspection and Registration", (10/15/2026); and

(b) CHFS approval letter regarding sanitation regulations. (3/28/2026)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Barbering, at 312 Whittington Parkway Suite 110, Monday through Friday, 8:30 a.m. to 4:00 p.m.. Or online at: https://barbering.ky.gov/Pages/default.aspx

MASON MCNULTY, Administrator

AGENCY APPROVED: October 12, 2026

FILED WITH LRC: October 15, 2026 at 11:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday December 28, 2026, at 12pm, at 312 Whittington Parkway Ste 110 Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 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: Mason McNulty 312 Whittington Pkwy Ste 110. Louisville, Kentucky 40222 502-429-7148 mason.mcnulty@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mason McNulty, Administrator Kentucky Board of Barbering, Phone:502-429-7148, Email:mason.mcnulty@ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative Regulation establishes ground rules for establishing and operation of a mobile barber shop licensed by the Kentucky Board of Barbering

(b) The necessity of this administrative regulation: This administrative regulation is necessary to satisfy requirements and guidelines for mobile barbering a new category of licensure. KRS 317.440

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 317.440 requires the Board of Barbering to establish regulations regarding mobile barbering.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides structure for licensing and operation for mobile barbering.

(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 category of barbering established by the General Assembly. There are no existing regulations currently in place.

(b) The necessity of the amendment to this administrative regulation: This is necessary to establish language as it relates to mobile barbering, a structure for licensure and rules for operation.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms with the requirement of KRS 317.440 which requires the Board of Barbering to establish regulations for the operation of mobile barber shops.

(d) How the amendment will assist in the effective administration of the statutes: amendment would update the language to be uniform across 201 KAR 22.

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation has the potential to impact 3300 license holders that would have the potential to make their operations mobile throughout the state in all 120 counties.

(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: Any licensee wishing to participate in mobile services would be required to acquire a Mobile Barber Permit and a Mobile Shop license by complying with the regulations established here.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): A Mobile Barber Permit will be $50.00 and a Mobile Shop License will be $100.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): It established the model in which a Mobile Barber Shop can operate in Kentucky.

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

(a) Initially: $2000 in IT related services to implement through our website.

(b) On a continuing basis: No cost.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Agency Revenue Fund, and costs will not change from current spending.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment creates a new category of licensure, there will be new fees.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: A $50 fee for a Mobile Permit and a $100 fee for Mobile Shop License. Demand is unknown.

(10) TIERING: Is tiering applied? Tiering was not used in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 317.410, 317.420, 317.430, 317.440, 317.450, 317.570

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 317.440

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

(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: Unknown
For subsequent years: Unknown
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): NA

(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: Unknown
For subsequent years: Unknown
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: Unknown
For subsequent years: Unknown
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: Unknown

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

(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): Unknown

(b) The methodology and resources used to reach this conclusion: With 120 counties, each with its own regulations, it is up to the licensee to comply with local jurisdictions.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. NA

(2) State compliance standards. NA

(3) Minimum or uniform standards contained in the federal mandate. NA

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? NA

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. New program for Kentucky.

BOARDS AND COMMISSIONS
Board of Social Work
(New Administrative Regulation)

201 KAR 23:027. Preliminary determination of licensure eligibility for individuals with criminal convictions.

RELATES TO: KRS 335.070, 335.075, 335.080, 335.090, 335.100, 335.150(1)(a), 335B.020, 335B.030, 335B.032

STATUTORY AUTHORITY: KRS 335.070(4), KRS 335B.032

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335B.032 requires each licensing authority that considers a criminal background check as part of its application process to establish a process by which an individual who has been convicted of a crime may obtain a determination about whether the crime will disqualify the individual from licensure, to publish its application policy and procedures for individuals with a criminal background, and to promulgate administrative regulations related to that process by January 1, 2027. KRS 335.075 requires the board to conduct a national and state criminal background investigation of every applicant for an initial license. KRS 335B.020 and 335B.030 establish the standards and procedures the board shall follow when considering a prior conviction. KRS 335.070(4) authorizes the board to promulgate administrative regulations to carry out KRS 335.010 to 335.160 and 335.990. This administrative regulation establishes the procedures for requesting and issuing a preliminary determination of licensure eligibility and the board's public notice requirements for individuals with criminal convictions.

Section 1. Definitions.

(1) Board" is defined by KRS 335.020(1).

(2) "Conviction" is defined by 201 KAR 23:025, Section 1(3).

(3) "Directly relates" means that a conviction relates to the practice of social work, as determined by the board after considering the items established in KRS 335B.020(2).

(4) "Preliminary determination" means a written determination by the board, issued in accordance with this administrative regulation, of whether an individual's conviction disqualifies the individual from licensure as a social worker.

(5) "Requestor" means an individual who submits a request for a preliminary determination.

Section 2. Eligibility.

(1) An individual who has been convicted of a crime may request a preliminary determination before or while pursuing the education or training required for licensure pursuant to KRS 335.080, 335.090, or 335.100.

(2) An individual with an application for licensure pending under 201 KAR 23:025 shall not request a preliminary determination. The individual's conviction shall be reviewed as part of the application.

Section 3. Request.

(1) A requestor shall submit to the board:

(a) A completed Request for Preliminary Determination of Licensure Eligibility form;

(b) A non-refundable fee of twenty-five (25) dollars;

(c) A disclosure of each conviction, including the offense, its classification as a misdemeanor or felony, the date of conviction, the court and jurisdiction, the sentence imposed, and the date of completion of the sentence and any supervision;

(d) A certified copy of the court record of the charge, final disposition, and judgment or sentencing order for each conviction; and

(e) A signed personal statement describing the circumstances of each offense, the requestor's age at the time of each offense, and the requestor's rehabilitation.

(2) A requestor may submit any evidence the board shall consider under KRS 335B.020(2), including evidence of:

(a) Compliance with any conditions of community supervision, parole, or mandatory supervision;

(b) The requestor's conduct and work activity since the offense;

(c) Treatment undertaken by the requestor; and

(d) Testimonials or personal reference statements.

(3) Within ten (10) working days of receipt of a request, the board shall notify the requestor of any missing item. The requestor shall submit any missing item, and any additional information the board requests under 2026 Ky. Acts ch. 72, sec. 2(2)(a), within thirty (30) days of the notice. A request that is not completed within that time shall be closed, and the requestor may submit a new request.

(4) The board may verify a requestor's disclosed criminal history by obtaining a Kentucky criminal history record from the Administrative Office of the Courts or the Department of Kentucky State Police. The requestor shall pay any fee charged for the record.

Section 4. Opportunity to Be Heard.

(1) Before issuing a preliminary determination, the board shall afford the requestor an opportunity to be heard in person, by telephone, or by video, in the format selected by the requestor.

(2) The board shall notify the requestor of the date, time, and format of the hearing at least fourteen (14) days in advance.

(3) The requestor may waive the opportunity to be heard in writing.

(4) A hearing under this section shall be an informal opportunity to present testimony and evidence and shall not be an administrative hearing conducted in accordance with KRS Chapter 13B.

Section 5. Evaluation.

(1) The board shall evaluate the requestor's testimony and the evidence submitted and determine whether each conviction directly relates to the practice of social work.

(2) A requestor shall not be disqualified solely because of a prior conviction unless the conviction directly relates to the practice of social work.

(3) The board shall issue a preliminary determination within ninety (90) days after the request is complete.

Section 6. Preliminary Determination.

(1) The board shall issue each preliminary determination in writing.

(2) If the board determines that the requestor is not disqualified, the preliminary determination shall state the limitations established in Section 7 of this administrative regulation.

(3) If the board determines that the requestor is disqualified, the board shall provide the requestor with written findings of fact that include:

(a) The grounds and reasons for the disqualification, citing facts as they relate to the items established in KRS 335B.020(2);

(b) Notice that the requestor has the right to a hearing conducted in accordance with KRS Chapter 13B, if a written request for hearing is made within ten (10) working days after service of the notice;

(c) The earliest date the requestor may submit a new request or apply for licensure; and

(d) Notice that new or previously submitted evidence of rehabilitation may be considered upon a new request or application.

(4) A party aggrieved by a final order issued after a hearing under subsection (3)(b) of this section may appeal as provided by KRS 335B.030(1)(b).

Section 7. Binding Effect.

(1) A preliminary determination that a requestor is not disqualified shall be binding on the board unless, at the time the individual submits a full application for licensure, the individual has subsequently been convicted of a crime or has any previously undisclosed conviction.

(2) An applicant who received a preliminary determination shall disclose it on the application submitted pursuant to 201 KAR 23:025. The board shall compare the results of the criminal background investigation required by KRS 335.075 with the convictions disclosed in the request.

(3) If the applicant has been convicted of a crime since the preliminary determination, or has a conviction not disclosed in the request, the board shall review all of the applicant's convictions in accordance with KRS 335B.020 and 335B.030.

(4) A preliminary determination shall address criminal history only and shall not waive any other requirement for licensure, including the education, examination, supervised experience, and criminal background investigation requirements of KRS 335.075, 335.080, 335.090, 335.100, and 201 KAR 23:025.

Section 8. Public Notice.

(1) The board shall display on its website its application policy and procedures for individuals with a criminal background. The policy shall state that:

(a) The application process may include a background check by the Department of Kentucky State Police or the Administrative Office of the Courts and, for an applicant described in KRS 335.075(1), shall require the applicant to submit to fingerprinting;

(b) A criminal conviction may disqualify an applicant from obtaining a license if the conviction directly relates to the practice of social work;

(c) The applicant shall submit the information described in KRS 335B.020(2) within thirty (30) days of the board's request; and

(d) An individual may request a preliminary determination in accordance with this administrative regulation.

(2) The board shall provide the notice established in subsection (1) of this section to each applicant for licensure and each requestor within fourteen (14) days of receipt of the application or request.

(3) The board shall provide the notice established in subsection (1) of this section to each educational institution in Kentucky that offers a social work program accredited by, or in candidacy with, the Council on Social Work Education:

(a) At least annually; and

(b) Within thirty (30) days of any change to the policy.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference: "Request for Preliminary Determination of Licensure Eligibility," 10/2026.

(2) This 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.

HANK CECIL, LCSW, Board Chair

APPROVED BY AGENCY: October 14, 2026

FILED WITH LRC: October 15, 2026 at 11:35 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 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 December 31, 2026. Send written notification of

intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marc 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 the procedures for requesting and issuing a preliminary determination of licensure eligibility and the board's public notice requirements for individuals with criminal convictions.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with statutory directives and to establish uniform requirements for preliminary review of criminal convictions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335B.032 requires each licensing authority that considers a criminal background check as part of its application process to establish a process by which an individual who has been convicted of a crime may obtain a determination about whether the crime will disqualify the individual from licensure, to publish its application policy and procedures for individuals with a criminal background, and to promulgate administrative regulations related to that process by January 1, 2027. KRS 335.075 requires the board to conduct a national and state criminal background investigation of every applicant for an initial license. KRS 335B.020 and 335B.030 establish the standards and procedures the board shall follow when considering a prior conviction. KRS 335.070(4) authorizes the board to promulgate administrative regulations to carry out KRS 335.010 to 335.160 and 335.990. This administrative regulation establishes the procedures for requesting and issuing a preliminary determination of licensure eligibility and the board's public notice requirements for individuals with criminal convictions.

(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 uniform procedures for preliminary review of potentially disqualifying criminal convictions 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: N/A

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to comply with statutory directives related to the preliminary review of criminal convictions.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by establishing uniform requirements for preliminary review of criminal convictions and the board's public notice requirements for individuals with criminal convictions.

(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 complying with statutory directives.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 335.075 and KRS 335B.032.

(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 potential social work licensees who have criminal convictions and seek a preliminary determination of eligibility 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 individuals identified in question (4) will have to submit required information in order to obtain a preliminary determination of eligibility for licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): $25.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Individuals identified in question (4) will be able to obtain a determination of eligibility for licensure prior to expending time and money obtaining the prerequisites for licensure.

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

(a) Initially: Minimal costs are anticipated.

(b) On a continuing basis: Minimal 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 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 twenty-five dollar fee for preliminary review.

(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 335.075, KRS 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. KRS 335.075 and KRS 335B.032.

(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: Minimal.
For subsequent years: Minimal.
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 the board.
(b) Methodology and resources used to reach this conclusion: The amendment provides for notice provisions that may cause minimal administrative costs to 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 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.

BOARDS AND COMMISSIONS
Board of Respiratory Care
(New Administrative Regulation)

201 KAR 29:025. Predetermination of License Eligibility.

RELATES TO: KRS Chapter 13B, Chapter 335B, 314A.225(1)(a) and (h)
STATUTORY AUTHORITY: KRS Chapter 335B, 314A.205
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, now codified at KRS 13A.105(2), because the amendments to this administrative regulation will not have a major economic impact.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 335B.032 requires the Board of Respiratory Care 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 professional licensure. KRS 314A.225(1)(a) and (h) provide that the board shall have the power to deny any license to practice respiratory care issued by the board or applied for in accordance with KRS Chapter 314A, upon proof that the person has committed a crime, 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 licensure 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; and
(b) A non-refundable application fee in accordance with 201 KAR 29:015.
(2) The applicant may submit with the application evidence in accordance with KRS Chapter 335B.

Section 2. Notice of predetermination and right to an administrative hearing.
(1) A notice of predetermination 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) The applicant may challenge a determination of ineligibility by requesting an administrative hearing pursuant to KRS 335B.030(1)(a)(2), within fifteen (15) working days of the issuance of the notice of predetermination. 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 31B.050(1)(a)(2), the determination shall remain in effect for a period of one (1) year. The applicant may not reapply during that period.
(c) A request for hearing shall be sent by email to the person identified in the notice of predetermination.
(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
(f) If the final order of the board is adverse to an applicant, the board may impose hearing costs upon the applicant pursuant to 201 KAR 29:030 §4(6).

Section 3. Incorporation by Reference.
(1) "Application for Predetermination", 8/2026, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Respiratory Care, 1714 Perryville Road, Suite 200, Danville, Kentucky 40422, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at https://kbla.ky.gov/Pages/Resources.aspx.

MARLENE MCKINLEY, RRT, Board Chair

APPROVED BY AGENCY: August 20, 2026
FILED WITH LRC: October 9, 2026 at 1:30 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 30, 2026 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by December 21, 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 December 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: Morgan G. Ransdell, Board Attorney, Kentucky Board of Respiratory Care 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422 Phone: (502) 665-9600 Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Morgan G. Ransdell Phone: (502) 665-9600 Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation implements 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 professional licensure.
(b) The necessity of this administrative regulation: The promulgation of this administrative regulation is required by KRS Chapter 335B.
(c) How this administrative regulation conforms to the content of the authorizing statutes: By implementing 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 professional licensure, including an opportunity for judicial review pursuant to KRS 13B.140.
(d) How this administrative regulation currently assists or will

assist in the effective administration of the statutes: By implementing 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 professional licensure, including an opportunity for judicial review pursuant to KRS 13B.140.

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

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

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

(c) How the amendment conforms to the content of the authorizing statutes: N/A.

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

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This administrative regulation implements 2026 RS HB 185, which is now codified at KRS 335B.020-034.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The regulation affects all individuals with criminal convictions who may wish to apply for a respiratory care license in Kentucky at any time in the future; however, the precise number of such persons is incalculable.

(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 as a consequence of this new regulation; however, the individuals identified in the response to question (4) will have the voluntary option of submitting an application for predetermination of licensure eligibility.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): an application fee of $25 must be paid in conjunction with an application for a predetermination, and applicants who seek an administrative hearing pursuant to KRS Chapter 13B are subject to a requirement for payment of the cost of the hearing officer and the cost of stenographic services if the board final order is adverse to the applicant.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Recipients of a predetermination application will have the benefit of knowing whether a criminal conviction would constitute an absolute bar to future licensure before they undertake to obtain training and education in the field of respiratory care.

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

(a) Initially: The monetary costs associated with the implementation of the amendment arise from staff time, hearing officer charges pursuant to KRS 13B.030(2), and the cost of stenographic services regard the preparation of a hearing transcript; however, the precise amount of such costs is incalculable.

(b) On a continuing basis: The monetary costs associated with the implementation of the amendment arise from staff time, hearing officer charges pursuant to KRS 13B.030(2), and the cost of stenographic services regard the preparation of a hearing transcript; however, the precise amount of such costs is incalculable.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Agency funds, defrayed in part from the implementation of a $25 fee that must be paid in conjunction with an application for a predetermination, and the recoupment of hearing expenditures in instances where the board final order is adverse to the 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: As this regulation implements a new statutory predetermination process, an application fee of $25 is needed to defray the cost of implementation and ongoing administration of the predetermination process.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The promulgation of this regulation is accompanied by a corresponding amendment to 201 KAR 29:015, which imposes an application fee of $25.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the 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 13B, Chapter 335B, 314A.225(1)(a) and (h), 314A.205.

(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 implements 2026 RS HB 185, which is now codified at KRS 335B.020-034.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

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

1. Expenditures:

For the first year: While staff time will be needed to implement the predetermination process in the first year, procurement expenditures for materials and services will be nominal and are not expected to exceed $1,000.

For subsequent years: While staff time will be needed to implement the predetermination process in subsequent years, procurement expenditures for materials and services will be nominal and are not expected to exceed $1,000 annually.

2. Revenues:

For the first year: less than $500.

For subsequent years: less than $500 annually.

3. Cost Savings:

For the first year: The regulation will not impact cost savings.

For subsequent years: The regulation will not impact cost savings.

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

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Prospective licensure applicants.

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

1. Expenditures:

For the first year: An application fee of $25 must be paid.

For subsequent years: An application fee of $25 must be paid.

2. Revenues:

For the first year: The application fee will nominally increase revenues.

For subsequent years: The application fee will nominally increase revenues.

3. Cost Savings:

For the first year: The regulation will not result in cost savings.

For subsequent years: The regulation will not result in cost savings.

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

(a) Fiscal impact of this administrative regulation: The board anticipates fewer than 20 predetermination applications annually, with an anticipated maximum collective annual impact of less than $500, and a fiscal impact per application of only $25.

(b) Methodology and resources used to reach this conclusion: The foregoing estimate is based upon relative infrequency with which the board receives applications for licensure from persons with criminal convictions that are relevant to the practice of respiratory care.

(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 it relates to the entities identified in (3)(a), (4)(a), and (5)(a).

(b) The methodology and resources used to reach this conclusion: None.

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 Pastoral Counselors
(New Administrative Regulation)

201 KAR 38:021. Application.

RELATES TO: KRS 335.620

STATUTORY AUTHORITY: KRS 335.615(1)-(4), (6), 335.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.615 requires the Kentucky Board of Licensure for Pastoral Counselors to promulgate administrative regulations establishing requirements for licensure. KRS 335.620 requires the board to promulgate administrative regulations establishing an initial fee for licensure and requirements for a written examination. This administrative regulation establishes the application process for certification.

Section 1. An applicant for licensure shall:

(1) Meet the requirements of KRS 335.620;

(2) Pay by check or money order an initial licensure fee as established by 201 KAR 38:040, Fees, made payable to the Kentucky State Treasurer;

(3)

(a) Pass the written examination titled "Kentucky Licensed Pastoral Counselors Examination" administered and verified by the Kentucky Board of Licensure for Pastoral Counselors, which may include the topics set forth in 201 KAR 38:031, Section 3(1) through (4); and

(b) Submit documentation of a passing score to the board; and

(4) File a completed, signed, and dated Application for Licensure as a Kentucky Licensed Pastoral Counselor, or "PC-3", with the board containing:

(a) Name;
(b) Address;
(c) Home phone;
(d) Work address;
(e) Work phone;
(f) Cell phone;
(g) Work email;
(h) Personal email;
(i) Date of birth;
(j) Social security number;
(k) Criminal convictions;
(l) Misconduct in other counseling positions;
(m) Credentials by other states;
(n) Membership in professional organizations;
(o) Education; and
(p) Prior employment history, including job duties and employer contact information.

Section 2. Verification of hours.

(1) Verification of clinical practice hours required by KRS 335.620(1)(e)(1).

(a) An applicant shall provide documentation verifying completion of at least 1,375 hours in the practice of supervised pastoral counseling subsequent to the conferral of the qualifying master's degree. Supervision shall be rendered by a qualified supervisor. Documentation shall include a log of clinical hours signed by their current supervisor.

(b) Clinical practice hours shall consist of direct counseling moments with individuals, couples, families, or groups, in which the applicant is actively engaged in assessment, treatment, intervention, or therapeutic support. Non-clinical pastoral counseling activities such as administrative work, teaching, chaplaincy, preaching, pastoral care or general ministry duties shall not be counted toward supervised pastoral counseling hours requirements.

(2) Verification of clinical supervision hours required by KRS 335.620(1)(e)(2). An applicant shall provide documentation verifying completion of at least 250 hours of clinical supervision by a qualified supervisor, of which a minimum of thirty (30) hours shall be individual supervision provided by a Kentucky Licensed Pastoral Counselor with at least five (5) years of experience in pastoral counseling.

