

211.9063 Certification of those performing lead-hazard detection or abatement services -- Administrative regulations -- Decision on application -- Quality assurance inspector.

- (1) Beginning July 1, 1997, all persons who perform or offer to perform lead-hazard detection or lead-hazard abatement services in target housing or child-occupied facilities shall be certified pursuant to this section.
- (2) The Department for Public Health shall create and administer a certification program for persons who perform or offer to perform lead-hazard detection or lead-hazard abatement services.
- (3) No later than October 1, 1996, the department shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish the training and testing requirements for certification. The training and testing requirements and procedures established by the department shall be sufficient to reflect the ability of the person applying for certification to provide services in accordance with local, state, and federal laws and regulations that are applicable to the duties for which the person is requesting certification.
- (4) No later than October 1, 1996, the department shall promulgate administrative regulations pursuant to KRS Chapter 13A to provide for the enforcement of the certification program. The department may revoke, suspend, or restrict the certificate of any certificate holder and may refuse to issue or renew a certificate to a person who fails to comply with certification requirements. The department may also impose sanctions for any of the following reasons:
 - (a) Fraud or deceit in obtaining certification;
 - (b) Transfer of the authority granted by the certificate to another person; or
 - (c) Negligence or incompetence in compliance with applicable state and federal laws, regulations, and established standards of practice.
- (5) No person certified pursuant to this section shall perform lead-hazard abatement services in target housing or child-occupied facilities, as defined in KRS 211.9061, without having obtained a permit to perform the services. An application for the permit shall be made to the department upon forms provided by the department, and shall be accompanied by the required fee established pursuant to KRS 211.9067. The permit fee shall be sufficient to fully cover the cost of the quality assurance inspection conducted to determine compliance with the certification requirements of this section, and the performance standards established pursuant to KRS 211.9075.
- (6) The department shall consider and render a decision in response to a permit application submitted pursuant to subsection (5) of this section no later than seven (7) calendar days after the application and the applicable fee are received by the department. The quality assurance inspection of a lead-hazard abatement site shall occur no later than seven (7) working days after the department receives notification from the permit holder that the lead-abatement at the site has been completed. If the department does not meet the seven (7) day deadline, the department shall allow the permit holder to begin construction or other renovation activities upon completion of the abatement service. This approval shall not serve as a substitute for the final

inspection required to determine compliance pursuant to subsection (5) of this section.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 426, sec. 332, effective July 15, 1998. -- Created 1996 Ky. Acts ch. 168, sec. 2, effective July 15, 1996.