(3) For purposes of subsection (1) and (2), a qualified supervisor shall be an individual who:

(a) Is licensed as a licensed pastoral counselor in Kentucky;

(b) Holds licensure or certification, with at least five (5) years of clinical experience and two (2) years of supervisory experience, in one of the following mental health professions:

1. Psychiatry;
2. Psychology;
3. Social work;
4. Professional counseling;
5. Marriage and family therapy; or
6. Licensed clinical alcohol and drug counseling; and

(c) Holds a clinical supervisor credential or its substantive equivalent from a Kentucky Board of Licensure for Pastoral Counselor's approved pastoral counseling training or certified body, demonstrating both advanced clinical experience and documented training in the supervision of pastoral counselors; or

(d) Previously held a Diplomate or Fellow level certification from the American Association of Pastoral Counselors or one (1) of its regional affiliates prior to the organization's cessation of operations and continues to meet the experience requirement of subsection (a) or (b) of this section.

Section 3. Required Documentation; Affidavit.

(1) Documentation of clinical supervision. This shall include:

(a) A log indicating the time frame during which clinical supervision occurred, which includes:

1. A clearly delineated number of individual supervision hours and the number of group supervision hours; and

2. A total number of supervision hours; including the name, license, and qualifications of each supervisor, accompanied by the current supervisor's signature attesting to the accuracy of the record.

(b) Clinical supervision shall consist of documented supervisory meetings with a Board-approved supervisor that addresses the applicant's clinical work, case conceptualization, treatment planning, ethical concerns, and professional growth. Administrative meetings, general ministry oversight, or non-clinical discussions shall not be counted toward clinical supervision hours requirements.

(c) Clinical supervision may occur in both individual and group settings; however, the applicant must obtain at least 120 of the required 250 supervision hours in individual supervision.

(2) Documentation of educational credentials. This shall include:

(a) An official transcript from an accredited university; or

(b) Documentation from a Kentucky Board of Licensure for Pastoral Counselors approved non-accredited program, which shall include course descriptions, syllabi, and other explanatory materials from the institution or training program.

(3) Documentation of good character by written endorsement provided by a denomination, faith community, or recognized religious or spiritual organization, attesting to the applicant's good standing and fitness for pastoral counseling practice. This may be provided by:

(a) An official representative of an ordaining or credentialing body within the applicant's denomination or faith tradition;

(b) An official representative of a congregation, parish, or faith community in which the representative holds active membership or ministerial standing; or

(c) An official representative of a board-approved religious or spiritual organization, professional chaplaincy body, or interfaith institution that can attest to the applicant's religious or spiritual formation and character.

(4) Applicant's Affidavit. The applicant shall sign an affidavit certifying that all statements, answers, and documentation submitted in support of the application are true, correct, and complete to the best of the applicant's knowledge.

Section 4. Incorporation by Reference.

(1) Form "Kentucky Licensed Pastoral Counselor Application", PC-3 (September 2026), Kentucky Board of Licensure for Pastoral Counselors, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Pastoral Counselors, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 38:021
MARGARET BROOKS, Chair

APPROVED BY AGENCY: August 31, 2026

FILED WITH LRC: October 13, 2026 at 11:13 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 11:00 a.m. EST 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 December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Name: 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, Mental Health, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the licensing criteria for becoming a Kentucky Licensed Pastoral Counselor.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because it provides the listed criteria for an applicant to obtain 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 335.615(4) to license pastoral counseling applicants who satisfy the requirements; KRS 335.615(6) to promulgate administrative regulations to implement the purposes of KRS 335.600 to .699; and KRS 335.620 to establish an initial fee for licensure and requirements for a written examination.

(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 and defined licensing criteria for applicants.

(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 an unknown number of persons who wish to apply for licensure; the Board does not anticipate more than 10-15 applicants in a given calendar year at the maximum.

(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: Potential applicants will need to complete the application and provide the identified personal and background information, and attain the required criteria for clinical supervision, including specific criteria on the qualification of any such professional who provides clinical supervision to the applicant.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The applicant will have to pay the application and initial licensing fee, along with the fee for the required examination. The total amounts are set forth in 201 KAR 38:040, and total $550.00 per potential applicant.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants will be able to become licensed as a Kentucky Licensed Pastoral Counselor through this process.

(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 establish fees paid to the Board for an application, initial licensure, and administration of the required examination.

(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 335.615(6) requires the Board to promulgate administrative regulations to implement the purposes of KRS 335.600-.699. KRS 335.615(1) does require the Board to approve or deny applications for licensure.

(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 335.615(6).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Pastoral Counselors 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 Pastoral Counselors
(New Administrative Regulation)

201 KAR 38:031. Equivalent course of study.

RELATES TO: KRS 335.620

STATUTORY AUTHORITY: KRS 335.615(6), 335.620(1)(d)-(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.615 requires the Kentucky Board of Licensure for Pastoral Counselors to promulgate administrative regulations to implement KRS 335.600-335.699. KRS 335.620(1)(d)-(g) authorizes the board to promulgate administrative regulations establishing a course of study equivalent to a Master of Divinity degree. This administrative regulation establishes the criteria for the equivalent course of study.

Section 1. To qualify as an equivalent course of study as referenced in KRS 335.620(1)(d), a master's or doctoral degree shall consist of a minimum of sixty (60) semester hours of graduate level coursework. The coursework may include, or extend beyond, the professional degree in a theological or spiritual discipline or a mental health discipline, and may include unlimited graduate level hours earned in either:

(1) A pastoral counseling training program approved by the Kentucky Board of Licensure for Pastoral Counselors, such as the Kentucky Association of Pastoral Counselors Academy (hereinafter "KAPC Academy"); or

(2) Another educational institution or program that meets the requirements stipulated by the Board.

Section 2. A master's or doctoral degree in an equivalent course of study shall include the following:

(1) Theological foundations. This area shall consist of a minimum of fifteen (15) semester hours in any of the following areas:

(a) Scripture;

(b) Theology;

(c) Religious history;

(d) Theological and social ethics;

(e) Spirituality;

(f) World religions; and

(g) Non-degree theological formation, subject to the following:

1. Qualifying nondegree theological formation may include, but is not limited to:

a. Completion of an ordination preparation process recognized by a denomination, faith community, or ecclesiastical body;

b. Completion of one or more units of clinical pastoral education which are accredited by the Association for Clinical Pastoral Education (hereinafter "ACPE");

c. Completion of a structured theological curriculum offered by a board-approved training program, such as the KAPC Academy, where the content is substantially equivalent to graduate-level theological coursework; or

d. Other theological formation, as reviewed and approved by the board on a case-by-case basis, with documentation of such to be provided by one or more of the following:

2. Ordination certificates and documentation of ordination process;

3. Clinical pastoral education unit completion records, program curricula, syllabi, and certificates of completion; or

4. A written statement from a supervising clergyperson, bishop, or denominational authority attesting to the nature and scope of the formation.

(2) Core clinical theory. This area shall consist of graduate level coursework in each of the following core clinical theory areas:

(a) Pastoral Counseling Theory. Coursework may include theological and psychological integration models, pastoral counseling frameworks, spiritually-oriented therapeutic approaches,

religious coping theory, and the application of pastoral identity within clinical practice.

(b) Counseling Theory and Techniques. Coursework may include foundational and contemporary counseling theories, models of change, therapeutic processes, and evidence based intervention techniques applicable to individual counseling practice.

(c) Group Dynamics and Techniques. Coursework may include theories of group development, group leadership styles, facilitation skills, therapeutic factors, and methods for conducting psychoeducational and therapeutic groups.

(d) Couples and Family Systems. Coursework may include systemic theories, relational patterns, family development, couple and family assessment, and intervention strategies grounded in family systems approaches.

(e) Social and Cultural Diversity. Coursework may include multicultural counseling theory, cultural humility, identity development, social justice frameworks, and the impact of culture, power, and context on the counseling relationship.

(f) Professional Ethics. Coursework may include ethical decision-making models, professional standards of practice, legal considerations, confidentiality, boundaries, and application of the American Counseling Association Code of Ethics, or comparable professional codes.

(g) TraumaInformed Care and Neuroscience. Coursework may include the neurobiological foundations of trauma, principles of trauma-informed practice, the impact of adverse experiences, including complex and relational trauma, on development and functioning, and evidence-based approaches to trauma recovery.

(3) Where a single graduate-level course addresses the content requirements of more than one of the core clinical foundation areas described in subsection (2) of this section, the Kentucky Board for Licensure for Pastoral Counselors may, in its discretion, accept such a course as satisfying the requirement for each area addressed, provided the applicant submits a course syllabus or description that in the Kentucky Board for Licensure for Pastoral Counselors' discretion, demonstrates that the relevant content was substantively covered.

(4) Additional Applicable Coursework. The following graduate level coursework may also be applied toward the sixty (60) semester hour requirement set forth in Section 1, provided the content is consistent with the knowledge, skills, and competencies expected of a clinically trained pastoral counselor and is documented through an official transcript or other means of verification suitable in the discretion of the Kentucky Board of Licensure for Pastoral Counselors.

(a) Advanced Pastoral Counseling Theory. Coursework may include graduate level study that deepens the integration of clinical mental health practice with theological reflection, spiritual assessment, pastoral identity formation, and spiritually informed approaches to trauma, grief, crisis, and ethical decision-making within therapeutic practice.

(b) Professional Identity. Coursework may include the history and philosophy of the counseling profession, roles and functions of professional counselors, professional organizations, credentialing, and advocacy.

(c) Theories of Human Behavior, Learning, and Personality Development. Coursework may include developmental theories, learning theories, personality theory, and the study of human growth across the lifespan.

(d) Career Development. Coursework may include career development theories, vocational assessment, career counseling techniques, and the impact of work on mental health and wellbeing.

(e) Diagnostic Assessment. Coursework may include diagnostic interviewing, use of the DSM, differential diagnosis, case formulation, and assessment strategies used in clinical mental health settings.

(f) Abnormal Behavior. Coursework may include the study of psychopathology, symptom patterns, etiology of mental disorders, and evidence based approaches to treatment planning.

(g) Substance Use Disorder Assessment and Treatment. Coursework may include screening and assessment of substance use disorders, models of addiction, cooccurring disorders, and evidence based treatment approaches.

(h) Specialized Technical Studies. Coursework may include advanced or specialized clinical approaches such as family systems theory, marriage and family therapy, psychodynamic psychotherapies, cognitive behavioral therapy, brief therapy models, and group therapy methods, Eye Movement Desensitization and Reprocessing, or other counseling theories and techniques.

(i) Assessment and Testing. Coursework may include principles of psychological testing, test selection, administration, scoring, interpretation, and ethical use of assessment instruments.

(j) Research and Program Evaluation. Coursework may include research methods, statistics, evidence based practice, program evaluation, and the use of research to inform clinical decision-making.

(k) Human Sexuality. Coursework may include psychosexual development, sexual functioning, sexual ethics, and counseling approaches related to sexuality and relationships.

(l) Crisis Intervention and Suicide Prevention. Coursework may include crisis theory, risk assessment, crisis stabilization, suicide prevention, and emergency response strategies.

(m) Grief, Loss, and Bereavement. Coursework may include theories of grief, complicated grief, spiritual dimensions of loss, and counseling interventions for bereavement.

(n) Pastoral or Spiritual Care Practices. Coursework may include spiritual assessment, pastoral care methods, religious coping, and integration of spirituality in counseling practice.

(o) Psychopharmacology. Coursework may include basic knowledge of psychotropic medications, indications, side effects, and collaboration with prescribing professionals.

(p) Technology, Telehealth, and Digital Ethics. Coursework may include the ethical and legal dimensions of technology-assisted counseling, telehealth delivery standards and best practices, electronic health record management, HIPAA compliance in digital clinical environments, informed consent for remote services, and the clinical limitations and contraindications of telehealth modalities.

(q) Ordination Preparation. Coursework may include supervised formation processes, denominational ordination requirements, ministerial identity development, ecclesial leadership, and vocational discernment, but no more than six (6) semester hours in Ordination Preparation may count toward the sixty (60) semester hours required for an equivalent course of study in Section 1.

(r) Clinical Pastoral Education. Coursework may include supervised clinical ministry, pastoral assessment, spiritual care interventions, interdisciplinary collaboration, and reflective practice consistent with the training models of the Association of Clinical Pastoral Education, but no more than six (6) semester hours in Clinical Pastoral Education may count toward the sixty (60) semester hours required for an equivalent course of study in Section 1.

(s) Practicum, internship or residency. Coursework may include any supervised hands-on activities, practical experience, or other activities relating to the rendering of pastoral counseling services, but no more than three (3) semester hours in a practicum, internship or residency course may count toward the sixty (60) semester hours required for an equivalent course of study in Section 1.

201 KAR 38:031
MARGARET BROOKS, Chair

APPROVED BY AGENCY: August 31, 2026
FILED WITH LRC: October 13, 2026 at 11:13 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 11:00 a.m. EST 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 December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to

the contact person by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Name: 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, 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, Mental Health, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for an alternative course of study, in order for applicants to satisfy the statutory educational requirements for licensing.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 335.620(1)(d) provides an alternative pathway to obtaining a master of divinity for applicants to satisfy the educational criteria for licensure, but it requires the Board to define such alternative course of study via promulgation of administrative regulations.

(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 335.615(6) to promulgate administrative regulations to carry out the provisions of KRS Chapter 335.600 to 335.699. Further, KRS 335.620(1)(d) requires the Board to establish the criteria for an alternative course of study through promulgation of an administrative regulation.

(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 criteria for an alternative course of study for applicants who do not hold a master of divinity, to satisfy the educational criteria.

(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 potential applicants for licensure; it is not expected that the number of applicants will exceed 10 to 15 in a given year at the absolute maximum.

(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 who do not hold a master of divinity will need to make sure that their educational background satisfies 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): The Board does not anticipate that there will be any additional cost to potential applicants, by promulgation of this administrative regulation; it will instead require them to ensure that their educational background does contain the listed subject matter and designated credit hours.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): A pathway to licensure will exist for potential applicants who do not hold a master of divinity.

(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 new 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 335.615(6) requires the Board to promulgate administrative regulations to implement the purposes of KRS 335.600-.699. KRS 335.620(1)(d) permits the Board to promulgate an administrative regulation setting forth the definition of an equivalent course of study required of licensure applicants, other than a master of divinity from a seminary accredited by the Association of Theological Schools.

(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 335.615(6).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Pastoral Counselors 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.

INDEPENDENT ADMINISTRATIVE BODIES
Board of Emergency Medical Services
(New Administrative Regulation)

202 KAR 7:812. EMS educators.

RELATES TO: KRS 12.355, 311A.020, 311A.025, 311A.030, 311A.050, 311A.055, 311A.060, 311A.095, 311A.125, 311A.130, 10 U.S.C. 121, 12304

STATUTORY AUTHORITY: KRS 311A.025, 311A.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 311A.025 and 311A.030 require the board to promulgate administrative regulations relating to emergency medical services educators. This administrative regulation establishes requirements for certification, recertification, and reciprocity of emergency medical services educators.

Section 1. EMS Educator Certification Levels. An EMS Educator may be certified at one (1) of the following levels:

(1) CE Educator – An educator certified to teach continuing education courses at or below the level of EMS provider certification or license issued by the board;

(2) EMR Educator – An educator certified to teach Emergency Medical Responder (EMR) initial certification and continuing education courses;

(3) EMT Educator – An educator certified to teach EMR and Emergency Medical Technician (EMT) initial certification and continuing education courses;

(4) AEMT Educator – An educator certified to teach EMR, EMT, and Advanced Emergency Medical Technician (AEMT) initial certification and continuing education courses;

(5) Paramedic Educator – An educator certified to teach EMR, EMT, AEMT, and Paramedic initial certification and continuing education courses; or

(6) Advanced Practice Paramedic (APP) Educator – An educator certified to teach EMR, EMT, AEMT, Paramedic, and Advanced Practice Paramedic initial certification and continuing education courses.

Section 2. EMS Educator Initial Certification Requirements.

(1) An applicant for initial certification as an EMS educator shall:

(a) Hold a certificate or license in Kentucky as an EMR, EMT, AEMT, paramedic, or APP; or

(b) Hold a license in Kentucky or another state as a Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA). An RN, APRN, DO, MD, or PA shall be considered an advanced EMS provider at the paramedic level only for the purpose of credentialing the individual as an EMS educator;

(c) Satisfy one (1) of the following:

1. Successfully complete a board-approved EMS educator course that meets the objectives of the National Highway Traffic Safety Administration National Guidelines for Educating EMS Instructors and the National Emergency Medical Services Education Standards;

2. Hold a current, unrestricted license or certification as a teacher or educator through a state board of education in the United States; or

3. If applying as a CE Educator, successfully complete a board-approved, nationally recognized or EMS-TEI instructor course;

(d) If applying for APP Educator, in addition to satisfying subsection (1)(a) or (b) and subsection (1)(c) of this section, provide proof of specialty certification in one (1) or more of the following:

1. Critical Care Paramedic;
2. Flight Paramedic;
3. Community Paramedic;
4. Tactical Paramedic; or
5. Wilderness Paramedic;

(e) Submit a completed Initial Educator Application in KEMSIS; and

(f) Pay the fee required for certification established in 202 KAR 7:030.

(2) An EMS educator certification shall lapse or expire upon lapse or expiration of the individual's board-issued provider certification or license pursuant to KRS 311A.095.

(3) An EMS educator certification shall not be issued to an applicant for a level of instruction higher than his or her EMS provider certification or license.

Section 3. Renewal of EMS Educator Certification.

(1) An EMS educator shall be eligible for certification renewal if the applicant:

(a) Submits a completed Application for Educator Renewal in KEMSIS;

(b) Has maintained state certification or licensure as an RN, APRN, DO, MD, PA, or as an EMS provider at a level equal to or greater than the level at which he or she is certified as an EMS educator;

(c) Retains evidence of completing all training and education pursuant to KRS Chapter 311A;

(d) Is not subject to discipline pursuant to KRS Chapter 311A; and

(e) Pays the fee required for certification renewal established in 202 KAR 7:030.

(2) A certified EMS educator, in good standing, who is a member of a National Guard or a military reserve unit called to active duty by presidential order pursuant to 10 U.S.C. §§ 121 and 12304, shall be renewed according to KRS 12.355 upon submission of the Military Extension Application.

Section 4. EMS Educator Reinstatement.

(1) An EMS Educator whose certification has lapsed may reinstate an EMS educator certification by submitting to the board:

(a) A completed Reinstatement Educator Application in KEMSIS;

(b) The reinstatement fee established in 202 KAR 7:030; and

(c) Evidence of previous certification as an EMS Educator in Kentucky.

(2) The applicant for reinstatement of certification shall bear the burden of proof of previous certification in Kentucky if the previous certification is in issue or dispute.

(3) An applicant who is ineligible for certification pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

(4) An EMS educator certification shall not be issued to an applicant for reinstatement for a level of instruction higher than his or her EMS provider certification or license.

Section 5. EMS Educator Reciprocity.

(1) A person certified as an EMS Educator or board-approved equivalent in another state or United States territory shall be eligible for Kentucky EMS Educator certification if the applicant submits:

(a) A completed Reciprocity Educator Application in KEMSIS;

(b) Payment of the reciprocity fee established in 202 KAR 7:030;

(c) Proof of certification or license by the board as an EMS provider or license as an RN, APRN, DO, MD, or PA; and

(d) Proof the applicant meets one (1) of the following:

1. Is certified as an EMS Educator or board-approved equivalent in another state or United States territory; or

2. Is certified as a teacher or educator through a state board of education in another state or United States territory.

(2) The applicant may only apply for educator certification at the same level of Educator certification currently held in another state or United States territory.

Section 6. Public Notice of Negative Action. The board office shall cause to be published on the board Web site the name of an EMS educator who:

(1) Is fined;

(2) Is placed on probationary status;

(3) Is placed on restricted status;

(4) Is suspended; or

(5) Has had his or her certification revoked.

Section 7. Educator Oversight. The board may conduct unscheduled visits to an EMS educator's classroom or to an EMS psychomotor examination site to verify compliance with KRS Chapter 311A and 202 KAR Chapter 7.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Initial Educator Application" in KEMSIS, August 2026;

(b) "Reciprocity Educator Application" in KEMSIS, August 2026;

(c) "Reinstatement Educator Application" in KEMSIS, August 2026;

(d) "Application for Educator Renewal" in KEMSIS, July 2019;

(e) "Military Extension Application" in KEMSIS, July 2019;

(f) "National Guidelines for Educating EMS Instructors", National Highway Traffic Safety Administration, August 2002; and

(g) "National Emergency Medical Services Education Standards", National Highway Traffic Safety Administration, 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, by appointment, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kbems.ky.gov.

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: October 12, 2026

FILED WITH LRC: October 13, 2026 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 PM ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Fax: (859) 225-1493, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood Phone: (859) 225-4714 Email: administrativeregulations@wgmfirm.com

Subject Headings: Emergency Medical Services, Licensing, Education: Career and Technical

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for certification, recertification, and reciprocity of emergency medical services educators.

(b) The necessity of this administrative regulation: KRS 311A.025 and 311A.030 require the board to promulgate administrative regulations relating to emergency medical services educators. This administrative regulation is necessary to establish requirements for certification, recertification, and reciprocity of emergency medical services educators, which were previously established in 202 KAR 7:601.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.025 and 311A.030 by establishing requirements for certification, recertification, and reciprocity of emergency medical services educators.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.025 and 311A.030 require the board to promulgate administrative regulations relating to emergency medical services educators. This administrative regulation will assist in the effective administration of those statutes by establishing requirements for certification, recertification, and reciprocity of emergency medical services educators.

(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 administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

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

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

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

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All EMS Educators and individuals seeking an EMS Educator certification will be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Individuals seeking an EMS Educator certification will be required to satisfy the initial certification or reciprocity requirements established by this administrative regulation. EMS Educators will be required to satisfy the renewal requirements of this administrative regulation and shall be subject to the reinstatement requirements as set forth in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): This administrative regulation does not establish any fees. However,

pursuant to 202 KAR 7:030, Section 3(6), EMS Educators will be required to pay a $60 certification renewal fee every two (2) years. Pursuant to 202 KAR 7:030, Section 4, applicants for reciprocity or reinstatement will be required to pay a $100 fee.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with this administrative regulation, EMS Educators will benefit from having a board-issued certification authorizing them to educate and train EMS personnel in accordance with their certification, and will benefit from the renewal provisions that confirm an EMS Educator remains qualified.

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

(a) Initially: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(b) On a continuing basis: Other than administrative costs, there will be no costs to the Board in implementing this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. However, this administrative regulation references the fees established in the Board's fee regulation, 202 KAR 7:030, which requires EMS Educators to pay a $60 certification renewal fee every two (2) years and requires applicants for reciprocity or reinstatement to pay a $100 fee.

(10) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this administrative regulation applies to all EMS Educators.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . KRS 311A.025 and 311A.030 require the board to promulgate administrative regulations relating to emergency medical services educators. This administrative regulation establishes requirements for certification, recertification, and reciprocity of emergency medical services educators, which were previously established in 202 KAR 7:601.

(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 and required by KRS 311A.025 and 311A.030, both of which were last amended by 2026 Ky. Acts ch. 105, secs. 8 and 5, respectively.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by the Kentucky Board of Emergency Medical Services.

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

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local entities, such as EMS services, are not directly affected by this administrative regulation.

(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): EMS Educators and individuals seeking an EMS Educator certification.

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

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

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

(a) Fiscal impact of this administrative regulation: This administrative regulation does not establish or increase any fees. However, EMS Educators will continue to pay the $60 certification renewal fee established in 202 KAR 7:030, Section 3(6), every two (2) years. Currently, there are 2,036 certified EMS Educators in Kentucky. Accordingly, the aggregate costs over a two-year period for all EMS Educator certification renewals are approximately $122,160.

(b) Methodology and resources used to reach this conclusion: The renewal fee established in 202 KAR 7:030, Section 3(6), and the number of current EMS Educators.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: This administrative regulation will require EMS Educators to pay a $60 certification renewal fee every two years pursuant to 202 KAR 7:030, Section 3(6). Currently, there are 2,036 certified EMS Educators in Kentucky. Accordingly, the aggregate costs over a two-year period for all EMS Educator certification renewals are approximately $122,160.

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.

DEPARTMENT OF AGRICULTURE
Office of Consumer and Environmental Protection
(New Administrative Regulation)

302 KAR 79:014. Retail Electric Vehicle Charging Station Licensing and Inspection.

RELATES TO: KRS 363.510; KRS 363.785
STATUTORY AUTHORITY: KRS 363.510; KRS 363.785
NECESSITY, FUNCTION, AND CONFORMITY: KRS 363.785 requires the Kentucky Department of Agriculture to issue licenses to electric vehicle power dealers operating an electric vehicle charging station with a charging capacity of 20 kilowatts or more that offers electricity for sale to the public to power electric vehicles and to inspect those electric vehicle charging stations. This administrative regulation establishes the licensing and inspection procedures utilized by the department. KRS 363.785(6) requires the department to promulgate administrative regulations establishing electric vehicle

charging station inspection standards and to carry out and enforce KRS 363.785.

Section 1. Licensing and Renewal.

(1) Beginning January 1, 2027, unless otherwise exempt under KRS 363.785(5), a person shall not offer for sale to the public electric power dispensed from an electric vehicle charging station with an electrical charging capacity of twenty (20) kilowatts or more to charge an electric vehicle without first obtaining a retail electric vehicle charging license from the department.

(2) To apply for a retail electric vehicle charging license, each electric vehicle power dealer shall use the department's online licensure portal to complete a "Retail Electric Vehicle Charging License Application" and pay the licensure fee of One Hundred Dollars ($100.00) per electric vehicle charging port per electric vehicle charging station.

(3) When completing a Retail Electric Vehicle Charging License Application, each electric vehicle power dealer shall provide the dealer or an authorized representative's contact information and identify each electric vehicle charging station with an electrical charging capacity of twenty (20) kilowatts or more that the dealer is operating in the Commonwealth by:

(a) Model type, including the minimum and maximum kilowatt capacity;

(b) The National Council on Weights and Measures, National Type Evaluation Certificate of Conformance number for all electric vehicle charging stations installed after January 1, 2025;

(c) The number of electric vehicle charging ports on the electric vehicle charging station;

(d) The street address and geolocation of the electric vehicle charging station; and

(e) If the electric vehicle charging station is being operated pursuant to a lease, the duration of the lease term.

(4) If the electric vehicle power dealer operates a new electric vehicle charging station with an electrical charging capacity of twenty (20) kilowatts or more between the initial approval of the retail electric vehicle charging license and annual renewal, the dealer shall use the department's online licensure portal to complete an "Additional Electric Vehicle Charging Station Approval Application" and provide the same information about the additional electric vehicle charging station as required in subsection (3) of this Section.

(5) A valid retail electric vehicle charging license, or other proof of licensure as provided by the department, shall be conspicuously displayed at each electric vehicle charging station for which a license is required.

(6) Operating an electric vehicle charging station without a retail electric vehicle charging license shall result in the placement of a Stop-Sale Order on each electric vehicle charging station for which a retail electric vehicle charging license is required. Upon successful application submission and approval of the necessary retail electric vehicle charging license, the Stop-Sale Order issued under this subsection of this Section shall be removed.

(7) Each retail electric vehicle charging license shall be effective from the date of issuance until January 31 of the following calendar year.

(8) Prior to January 31 of each calendar year, an electric vehicle power dealer holding a retail electric vehicle charging license shall use the department's online licensure portal to renew the license by confirming the accuracy of the information associated with the licensee's account and paying the applicable licensure fee.

(9) All applications and licensure fees required by this Section of this administrative regulation shall be submitted using the department's online licensure portal available at the department's website, https://www.kyagr.com/OnlinePortal/RegisterCompany.

Section 2. Inspections and Enforcement.

(1) All electric vehicle charging stations for which a retail electric vehicle charging station license is required shall conform to all standards in the current edition of the National Institute of Standards and Technology's Handbook 44 and 302 KAR 81:010.

(2) An electric vehicle charging station that deviates from any standard in the current edition of the National Institute of Standards and Technology's Handbook 44 or 302 KAR 81:010 shall be subject to a Stop-Sale Order.

(3) Any Stop-Sale Order issued under this Section shall remain in effect until the electric vehicle power dealer provides proof the electric vehicle charging station has been brought into compliance with all standards in the current edition of the National Institute of Standards and Technology's Handbook 44 and the department has confirmed such compliance following an additional inspection.

(4) The department shall conduct the additional inspection required under subsection (3) of this Section within ten (10) days of receiving notice from the electric vehicle power dealer of the proof of conformity required under subsection (3) of this Section.

(5) The department shall affix to any electric vehicle charging station placed under a Stop-Sale order, for any reason, a tag or other object preventing the public from using the electric vehicle charging station. Removal of the tag or other object by any person without the express written approval of the department shall result in the department initiating action against the person under KRS 363.991.

Section 3. Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "Retail Electric Vehicle Charging License Application" 10/2026; and

(b) "Additional Electric Vehicle Charging Station Approval Application," 10/2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Department of Agriculture, Division of Regulation and Inspection, 107 Corporate Drive, 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 Department's website at https://www.kyagr.com/consumer/electric-vehicle-charger.html.

JONATHAN SHELL, Commissioner

APPROVED BY AGENCY: October 8, 2026

FILED WITH LRC: October 8, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026, at 1:00 P.M., at 107 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marc E. Manley, Deputy General Counsel, Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601. (502) 782-9219. MarcE.Manley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Marc Manley Phone: (502) 782-9219 Email: MarcE.Manley@ky.gov

Subject Headings: Licensing, Weights and Measures, Inspections, Fuel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a process to apply for a retail electric vehicle charging license and how retail electric vehicle charging stations will be inspected.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because under KRS 363.785, and effective on January 1, 2027, the General Assembly requires all electric vehicle power dealers operating a retail electric vehicle charging station with an electrical power charging capacity of twenty (20) kilowatts or more, that is accessible to general public vehicular traffic, and is selling electricity at retail to charge a battery or other storage device of an electric vehicle to obtain a retail electric vehicle charging license from the Department.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 363.785(6) requires the department to promulgate this administrative regulation on or before October 13, 2026.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 363.785 requires all electric vehicle power dealers operating a retail electric vehicle charging station with an electrical power charging capacity of twenty (20) kilowatts or more, that is accessible to general public vehicular traffic, and is selling electricity at retail to charge a battery or other storage device of an electric vehicle to obtain a retail electric vehicle charging license from the Department. This administrative regulation established the process to apply for a license from the department and how inspections of retail electric vehicle charging stations will be inspected.

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

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

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

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

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

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact approximately 100 electric vehicle power dealers in the Commonwealth. This administrative regulation will not impact any state or local governments.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The entities identified in question (4) will now be required to obtain a license from the department for each retail electric vehicle charging station with an electrical power charging capacity of twenty (20) kilowatts or more, that is accessible to general public vehicular traffic, and is selling electricity at retail to charge a battery or other storage device of an electric vehicle to obtain a retail electric vehicle charging license from the Department. To obtain the license, the entity will be required to provide certain information in an application and pay a fee of $100.00 per electric vehicle charging port.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): As required under KRS 363.785(2), the entities identified in question (4) will incur costs of $100.00 per electric vehicle charging port for each retail electric vehicle charging station that it operates.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The entities will be able to lawfully operate a retail electric vehicle charging station by complying with this administrative regulation.

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

(a) Initially: $692,200.00

(b) On a continuing basis: $300,000.00

(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 for this administrative regulation will come from the licensure fees collected from the entities identified in question (4) and general fund dollars appropriated by the General Assembly.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The fees required by this administrative regulation were established by the General Assembly. The department has no authority under KRS 363.785 to alter the fee amount.

(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. Rather, KRS 363.785 establishes the fees that are collected by the process established by this administrative regulation.

(10) TIERING: Is tiering applied? No tiering is being applied because this administrative regulation treats all impacted individuals the same.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 363.510; KRS 363.785

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2026 Ky. Acts ch. 161, sec. 93, effective July 15, 2026

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Department of Agriculture. The Department of Agriculture is the only state unit impacted by this administrative regulation. No other state units, parts, or divisions are affected by this administrative regulation.

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

1. Expenditures:
For the first year: $692,200.00
For subsequent years: $300,000.00
2. Revenues:
For the first year: $46,000.00
For subsequent years: $46,000.00
3. Cost Savings:

For the first year: There will be no cost savings as this is a new regulatory program, resulting in a net expenditure by the department.

For subsequent years: There will be no cost savings as this is a new regulatory program, resulting in a net expenditure by the department.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No other state or local entity is impacted by this administrative regulation.

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

1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation impacts electric vehicle power dealers operating retail electric vehicle charging stations.

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

1. Expenditures:
For the first year: $100.00 per electric vehicle charging port
For subsequent years: $100.00 per electric vehicle charging port
2. Revenues:
For the first year: $0.00
For subsequent years: $0.00
3. Cost Savings:
For the first year: $0.00
For subsequent years: $0.00

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

(a) Fiscal impact of this administrative regulation: The Department anticipates a significant fiscal impact will result from this new program established by statute.

(b) Methodology and resources used to reach this conclusion: The Department obtained data from the Department of Energy indicating 460 electric vehicle charging ports subject to regulation at 116 unique locations exist in Kentucky. Many of these are owned by the same entity, suggesting the number of electric vehicle power dealers already operating in the Commonwealth is approximately 100 or fewer. The Department estimated revenues of $46,000.00 based on the number

of electric vehicle station charging ports subject to regulation (~460) and multiplying it by $100.00. The costs to the Department were estimated by reviewing the cost of hiring two (2) additional employees, including salary and benefits, additional vehicles, and equipment to inspect the electric vehicle charging stations.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will have a major economic impact because the cost to regulated entities and the cost born by the department to implement this new regulatory program established by the General Assembly will cost more that $250,000.00 per year.

(b) The methodology and resources used to reach this conclusion: The Department obtained data suggesting how many electric vehicle power dealers are already operating in the Commonwealth and estimated the amount of fees that would be received based on that data. The costs to the Department were estimated by reviewing the cost of hiring two (2) additional employees, including salary and benefits, additional vehicles, travel expenses, training, and equipment to inspect the electric vehicle charging stations.

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 Waste Management
(New Administrative Regulation)

401 KAR 46:130. Groundwater assessment and corrective action for coal combustion residuals (CCR).

RELATES TO: KRS 224.1, 224.10, 224.50, 224.70, 224.99, Chapter 322, Chapter 322A, 16 U.S.C. 1531, 33 U.S.C. 1251, 42 U.S.C. 82, 40 C.F.R. 257.50-257.106

STATUTORY AUTHORITY: KRS 224.10-100, 224.50-760

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. KRS 224.50-760(1)(d) authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation establishes the requirements for groundwater assessment monitoring, assessment of corrective measures, selection of remedy, and the implementation of corrective action incident to the disposal of coal combustion residuals (CCR) in CCR units.

Section 1. Groundwater Assessment, Remedy Selection, and Corrective Action. Except as established in this administrative regulation, the groundwater assessment, selection of remedy, and corrective action requirements for a CCR unit shall be as established in C.F.R. 257.95 through 257.98. The requirements established in 40 C.F.R. 257.96(a) shall be replaced with:

(1)

(a) Within 90 days of finding that any constituent listed in Appendix IV in 40 C.F.R. Part 257 above the maximum contaminant level (MCL) as established in 401 KAR 30:031, or significant level exceeding the groundwater protection standard established in 40 C.F.R. 257.95(h) for parameters that have no MCL, or immediately upon detection of a release from a CCR unit, the owner or operator must initiate an assessment of corrective measures to prevent further releases, to remediate any releases, and to restore affected area to original conditions. The assessment of corrective measures must be completed within 90 days, unless the owner or operator demonstrates the need for additional time to complete the assessment of corrective measures due to site-specific conditions or circumstances.

(b) For parameters that have no MCLs, a significant increase over background shall be determined using a statistical test established in 40 C.F.R. 257.93. If after assessment monitoring, the parameters remain below the standard established in 40 C.F.R. 257.95(h), no other parameter exceeds a groundwater protection standard, and plume stability has been demonstrated pursuant to this regulation, the permittee may resume detection monitoring.

(2)

(a) The assessment of corrective measures, the application of approved corrective measures, including long-term monitoring and maintenance shall be based upon a sitewide conceptual site model performed pursuant to 401 KAR 46:130 which discusses short-term and long-term exposure risks associated with the release and proposed remedies. Short-term risks, including a cost-benefit evaluation of any removal activities, shall consider localized and environmental impacts such as increased road hazards, increased risk of additional releases, and increased emissions.

(b) Monitoring data produced during any assessment monitoring period required by 40 C.F.R. 257.95 shall be incorporated into the conceptual site model (CSM) performed pursuant to 401 KAR 46:130.

(3) The owner or operator must obtain a certification from a qualified professional attesting that the demonstration is accurate.

(4) The 90-day deadline to complete the assessment of corrective measures may be extended for no longer than 60 days.

(5) The owner or operator shall submit the assessment required by this section to the Director of the Division of Waste Management for review and approval.

(6) Upon approval by the cabinet, the owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by 40 C.F.R. 257.90(e).

Section 2. Karst Terrain. Karst terrain requirements shall be as established in 401 KAR 46:110, Section 9.

Section 3. Groundwater Assessment Monitoring.

(1) Except as provided in this section, the requirements for a groundwater assessment monitoring program shall be as established in 40 C.F.R. 257.95(g).

(2) To implement the requirements in 40 C.F.R. 257.95(g)(1), the following procedures are established.

(a) CCR corrective action shall reduce a concentration of Contaminants of Concern (COC) in groundwater to levels below the MCLs established by 401 KAR 8:250, Section 1, ambient background values, or risk-based levels for parameters that lack an MCL.

(b) No later than February 9, 2027, the owner or operator shall submit to the cabinet, CCR Corrective Action Plan. The CCR Groundwater Corrective Action Plan shall include:

1. The methods to be used to abate release of COCs;

2. The methods to be used to prevent further release of COCs;

3. A description of the means used to restore or replace contaminated water supplies;

4. The milestones and total time to complete corrective action as established in subsection (a) of this subsection; and

5. A conceptual site model as established in paragraph (e) of this subsection.

(c) Upon proposed approval of the Corrective Action Plan by the cabinet, a public notice shall be published as established in 401 KAR 46:120, Section 8.

(d) Corrective action measures shall be initiated and completed within the time period required in the permit.

(e) An owner or operator shall submit a CSM.

1. The CSM shall be scientifically and geologically sufficient to understand the release of the COCs and to enable a comprehensive and conceptual understanding of the impacts, impact boundaries, and fate and transport of the uppermost groundwater aquifer, and underlying hydraulically-connected aquifers.

2. The CSM shall also include:

a. The incorporation of all previous and relevant assessment, investigatory, and characterization work, data, and information related to defining the nature and extent of the COC contamination and impact;

b. A concise executive summary of the CSM report findings and recommendations;

c. To the extent known or reasonably obtained, a site description and history;

d. In accordance with C.F.R. § 257.75 and to the extent known or reasonably obtained, a comprehensive, accurate, and complete discussion regarding the identification, regulatory, operational, and investigational history of the site, and a chronology of events related to all CCR units and CCR Areas of Potential Concern (APC), releases, and potential releases. At a minimum, this discussion shall include the elements of C.F.R Part 257.75 (c)(1)(i) through (xiv) and (d)(1)(i) through (xiii).

e. To the extent known or reasonably obtained, a description of the land use status of the site and adjacent properties;

f. A map depicting domestic use well, municipal well or well field, and well head protection area survey within a radius commensurate with the COCs under investigation and their characteristic fate and transport within the specific groundwater regime impacted;

g. A description and analysis of the geologic and hydrogeologic setting relevant to the release;

h. A description, discussion, and analysis of the nature and extent of the mass discharge strength of the source and plume;

i. An assessment of the applicability of the Darcy Flux concept as defined in this administrative regulation or other groundwater velocity and flow concepts, consistent with the specific geologic and hydrogeologic setting;

j. A description, discussion, and analysis of groundwater impacts that references the appropriate maps, figures, tables, and appendices regarding the:

(i) COCs;

(ii) Plume source area;

(iii) Plume migration pathway;

(iv) Existing and potential future points of exposure and extraction points;

(v) Plume terminus; and

(vi) COC groundwater impact trends per monitoring point, along a cross-section of the plume's major axis length in the predominant downgradient direction, and across the plume's minor axis width;

k. A description, discussion, and analysis of the nature and extent of impacted surface and subsurface soil, as applicable;

l. A description, discussion, and analysis of the nature and extent of impacted sediment, as applicable;

m. A description, discussion, and analysis of the nature and extent of impacted surface water(s), as applicable;

n. A description, discussion, and analysis of ecological impacts, as applicable;

o. Conclusions and recommendations;

p. Figures, maps, graphs, and tables, including:

(i) Aerial photographs;

(ii) A site survey map;

(iii) A site map of the source;

(iv) Site maps of historic and recent soil sampling locations and data;

(v) Site maps of historic and existing monitoring wells;

(vi) Site maps of historic and recent monitoring wells and data;

(vii) Site maps of historic and recent groundwater potentiometric surface with flow trend direction indicated;

(viii) Site maps indicating groundwater COCs isoconcentration contours;

(ix) A map of the portion of the 7.5-minute United States Geological Survey (USGS) Topographic Map or a map providing equivalent information depicting the location of the site, name of the map, latitude and longitude labels, and a map scale;

(x) A map of the portion of the 7.5-minute USGS Geologic Quadrangle Map, or a map providing equivalent information depicting the location of the site, the name of the map, latitude and longitude labels, a map scale, and a description of the site geology from the geologic quadrangle;

(xi) Geologic and soil cross sections depicted along the major and minor axes of the contaminant plume indicating the plume source, migration pathway, exposure and extraction points, as applicable, and plume terminus, soil and lithological stratigraphy, hydraulically significant geologic features, average depth groundwater elevation, average depth to plume elevation, and other pertinent subsurface features, including underground utilities and preferred pathways;

(xii) A site bedrock contour map, as applicable;

(xiii) Hydrographs for all monitoring wells and alternative groundwater monitoring points;

(xiv) Concentration versus time plots for each monitoring well and alternative groundwater monitoring points for trend analysis;

(xv) Concentration, as average of mass across monitoring wells and alternative groundwater monitoring points along the primary major and minor axes versus time plots for trend analysis;

(xvi) Groundwater elevation data tables for all historic and existing monitoring wells and alternative groundwater monitoring points, which shall at a minimum, include all relevant current and historic gauging data for each monitoring well and alternative groundwater monitoring points, all relevant monitoring well and alternative groundwater monitoring point's identification designations, groundwater gauging dates, and identification of any abandoned wells;

(xvii) Groundwater analytical data tables for all historic and existing monitoring wells and alternative groundwater monitoring points, which shall at a minimum include all relevant current and historic analytical data for each monitoring well and alternative groundwater monitoring points, all relevant monitoring well and alternative groundwater monitoring point's identification designations, sample collection dates, analytical results, and identification of any abandoned wells;

(xviii) Soil analytical data tables for all soil samples collected, which shall at a minimum include sample identification numbers, depths sampled, sample collection dates, analytical results, and identification of any excavated sampled areas;

(xix) Current photographs of the site and adjacent sites;

(xx) Copies of all boring logs, logged by a geologist; and

(xxi) Copies of all monitoring well records, including records for abandoned monitoring wells;

q. The owner or operator of any facility regulated under this section shall obtain a certification statement, signature, and stamp or seal by a qualified Professional Geologist (PG), stating that the CSM complies with the requirements of this administrative regulation, that all geologic and hydrogeologic data, analysis, and interpretations comply with KRS Chapter 322A and has been performed, designed, utilized, and implemented by a PG or a geologist-in-training under the direct supervision and review of a PG to assess and provide for the protectiveness of public health and welfare and the environment to the fullest extent possible;

r. The owner or operator of any facility regulated under this regulation shall obtain a certification from a qualified Professional Engineer (PE) stating that the clause d. of this subparagraph meets the requirements of C.F.R, Part 257.75;

s. The owner or operator of any facility regulated under this section must provide a notarized, dated, and signed certification that all data, site evaluation, and information provided by the owner or operator to the PE and PG consultant, and contained in the PE and PG certified CSM, to the best of their knowledge and understanding, is true, accurate, and complete, with the following statement signed by the owner or operator or an authorized representative: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.";

t. The Groundwater CCR Plume Geochemical Study and Analysis (GSA) Demonstration established in Section 4 shall be submitted as an appendix to the CSM.

(f)

1. For CCR facilities subject to this administrative regulation, the requirements established in 40 C.F.R. 257.90(e) for the groundwater monitoring and corrective action report shall be replaced with the requirement for the owner or operator to submit an annual CCR Corrective Action Update no later than January 31.

2. The CCR Groundwater Corrective Action Update shall include:

a. Any updated information relevant to the requirements in the CSM; and

b. The requirements established by 40 C.F.R. 257.90(e).

Section 4. Groundwater Coal Combustion Residuals (CCR) Plume Geochemical Study and Analysis (GSA) Demonstration.

(1) The party or applicant shall perform and submit a GSA Demonstration Report of the CCR groundwater plume's geochemical conditions and state.

(2) A GSA Demonstration Report is a documented study and analysis performed to demonstrate the geochemical conditions and state of the CCR groundwater plume. The GSA Demonstration Report is an evaluation of geochemical plume conditions and external parameters that may limit or promote the stability or instability of metals mobilization within the groundwater aquifer.

(3) The GSA Demonstration Report general provisions and core requirements shall address and at a minimum include the following scientific, geologic, and technical criteria:

(a) Data, analysis, and presentations of the plume status in space (lateral and vertical communication) and time;

1. Expansion;

2. Steady-state; or

3. Decay.

(b) Data, analysis, and presentations of the geochemical plume status, geochemical parameters and conditions that limit or promote stability or instability for metals mobilization in the groundwater aquifer:

1. pH conditions;

2. Redox conditions;

3. Soil sorption capacity conditions; and

4. Mineral equilibrium conditions.

(c) Data, analysis, and presentations of plume mass discharge rate (Md);

(d) Data, analysis, assessment, and presentations of existing, future likely, and future potential groundwater extraction points mass extraction rate (Me) of existing and future potential and likely groundwater extraction point receptors;

(e) Data, analysis, and designation of plume magnitude;

(4) The GSA Demonstration Report prepared and submitted for agency review and approval to support a geochemical stability determination shall, at a minimum, include the following technical elements, supporting data, analytical evaluations, and performance metrics necessary to demonstrate and document the geochemical study:

(a) A concise executive summary of the GSA Demonstration Report's findings, conclusions, and recommendations.

(b) An evaluation of Plume Status in Space and Time, including supporting data, statistical analyses, hydrogeologic interpretation, and technical discussion addressing the following:

1. Statistically significant concentration trends for Appendix IV and other applicable COCs at plume boundary monitoring wells,

2. Testing, data evaluation, and analysis of downgradient groundwater conditions relative to plume expansion, steady-state behavior, or attenuation decay for Appendix IV and other applicable COCs beyond the historical plume footprint,

3. Testing, data and analysis downgradient of the groundwater plume historical footprint, including:

a. In relation to existing groundwater extraction points inducing and influencing the groundwater gradient related to the groundwater CCR plume, and

b. In relation to applicable likely future and potential future Groundwater Extraction Point(s) inducing and influencing related to the groundwater gradient on the groundwater CCR plume.

4. Characterization of upgradient natural background groundwater conditions outside areas exhibiting plume expansion, steady-state conditions, or attenuation for Appendix IV and other applicable COCs relative to the historical plume footprint; and

5. Demonstration and evaluation of groundwater mass flux and mass discharge for Appendix IV and other applicable COCs to determine whether the groundwater plume is expanding, stable, or decreasing.

(c) An evaluation of geochemical plume conditions and external parameters that may limit or promote the stability or instability of metals mobilization within the groundwater aquifer.

(d) The geochemical evaluation shall include supporting data, testing results, analyses, geochemical interpretation, and technical discussion addressing the following:

1. Identification and evaluation of geochemical conditions demonstrating whether site-specific conditions facilitate, limit, or arrest the mobility of Appendix IV metals and other applicable COCs;

2. Evaluation of whether the mobility or immobility of Appendix IV and other applicable COCs is spatially and temporally stable and persistent on a seasonal and annual basis, or whether such conditions are temporally or spatially variable, uncertain, or demonstrably unstable; and

3. Geochemical testing, data evaluation, analysis, and interpretation including, at a minimum:

a. Identification of the primary source type, including the anthropogenic source matrix and relevant aquifer matrix materials;

b. Seasonal and annual testing, analysis, and evaluation of oxidation–reduction (redox) conditions and trends associated with stability or instability of Appendix IV and other applicable COCs;

c. Seasonal and annual testing, analysis, and evaluation of aerobic and anaerobic redox conditions within the subject aquifer groundwater and their relationship to Appendix IV and other applicable COCs;

d. Seasonal and annual testing, analysis, and evaluation of pH stability, variability, or instability within the subject aquifer groundwater in relation to Appendix IV and other applicable COCs;

e. Testing and analysis of pH conditions, including acidic, neutral, or alkaline conditions, within the subject aquifer groundwater and their relevance to Appendix IV and other applicable COCs;

f. Testing and analysis of soil and aquifer material sorption capacity, including pedololithic soils, anthropogenic fill materials, and aquifer matrix materials, evaluated both laterally and vertically;

g. Demonstration of whether geochemical factors associated with the CCR source are expanding laterally or downgradient within the aquifer system; and

h. Testing, analysis, and modeling evaluating geochemical mineral equilibrium conditions associated with the CCR source and the groundwater aquifer.

4. Geochemical source and groundwater conditions shall be demonstrated and evaluate geochemical conditions at a site utilizing:

a. The most recent published version of the United States Geologic Survey's (USGS) Ph, Redox Equilibrium (PHREEQC) model as the minimal acceptable means; or

b. The Registered Professional Geologist (PG) responsible for the applicable certifications may propose another scientifically valid method, model, or combination of methods. Use of an alternative approach shall be supported by sufficient technical documentation demonstrating to the satisfaction of the cabinet that the proposed approach:

(i) Is demonstrated to serve the same technical purpose as the USGS PHREEQC model for the specific geochemical evaluation being performed;

(ii) Is demonstrated to provide capabilities that are equivalent to or technically superior to those of the USGS PHREEQC model for the specific site conditions and evaluation objectives; and

c. The above demonstrations have been technically reviewed and approved by a cabinet Registered Professional Geologist (PG) prior to its use as the basis for the applicable GSA Demonstration Report certification.

5. Analysis and demonstration of whether the first aquifer immediately beneath the upper impacted aquifer is in communication with the upper impacted aquifer, or is impacted by Appendix IV and other applicable COCs spatially, seasonally, or annually from the impacted upper aquifer.

(e) Groundwater Plume Geochemical Spatial Status (Plume Footprint). In order to demonstrate the lateral and downgradient spatial status of the groundwater plume spatial maps and figures to scale shall be prepared and submitted isoconcentration (plane view) time-sequenced plume maps for each Indicator constituent, Appendix IV metal, and other identified applicable COCs using and showing 3 to 5 representative seasonal wet period and dry period events, over 2 to 4 years. Isoconcentration time-sequenced maps shall include at a minimum:

1. Consistent contour intervals;
2. The primary source area;
3. The plume core;
4. The plume's boundaries; background bounds, leading edge, and side lateral bounds;
5. Overlays of the dominant seasonal and annual groundwater flow direction;
6. The location of all sentinel and monitoring wells;
7. The location of all existing groundwater extraction points; and
8. Standard mapping components, which shall include:
a. Map title;
b. Compass rose or north arrow;
c. Map legend or key;
d. Inset map;
e. Locator map;
f. Map scale;
g. Data frame;
h. Source; and
i. Professional Geologist (P.G.) Stamp.

(f) Groundwater Plume Geochemical Vertical Status (Cross-Sections). In order to demonstrate the vertical and hydrogeologic vertical communication status of the groundwater plume vertical geologic and groundwater cross-section with scaled vertical exaggeration shall be prepared and submitted.

1. Prepare hydrostratigraphic vertical concentration indicated plume cross sections for each Indicator constituent, Appendix IV metal, and other identified applicable COCs.

2. Hydrostratigraphic vertical concentration indicated plume cross sections shall include:
a. Well/boring identification;
b. Well/boring map location inset;
c. Vertical and horizontal scales;
d. Electrical logs;
e. Screened intervals;
f. Geologic data;
g. Soil type;
h. Stratigraphy;
i. Geologic features;
j. Age of geologic units;
k. Stratigraphic correlations;
l. Static groundwater level;
m. Metals concentrations by depth; and
n. Professional Geologist (P.G.) Stamp.

(g) Groundwater Plume Geochemical Temporal Status (Trend Analysis). In order to demonstrate the temporal status of the groundwater plume trend, analysis for Appendix IV and other applicable COCs shall be prepared and submitted.

1. Temporal stability trend analysis shall use;

a. Mann-Kendall non-parametric statistical determination method test to analyze if trends over time are present. Mann-Kendall determines if the COC trends are increasing, decreasing, stable;

b. Sen's Slope non-parametric statistical tests to quantify the strength and rate of change over time of an identified trend. Sen's Slope supports corrective action decisions and risk analysis;

c. Other appropriate statistical method for groundwater analysis listed in 401 KAR 48:300, Section 9 or U.S. EPA's Groundwater Statistics Tool; or

d. Other appropriate and applicable statistical methods for groundwater analysis upon approval by the cabinet in the context of a specific report if use of the alternative statistical approach is supported by sufficient technical documentation demonstrating to the satisfaction of the cabinet that the proposed approach:

(i) Is demonstrated to serve the same technical purpose as the statistical model, Mann-Kendall or Sen's Slope, for the specific geochemical evaluation being performed;

(ii) Is demonstrated to provide capabilities that are equivalent to or technically superior to those of the Mann-Kendall or Sen's Slope for the specific site conditions and evaluation objectives; and

(iii) The demonstration has been technically reviewed and approved by a cabinet Registered Professional Geologist (PG) prior to its use as the basis for the applicable GSA Demonstration Report certification.

2. Mann-Kendall and Sen's Slope non-parametric statistical tests shall be applied to:
a. Unit boundary wells;
b. Plume boundary wells (up, down, and side gradient);
c. Sentinel wells;
d. Monitoring wells; and
e. Highest concentration plume core wells.
3. Temporal stability trends shall be classified as:
a. Increasing;
b. Decreasing; and
c. No trend (stable).
4. Time-series plots demonstrating concentrations over time shall include:
a. Concentration versus time for each COC for each well;
b. Overlay of applicable regulatory standards; and
c. Highlight of long-term trends.

(h) Groundwater Plume Mass Discharge Rate Estimates, Analysis, and Demonstration. In order to demonstrate groundwater plume mass discharge status, the plume shall be evaluated system-wide in both space and time to assess plume stability, rather than relying solely on discrete point measurements. The evaluation shall include supporting data, calculations, analysis, and technical interpretation sufficient to characterize plume loading conditions. Plume mass discharge demonstrations shall include, at a minimum, the following:

1. An estimate of the mass discharge rate at the groundwater plume terminus for all CCR Appendix IV COCs and other applicable COCs that exceed applicable regulatory or risk-based levels.

2. An estimate of the mass discharge rate at the groundwater plume terminus for all CCR Appendix IV and other applicable COCs exceeding their applicable regulatory levels, compared to an estimated mass extraction rate for all existing, likely future, and potential future groundwater extraction points using a baseline concentration of 0.002 parts per million (ppm) (mg/L), corresponding to the MCL for mercury (Hg).

3. An estimate of the daily mass discharge rate at the groundwater plume terminus for all CCR Appendix IV and other applicable COCs exceeding applicable regulatory levels, compared to the estimated daily mass extraction rates for all existing and reasonably foreseeable future groundwater extraction points calculated for each applicable regulatory level. This comparison shall determine whether the daily mass discharge rates at the plume terminus for each CCR Appendix IV and other applicable COC exceedance are greater than, equal to, or less than the estimated daily mass extraction rates for applicable existing, likely future, and potential future groundwater extraction points.

(i) In order to assess the groundwater plume mass discharge and groundwater extraction point mass extraction rates, the owner or operator shall determine:

1. The groundwater plume mass discharge rate (Md) at the plume terminus; and

2. The mass extraction rate (Me) at all applicable:
a. Existing groundwater extraction points;
b. Likely future groundwater extraction points; and
c. Potential future groundwater extraction points.

(j) Methodology.

1. The calculation of mass discharge (Md) and mass extraction (Me) may utilize the standard data tables identified as Tables 1 through 3 of this administrative regulation below:

Table 1. Kentucky Rivers Average Flow Rates as a Groundwater Extraction Point.

Kentucky River	Flow Rate(Cu.Ft./Sec.)	Flow Rate(Gal./Sec.)	Flow Rate(Gal./da.)
Beargrass Creek	103	770	66,570,640
Elkhorn Creek	677	5,064	437,556,534

Tradewater River	1,070	8,004	691,559,072
North Fork Kentucky River	1,099	8,221	710,302,262
Salt River	1,704	12,747	1,101,323,980
Barren River	2,501	18,709	1,616,438,541
Big Sandy River	5,007	37,455	3,236,108,667
Licking River	5,694	42,594	3,680,128,370
South Fork Licking River	275	2,057	177,737,145
Kentucky River	8,924	66,756	5,767,731,924
Green River	14,574	109,021	9,419,422,350
Cumberland River	37,250	278,649	24,075,304,141
Tennessee River	70,575	527,938	45,613,814,490
Ohio	281,500	2,105,766	181,938,204,450
Ohio-Mississippi at Confluence	593,000	4,435,948	383,265,915,591

Table 2. Stream and River Classification Average Flow Rates

*Stream River Flow Class	Base FlowCubic Feet per Second (cfs)	Base Flow Gallons per Day (gpd)	Kentucky Rivers and Streams Examples	Notes
Very Small Stream Headwaters	<1	<646,000	Unnamed headwater tributaries to Red River (eastern Kentucky uplands). Small tributaries to Elkhorn Creek in Fayette/Scott counties.	**1st Order Stream.
Small Streams	1–100	0.65–64.6 million	Upper Floyd's Fork, Elkhorn Crk., Upper tributaries to Licking River.	**2nd and 3rd Order Streams.
Medium Rivers	100–10,000	64.6 million–6.46 billion	Salt, Big Sandy, Licking, Barren, and Kentucky Rivers.	**4th, 5th, and 6th Order Rivers.
Large Rivers	10,000–100,000	6.46–64.6 billion	Green, Cumberland, and Tennessee Rivers.	**7th and 8th Order Rivers.
Major Continental Rivers	>100,000	>64.6 billion	Ohio and Mississippi Rivers.	**8th Order Rivers.

References: *Based on Leopold, L, Wolman, M.G., Miller, J.P. Fluvial Process in Geomorphology. (1964). **Based on Strahler Stream Order (1952).

Table 3. Spring Classification Average Flow Rates

*Stream/River Magnitude Order	Discharge Cubic Feet per Second (cfs)	Discharge Gallons per Day (gpd)	Kentucky Spring and Seep Examples	Notes
8th (Small Seep, Minor Spring)	<0.0003 cfs	<180	Minor hillside discharges, E. Kentucky Coal Field fractured sandstones & shales, Upland residual soils over limestone.	Often seasonal; common in shallow perched systems.
7th (Small Seep, Minor Spring)	0.0003–0.002 cfs	180–1,440	Minor hillside discharges, E. Kentucky Coal Field fractured sandstones & shales, Upland residual soils over limestone.	Often seasonal; common in shallow perched systems.
6th (Small Spring)	0.002–0.02 cfs	1,440–14,400	Farmstead springs, Spring box domestic supplies, Hillside seeps feeding small tributaries.	Typical rural domestic supply range.
5th (Small Spring)	0.02–0.22 cfs	14,400–144,000	Farmstead springs, Spring box domestic supplies, Hillside seeps feeding small tributaries.	Typical rural domestic supply range.
4th (Moderate Spring)	0.22–1 cfs	144,000–646,000	Common in central Kentucky karst belt. Captured for rural water supply or forming small perennial headwaters.	Capable of forming a perennial stream channel.

3rd (Large Spring)	1–10 cfs	0.65–6.46 million	Shaker, Elizabethtown.	Equivalent to a small stream baseflow.
2nd (Large Spring)	10–100 cfs	6.46–64.6 million	Crab Orchard, Lulbegrud Crk. Sp., Booneville.	Equivalent to a small stream baseflow.
1st (Regional Spring)	≥100 cfs	≥64.6 million	Mammoth Spring, Big Spring.	Regionally significant groundwater discharge points.
References: *Based on USGS Meinzer (1927)				

2. Tables 1 through 3 shall provide default or representative parameter values for groundwater flow, extraction rates, and receptor classifications where site-specific data is unavailable or insufficient.

3. Where site-specific hydrogeologic data is available, the owner or operator may use measured values in lieu of default tabulated values, unless otherwise approved by the cabinet.

(k) The calculated Md at the plume terminus and Me at all existing and applicable speculative groundwater extraction points shall be used to:

1. Classify groundwater plume magnitude;

2. Assess the plume magnitude in relation to groundwater extraction point at risk receptors and potential receptors;

3. Assess and record plume magnitude strength and status;

4. Evaluate receptor impact potential;

5. Support corrective action determinations; and

6. Evaluate and support short- and long-term risk analysis, evaluation of risk and potential risk, risk management, and institutional, engineering, and natural controls.

(l) Groundwater plume magnitude classification shall be determined based on the calculated mass discharge rate of the plume. The classification shall be derived using the mass discharge rate corresponding to the lowest applicable MCL exceedance for Appendix IV constituents or other applicable COCs, or the lowest applicable risk-based concentration level where an MCL is not available.

1. The mass discharge rate shall be expressed in grams per day (g/day).

2. Groundwater plume magnitude classification shall be classified according to the total calculated mass discharge (Md) at the plume terminus in accordance with Table 4 of this administrative regulation below:

Table 4. Groundwater Plume Magnitude Strength (5 Major Categories)

Plume Magnitude Category	Md – Mass Discharge Range (g/day)	First Plume Magnitude Impacting > Regulatory or Risk Exceedance Level at a Groundwater Extraction Point (Receptor)
I – De Minimis / Trace	< 0.01	Consumptive Wells: Average domestic use well (~150 gal/day).
		Streams/Rivers: Typically limited to ephemeral drainage or diffuse headwater seepage.
		Springs: 8th–7th order minor seeps and hillside discharges (Eastern Kentucky coal field fractured sandstones & shales; upland residual soils over limestone).
II – Minor / Localized	0.01 – 1	Consumptive Wells: Small domestic or farmstead wells.
		Streams/Rivers: Very small 1st order headwater streams (e.g., unnamed tributaries to the Red River; small tributaries to Elkhorn Creek in Fayette/Scott Counties).
		Springs: 6th–5th order small springs (farmstead springs, spring box domestic supplies, hillside seeps feeding small tributaries).
III – Moderate / Developing	1 – 100	Consumptive Wells: Public supply or agricultural wells (≥100 gallons per minute).
		Streams/Rivers: Small 2nd–3rd order streams (Upper Floyd's Fork; Elkhorn Creek; upper tributaries to Licking River; Beargrass Creek).
		Springs: 4th–3rd order springs (moderate to large springs common in central Kentucky karst belt; e.g., Shaker Spring – Elizabethtown).
IV – Major / Regional	100 – 10,000	Consumptive Wells: High-capacity municipal or regional supply wells.
		Streams/Rivers: Medium 4th–6th order rivers (Salt, Big Sandy, Licking, Barren, Kentucky Rivers).
		Springs: 2nd–1st order large to regional springs (Crab Orchard Spring; Lulbegrud Creek Spring; Booneville Spring; Mammoth Spring; Big Spring).

V – Severe / Basin-Scale	> 10,000	Consumptive Wells: Regional groundwater production fields.
		Streams/Rivers: Large 7th–8th order rivers to continental-scale systems (Tennessee, Cumberland, Green Rivers; Mississippi and Ohio Rivers).
		Springs: Regional karst systems with multi-mile conduit flow and basin-scale discharge influence.
Note: Groundwater Extraction Point Examples Calculated Regulatory Extraction Exceedance Rates are based on MCL of 0.002 ppm for mercury (Hg).		

3. The determined groundwater plume magnitude shall be evaluated relative to all applicable groundwater extraction points located at, downgradient of, and side-gradient to the site and all evaluated applicable likely and potential future groundwater extraction points.

4. The groundwater plume calculated mass discharge rate shall be evaluated relative to all applicable existing groundwater extraction points mass extraction rates located at, downgradient of, and side-gradient to the site, and all evaluated applicable likely and potential future groundwater extraction points.

(5) Weight-of-Evidence Groundwater Plume Stability Evaluation.

(a) The demonstration of groundwater plume stability for the evaluation of risk and protection of human health and the environment for CCR units and areas of interest Appendix IV metals, and other applicable COCs, require the evaluation of multiple independent lines of evidence that collectively assess whether the plume has reached a stable configuration in space and time.

(b) Dissolved metals mobility or immobility, and consequential present or future risk(s), are primarily influenced by geochemical conditions and hydrogeologic factors. Plume stability cannot be determined solely based on individual concentration measurements at discrete wells or sampling events, nor are such decisions based on concentrations alone scientific, scientifically sound, robust, or legally defensible.

(c) Accordingly, the evaluation of plume stability shall be conducted using a weight-of-evidence framework that integrates spatial plume behavior, temporal concentration trends, plume mass and mass flux characteristics, geochemical controls on metals mobility, and potential receptor impacts.

(d) This approach is consistent with widely accepted regulatory practices applied under groundwater corrective action programs, including those explicitly stated and implemented under 40 C.F.R. Part 257 (Coal Combustion Residuals), RCRA corrective action programs, and CERCLA remedial investigations.

(e) For purposes of this regulation and its gathered information, data, evaluation, and analysis: A stable groundwater plume is defined as a plume that demonstrates the following conditions:

1. No statistically significant increasing trends in concentrations at downgradient plume boundary wells or sentinel monitoring wells;

2. No lateral or downgradient expansion of the plume footprint relative to historical monitoring data;

3. Stable or declining dissolved plume mass or mass discharge; and

4. Persistent geochemical conditions that limit metals mobility through processes such as sorption, precipitation, or co-precipitation.

(f) Evaluation of plume stability based on the scientific and technical requirements of this section shall include and yield, at a minimum, the following lines of evidence:

1. Spatial stability, demonstrated through consistent plume geometry and absence of lateral or downgradient expansion based on isoconcentration mapping and hydrostratigraphic cross sections;

2. Temporal stability, demonstrated through statistical trend analysis (e.g., Mann-Kendall or Sen's slope) and long-term time-series evaluation of COC concentrations;

3. System-scale plume behavior, demonstrated through estimates of dissolved plume mass and, where practicable, mass flux or mass discharge across downgradient transects;

4. Geochemical stability, demonstrated through evaluation of groundwater chemistry parameters that influence metals mobility and through geochemical modeling or speciation analysis where appropriate;

5. Source term conditions, including evaluation of whether the source area is controlled, removed, capped, or otherwise stabilized; and

6. Receptor protection, including confirmation that the plume remains contained on-site and does not pose a current or reasonably foreseeable future risk to downgradient receptors.

(g) The results of these evaluations are summarized for simplicity and to assist regulatory decision in the following tables:

1. Table 5. CCR Groundwater Metals Plume Stability – Decision Matrix. This decision matrix integrates multiple lines of evidence to evaluate groundwater plume behavior for metal COCs associated with coal combustion residuals (CCR) units. The matrix provides a structured, weight-of-evidence framework that considers spatial plume stability, temporal concentration trends, plume mass and mass flux, geochemical controls on metals mobility, source term conditions, and potential receptor impacts. Collectively, these factors are evaluated to support a comprehensive assessment of plume stability and to provide a transparent and regulator-defensible basis for determining plume status and the justification and effectiveness of corrective action and risk management measures; and

2. Table 6. CCR Geochemical Regulatory Decision Outcome. This table provides a structured, regulatory defensible framework for classifying the groundwater plume based on geochemical and hydrogeologic evaluation of metals COCs. Using the weight-of-evidence approach described in Table 5, the plume is assessed across multiple lines of evidence, including spatial stability, temporal trends, plume mass and mass flux, geochemical conditions, source term control, and receptor risk to assign a final classification of Unstable, Conditionally Stable, or Stable. This decision framework ensures a transparent, consistent, and scientifically justified determination regarding CCR groundwater plume behavior and the effectiveness of corrective action and risk management measures.

Table 5. CCR Groundwater Metals Plume Stability – Decision Matrix

Line of Evidence	Unstable Condition	Conditionally Stable	Stable Condition	Decision Rule / Notes
Plume Footprint (Plan View)	Downgradient or lateral expansion beyond historical footprint	Minor footprint variability without sustained expansion	No expansion; consistent plume geometry across events	Use consistent contour levels; evaluate ≥3–5 multi wet/dry-year 2+ events.
Vertical Migration	Downward migration into deeper hydrostratigraphic units	Vertical variability within same unit	Vertically constrained within defined unit	Requires cross-sections with geology and hydrogeology showing screen intervals.

Boundary Well Trends	Statistically significant increasing trends	Mixed trends or no trend with short record	No increasing trends (no trend or decreasing)	Mann-Kendall and Sen's slope.
Sentinel Well Trends	Increasing trends	No trend with limited data	No increasing trends	Sentinel wells are high-weight evidence.
Plume Core Trends	Increasing trends at high-concentration wells	Mixed or stable trends	Stable or decreasing trends	Core trends support mass stability.
Time-Series Concentrations	Sustained increases over time	Short-term variability	Stable or declining long-term patterns	Focus on long-term signal vs noise.
Plume Mass	Increasing dissolved mass	Approximately stable mass	Stable or declining mass	System-scale metric; high weight evidence metric.
Mass Discharge	Increasing downgradient mass flux	Stable with variability	Stable or declining mass flux	Especially useful where concentrations fluctuate point to point.
Plume Magnitude Strength 1(See Table 4)	Groundwater plume mass discharge rate (grams/day) exceeds the applicable regulatory or applicable risk-based level, expressed as a mass extraction rate (grams/day), relative to existing or potential future groundwater extraction points.	Groundwater plume mass discharge rate (grams/day) is less than or comparable to applicable regulatory and applicable risk-based levels, expressed as a mass extraction rate (grams/day), relative to existing and likely future groundwater extraction points.	Groundwater plume mass discharge rate (grams/day) is less than applicable regulatory and applicable risk level(s) calculated as a mass extraction rate in (grams/day) relative to existing likely, and potential future groundwater extraction points.	Compares plume magnitude for Appendix IV and other applicable COCs calculated mass discharge rate (grams/day) to the regulatory-level mass extraction rate (grams/day) of existing and reasonably foreseeable downgradient groundwater extraction points. This comparison considers whether plume loading is greater than or less than applicable standards at the point of extraction, and incorporates the probability of future groundwater extraction points (e.g., domestic, public water supply, or agricultural wells) occurring within the defined planning horizon (see Table 4).
Plume Magnitude Strength 2(See Tables 1, 2, 3 and 4)	Site groundwater plume magnitude is sufficient, greater than, to impact existing surface water, spring, and seep surface expressed drainage features characteristic of the surrounding geography.	Site groundwater plume magnitude sufficiency is varying (+/-) within one order of magnitude, with respect to potential impacts on existing surface water, spring, and seep surface expressed drainage features typical of the surrounding geography.	Site location groundwater plume magnitude is insufficient, by one magnitude or greater, to impact existing surface water, spring, and seep surface expressed drainage features typical to the geography surrounding the site.	Compares groundwater plume mass discharge (g/day) to surrounding groundwater extraction points and drainage features classifications (streams, rivers, seeps, springs) by converting annual average flow rates (gpd) to equivalent mass extraction/loading rates (g/day) using applicable COC MCLs and risk-based concentrations to evaluate relative magnitude and receptor impact. (See Tables 1, 2, 3 and 4).
Geochemical Conditions	Shifting toward mobilizing conditions	Mixed or transitional conditions	Persistent immobilizing conditions	pH, redox, alkalinity, sulfate/sulfide, Fe/Mn.
Speciation / Solubility	Undersaturated; high mobility potential	Near equilibrium	At or near solubility limits	PHREEQC USGS or equivalent modeling.
Attenuation Mechanisms	No identified attenuation processes	Limited or uncertain attenuation	Documented sorption/precipitation/co-precipitation	Metals-specific line of evidence.
Source Term	Active or uncontrolled source	Source partially controlled	Source controlled or declining	Stability claims not demonstrable without source control.
Receptor / Compliance Risk	Active or imminent off-site impact	On-site only; future risk uncertain	On-site contained; no current or future risk	Includes surface water, domestic use wells, public supply wells, and agricultural use wells.

Table 6. CCR Geochemical Regulatory Decision Outcome

Overall Weight-of-Evidence Result	Interpretation	Regulatory Action
Unstable	Multiple and majority lines of evidence or the most significant indicators, demonstrate plume expansion, increasing concentration trends, or conditions favoring contaminant mobilization.	Continued corrective action required.
Conditionally Stable	Mixed results; no clear expansion or stabilization, due to mixed results, data gaps, or uncertainty.	Continued additional monitoring or greater focused evaluation.
Stable	All multiple and critical lines of evidence indicate no expansion and stable/declining conditions and concentrations.	Plume stability demonstrated, No Further Action.

(6) The owner or operator of any facility regulated under this section shall obtain a certification statement, signature, and stamp or seal by a qualified Professional Geologist (PG), stating that the Groundwater Coal Combustion Residuals (CCR) Plume Geochemical Study and Analysis (GSA) and report complies with the requirements of this administrative regulation, that all geologic and hydrogeologic data, analysis, and interpretations comply with KRS Chapter 322A and has been performed, designed, utilized, and implemented by a PG or a geologist-in-training under the direct supervision and review of a PG to assess and provide for the protectiveness of public health and welfare and the environment to the fullest extent possible.

Section 5. Assessment, Corrective Action, and Remedy Selection.

(1) Except as established in this section, the assessment of corrective measures, corrective action, and remedy selection shall be established in 40 C.F.R. 257.96 through 257.98.

(2) The requirements in 40 C.F.R. 257.96(e) shall be replaced with the requirement for the owner or operator to publish the approved assessment of corrective measures for notice and comment pursuant to 401 KAR 46:120, Section 8.

(3) To implement the requirements in 40 C.F.R 257.96 through 257.98, the following procedures are established.

(a) The CCR groundwater corrective action plan shall be supported by the CSM. If additional data has been obtained following submittal of the CSM, the CCR groundwater corrective action plan shall include the additional data as necessary.

(b) The groundwater corrective action plan shall include a certification statement, signature, and stamp or seal by a PE or PG that the groundwater corrective action plan was prepared to address the requirements of this administrative regulation.

(c) The responsible party shall propose one (1) of the following groundwater remedy selections in the CCR Groundwater Corrective Action Plan:

1. No action necessary in accordance with KRS 224.1-400(18)(a) if the party or applicant submits to the cabinet:

a. A CSM that complies with this administrative regulation, and supports the demonstration that no further action is necessary; and

b. A demonstration that constituents do not exceed:

(i) Target risk levels for unrestricted groundwater use for MCLs established by 401 KAR 8:250, Section 1;

(ii) Ambient background values where ambient background levels are greater than MCLs; and

(iii) Risk-based levels for constituents that lack an MCL;

2. Management in place in accordance with KRS 224.1-400(18)(b) if the responsible party or applicant submits to the cabinet:

a. A revised CSM, as necessary, that complies with 401 KAR 46:130; and

b. A CSM that supports the demonstration that management in place is, and will remain, protective of human health and the environment in perpetuity;

3. Restoration in accordance with KRS 224.1-400(18)(c), which shall apply to sites where the responsible party restores the environment through removal of COCs to below MCLs established by 401 KAR 8:250, Section 1, ambient background values, or risk-based levels for parameters that lack an MCL through source removal, source treatment, or active groundwater remediation; or

4. A combination of options established in subparagraphs 2. and 3. of this paragraph.

(d) The cabinet shall review and approve, disapprove, or notify the applicant of any deficiencies of the groundwater corrective action plan pursuant to this administrative regulation.

Section 6. CCR Groundwater Management in Place Remedy. If the responsible party proposes management in place as the groundwater remedy selection the responsible party shall comply with this section.

(1) A groundwater management in place demonstration shall be submitted to the cabinet for a groundwater management in place remedy selection that shall include:

(a)

1. The removal, reduction, or stabilization of the contamination source to the extent practicable; or

2. A demonstration that the residual contaminant source has been reduced, removed, or stabilized through previous actions or attenuation;

(b) The implementation of sustainable measures that ensure protectiveness to human health and the environment for the duration of the groundwater impact;

(c) The assessment of on- and off-site risk due to the groundwater impact's fate and transport future extents, with present and area specific future potential groundwater users and extraction points;

(d) The consideration of current and proposed or potential future land use in selecting the remedy;

(e) A plan to perform a five-year review and report to the cabinet to ensure stable and protective conditions remain in place;

(f) A demonstration of protectiveness for both current and future exposures at a potential groundwater extraction point that includes a description of the method for maintenance of engineering and institutional controls, including:

1. Annual, or other approved frequency, assessments and inspections of the engineering and institutional controls, as approved by the cabinet in the groundwater corrective action plan;

2. Annual, or other approved frequency, certification to the cabinet by the party or applicant, and a PE or PG, that the engineering and institutional controls remain protective of human health, safety, and the environment; and

3. An environmental covenant in accordance with KRS 224 Subchapter 80 as appropriate;

(g) The CCR groundwater corrective action plan shall:

1. Reduce or stabilize the plume's mass discharge below the applicable MCLs established by 401 KAR 8:250, Section 1, ambient background values, or risk-based levels for parameters that lack MCLs at the present or future potential groundwater points of extraction;

2. Permanently place the groundwater plume into a plume decay or plume steady state;

3. Prevent or control the source or plume from extending the impact further vertically or horizontally toward current or future off-site groundwater extraction points; and

4. Assess, control, or eliminate unacceptable soil vapor intrusion risk exposures as applicable to the COCs and their fate and transport.

(2) If management in place is selected as a corrective action remedy for groundwater contamination, groundwater monitoring shall be required by the cabinet. Groundwater monitoring frequency shall be based upon relevant site-specific geologic, hydrogeologic, and exposure conditions.

(3) The groundwater corrective action plan and most current version of the CSM shall include a certification statement, signature, and stamp or seal by a PE or PG, that the corrective action plan and most current version of the CSM complies with the requirements established in this administrative regulation and is protective of human health and the environment.

Section 7. CCR Groundwater Corrective Action Completion Report.

(1) The party or applicant shall submit a CCR Groundwater Corrective Action Completion Report to the cabinet which shall include:

(a) Documentation that the groundwater corrective actions were implemented, completed, and comply with the CCR Groundwater Corrective Action Plan established in Section 4 that was approved by the cabinet, and consists of;

1. Documentation of any modification from the approved CCR Groundwater Corrective Action Plan;

2. Documentation of the weight, volume, and classification of any material removed as part of the groundwater corrective action;

3. Copies of signed manifests and any other pertinent waste disposal forms;

4. Sampling procedures used for waste profile determination and restoration confirmation;

5. Sampling procedures and methods used for soil, sediment, surface water, groundwater;

6. Results from any confirmatory sampling and copies of all laboratory analytical reports; and

7. Information regarding backfill material, including where it was obtained, and any attendant analytical results;

(b) Documentation of all engineering and institutional controls implemented to contain the release, eliminate pathways of exposure, reduce exposure, or achieve a combination thereof; and

(c) A statement signed by the party or applicant certifying that the document and all attachments were prepared under the direction or supervision of the party or applicant, and the information submitted is, to the best knowledge of the party or applicant, true, accurate, and complete.

(2)

(a) The party or applicant shall revise the CSM submitted pursuant to Section 3 to reflect the groundwater corrective actions implemented and completed with revised data and information, and submit with the CCR Groundwater Corrective Action Completion Report to the cabinet.

(b) The CCR Groundwater Corrective Action Completion Report and most current version of the CSM shall include a certification statement, signature, and stamp or seal by a PE or PG, comply with the requirements of this administrative regulation, and is and shall remain protective of human health and the environment within the anticipated scope of risk, potential risk, and timeframe for which it was designed and approved by the cabinet.

(3) The cabinet shall review and approve, disapprove, or notify the applicant of any deficiencies of the CCR Groundwater Corrective Action Completion Report and the CSM pursuant to KRS 224.1-522 or 224.1-400(22), and (2)(a) of this section, as applicable.

Section 8. CCR Post-Groundwater Corrective Action Implementation Long-Term Monitoring, Operation, and Management.

(1) Consistent with the continued assessment monitoring provisions of 40 C.F.R. 257.95(f), exceedance of background concentrations alone for CCR units utilizing a management-in-place closure option under this administrative regulation shall not constitute a new plume release, instability or corrective action failure, provided plume stability criteria established under this section continue to be satisfied.

(2) For CCR units and facilities electing to close pursuant to Section 5(c)2. or 5(c)4., where closure includes, in whole or in part, a management-in-place option, the responsible party shall submit to the cabinet a CCR Groundwater Corrective Action Long-Term Monitoring, Operation, and Management Plan.

(3) The CCR Groundwater Corrective Action Long-Term Monitoring, Operation, and Management plan shall include:

(a) A groundwater monitoring network sufficient to monitor groundwater quality conditions and assess groundwater plume stability, migration, attenuation, and potential expansion;

(b) Groundwater monitoring frequencies sufficient to evaluate temporal and spatial groundwater quality trends;

(c) Groundwater plume instability trigger assessment criteria; and

(d) A statistical evaluation methodology for assessment of plume stability and instability consistent with subsection (3) of this section.

(4) The statistical evaluation of plume stability shall include:

(a) Groundwater analytical data shall be evaluated periodically to determine whether monitored constituent concentrations remain consistent with stable plume conditions or indicate potential plume expansion, migration, or attenuation;

(b) Trend evaluations shall incorporate both statistical and spatial lines of evidence;

(c) Trend analyses shall utilize the Mann–Kendall (MK) nonparametric trend test in conjunction with Sen's slope estimation, unless an alternative method approved by the cabinet is demonstrated to provide equivalent or greater statistical reliability:

1. The Mann–Kendall test shall be used to evaluate the presence, direction, and statistical significance of monotonic concentration trends over time; and

2. Sen's slope estimation shall be used to evaluate the magnitude and rate of constituent concentration change over time.

(5) Trigger criteria for potential plume instability evaluation shall include:

(a) Additional technical evaluation to be initiated if one or more of the following conditions are identified:

1. A Mann–Kendall trend test indicates a statistically significant increasing trend with a p-value less than 0.05;

2. Sen's slope analysis indicates a sustained positive rate of constituent concentration change exceeding historical baseline conditions;

3. Sen's slope confidence interval excludes zero;

4. Constituent concentrations increase during three consecutive monitoring events following adjustment for seasonal variability, precipitation trends, and other temporally correlated hydrologic influences;

5. Constituent exceedance frequency materially increases relative to baseline conditions; or

6. Groundwater plume footprint expansion or downgradient migration is observed.

(b) The occurrence of a single trigger condition shall not alone constitute a determination of plume expansion, but shall require additional technical review and evaluation of supporting multiple statistical, hydrogeologic, and spatial lines of evidence.

(6) A groundwater plume may be considered expanding when multiple lines of evidence demonstrate sustained increasing constituent concentration trends and spatial migration, including:

(a) Persistent statistically significant upward concentration trends across successive monitoring periods;

(b) Increasing Sen's slope values relative to historical baseline conditions;

(c) Measurable expansion of groundwater plume extent or concentration contours; and

(d) Evidence of downgradient plume migration toward compliance boundaries, receptors, or other sensitive environmental features.

(7)

(a) Where appropriate, additional statistical methods may be utilized to evaluate temporal changes in plume behavior, including, but not limited to:

1. Rolling trend analyses;

2. Seasonal Mann–Kendall testing;

3. Modified Mann–Kendall procedures accounting for autocorrelation; or

4. Change-point detection methods.

(b) These or other selected and approved statistical methods, significance thresholds, baseline periods, and evaluation procedures shall be documented in the approved monitoring plan and applied consistently throughout the monitoring program unless otherwise approved by the cabinet.

401 KAR 46:130 Groundwater assessment and corrective action for coal combustion residuals (CCR) is approved for filing.
TONY HATTON, Deputy Secretary, for
JOHN LYONS, Secretary

APPROVED BY AGENCY: October 14, 2026

FILED WITH LRC: October 14, 2026 at 2:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2026, at 10:00 a.m. EST (9:00 a.m. CST), at 300 Sower Blvd., 1st Floor, Training Room B. 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 December 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. The hearing facility is accessible to persons 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: Louanna Aldridge, Assistant Director II, Division of Waste Management 300 Sower Blvd., 2nd Floor Telephone: (502)782-0863 Louanna.Aldridge@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Louanna Aldridge Telephone: (502) 782-0863 Louanna.Aldridge@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for groundwater assessment monitoring, assessment of corrective measures, selection of remedy, and the implementation of corrective action incident to the disposal of coal combustion residuals (CCR) in CCR units and requires entities to perform a conceptual site model.

(b) The necessity of this administrative regulation: KRS 224.10-100 and KRS 224.50-760 authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation establishes the requirements for groundwater assessment monitoring, assessment of corrective measures, selection of remedy, and the implementation of corrective action incident to the disposal of CCR in CCR units and requires entities to perform a conceptual site model to demonstrate compliance equivalent to federal standards.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 and KRS 224.50-760 authorizes the cabinet to promulgate administrative regulations for the management of special wastes. This administrative regulation establishes the requirements for groundwater assessment monitoring, assessment of corrective measures, selection of remedy, and the implementation of corrective action incident to the disposal of CCR in CCR units and requires entities to perform a conceptual site model.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements for groundwater assessment monitoring, assessment of corrective measures, selection of remedy, and the implementation of corrective action incident to the disposal of coal combustion residuals (CCR) in CCR units and requires entities to perform a conceptual site model to demonstrate compliance equivalent to federal standards.

(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 not applicable as this is a new administrative regulation.

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Six (6) utility companies or any new owner/operator of a CCR unit, Division of Waste Management, Division of Water, Division of Enforcement, Kentucky Transportation Cabinet, and potentially all Kentucky counties and ratepayers of the Commonwealth.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This administrative regulation is an adoption of federal regulations and will require sites to submit internet reporting requirements to the Division of Waste Management and perform a conceptual site model at CCR facilities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The costs associated with complying with this administrative regulation are unknown and are dependent on the size of facilities and number of CCR units at the facility.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will benefit the regulated entities by being consistent with the federal regulations, thereby only having one standard with which they must comply.

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

(a) Initially: The administrative body has personnel costs associated with the review and approval of documents and inspections conducted. The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800.

(b) On a continuing basis: The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800 on an annual basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: All funding needed for this administrative regulation will be sourced from the CCR facility annual fee in addition to a one-time grant of $136,000.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation has an indirect fee structure established in 401 KAR 46:120.

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

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied to this administrative regulation as all entities are treated the same.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 40 C.F.R. 257.50-257.107

(2) State compliance standards. KRS 224.10-100, 224.50-760

(3) Minimum or uniform standards contained in the federal mandate. 40 C.F.R. 257.50-257.107

(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 is more prescriptive to demonstrate compliance equivalent with federal standards by establishing conceptual site model procedures.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The imposition of these additional standards is necessary in order to protect Kentucky's karst geography and ensure compliance equivalent to the federal standards.

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, 224.50-760

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Environment and Energy Cabinet, Department of Environmental Protection, Division of Waste Management

(a) Estimate the following for the first year:

Expenditures: The administrative body has personnel costs associated with the review and approval of documents and inspections conducted. The cost of implementation of the CCR program, including this administrative regulation, is estimated to be $420,800.

Revenues: There are no known revenues for the promulgating agency in this administrative regulation.

Cost Savings: There are no known cost savings for the promulgating agency in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The effective administration of the CCR program is estimated to cost $420,800 annually. As CCR surface impoundment facilities move all units into post closure, the annual fee decreases as established in 401 KAR 46:120.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): All Kentucky counties where CCR landfills or surface impoundments may be sited, or where beneficial reuse of CCR may be utilized.

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for local entities in this administrative regulation.

Revenues: There are no known revenues for local entities in this administrative regulation.

Cost Savings: There are no known cost savings for local entities in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or cost savings for local entities in this administrative regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3): Utility Companies: Six (6)

(a) Estimate the following for the first year:

Expenditures: There are no known expenditures for additional regulated entities in this administrative regulation. The annual fee for a CCR facility is $30,000, unless all CCR units are in post-closure in which case the annual fee is decreased to $5,000 as established in 401 KAR 46:120.

Revenues: There are no known revenues for additional regulated entities in this administrative regulation.

Cost Savings: There are no known cost savings for additional regulated entities in this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no known expenditures, revenues, or cost savings for additional regulated entities in this administrative regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The CCR program, including this administrative regulation will cost approximately $420,800 each year to effectively administer.

(b) Methodology and resources used to determine the fiscal impact: The Division of Waste Management estimates the program to require 3.3 full-time equivalent (FTE) positions in order to effectively administer the program estimated to cost $420,800.

(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 major economic impact from this administrative regulation.

(b) The methodology and resources used to reach this conclusion: The amendments to this administrative regulation will not have a major economic impact as the estimated costs associated with the CCR program are less than $500,000 and funded by CCR annual fees. A total of 14 CCR facilities paying $30,000 annually totals $420,000.

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

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Health Care
(New Administrative Regulation)

902 KAR 20:019. Organ donation safety.

RELATES TO: KRS 13B, 311.1911, 311.1971
STATUTORY AUTHORITY: KRS 311.1971
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.1971 requires the Cabinet for Health and Family Services to promulgate administrative regulations establishing requirements necessary for reporting, investigation, penalties and appeals processes related to the reporting of pauses in procedure during organ donation in hospitals. This regulation establishes the cabinet procedure for pauses in procedure during organ donation.

Section 1. Definitions.

(1) "Organ donation" is defined by KRS 311.1971(1)(f).

(2) "Organ procurement organization" is defined by KRS 311.1911(16).

(3) "Pauses in procedure" is defined by KRS 311.1971(1)(g).

Section 2. Reporting Requirements.

(1) All reports required by KRS 311.1971(5)(a) and any corrective action received from any federal oversight authority shall be submitted by email to the Cabinet for Health and Family Services, Office of Inspector General, Division of Health Care to organdonationsafety@ky.gov on the same day the document is provided to, or received from, the federal oversight authority.

(2) Any health care professional or employee of a hospital or an organ procurement organization who has knowledge of violation of the duties imposed by KRS 311.1971 shall report the failure to the Office of Inspector General pursuant to KRS 216B.165(1).

Section 3. Penalties and Appeal Procedure.

(1) Upon a determination that a health care facility or an organ procurement organization did not comply with requirements of KRS 311.1971 the Office of the Inspector General shall:

(a) Report all responsible individuals or entities to law enforcement, the appropriate licensing or certification authorities;

(b) Assess a civil penalty in an amount not to exceed $500,000 for failures to comply with a pause in procedure during organ donation protocols set forth in KRS 311.1971(3);

(c) Assess a civil penalty in an amount not to exceed $250,000 for retaliating against any individual for requesting or initiating a pause in procedure during organ donation procurement;

(d) Assess a civil penalty in an amount not to exceed $5,000 per instance of failing to provide the reports or corrective action required by KRS 311.1971(5)(a); and

(e) Order the facility or organ procurement organization to suspend any organ donation recovery, preservation, or procurement activities.

(2) The amount of the civil penalty and the length of suspension shall be determined by the Inspector General, upon considering all relevant factors, including the history of compliance or noncompliance, the severity of the violation, the potential or actual harm caused to a patient, the presence of internal compliance mechanisms, and efforts to conceal or mitigate the violation.

(3) The facility or organ procurement organization may appeal a suspension or civil penalty by submitting a written notice of appeal to the Inspector General within thirty (30) calendar days from the day notice of the penalty is provided. The notice of appeal shall include a statement setting forth the particular facts or law that constitute the grounds for appeal. The hearing shall be conducted by the Office of Administrative Hearings within the Department of Law in accordance with KRS Chapter 13B.

TRICIA STEWARD, Inspector General
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 17, 2026

FILED WITH LRC: October 14, 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 December 21, 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 December 14, 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 December 31, 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: Valerie Moore, Krista Quarles, Phone Number: (502) 226-0196, (502) 564-7476, Email: valeriek.moore@ky.gov, CHFSregs@ky.gov

Subject Headings: Hospitals, Deaths, Physicians and Practitioners

(1) Provide a brief summary of:

(a) What this administrative regulation does: 26RS HB 510 codified as KRS 311.1971 required the cabinet to promulgate a regulation regarding pause in procedure during organ donations, requiring reports regarding this issue that are already being submitted by facilities and organ procurement organizations to the US Department of Health Services to additionally be sent to the Cabinet for Health and Family Services. Additionally, this legislation required the cabinet to assess penalties including but not limited to reporting to the appropriate licensure or certification board, suspension of program, and assessment of civil penalties for violation of statute regarding pauses in procedure during organ donation.

(b) The necessity of this administrative regulation: OIG is required by KRS 311.1971 to promulgate these regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 902 KAR 20:019 mandates that entities or facilities that participate in organ donation and submit reports on pauses in procedure during organ donation to the US Department of Health Services, additionally submit those reports to the cabinet. The cabinet is then further directed to compile a report of the data received in the reports and the corrective measures assessed by the federal government and submit that report annually to the legislature for their review. This administrative regulation provides details on how facilities/employees should submit reports to the cabinet, the regulation further details how reports of violations not previously reported can be submitted to the cabinet for investigation, additionally, this administration addresses penalties for violations of KRS 311.1971.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation details how employees, facilities or other entities that have information regarding pauses in procedure during organ donation or allegations of failure to pause procedures or to appropriately report pauses in procedure during organ donations occurring in Kentucky can report those for oversight and reporting purposes, and additionally lays out ways in which violations of statute are to be addressed.

(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 administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation mandated by KRS Chapter 311.1971.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation mandated by KRS Chapter 311.1971.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 26RS HB 510, Acts Chapter 43.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Hospitals that participate in organ donation programs, employees of the affected facilities, organ procurement organizations, organ donors, families of organ donors. Per Network for Hope (the governing Organ Procurement Organization, approximately 112-125 hospitals in Kentucky participate There are 2 main transplant centers in Kentucky. It is unknown how many employees at each

facility participate in organ donation procurement and it is also unknown the number of family members who could potentially be affected by this regulation. There is 1 Organ Procurement Organization that operates in Kentucky (Network for Hope).

(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: Hospitals or organ procurement organizations shall send a copy of any report detailing pauses in procedure during organ donation that are being sent to the US Department of Health Services to the Cabinet for Health and Family Services, Office of Inspector General. Facilities, staff or family members may report any failure to comply with laws regarding organ donation pauses to OIG for investigation and potential corrective action. Penalties for failure to comply with law are addressed in this administrative regulation

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No additional fiscal burden is anticipated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will ensure all safety measures and protocols are followed when procuring donated human organs.

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

(a) Initially: There is no anticipated additional cost from implementation of this administrative regulation.

(b) On a continuing basis: There is no additional cost expected as a result 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: No additional funding is necessary; however, if funding were to be used, it would come from 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 fees or funding will not be necessary in order to implement this administrative regulation.

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

(10) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation applies equally to all regulated parties impacted 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 311.1971

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Health and Family Services, Office of Inspector General, Division of Health Care

(a) Estimate the following for the first year:

Expenditures: OIG does not anticipate any additional expenditures from the implementation of this administrative regulation.

Revenues: Additional revenue is not anticipated as a result of this administrative regulation.

Cost Savings: Cost savings are not anticipated as a result of the implementation of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? No additional expenditures, revenues or cost savings are anticipated as a result of the implementation of this administrative regulation.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are anticipated to be affected by this administrative regulation.

(a) Estimate the following for the first year:

Expenditures: OIG does not anticipate any additional expenditures from the implementation of this administrative regulation.

Revenues: Additional revenue is not anticipated as a result of this administrative regulation.

Cost Savings: Cost savings are not anticipated as a result of the implementation of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? OIG does not anticipate additional expenditures/revenue/cost savings as a result of this administrative regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3): Hospitals that participate in organ donation programs and organ procurement organizations.

(a) Estimate the following for the first year:

Expenditures: No additional expenditures are anticipated as a result of this administrative regulation.

Revenues: No additional revenues are expected as a result of this administrative regulation.

Cost Savings: No additional cost savings are expected as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? OIG does not anticipate and additional expenditures/revenues or cost savings as a result of implementation of this administrative regulation.

(5) Provide a narrative to explain the:

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

(b) Methodology and resources used to determine the fiscal impact: There is no anticipated fiscal impact from implementation of this administrative regulation.

(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 anticipated economic impact as a result of this administrative regulation.

(b) The methodology and resources used to reach this conclusion: There is no additional fiscal impact anticipated as a result of this administrative regulation.

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

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Behavioral Health, Developmental and Intellectual Disabilities
Office of Autism
(New Administrative Regulation)

908 KAR 6:005. Kentucky Advisory Council on Autism Spectrum Disorders research and services grant program.

RELATES TO: KRS 194A.625

STATUTORY AUTHORITY: KRS 194A.624, KRS 194A.625

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.624(9)(a) requires the Kentucky Advisory Council on Autism Spectrum Disorders to promulgate administrative regulations to establish a competitive, open grant program to provide funding to specific entities who offer research funding and autism services for individuals in Kentucky. KRS 194A.625 requires the Cabinet for Health and Family Services to administer the autism spectrum disorder trust fund. This administrative regulation establishes the Kentucky Advisory Council on Autism Spectrum Disorders grant program.

Section 1. Definitions.

(1) "Applicant" means a non-profit entity, academic medical center, or government agency that:

(a) Offers research funding and services for autistic individuals in Kentucky; and

(b) Is applying for a grant pursuant to this administrative regulation.

(2) "Autism services" means "treatment for autism spectrum disorders" as defined by KRS 304.17A-142(1)(e).

(3) "Council" means the Kentucky Advisory Council on Autism Spectrum Disorders.

(4) "Funding" means a financial award provided by a grant from the autism spectrum disorder trust fund created by KRS 194A.625 that includes awards for:

(a) Autism service programs; or

(b) Autism research meant to improve early screening, diagnosis, and interventions, or to enhance quality of life for autistic individuals.

Section 2. Application Process.

(1) An applicant may apply or reapply each year for grant funding.

(2) To apply for grant funding, an applicant shall submit to the council in writing:

(a) A completed Autism Research and Services Trust Fund Grant Application with the required supporting documentation, via electronic mail, to KYACAgrantprogram@ky.gov, with a sent time stamp on or before the date specified in the applicable grant notice;

(b) A project description that includes:

1. The need for the funding;

2. How the funding will positively impact the prioritized list of programs and research projects established in the most current plan required by KRS 194A.624(8)(b);

3. The goals and objectives, including how many people are impacted and in what geographic area;

4. The anticipated outcomes directly related to the impact of the program or research project;

5. An implementation plan describing how the goals and objectives will be met;

6. A timeline for implementation of the proposed program or research project;

7. A description of the research methodology, if applicable, that includes the:

a. Study design;

b. Data collection methods and procedures;

c. Data sources; and

d. Data analysis plan; and

8. Intent to provide a semi-annual progress report and a year-end progress report documenting progress toward meeting the grant objectives; and

(c) The following financial information:

1. A detailed budget of requested funds; and

2. A description of any other sources of funds for the research including in-kind participation.

(3) An application not submitted in accordance with this section or an incomplete application shall not be considered for funding.

Section 3. Grant oversight duties of the council.

(1) The council shall:

(a) Hold meetings and conduct business pursuant to KRS 194A.624;

(b) Advertise a grant funding opportunity, when available, on the Cabinet for Health and Family Services Web site including:

1. A required postmark or timestamp date for submission of an application;

2. The mailing address or email address for submission of the completed application as specified in Section 2(2)(a) of this administrative regulation; and

3. An anticipated grant award date;

(c) Review and score applications based on the following criteria:

1. Relevancy to the mission of the autism spectrum disorder trust fund;

2. Offer of research funding or services to benefit individuals with autism;

3. The quality of the research methodology;

4. How the proposal addresses the priorities established in the plan required by KRS 194A.624(8)(b); and

(d) To the extent funds are available:

1. Award an autism spectrum disorder trust fund grant to a selected applicant; and

2. Notify the applicant of the award decision, including details of denial or approval:

a. Within ninety (90) calendar days after application deadline;

b. In writing:

(i) Via email; or

(ii) By certified mail.

(2) The council's decision for award selection shall be final.

(3) If a research grant is awarded, the grant shall be contingent upon a grant recipient's appropriate Institutional Review Board approval if applicable.

(4) The council may allocate funds, received in the autism spectrum disorder trust fund, for the Department for Behavioral Health, Developmental and Intellectual Disabilities to employ staff to:

(a) Administer and oversee the grant program; or

(b) Coordinate the preparation and submission of the annual report, required pursuant to KRS 194A.624(8).

Section 4. Grant Objectives Reporting.

(1) A grant recipient shall provide semi-annual and year-end progress reports to the council, via electronic mail to kyacagrantprogram@ky.gov.

(2) The report shall include, specifically related to the approved grant funding project or research, details on progress toward:

(a) Impact and outcomes;

(b) Implementation, goals, and objectives;

(c) Meeting proposed timelines;

(d) Maintaining the project or research budget; and

(e) Any other pertinent information that demonstrates the effectiveness or progress of the program or research.

(3) A grant recipient that is not making progress toward meeting grant objectives, as determined by review and analysis of the semi-annual and year-end progress reports submitted to the council, shall be notified in writing that objectives are not being met, within thirty (30) days of this determination.

(4) The grant recipient:

(a) Shall submit to the council, within thirty (30) calendar days of the notice:

1. A corrective action plan addressing the objectives that are not being met; and

2. The timeframe for achieving the objectives; and

(b) May be subject to fines or payment penalties, as delineated in the grant agreement, or other penalties that are allowed by law, if the corrective action plan is not implemented as submitted.

(5) The council shall approve corrective action plans that:

(a) Address all noted objectives that are not being met; and

(b) Include a specific plan of action, and timeframe to maintain the overall project or research objective and timeline.

Section 5. Incorporation by Reference.

(1) Form "Autism Research and Services Trust Fund Grant Application", 10/2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Behavioral Health, Developmental and Intellectual Disabilities, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time/ 7a.m. through 3:30p.m. Central Time. This material may also be viewed on the department's web site at https://dbhdid.ky.gov/dpi. 908 KAR 6:005

KATHERINE R. MARKS, Ph.D., Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 28, 2026

FILED WITH LRC: October 14, 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 December 21, 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 December 14, 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 December 31, 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: Sarah Cooper, Krista Quarles, Phone Number: (502) 229-5989, (502) 564-7476, Email: sarah.cooper@ky.gov, CHFSregs@ky.gov

Subject Headings: Behavioral Health; Disability and Disabilities; Health and Medical Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the Kentucky Advisory Council on Autism Spectrum Disorders grant program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to carry out the provisions of Senate Bill 69 from the 2026 legislative session.

(c) How this administrative regulation conforms to the content of the authorizing statutes: Amendments made to KRS 194A.624, through Senate Bill 69, during the 2026 legislative session, require the promulgation of this administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the grant program required by Senate Bill 69 from the 2026 legislative session. This bill made amendments to KRS 194A.624.

(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 administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

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

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

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This administrative regulation implements Senate Bill 69 from the 2026 legislative session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: State and local governments, universities, post-secondary institutions, employers, and non-profit entities such as services providers, family organizations, self-advocacy organizations, community organizations that provide autism research and services will be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Regulated entities will be required to follow the application process established in this administrative regulation in order to be awarded grant funding for autism research and services.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost for regulated entities to comply with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As funds become available, entities could be awarded moneys for autism research and services.

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

(a) Initially: This administrative regulation may require hiring staff to manage the grant program and prepare the annual report required by SB 69. This administrative regulation allows autism spectrum disorder trust fund dollars to be used for this purpose, if needed, to ensure proper program administration. Because there is no dedicated funding source for the grant program, the Cabinet for Health and Family Services cannot determine a specific cost. However, implementation could require up to one full-time employee at an estimated cost of at least $153,547

(b) On a continuing basis: This administrative regulation may require hiring staff to manage the grant program and prepare the annual report required by SB 69. The regulation allows autism spectrum disorder trust fund dollars to be used for this purpose, if needed, to ensure proper program administration. Because there is no dedicated funding source for the grant program, the Cabinet cannot determine a specific cost. However, implementation could require up to one full-time employee at an estimated cost of at least $153,547.

(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 Fund dollars will be required for the implementation and enforcement of this administrative regulation, because no appropriation was included with the enacting legislation.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no applicable fees associated with this program. Additional funding is needed to support; however, no appropriation was provided.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees established in this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not applied as all potential grant recipients shall meet the same established application criteria.

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.624; KRS 194A.625

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Autism in the Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures: The department anticipates expenses of up to $153,547 for the first year, which is the cost for one additional staff to manage the requirements of this administrative regulation. Language has been included in this administrative regulation to allow the department to utilize funds from the autism spectrum disorder trust fund to cover this expense if necessary. This would alleviate the fiscal impact to the cabinet.

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

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

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures, revenues, and cost savings will not differ 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 department does not anticipate costs for local entities.

Revenues: The department does not anticipate revenues for local entities as a result of this administrative regulation.

Cost Savings: The department does not anticipate cost savings for local entities as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The department does not anticipate additional expenditures, revenues, or cost savings for local entities as a result of this administrative regulation.

(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 department anticipates up to $153,547 in general fund dollars annually, which is the cost of one full-time equivalent (FTE) to implement and oversee the competitive grant program established in this administrative regulation and required by Senate Bill 69 from the 2026 Regular Session. Language has been included in this administrative regulation to allow the department to utilize funds from the autism spectrum disorder trust fund to cover this expense if necessary. This would alleviate the fiscal impact to the cabinet.

(b) Methodology and resources used to determine the fiscal impact: The Kentucky Advisory Council on Autism Spectrum Disorders research and services grant program will result in the need for an additional staff person, because the Office of Autism is unable to absorb the additional requirements. Since the council is made up of volunteers, they will need additional administrative support to facilitate council member involvement in overseeing the grant process beyond what the one staff at the Office of Autism can contribute. The department determined the annual expenditure required to support one FTE based on human resource data for this type of position.

(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 an overall negative or adverse major economic impact to the identified entities.

(b) The methodology and resources used to reach this conclusion: The determination was based on the projected cost to the program based on projected cost of 1 FTE to administer the program created by Senate Bill 69 from the 2026 Regular Session.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of October 13, 2026

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of October 13, 2026

Call to Order and Roll Call
The October meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, October 13, 2026, at 1:00 PM ET/12:00 PM CT in Room 149 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Senators Julie Raque Adams and Mike Wilson; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

LRC Staff: Karen Howard, Emily Harkenrider, Carrie Nichols, Stacy Auterson, Laura Begin, Ange Darnell, Anna Latek, and Callie Lewis.

Guests: Taylor Brown, General Counsel, State Board of Elections (SBE); Steve Humphress, Executive Director, Office of Regulatory Relief (KORR), Office of the Attorney General (OAG); Jamie Caldwell, Acting Commissioner, Department of Human Resources Administration (DHRA), Personnel Cabinet (Personnel); Rosemary Holbrook, Assistant General Counsel, Office of Legal Services (OLS), Personnel; Donna Shelton, Acting Executive Director, Office of Employee Relations (OER), Personnel; Kim Hensley, Director, Division of Miscellaneous Taxes (Miscellaneous Taxes), Office of Sales and Excise Taxes (OSET), Department of Revenue (DOR), Finance and Administration Cabinet (FAC); Jessica Martin, Director, Division of Individual Tax (Individual Tax), DOR, FAC; Bethany Atkins Rice, Counsel, Office of General Counsel (OGC), FAC; Dale Hamblin, Assistant General Counsel, Department of Workers' Claims (DWC), Education and Labor Cabinet (ELC); Scott Wilhoit, Commissioner, DWC, ELC; Mary Beth Morris, President, Board of Optometric Examiners (KBOE); Kristen Webb, Counsel, KBOE; Margaret Adkins, Chair, Board of Speech-Language Pathology and Audiology (KBSLPA); Sara Boswell Janes, Counsel, KBSLPA, Board of Licensure for Occupational Therapy (KBLOT), and Board of Licensed Professional Counselors (KBLPC); Stephen Curley, Executive Director, Board of Physical Therapy (KBPT); Mark Brengelman, Counsel, Board of Social Work (KBSW) and Board of Examiners of Psychology (KBEP); Marc Kelly, Executive Director, KBSW; Rhonda Phelps, Chair, KBLOT; Robert May, Member, KBLPC; Steven Fields, Attorney, Department of Fish and Wildlife Resources (KDFWR); Jenny Gilbert, Legislative Liaison, KDFWR; Matthew Wingate, General Counsel, Cabinet for Economic Development (CED); Chad Zimlich, Deputy General Counsel, CED; Ladeidra Jones, Chair, Parole Board (KYPB), Justice and Public Safety Cabinet (KJPSC); Natalie Lile, Attorney, OLS, KJPSC; Nathan Goens, Assistant General Counsel, KJPSC; Chip White, Assistant Director of Training Operations, Department of Criminal Justice Training (DOCJT), KJPSC; Will Fogle, General Counsel, OLS, Transportation Cabinet (KYTC); Godwin Onodu, Director, Division of Motor Vehicle Licensing (MVL), Department of Vehicle Regulation (DVR), KYTC; Leah Cooper Boggs, General Counsel, OLS, ELC; Kenneth Hammond, Assistant Director, Division of Wages and Hours, Department of Workplace Standards (DWS), ELC; Joe Martz, General Counsel, Department of Alcoholic Beverage Control (ABC), Public Protection Cabinet (PPC); Scotty Tracy, Commissioner, ABC, PPC; Jessica Beaubien, Program Specialist, Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID), Cabinet for Health and Family Services (CHFS); Nikki Milward, Director, Division of Program Integrity (DPI), DBHDID, CHFS; Marnie Mountjoy, Director, Division of Quality Living (DQL), Department for Aging and Independent Living (DAIL), CHFS; Phyllis Sosa, Assistant Director, DQL, DAIL, CHFS; and Annie Rouse, Member, Board of Directors, Kentucky Hemp Association (KYHA).

Approval of September 9, 2026, Minutes
A motion was made by Representative Marzian and seconded by Representative Gordon to approve the minutes of the September 9, 2026, meeting. Minutes were approved by voice vote without objection.

Administrative Regulations Reviewed by this Subcommittee:

BOARD OF ELECTIONS: Statewide Voter Registration. Taylor Brown, General Counsel, SBE, represented the board.

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

In response to Representative Marzian, Mr. Brown stated the board regularly receives voter registration notifications from other states, especially from neighboring states. Other states may be statutorily required to provide notification, but Kentucky does not have that requirement.

OFFICE OF THE ATTORNEY GENERAL: Office of Regulatory Relief. Steve Humphress, Executive Director, KORR, OAG, represented the office.

040 KAR 012:450. Emergency Contractors.

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 through 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

PERSONNEL CABINET: Personnel Cabinet, Classified. Jamie Caldwell, Acting Commissioner, DHRA, Personnel; Rosemary Holbrook, Assistant General Counsel, OLS, Personnel; and Donna Shelton, Acting Executive Director, OER, Personnel, represented the cabinet.

101 KAR 002:102. Classified leave general requirements.

In response to Chair West, Ms. Holbrook stated the chart of annual leave originated when all state employees were Tier 1. The cabinet is updating the chart to address Tier 3 employees. The cabinet pays for annual leave whether it is used or converted to sick leave. Tier 3 employees tend to use leave before the end of the year, rather than accumulate it. Employees may be incentivized to work more, and use less leave, if the amount of leave that can be accumulated is increased. Ms. Caldwell stated cabinet data indicates it will take a minimum of 2 years before there is a possible financial impact, depending on use of leave.

101 KAR 002:150. State Safety Program.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

101 KAR 002:221. Employee Educational Assistance Program.

In response to Chair West, Ms. Holbrook stated KRS Chapter 18A allows direct communication with state employees, and the cabinet believes it has authority to issue guidance on application for educational assistance without use of a form. The cabinet is transitioning from the KHRIS platform to a new human resources system and removing the form from the regulation allows flexibility during this transition.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 to comply with the drafting requirements of KRS Chapter 13A. Without

objection, and with agreement from the agency, the amendments were approved.

Personnel Cabinet, Unclassified

101 KAR 003:015. Leave requirements for unclassified service.

FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Income Tax. Kim Hensley, Director, Miscellaneous Taxes, OSET, DOR, FAC; Jessica Martin, Director, Individual Tax, DOR, FAC; and Bethany Atkins Rice, Counsel, OGC, FAC, represented the department.

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 beverages and cannabis-infused beverages; tax exemptions.

103 KAR 040:050. Transporters' reports.

103 KAR 040:100. Consumer tax; customs.

Selective Excise Tax, Cigarettes

103 KAR 041:040. Vending machine operators.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

103 KAR 041:090. Evidence of tax payment.

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.

OFFICE OF THE GOVERNOR: Department of Workers' Claims. Dale Hamblin, Assistant General Counsel, DWC, ELC; and Scott Wilhoit, Commissioner, DWC, ELC, represented the department.

120 KAR 001:089E. Workers' compensation medical fee schedule for physicians.

120 KAR 001:089. Workers' compensation medical fee schedule for physicians.

In response to Chair West, Mr. Hamblin stated the department hires a third party to make fee schedule recommendations, which statute requires to be fair, current, and reasonable. The commissioner adopts a schedule, which is published by the third party. Mr. Hamblin explained incorporating the fee schedule by reference is a potential copyright infringement because it includes the American Medical Association's (AMA) proprietary CPT medical codes. Practitioners need to subscribe to the service to access the codes, which requires an AMA agreement license and a fee of approximately $75 per individual. Fees increase for multiple-user agreements. While a contract provision could be added to allow the department to share the schedule under an open records request, the cost is significant. If requests are made for the fee schedule, the board can redact the AMA codes.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Optometric Examiners. Mary Beth Morris, President, KBOE; and Kristen Webb, Counsel, KBOE, represented the board.

201 KAR 005:010. Application for licensure; endorsement.

Board of Speech-Language Pathology and Audiology. Margaret Adkins, Chair, KBSLPA; and Sara Boswell Janes, Counsel, KBSLPA, represented the board.

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

201 KAR 017:011E. Education, experience, and application requirements for interim licensure as a speech language pathologist.

201 KAR 017:012E. Application, education, and requirements for licensure as a speech-language pathologist.

201 KAR 017:014E. Temporary licensure for speech-language pathologist, speech-language pathology assistant, and audiologist.

201 KAR 017:025E. Application, education, and requirements for an interim license as a speech-language pathology assistant.

201 KAR 017:030E. License fees, renewal, reinstatement, and inactive license requirements.

201 KAR 017:032E. Requirements for interim licensure as an audiologist.

201 KAR 017:034E. Requirements for licensure as a Speech-Language Pathology Assistant.

201 KAR 017:036E. Requirements for licensure as an audiologist.

201 KAR 017:070E. Complaint procedure.

Board of Physical Therapy. Stephen Curley, Executive Director, KBPT, represented the board.

201 KAR 022:130. Per diem of board members.

In response to Representative Marzian, Mr. Curley stated 2026 RS HB 48 requires the board to establish fee caps in regulations.

201 KAR 022:135. Fees.

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.

Board of Social Work. Mark Brengelman, Counsel, KBSW; and Marc Kelly, Executive Director, KBSW represented the board.

201 KAR 023:020. Fees.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 through 3 to include links to referenced information; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 023:072. Examination requirements.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and

Sections 5 through 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 023:120. Equivalency standard.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 023:140. Per diem compensation for board members.

Board of Examiners of Psychology. Mark Brengelman, Counsel, KBEP, represented the board.

201 KAR 026:118E. Psychology interjurisdictional compact.

Board of Licensure for Occupational Therapy. Sara Boswell Janes, Counsel, KBLOT; and Rhonda Phelps, Chair, KBLOT, represented the board.

201 KAR 028:240. Occupational Therapy Licensure Compact.

Board of Licensed Professional Counselors. Sara Boswell Janes, Counsel, KBLCP; and Robert May, Member, KBLPC, represented the board.

201 KAR 036:070E. Application, education, and examination requirements.

201 KAR 036:072E. Reciprocity requirements for applicants licensed or certified in another state.

201 KAR 036:075E. Renewal, late renewal, and reinstatement of license.

TOURISM, ARTS & HERITAGE CABINET: Department of Fish and Wildlife Resources: Fish. Steven Fields, Attorney, KDFWR; and Jenny Gilbert, Legislative Liaison, KDFWR, represented the department.

301 KAR 001:125. Transportation of fish.

301 KAR 001:410. Taking of fish by nontraditional fishing methods.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Game

301 KAR 002:049. Small game and furbearer hunting and trapping on public areas.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 4 and 7 to insert requirements for dog training permits; and (2) to amend Section 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

301 KAR 002:172. Deer hunting seasons, zones, and requirements.

301 KAR 002:176. Wildlife causing damage and landowner designee process.

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, 6 through 8, 10, and 11 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Licensing

301 KAR 005:210. Special agency fundraising permits.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and the NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2, 3, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Administration

301 KAR 011:002. Fish and Wildlife Commission Member selection process.

A motion was made and seconded to approve the following amendments: (1) to amend Section 7 to change the edition date of the Commission Member Nominee Application; and (2) to amend the form to make corrections. Without objection, and with agreement from the agency, the amendments were approved.

301 KAR 011:003. Commission Districts.

CABINET FOR ECONOMIC DEVELOPMENT: Kentucky Film Office. Matthew Wingate, General Counsel, CED; and Chad Zimlich, Deputy General Counsel, CED, represented the office.

307 KAR 001:080E. Kentucky Entertainment Incentive Program.

JUSTICE AND PUBLIC SAFETY CABINET: Parole Board. Ladeidra Jones, Chair, KYPB, KJPSC; and Natalie Lile, Attorney, OLS, KJPSC, represented the board.

501 KAR 001:030. Determining parole eligibility.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to remove definitions that are no longer used; (2) to amend Sections 1 and 2 to remove recitation of statutory language; (3) to amend Section 2 to: (a) establish that the regulation's parole eligibility provisions shall control, unless eligibility is set by statute; and (b) clarify how parole eligibility is determined when an individual is subject to multiple sentences; and (4) to amend the RELATES TO 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.

Department of Criminal Justice Training: Concealed Deadly Weapons. Nathan Goens, Assistant General Counsel, KJPSC; and Chip White, Assistant Director of Training Operations, DOCJT, KJPSC, represented the department.

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

TRANSPORTATION CABINET: Department of Vehicle Regulation. Will Fogle, General Counsel, OLS, KYTC; and Godwin Onodu, Director, MVL, DVR, KYTC, represented the department.

601 KAR 001:018. Special overweight or overdimensional motor vehicle load permits.

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, 7, and 18 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

601 KAR 009:085. Procedures for becoming a certified motor vehicle inspector.

601 KAR 009:090. Procedures for inspecting vehicles.

A motion was made and seconded to approve the following amendment: to add a new Section 5 to establish the expiration of inspection certificates. Without objection, and with agreement from the agency, the amendment was approved.

EDUCATION AND LABOR CABINET: Department of Workplace Standards. Leah Cooper Boggs, General Counsel, OLS, ELC; and Kenneth Hammond, Assistant Director, Division of Wages and Hours, DWS, ELC, represented the department.

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

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control:

Licensing. Joe Martz, General Counsel, ABC, PPC; and Scotty Tracy, Commissioner, ABC, PPC, represented the department. Annie Rouse, Board Member, KYHA, appeared in opposition to a statutory fee.

804 KAR 004:400. Applications incorporated by reference.

In response to Chair West, Ms. Rouse stated she does not have any issues with the regulation, but she requests a waiver until July 2027 of the $2,000 license fee for the retail sale of cannabis-infused beverages (CIB). Initially, 2025 RS SB 202 set the fee at $500, but 2025 RS HB 775 raised it to $2,000. SB 202 required retailers to get a Department for Public Health (DPH) hemp retail license, which is also $2,000, until ABC could create the CIB retail license. A DPH hemp retail license is required for retailers who sell other adult use cannabis products, which is most of them. Additionally, a quota retail package (QRP) license is required, along with local fees, which is an additional $1,570, for a total of $5,570. This is $4,000 more than the cost to sell wine and spirits. The DPH relies on fees to support the regulatory framework for the hemp program, which contributes to ensuring the safety of these products. Many retailers will forgo the DPH license rather than pay increased fees, and the program will be underfunded.

In response to Chair West, Ms. Rouse requested that QRP retailers continue to register with ABC under the regulations, including the $50 application fee, but that the supplemental CIB license fee be waived until July 2027. Ms. Rouse also suggests to retailers that they continue to pay the DPH fee in 2027 as they did in 2026, which would continue to cover all adult use hemp products.

In response to Chair West, Mr. Martz stated fees are set by statute. While it does not cost the department anything to implement the changes, if licensees do not obtain these licenses, a shortfall will be created.

Chair West commented on the subcommittee's authority, which does not include waiving a statutory provision. The $2,000 fee in HB 775 supersedes the $500 fee because it was passed later than SB 202. As the regulation complies with the statute, there does not appear to be grounds for deficiency.

Senator Raque Adams suggested this issue be discussed in the Licensing and Occupations Interim Joint Committee meeting scheduled later in the week.

Representative Marzian commented on the necessity for the General Assembly to act for any statutory changes and recommended Ms. Rouse find a bill sponsor.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Behavioral Health,

Developmental and Intellectual Disabilities: Substance Abuse. Jessica Beaubien, Program Specialist, DBHDID, CHFS; and Nikki Milward, Director, DPI, DBHDID, CHFS, represented the department.

908 KAR 001:370. Licensing procedures, fees, and general requirements for nonhospital-based alcohol and other drug treatment entities.

Department for Aging and Independent Living: Aging Services. Marnie Mountjoy, Director, DQL, DAIL, CHFS; and Phyllis Sosa, Assistant Director, DQL, DAIL, CHFS, represented the department.

910 KAR 001:200. Senior Community Service Employment Program.

Representative Gordon commented on the importance of Senior Living Month in October and expressed appreciation for the department's work.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 5, 9, and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

910 KAR 001:260. Kentucky Family Caregiver Program.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 7, and 8 to comply with the drafting and formatting 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 October 13, 2026, subcommittee agenda:

BOARDS AND COMMISSIONS: Board of Licensure for Occupational Therapy

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

Board of Licensure and Certification for Dieticians and Nutritionists

201 KAR 033:015E. Application; approved programs.

201 KAR 033:020E. Renewals, late renewal, revocation, inactive status, and reinstatement.

Real Property Appraisers Board

201 KAR 050:001. Definitions for 201 KAR Chapter 050.

201 KAR 050:010E. Fees.

201 KAR 050:010. Fees.

201 KAR 050:020E. General requirements for certification and licensure.

201 KAR 050:020. General requirements for certification and licensure.

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.

201 KAR 050:050. Examinations.

201 KAR 050:060E. Reciprocity.

201 KAR 050:060. Reciprocity.

201 KAR 050:070E. Temporary practice permit.

201 KAR 050:070. Temporary practice permit.

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.

201 KAR 050:110. Renewal and reinstatement of certificates and licenses.

201 KAR 050:120E. Inactive status and reactivation of certification and licenses.

201 KAR 050:120. Inactive status and reactivation of certification and licenses.

201 KAR 050:130. Education provider and instructor standards and requirements.

201 KAR 050:140E. Education course approval, renewal, and standards.

201 KAR 050:140. Education course approval, renewal, and standards.

201 KAR 050:150. Standards of professional conduct.

201 KAR 050:160. Complaints and disciplinary proceedings.

201 KAR 050:170E. Appraisal Management Company registration.

201 KAR 050:170. Appraisal Management Company registration.

201 KAR 050:180E. Appraisal Management Company registration renewal.

201 KAR 050:180. Appraisal Management Company registration renewal.

201 KAR 050:190. Appraisal Management Company duties and prohibitions.

201 KAR 050:200E. Appraisal Management Company roster and reporting.

201 KAR 050:200. Appraisal Management Company roster and reporting.

201 KAR 050:210E. Appraiser roster and reporting.

201 KAR 050:210. Appraiser roster and reporting.

TOURISM, ARTS & HERITAGE CABINET: Department of Fish and Wildlife Resources
Fish

301 KAR 001:001. Definitions for 301 KAR Chapter 1.

Game

301 KAR 002:300. Black bear seasons and requirements.

CABINET FOR ECONOMIC DEVELOPMENT: Kentucky Film Office

307 KAR 001:080. Kentucky Entertainment Incentive Program.

EDUCATION AND LABOR CABINET: Department of Education

701 KAR 005:170. Waiver requests.

Department of Workforce Development: Office of Kentucky Workforce Innovation Board

787 KAR 002:050. General provisions for operation of the Workforce Pell Program.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Behavioral Health,
Developmental and Intellectual Disabilities: 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 902 KAR 002:230 and 908 KAR 002:240.

The subcommittee adjourned at 2:00 PM ET/1:00 PM CT. The next meeting of this subcommittee is tentatively scheduled for November 10, 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 September 15, 2026

The Interim Joint Committee on Health Services met on September 15, 2026 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on August 5, 2026 and September 2, 2026, pursuant to KRS 13A.290(6):

201 KAR 002:440
201 KAR 005:010E
201 KAR 005:021
201 KAR 008:563
201 KAR 028:235
202 KAR 007:550
907 KAR 002:720
907 KAR 002:725
915 KAR 002:050E

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the September 15, 2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON STATE GOVERNMENT
Meeting of September 15, 2026

The Interim Joint Committee on State Government met on September 15, 2026 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on September 2, 2026 pursuant to KRS 13A.290(6):

20 KAR 1:020
20 KAR 1:030
20 KAR 1:040
20 KAR 1:050
20 KAR 1:060
20 KAR 1:070
20 KAR 1:080
20 KAR 1:090

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

none

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

20 KAR 1:050
20 KAR 1:060
20 KAR 1:080

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 15, 2026 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON HEALTH SERVICES
Meeting of October 20, 2026

The Interim Joint Committee on Health Services met on October 20, 2026 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on October 7, 2026, pursuant to KRS 13A.290(6):

201 KAR 028:240E
201 KAR 046:035
915 KAR 002:050

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the October 20, 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 **E – 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 **E – 13**

A cross-reference listing of the statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each regulation submitted for publication during this *Register* year.

Certifications Index **E – 22**

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index **E – 27**

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 **E – 28**

A general index of administrative regulations published during this *Register* year, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	Ky.R. Page No.	Effective Date

Administrative regulations published in previous Register years may appear in this index if a regulation had not completed the KRS Chapter 13A review process by the beginning of this *Register* year. The "*Register* number" or "Ky.R. number" is listed the first time a regulation is published during that Register year. Once the regulation has been published in another *Register* year, the new Ky.R. number will appear next to the page number entry. To view versions of regulations published in prior *Registers*, please visit the online *Administrative Registers of Kentucky*.

SYMBOL KEY:

* Statement of Consideration not filed by deadline
** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))
*** Withdrawn before being printed in Register
IJC Interim Joint Committee
(r) Repealer regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

EMERGENCY ADMINISTRATIVE REGULATIONS

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

031 KAR 003:050E	53 Ky.R.	416	08-06-2026
031 KAR 004:240E	52 Ky.R.	2037	04-15-2026
101 KAR 002:210E	53 Ky.R.	681	09-15-2026
103 KAR 043:341E	52 Ky.R.	2039	05-05-2026
As Amended	53 Ky.R.	189	07-08-2026
104 KAR 001:010E	52 Ky.R.	683	09-19-2025
105 KAR 005:200E	53 Ky.R.	897	09-29-2026
105 KAR 005:202E	53 Ky.R.	901	09-29-2026
120 KAR 001:089E	53 Ky.R.	144	06-29-2026
200 KAR 005:021E	53 Ky.R.	903	09-30-2026
200 KAR 038:080E	52 Ky.R.	1791	03-20-2026
201 KAR 005:010E	52 Ky.R.	2042	04-15-2026
As Amended	53 Ky.R.	476	08-11-2026
201 KAR 005:021E	52 Ky.R.	1501	02-05-2026
Am Comments		1794	04-15-2026
As Amended		2051	05-12-2026
As Amended at IJC		477	07-16-2026
201 KAR 017:005E	53 Ky.R.	418	07-16-2026
201 KAR 017:011E	53 Ky.R.	420	07-16-2026
201 KAR 017:012E	53 Ky.R.	423	07-16-2026
201 KAR 017:014E	53 Ky.R.	426	07-16-2026
201 KAR 017:025E	53 Ky.R.	428	07-16-2026
201 KAR 017:030E	53 Ky.R.	431	07-16-2026
201 KAR 017:032E	53 Ky.R.	435	07-16-2026
201 KAR 017:034E	53 Ky.R.	438	07-16-2026
201 KAR 017:036E	53 Ky.R.	441	07-16-2026
201 KAR 017:070E	53 Ky.R.	443	07-16-2026
201 KAR 017:120E	53 Ky.R.	683	08-18-2026
201 KAR 026:118E	53 Ky.R.	446	08-12-2026
201 KAR 028:060E	53 Ky.R.	448	07-15-2026
Am Comments		920	10-14-2026
201 KAR 028:240E	53 Ky.R.	147	07-06-2026
201 KAR 033:015E	53 Ky.R.	452	07-16-2026
Am Comments		921	10-14-2026
201 KAR 033:020E	53 Ky.R.	455	07-16-2026
Am Comments		922	10-14-2026
201 KAR 036:070E	53 Ky.R.	458	07-15-2026
201 KAR 036:072E	53 Ky.R.	463	07-15-2026
201 KAR 036:075E	53 Ky.R.	465	07-15-2026
201 KAR 036:100E	52 Ky.R.	1088	12-08-2025
Replaced	52 Ky.R.	1194	06-16-2026
201 KAR 050:010E	53 Ky.R.	149	07-15-2026
201 KAR 050:020E	53 Ky.R.	152	07-15-2026
201 KAR 050:050E	53 Ky.R.	155	07-15-2026
201 KAR 050:060E	53 Ky.R.	157	07-15-2026
201 KAR 050:070E	53 Ky.R.	160	07-15-2026
201 KAR 050:110E	53 Ky.R.	163	07-15-2026
201 KAR 050:120E	53 Ky.R.	166	07-15-2026
201 KAR 050:140E	53 Ky.R.	168	07-15-2026
201 KAR 050:170E	53 Ky.R.	171	07-15-2026
201 KAR 050:180E	53 Ky.R.	174	07-15-2026
201 KAR 050:200E	53 Ky.R.	176	07-15-2026
201 KAR 050:210E	53 Ky.R.	179	07-15-2026
300 KAR 006:011E	53 Ky.R.	905	10-14-2026
302 KAR 079:014E	53 Ky.R.	915	10-08-2026
307 KAR 001:080E	53 Ky.R.	181	07-15-2026
Am Comments		692	09-15-2026
501 KAR 002:080E	53 Ky.R.	685	08-17-2026
501 KAR 006:420E	52 Ky R.	1090	11-19-2025
501 KAR 006:460E	52 Ky.R.	1092	11-19-2025
501 KAR 006:470E	52 Ky.R.	1095	11-19-2025
501 KAR 006:510E	52 Ky.R.	1098	11-19-2025
501 KAR 006:530E	52 Ky.R.	1100	11-19-2025
503 KAR 004:050E	53 Ky.R.	468	06-24-2026
505 KAR 001:140E	52 Ky.R.	687	09-25-2025
Replaced		1525	06-02-2026
505 KAR 001:410E	52 Ky.R.	690	09-25-2025
Am Comments		1108	12-12-2025
Replaced		1526	06-02-2026+
601 KAR 011:035E	53 Ky.R.	917	09-29-2026
781 KAR 001:001E	52 Ky.R.	1267	12-31-2025
Am Comments		1636	03-13-2026
781 KAR 001:010E	52 Ky.R.	1270	12-31-2025
Am Comments		1638	03-13-2026
781 KAR 001:020E	52 Ky.R.	1273	12-31-2025
Am Comments		1641	03-13-2026
781 KAR 001:030E	52 Ky.R.	1281	12-31-2025
781 KAR 001:040E	52 Ky.R.	1284	12-31-2025
Am Comments		1648	03-13-2026
787 KAR 001:370E	52 Ky.R.	1105	12-15-2025
787 KAR 002:050E	53 Ky.R.	186	06-30-2026
803 KAR 001:081	53 Ky.R.	472	08-12-2026
803 KAR 002:241E*(r)*	52 Ky.R.	154	07-01-2025
Expired			03-08-2026
804 KAR 013:011E	52 Ky.R.	2044	05-15-2026
804 KAR 013:025E	52 Ky.R.	1295	12-29-2025
Expired			09-25-2026
806 KAR 017:512E	53 Ky.R.	689	09-14-2026
902 KAR 055:015E	52 Ky.R.	539	08-18-2025
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907 KAR 003:320E	52 Ky.R.	542	09-09-2025
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915 KAR 002:050E	53 Ky.R.	7	06-02-2026
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ORDINARY ADMINISTRATIVE REGULATIONS

012 KAR 002:006			
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As Amended		1660	06-30-2026
012 KAR 002:011			
Amended	52 Ky.R.	570	
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012 KAR 002:018			
Amended	52 Ky.R.	572	
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012 KAR 002:026			
Amended	52 Ky.R.	576	
As Amended		1664	06-30-2026
012 KAR 002:041			
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As Amended	1665	06-30-2026
012 KAR 002:051		
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As Amended	1665	06-30-2026
012 KAR 003:012		
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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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	040 KAR 011:001
	040 KAR 011:010
	040 KAR 011:020
	040 KAR 011:030
	040 KAR 011:040

KRS SECTION	REGULATION
	040 KAR 011:050
	040 KAR 011:060
	922 KAR 005:120
	908 KAR 003:060
	401 KAR 046:130
	401 KAR 046:101
	401 KAR 046:110
	201 KAR 023:025
	907 KAR 001:025
49 U.S.C.	601 KAR 001:200
54 U.S.C.	300 KAR 006:011
Pub.L. 113-128	910 KAR 001:200
2026 Ky. Acts ch. 196	702 KAR 003:110
315.450	201 KAR 002:440
	201 KAR 014:205
315.452	201 KAR 002:440
315.454	201 KAR 002:440
315.456	201 KAR 002:440
315.458	201 KAR 002:440
315.460	201 KAR 002:440

CERTIFICATION LETTER SUMMARIES

The certification process is established in KRS 13A.3104. If the certification letter states the regulation shall be amended, the administrative body shall file an amendment to the regulation within 18 months of the date the certification letter was filed. If the certification letter states that the regulation shall remain in effect without amendment, the last effective date of the regulation is changed to the date the regulations compiler received the letter.

* KRS 13A.010(6) - “Effective” or “eff.” means that an administrative regulation has completed the legislative review process established by KRS 13A.290, 13A.330, and 13A.331.

Regulation Number	Letter Filed Date	Action
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 001:010	10-02-2026	To be amended; filing deadline 4-2-2028
103 KAR 001:060	10-02-2026	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 015:050	10-02-2026	Remain in Effect without Amendment
103 KAR 016:200	10-02-2026	Remain in Effect without Amendment
103 KAR 016:250	10-02-2026	Remain in Effect without Amendment
103 KAR 016:400	10-02-2026	Remain in Effect without Amendment
103 KAR 025:131	10-02-2026	Remain in Effect without Amendment
103 KAR 026:010	10-02-2026	To be amended; filing deadline 4-2-2028
103 KAR 026:070	10-02-2026	To be amended; filing deadline 4-2-2028
103 KAR 026:090	10-02-2026	To be amended; filing deadline 4-2-2028
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 027:140	10-02-2026	To be amended; filing deadline 4-2-2028
103 KAR 027:180	10-02-2026	Remain in Effect without Amendment
103 KAR 027:240	06-02-2026	Remain in Effect without Amendment
103 KAR 028:010	10-02-2026	To be amended; filing deadline 4-2-2028
103 KAR 028:020	06-02-2026	Remain in Effect without Amendment
103 KAR 028:030	10-02-2026	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 031:030	10-02-2026	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 031:111	10-02-2026	Remain in Effect without Amendment
103 KAR 031:170	06-02-2026	Remain in Effect without Amendment
103 KAR 031:180	06-02-2026	Remain in Effect without Amendment
103 KAR 031:190	06-02-2026	Remain in Effect without Amendment
103 KAR 040:010	07-09-2026	To be amended; filing deadline 1-10-2028
103 KAR 040:035	07-09-2026	To be amended; filing deadline 1-10-2028
103 KAR 040:050	07-09-2026	To be amended; filing deadline 1-9-2028

103 KAR 040:100	07-09-2026	To be amended; filing deadline 1-9-2028
103 KAR 041:040	07-09-2026	To be amended; filing deadline 1-9-2028
103 KAR 041:090	07-09-2026	To be amended; filing deadline 1-9-2028
103 KAR 041:100	07-09-2026	Remain in Effect without Amendment
103 KAR 041:110	07-09-2026	Remain in Effect without Amendment
103 KAR 041:120	07-09-2026	Remain in Effect without Amendment
103 KAR 041:130	07-09-2026	Remain in Effect without Amendment
103 KAR 041:140	07-09-2026	Remain in Effect without Amendment
103 KAR 041:150	07-09-2026	Remain in Effect without Amendment
103 KAR 041:160	07-09-2026	Remain in Effect without Amendment
103 KAR 041:220	07-09-2026	Remain in Effect without Amendment
103 KAR 043:010	07-09-2026	Remain in Effect without Amendment
103 KAR 043:310	07-09-2026	Remain in Effect without Amendment
103 KAR 043:320	07-09-2026	Remain in Effect without Amendment
103 KAR 043:330	07-10-2026	Remain in Effect without Amendment
103 KAR 043:330	07-09-2026	Remain in Effect without Amendment
103 KAR 044:070	07-09-2026	Remain in Effect without Amendment
103 KAR 044:090	07-09-2026	Remain in Effect without Amendment
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
105 KAR 002:420	09-29-2026	To be amended; filing deadline 3-29-2028
105 KAR 003:180	09-29-2026	Remain in Effect without Amendment
105 KAR 003:240	09-29-2026	Remain in Effect without Amendment
106 KAR 001:081	05-26-2026	To be amended; filing deadline 11-26-2027
106 KAR 001:091	05-26-2026	To be amended; filing deadline 11-26-2027
106 KAR 001:101	05-26-2026	To be amended; filing deadline 11-26-2027
106 KAR 001:111	05-26-2026	Remain in Effect without Amendment
106 KAR 001:121	05-26-2026	Remain in Effect without Amendment
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 032:081	10-19-2026	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 005:010	10-21-2026	Remain in Effect without Amendment

401 KAR 008:030	10-21-2026	Remain in Effect without Amendment
401 KAR 008:050	10-21-2026	Remain in Effect without Amendment
401 KAR 011:030	10-21-2026	Remain in Effect without Amendment
401 KAR 011:060	10-21-2026	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
501 KAR 006:160	10-01-2026	To be amended; filing deadline 4-1-2028
505 KAR 001:130	07-29-2026	To be amended; filing deadline 1-29-2028
601 KAR 001:005	08-27-2026	Remain in Effect without Amendment
601 KAR 001:020	08-27-2026	Remain in Effect without Amendment
601 KAR 001:020	08-27-2026	To be amended; filing deadline 2-27-2028
601 KAR 001:040	08-27-2026	Remain in Effect without Amendment
601 KAR 001:080	08-27-2026	Remain in Effect without Amendment
601 KAR 001:140	08-27-2026	Remain in Effect without Amendment
601 KAR 001:200	08-27-2026	To be amended; filing deadline 2-27-2028
601 KAR 009:040	08-27-2026	Remain in Effect without Amendment
601 KAR 009:045	08-27-2026	Remain in Effect without Amendment
601 KAR 009:115	08-27-2026	Remain in Effect without Amendment
601 KAR 009:130	08-27-2026	To be amended; filing deadline 2-27-2028
601 KAR 009:140	08-27-2026	Remain in Effect without Amendment
601 KAR 011:040	08-27-2026	Remain in Effect without Amendment
601 KAR 014:010	08-27-2026	Remain in Effect without Amendment
601 KAR 035:060	08-27-2026	Remain in Effect without Amendment
601 KAR 040:020	08-27-2026	Remain in Effect without Amendment
701 KAR 005:090	06-17-2026	To be amended; filing deadline 12-17-2027
704 KAR 007:160	06-03-2026	Remain in Effect without Amendment
770 KAR 001:010	05-27-2026	Remain in Effect without Amendment
770 KAR 001:020	05-27-2026	Remain in Effect without Amendment
770 KAR 001:030	05-27-2026	Remain in Effect without Amendment
770 KAR 001:040	05-27-2026	Remain in Effect without Amendment
770 KAR 001:050	05-27-2026	Remain in Effect without Amendment
770 KAR 001:060	05-27-2026	Remain in Effect without Amendment
770 KAR 001:070	05-27-2026	Remain in Effect without Amendment
772 KAR 001:010	06-30-2026	Remain in Effect without Amendment
772 KAR 001:020	06-30-2026	Remain in Effect without Amendment
772 KAR 001:030	06-30-2026	Remain in Effect without Amendment
772 KAR 001:040	06-30-2026	Remain in Effect without Amendment
772 KAR 001:050	06-30-2026	Remain in Effect without Amendment
772 KAR 001:060	06-30-2026	Remain in Effect without Amendment
772 KAR 001:070	06-30-2026	Remain in Effect without Amendment
804 KAR 007:020	07-21-2026	Remain in Effect without Amendment
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
808 KAR 009:050	10-23-2026	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
902 KAR 020:450	09-24-2026	Remain in Effect without Amendment
902 KAR 022:040	09-02-2026	Remain in Effect without Amendment
902 KAR 023:010	08-12-2026	Remain in Effect without Amendment
902 KAR 028:050	08-12-2026	Remain in Effect without Amendment
902 KAR 028:060	07-01-2026	Remain in Effect without Amendment
902 KAR 045:020	09-02-2026	Remain in Effect without Amendment
902 KAR 045:080	08-12-2026	Remain in Effect without Amendment
902 KAR 045:100	08-12-2026	Remain in Effect without Amendment
902 KAR 048:010	08-12-2026	Remain in Effect without Amendment
902 KAR 100:005	09-02-2026	Remain in Effect without Amendment
907 KAR 001:006	09-24-2026	Remain in Effect without Amendment
907 KAR 001:031	09-24-2026	Remain in Effect without Amendment
907 KAR 001:032	09-24-2026	Remain in Effect without Amendment
907 KAR 001:033	09-24-2026	Remain in Effect without Amendment
907 KAR 001:037	09-24-2026	Remain in Effect without Amendment
907 KAR 001:042	09-24-2026	Remain in Effect without Amendment
907 KAR 001:048	09-24-2026	Remain in Effect without Amendment
907 KAR 001:049	09-24-2026	Remain in Effect without Amendment
907 KAR 001:054	09-24-2026	Remain in Effect without Amendment
907 KAR 001:060	09-24-2026	Remain in Effect without Amendment
907 KAR 001:084	09-24-2026	Remain in Effect without Amendment
907 KAR 001:145	09-24-2026	Remain in Effect without Amendment
907 KAR 001:155	09-24-2026	Remain in Effect without Amendment
907 KAR 001:180	09-24-2026	Remain in Effect without Amendment
907 KAR 001:190	09-24-2026	Remain in Effect without Amendment
907 KAR 001:400	09-24-2026	Remain in Effect without Amendment
907 KAR 001:434	09-24-2026	Remain in Effect without Amendment
907 KAR 001:440	09-24-2026	Remain in Effect without Amendment
907 KAR 001:450	09-24-2026	Remain in Effect without Amendment
907 KAR 001:575	09-24-2026	Remain in Effect without Amendment
907 KAR 001:585	09-24-2026	Remain in Effect without Amendment
907 KAR 001:615	09-24-2026	Remain in Effect without Amendment
907 KAR 001:631	09-24-2026	Remain in Effect without Amendment
907 KAR 001:671	09-24-2026	Remain in Effect without Amendment
907 KAR 001:672	09-24-2026	Remain in Effect without Amendment
907 KAR 001:673	09-24-2026	Remain in Effect without Amendment
907 KAR 001:675	09-24-2026	Remain in Effect without Amendment
907 KAR 001:677	09-24-2026	Remain in Effect without Amendment
907 KAR 001:715	09-24-2026	Remain in Effect without Amendment
907 KAR 001:790	09-24-2026	Remain in Effect without Amendment
907 KAR 003:015	09-24-2026	Remain in Effect without Amendment
907 KAR 003:020	09-24-2026	Remain in Effect without Amendment
907 KAR 003:035	09-24-2026	Remain in Effect without Amendment
907 KAR 003:130	09-24-2026	Remain in Effect without Amendment
907 KAR 003:140	09-24-2026	Remain in Effect without Amendment
907 KAR 003:160	09-24-2026	Remain in Effect without Amendment
907 KAR 003:215	09-24-2026	Remain in Effect without Amendment
907 KAR 007:005	09-24-2026	Remain in Effect without Amendment
907 KAR 008:010	09-24-2026	Remain in Effect without Amendment
907 KAR 008:015	09-24-2026	Remain in Effect without Amendment
907 KAR 008:025	09-24-2026	Remain in Effect without Amendment
907 KAR 008:030	09-24-2026	Remain in Effect without Amendment
907 KAR 008:035	09-24-2026	Remain in Effect without Amendment
907 KAR 010:012	09-24-2026	Remain in Effect without Amendment

907 KAR 010:015	09-24-2026	Remain in Effect without Amendment
907 KAR 010:183	09-24-2026	Remain in Effect without Amendment
907 KAR 011:034	09-24-2026	Remain in Effect without Amendment
907 KAR 011:035	09-24-2026	Remain in Effect without Amendment
907 KAR 013:005	09-24-2026	Remain in Effect without Amendment
907 KAR 018:005	09-24-2026	Remain in Effect without Amendment
907 KAR 020:015	09-24-2026	Remain in Effect without Amendment
907 KAR 020:025	09-24-2026	Remain in Effect without Amendment
907 KAR 020:030	09-24-2026	Remain in Effect without Amendment
907 KAR 020:040	09-24-2026	Remain in Effect without Amendment
907 KAR 020:055	09-24-2026	Remain in Effect without Amendment
907 KAR 020:060	09-24-2026	Remain in Effect without Amendment
908 KAR 001:310	07-01-2026	Remain in Effect without Amendment
908 KAR 001:315	07-01-2026	Remain in Effect without Amendment
908 KAR 001:320	07-01-2026	Remain in Effect without Amendment
908 KAR 001:370	07-01-2026	Remain in Effect without Amendment
908 KAR 001:372	07-01-2026	Remain in Effect without Amendment
908 KAR 002:010	07-01-2026	Remain in Effect without Amendment
908 KAR 002:020	07-01-2026	Remain in Effect without Amendment
908 KAR 002:030	07-01-2026	Remain in Effect without Amendment
908 KAR 002:050	07-01-2026	Remain in Effect without Amendment
908 KAR 002:060	07-01-2026	Remain in Effect without Amendment
908 KAR 002:090	07-01-2026	Remain in Effect without Amendment
908 KAR 003:190	07-01-2026	Remain in Effect without Amendment
921 KAR 003:050	07-01-2026	Remain in Effect without Amendment
922 KAR 001:320	07-01-2026	Remain in Effect without Amendment
922 KAR 001:370	07-01-2026	Remain in Effect without Amendment
922 KAR 001:510	07-01-2026	Remain in Effect without Amendment
922 KAR 001:560	07-01-2026	Remain in Effect without Amendment
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).

Regulation Number	Date Corrected
040 KAR 001:001	06-22-2026
040 KAR 001:020	06-22-2026
040 KAR 001:380	06-22-2026
040 KAR 001:390	06-22-2026
040 KAR 001:400	06-22-2026
040 KAR 001:410	06-22-2026
040 KAR 001:420	06-22-2026
040 KAR 001:430	06-22-2026
103 KAR 041:160	07-09-2026
105 KAR 001:120	08-05-2026
105 KAR 001:130	08-05-2026
105 KAR 001:140	08-05-2026
105 KAR 001:142	08-05-2026
105 KAR 001:145	08-05-2026
105 KAR 001:147	08-05-2026
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